

WARD: Clifton Down

SITE ADDRESS: Land At Home Gardens Redland Hill Bristol BS6 6UR

APPLICATION NO: 20/00542/P Outline Planning

DETERMINATION DEADLINE: 15 October 2021

Outline planning application for the redevelopment of the site comprising demolition of existing buildings (1-4 Home Gardens, 1-2 The Bungalows and associated garages and outbuildings) and the erection of two new buildings to provide up to 60 residential units (Class C3) (including 20% affordable housing) and up to 262sqm of flexible office space (Class E) to Whiteladies Road frontage and associated works. Permission sought for Access, Scale and Layout).

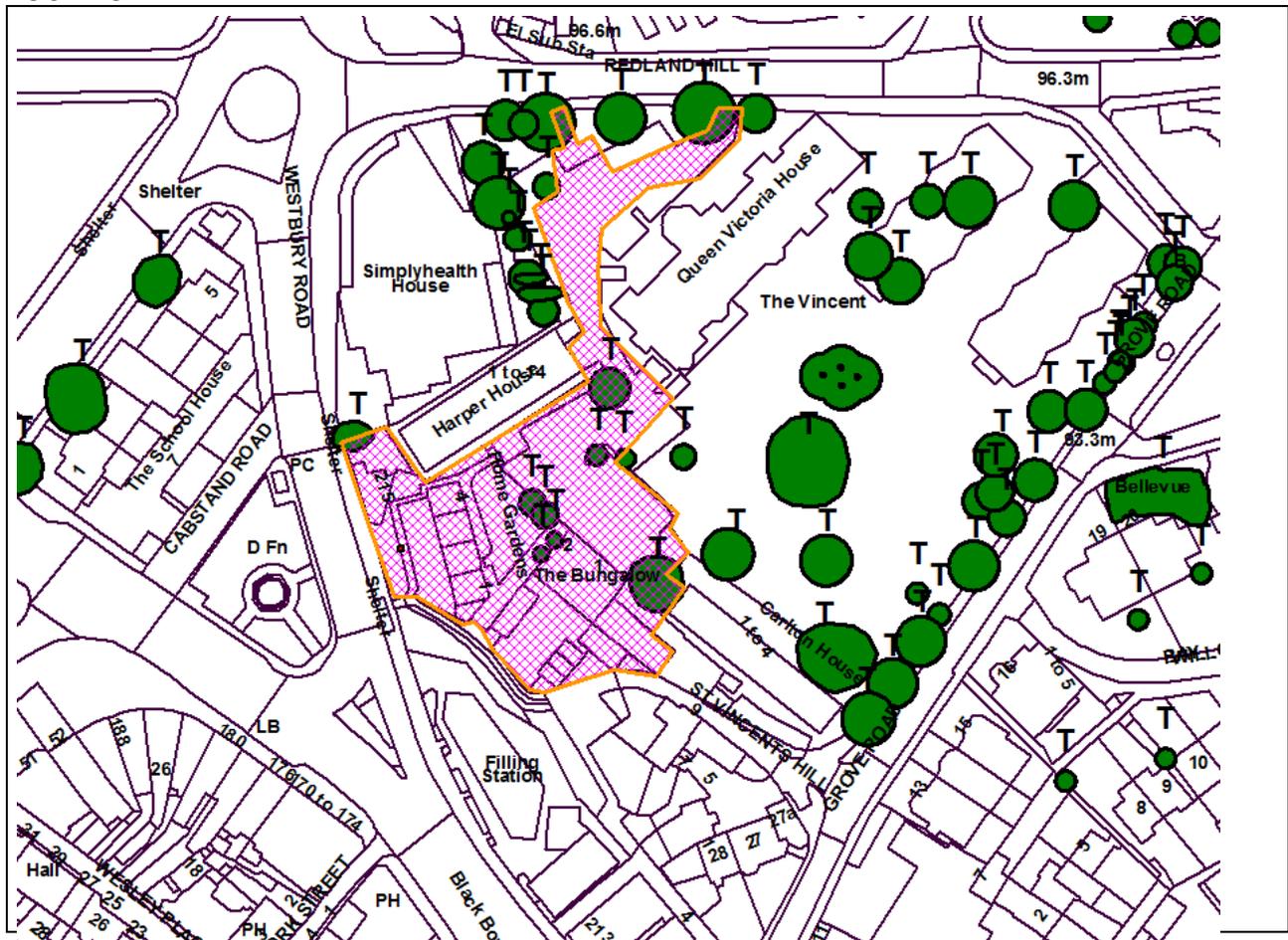
RECOMMENDATION: GRANT subject to Planning Agreement

AGENT: Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Clifton
Bristol BS8 3BA

APPLICANT: Elizabeth Blackwell Properties 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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INTRODUCTION

This is an update to the Committee Report presented to Development Control (DC) Committee B on 1 September 2021. At the meeting of DC Committee B on 1 September 2021, the motion passed was:

“Resolved – that the application is deferred and that the Committee is minded to refuse this application on the grounds of the unsuitable proposed vehicular access through an existing car park. There was a need for appropriate consultation, access for other parties and the need for the applicant to provide their own vehicular access to the site.

Since the Committee meeting, the Applicant has submitted an Access Statement in support of the application. The Access Statement and enclosed Title Boundary and Land Transfer Plan identifies the land where Pegasuslife Development Limited has granted rights of access to the Applicant, namely the land through The Vincent car park. The Statement confirms that the Applicant benefits from a right of access *“along the Accessway on foot and (in relation to that part of the Accessway which is laid out for vehicular use) with vehicles together with a right to manoeuvre and turn vehicles (over that part of the Accessway which is laid out for vehicular use”*. A Supplemental Agreement dated 6 August 2019 was also signed between the Applicant and Pegasuslife Development Limited, amongst others, further confirming the right of way for both pedestrians and vehicles from Redland Hill to the application site.

The Applicant is currently using this right of access, to access the site and a 30no. space car park and as part of the application proposes to continue to use it to access the site and the proposed 34no. space car park. TDM has further confirmed that there are no concerns from a highway safety perspective related to the access road.

A further 14 day round of public consultation on the application and the Access Statement has taken place since the last Committee meeting.

The Committee Report for the meeting on 1 September 2021 has been updated to reflect the above; and the Access Statement provided by the Applicant is attached as a supporting document.

SUMMARY

The application site relates to an area of approximately 0.3ha of land located on the eastern side of Westbury Road/Whiteladies Road in the Clifton area of Bristol. The site is currently occupied by a small office building, the Home Gardens terrace of four residential properties, 1-2 The Bungalow and associated outbuildings/garages and 30no. car parking spaces let out on a commercial basis to local businesses.

The site is not allocated within the Local Plan for any particular land use. It is located within the Whiteladies Road Conservation Area and there are a number of listed buildings in proximity to the site. The existing commercial unit is also within the defined town centre boundary of Whiteladies Road.

The application seeks outline planning permission for the redevelopment of the site comprising the demolition of the existing buildings and the erection of two new buildings to provide up to 60no. residential units (Use Class C3) and up to 215sqm of flexible office floorspace (Use Class E). Permission is sought for Access, Scale and Layout with Appearance and Landscaping reserved for future consideration.

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The development proposes a mix of 60no. one and two bed flats including 12no. affordable dwellings, arranged over two building blocks, Block A and Block B. Both blocks would be five storeys in height at their tallest point.

Vehicular access to the site would continue to be provided via the existing right of access on an unadopted road through The Vincent car park, off Redland Hill and would provide access to 34no. car parking spaces. Pedestrian and cycle access would also be provided from Redland Hill and secondary pedestrian access would be provided via upgraded steps off Westbury Road. The proposal also includes 32no. secure and covered bike stands for residents and employees, plus an additional 15no. stands for visitors.

The application has undergone four rounds of public consultation and Officers are satisfied that the Applicant served the correct Certificate B notice on Pegasuslife Development Limited who own the access road to the site.

Key issues in the report concern the principle of development, affordable housing provision, design and impact on the Conservation Area, impact on residential amenity, transport and movement, impact on trees and sustainable design and construction.

The application site is previously developed land in a sustainable location and therefore a large residential development of this kind is considered to be acceptable in principle. The proposals would also increase the provision of flexible office space at the site and contribute to Bristol's five year housing land supply including the provision of 12no. affordable dwellings.

During the determination of the application a number of design iterations have been made to respond to comments raised by the City Design Group. Most notably the scale and massing of the proposed blocks has been reduced with Block B reducing from seven and five storeys to five and four storeys in height. The stone wall at the front of the development, fronting onto Westbury Road/Whiteladies Road would also be retained where possible or replicated, as a key feature of the development. It is therefore considered that the design of the proposed development is acceptable and the revisions made during the determination of the application have reduced the impact on residential amenity. Furthermore, the less than substantial harm identified for the Conservation Area would be outweighed by the public benefits of the proposed development.

Transport Development Management has raised no objection to the proposed development, including the Senior Road Safety Engineer who has confirmed that in their view the proposed access arrangement is safe. The Applicant is also willing to accept an obligation to upgrade the steps and footpath from Westbury Road/Whiteladies Road into the site. The impact on trees would also be mitigated through a tree replacement obligation in the S106 and the site would achieve a 20.81% carbon dioxide saving, it is also future proofed to connect to the Heat Network.

Having carefully considered the technical information submitted in support of the application and the policy context, it is considered that the proposed development is in accordance with the Development Plan and the NPPF, when read as a whole. The starting point is therefore that permission should be granted in accordance with the statutory presumption in favour of the Development Plan. In the assessment of this application, balancing the benefits and disbenefits detailed in this report, Officers consider that the impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. This means that the application would constitute sustainable development, and this is a material consideration in favour of the proposed development.

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The Access Statement submitted in support of the application since the previous Committee meeting, also confirms that the Applicant has a right of access over land belonging to Pegasuslife Development Limited and that a Supplemental Agreement dated 6 August 2019 was signed between the Applicant and Pegasuslife Development Limited, amongst others, confirming the right of way for both pedestrians and vehicles from Redland Hill to the application site. Officers consider that the continued use of this access for the proposed development would be acceptable from an amenity perspective both during construction and operation. TDM has also raised no objection to the access from a highway safety perspective.

With these points in mind, it is the Officer Recommendation that planning permission should be granted, subject to the obligations and conditions detailed in this report. However, following the deferral from the previous Committee meeting a reason for refusal has been drafted at the end of this Report should the Committee members still be minded to refuse the planning application.

SITE DESCRIPTION

The application site relates to an area of approximately 0.3ha of land located on the eastern side of Westbury Road/Whiteladies Road in the Clifton area of Bristol, approximately 2km to the north of Bristol city centre. The site is currently occupied by a small office building (215 Whiteladies Road), the Home Gardens terrace of four residential properties, 1-2 The Bungalow and associated outbuildings/garages and 30no. car parking spaces let out on a commercial basis to local businesses.

Vehicular access to the site is gained via a legal vehicular and pedestrian right of access on an unadopted road off Redland Hill to the north of the site passing through the car park of The Vincent or via St Vincent's Hill. The vehicular access route from Redland Hill also serves The Vincent and its car park and the adjacent Harper House. Pedestrian access is also available via two legal pedestrian rights of access from Redland Hill and Westbury Road/Whiteladies Road via steps leading through to St Vincent's Hill.

The area surrounding the site is mixed in character and land use, given its proximity to The Downs and to Whiteladies Road, it comprises a mix of residential, retail, office and healthcare. The site is bound to the north by the modern seven storey former Simply Health building and the five storey Harper House, to the east by The Vincent a 65-apartment extra care scheme, to the south by an Asda petrol filling station accessed from Whiteladies Road and residential development on St Vincent's Hill and Carlton House, and to the west by Westbury Road/Whiteladies Road and the Cabstand including the former St John's Parochial School (now in residential use).

The site is not allocated within the Local Plan for any particular land use. It is located within the Whiteladies Road Conservation Area and there are a number of listed buildings in proximity to the site. The existing commercial unit is also within the defined town centre boundary of Whiteladies Road.

RELEVANT HISTORY

The site has no relevant planning history, however a pre-application enquiry was submitted to the Council in March 2018 for the proposed mixed use redevelopment of the site.

APPLICATION

The application seeks outline planning permission for the redevelopment of the site comprising the demolition of the existing buildings and the erection of two new buildings to provide up to 60no.

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residential units (Use Class C3) and up to 215sqm of flexible office floorspace (Use Class E). Permission is sought for Access, Scale and Layout with Appearance and Landscaping reserved for future consideration.

The development proposes a mix of 60no. one and two bed flats including 12no. affordable dwellings, arranged over two building blocks, Block A fronting Westbury Road/Whiteladies Road and Block B set within the site parallel to Harper House.

The accommodation mix would be as follows:

Building	Height	Accommodation Schedule
1. Block A	5 storeys	Total 16no. flats: <ul style="list-style-type: none"> • 12no. 1 bed flats • 4no. 2 bed flats • 215sqm flexible office accommodation
2. Block B	4-5 storeys	Total 44no. flats: <ul style="list-style-type: none"> • 24no. 1 bed flats • 20no. 2 bed flats

Both blocks would be five storeys in height at their tallest point, although part of Block B nearest to the St Vincent's Hill cottages would be stepped down to four storeys in height.

Amenity space would be provided through a combination of communal amenity spaces in the centre of the development and adjacent to the access to St Vincent's Hill and 26no. private balconies and 7no. small private gardens for flats at ground floor level in Block B.

Vehicular access to the site would continue to be provided via the existing right of access on an unadopted road off Redland Hill through The Vincent car park and would provide access to 34no. car parking spaces split between surface level car parking and underground car parking under Block B accessed via a car lift.

Pedestrian and cycle access to the residential elements would also be provided from the existing rights of access off Redland Hill and a secondary pedestrian access would be provided via upgraded steps off Westbury Road. The proposal also includes 32no. secure and covered bike stands for residents and employees, plus an additional 15no. stands for visitors.

A Section 106 Agreement for the site would include obligations relating to:

- i) 12no. affordable dwellings including 9no. one bed social rent flats and 3no. two bed shared ownership flats;
- ii) £6,000 – contribution to upgrade the public footpath and set of steps onto Westbury Road/Whiteladies Road;
- iii) £25,000 – contribution to upgrade Black Boy Hill bus stops C and D;

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- iv) £3,735 – contribution for Travel Plan Management and Audit Fee or Travel Plan Implementation Fee;
- v) £9,947.73 – contribution for 13no. trees in accordance with the Tree Replacement Standard.

PRE-APPLICATION COMMUNITY INVOLVEMENT

The Applicant has carried out pre-application community consultation as detailed in the Statement of Community Involvement submitted with the planning application.

The consultation programme for the proposed development has been conducted in the following phases:

- Initial site visit and workshop for key stakeholders on 29 November 2017.
- First round of public consultation around options with a key stakeholder workshop and an informal drop-in style exhibition for near neighbours and wider community on 22 February 2018.
- Second round of public consultation around preferred option with a key stakeholder workshop and an informal drop-in style exhibition for near neighbours and wider community on 17 October 2019.
- Police crime prevention design officer meeting with AWW Architects on 23 October 2019.

The issues raised and outcomes provided are detailed in the Statement of Community Involvement submitted in support of the application.

RESPONSE TO CONSULTATION

Site notices were erected, a newspaper notice published, and letters sent to neighbouring properties.

GENERAL RESPONSES FROM PUBLIC

During the first round of consultation, which closed in March 2020, 24no. comments were received from members of the public.

9no. comments were made in support of the application for the following reasons:

- Support for the redevelopment of the site.
- Support for the proposed architectural design.
- The proposed housing will attract professionals who would utilise the local facilities and support local businesses.
- Improvement to the façade on Whiteladies Road.
- Support for delivery of needed housing.
- It comprises a sustainable development accessible by public transport and with energy efficiency measures proposed.
- Support for the inclusion of high cycling provision to reduce the number of cars associated with the proposed development.
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15no. comments were made in objection on the following grounds:

- The scale and height of the buildings is out of keeping with local development.
- Overshadowing and overlooking issues for neighbouring residential dwellings.

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- The proposed development would result in increased traffic, which could be dangerous for elderly local residents in the area.
- Concerns about limited, narrow and unsafe access by road to the proposed development, including for construction and delivery vehicles.
- Concerns about impact on local residents' access to property on St Vincents Hill.
- Inadequate car parking provision for the proposed development.
- Concerns about local car parking issues and potential impact on disabled parking provision.
- Concerns about potential noise pollution.
- Lack of local infrastructure and insufficient local services for the current local population more generally.
- Concerns that the proposed development is incongruous with the local landscape character.
- Concern that there had been insufficient local consultation with residents about the proposals.
- Lack of affordable housing proposed.
- Impact of the height of the proposed building on the part Listed Queen Victoria house and the Conservation Area.
- Impact of construction for local residents, including noise and dust pollution.
- Overdevelopment of the site, with the proposal being located on a small site.
- Concerns that the proposal would be built up to the boundary with no provision for screening.
- Concerns about local waste collection for the proposed development.
- Concerns about the loss of trees at the site.

One response neither in objection nor support included the following issue:

- Concern that the Noise Impact Assessment does not specifically address the potential for noise disturbance at night from the petrol station.

A neutral response was received from the Conservation Advisory Panel on 15 April 2020 who made the following comments:

- The Panel agrees the principle of re-development of this site and accepts the loss of the existing buildings after recording.
- Concern that the density of 192dph is greater than the 120dph set out in the Urban Living SPD.
- It is essential that the character of St Vincent's Hill and the rubble stone walls is not harmed.
- The scale and massing with pitched roofs is successful but the majority of the flats are single aspect, some north facing, which is not in accordance with the Urban Living SPD.
- The submitted landscape proposals are very sketchy for a development of this size and sensitive location.
- Comments in relation to the Arboricultural Statement, where there is some confusion in the over the referencing of T06 and T07, and group T08 does not seem to be shown on the plan. The executive summary mentions 4 trees to be removed, but the body of the text states 5. It is not clear if the 13 replacement trees proposed could be accommodated within the scheme.

A neutral response was received from RCAS Planning Group on 28 April 2020, who made the following comments:

- Support for redevelopment of this low-density site but the Society has concerns about the consequences of the density of redevelopment upon the amenities that this site would offer to its future residents.

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- The Society noted conversations with planning officers about overlooking neighbouring properties. The response was written on the basis that this proposal overcomes the overlooking the problem.
- The existing buildings have a pleasant inter-war design suitable for their context. However, the Society accepts that the increased density of the site would outweigh the retention of the current buildings.
- The only change of use would be the introduction of a modest office development, which the Society supports.
- The Society supports the Council policy to increase land use density in the centre of the city, however, commented that the proposed density of 192pdh is too high for this location and not in alignment with the Urban Living SPD.
- The floor plans show single aspect flats that lack cross ventilation.
- The Society welcomes the design proposals. The broken outline of the roofs makes a welcome change from the flat roofs offered in many flat developments.
- Support was stated for the opportunity to enhance the permeability of the site with more public and private open space. Subject to sample, the Society supports the use of the proposed construction materials.

During the second round of consultation, which closed in December 2020, 15no. comments were received from members of the public. 13no. comments were made in objection and 2no. comments were received neither in objection nor support. All comments received raised the same concerns as previously.

During the third round of consultation, which closed in May 2021, 21no. comments were received from members of the public, all comments were in objection raising the same concerns as the previous round of consultation.

The Conservation Advisory Panel provided neutral comments on the 3 May 2021, as follows:

- The Panel remain concerned about the impact of the access routes to this development on the neighbouring heritage assets.
- The Panel welcomes the fact that Block A now addresses Blackboy Hill and Block B has been reduced in height and extent, but further clarification is required on the impact on the trees. It is considered the proposal should respond better with the requirement of the Urban Living SPD as many flats would be single aspect.
- Comment that there is an opportunity to revisit the value of these smaller scale semi industrial buildings and coach houses in the street scene. These provide breathing space within streets and their loss will have an adverse impact on the character of the conservation area.

A number of objections were also raised from members of the public prior to the last Committee meeting in relation to the proposed access arrangements for the site. An objection from Lifestory Group was also received raising concern that they had not been notified of the application.

Following receipt of the objection from Lifestory Group, Officers reviewed the Planning Application Form and are satisfied that the required Certificate B notification was served on Pegasuslife Development Limited who own the access and are a brand of Lifestory Group located and at the same address as Lifestory Group.

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Following the previous Committee meeting and the submission of the supplementary Access Statement a fourth round of consultation was launched which closed on the 1 October 2021, 3no. comments were received in objection and raising the same concerns as the previous rounds of consultation.

COMMENTS FROM COUNCILLORS**Councillor Carla Denyer**

Councillor Denyer issued a Member Referral Form on the 7 April 2020, requesting that the application be considered by a Development Control Committee if recommended for approval. Councillor Denyer formally withdrew this call-in on the 22 April 2021 following a number of confirmed changes / S106 contributions particularly with reference to the upgraded steps and footpath off Westbury Road/Whiteladies Road. However, since the previous Committee Councillor Denyer has again confirmed her view that the decision should be made at Committee.

COMMENTS FROM INTERNAL CONTRIBUTORS**City Design Group – No objection**

A number of meetings have been held with the City Design Group during the determination of the planning application and following these amended plans have been submitted. The City Design Group's final view on the application is presented below:

I have reviewed the updated drawings. This shows the balconies nearest the St Vincent Cottages and the balcony nearest Carlton House removed. This ensures any further development of Carlton House will not be prejudice and reduces the overlooking to St Vincent's Cottages.

The proximity of No 9 Vincent's Cottage to the nearest element of the proposed development is below the nationally accepted 21m separation distance from window to window. This four-storey element is topographically higher than this cottage and would appear overbearing and would still create some overlooking of the private garden. However, this property will meet the Average Daylight Factor (ADF) set out in the BRE guidelines for daylight/sunlight.

It is also noted that the daylight/sunlight for the proposed development broadly meets the BRE guidelines.

In summary, the removal of the balconies is an improvement, however, it does not remove the impact of overbearing and overlooking of No. 9 St Vincent's Cottages.

Transport Development Management – No objection

TDM made the following comments in relation to the proposed scheme:

Principle

The application proposes to demolish the existing buildings and in their place construct two new buildings that will comprise 40 x one, 20 x two bed flats, 265m² of A2/B1, car/cycle parking and waste storage. Subject to addressing the condition of the footpath that runs from St Vincents Hill to Westbury Road, which constitutes a highway safety hazard, Transport Development Management (TDM) considers the proposals to be acceptable.

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The site is principally accessed via an unadopted road off Redland Hill (B4468) which has a keep clear box at the junction and double yellow lines on both sides of the carriageway. It is also a bus route. The site can also be accessed by pedestrians and cyclists from Westbury Road (A4018) via a set of steps and an unadopted footpath that connects to the access road and St Vincents Hill. St Vincents Hill is extremely narrow and only wide enough for one way traffic up to the junction with Grove Road, at which there are double yellow lines on both sides of the carriageway. The entire area sits within the Cotham North Residents Parking Scheme and is subject to a 20mph speed limit. Adjacent to the set of steps on Westbury Hill are two bus stops, which are served by 5 bus routes, the most frequent being the No's 1 and 2 which are every seven to 12 minutes during the day, Monday to Friday. There have been 21 recorded accidents within the vicinity of the site. Please see the section below for more information.

Transport Statement

In support of the application a Transport Statement has been submitted. This is split into several sections which describe key policies the application should be judged against, the surrounding highway network, proposed development, multi-modal trip generation and the impact of the development on the highway network. As set out above the site is principally accessed via an unadopted road off of Redland Hill (B4468). To ascertain traffic flows and speeds of vehicles utilising this route, as well as turning into and out of the site, an Automatic Traffic Count was undertaken from Thursday the 14th of March 2019 to Wednesday the 20th of March 2019. This found that Monday to Friday the average five day flow was 631 vehicles during the AM peak and 768 vehicles during the PM peak. Speeds were found to be within the speed limit. An analysis of recorded accidents for a five year period between the 1st of January 2013 and 30th of November 2018 within the vicinity of the site found that there had been 21 recorded accidents, 17 of which were slight and only four serious with no fatalities.

All of the accidents were determined to be due to human error and not as a result of any design error with the layout of the surrounding highway network. To determine the likely number of two-way trips the site would generate a multi-modal trip generation was run utilising data derived from TRICS. (TRICS is an industry standard database of trip rates used to quantify the numbers of trips associated with new developments). This found that the residential element would create 38 two-way trips during the AM peak (8am to 9am) and 43 two-way trips during the PM peak (5pm to 6pm). In turn the commercial element would generate a further 16 two-way trips during the AM peak and 6 trips during the PM peak. In total the site would generate 53 two way trips during the AM peak and 49 during the PM peak. To ascertain the likely mode of travel the Method of Travel to Work data set for the 2011 census for the Bristol 022 area was applied for the LOSA (Lower Layer Super Output Area) for the residential and the MSOA (Middle Layer Super Output Area) for the commercial elements.

This found that of the total number of two-way trips 25 would be as a car driver/passenger, 16 on foot, six by cycle and four by bus during the AM peak and 22 as a car driver/passenger, 15 on foot, five by cycle and three by bus during the PM peak. The key impact the site would have would be on how the junction between the unadopted road and Redland Hill would operate in the future should permission be granted. To determine the likely distribution of the additional two-way car trips that would be generated these trips were assigned to the network based on the source of the trips recorded by the Automatic Traffic Count that was undertaken. This data along with the geometric characteristics for the major and minor arms of the junction were then fed into TRL Junctions9 PICARDY (Priority

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Intersection Capacity and Delay). This software enables junctions to be modelled to determine what effect any additional trips will have on the way they operate.

Three scenarios were run. These were 2019 (baseline), 2024 (forecast) and 2024 (forecast with development i.e. when it is scheduled to be completed by). To take into account future growth (i.e. population, employment, housing, car ownership and trip rates), TEMPro (Trip End Model Presentation Program) was applied. Overall this indicates that the junction would continue to operate safely and well within its design capacity with low queues and delays on all three arms. It would have a maximum RFC (Ratio of Flow to Capacity) of 0.12, operating with 88% spare capacity. In conclusion the statement sets out that the applicant considers the proposed development would not significantly impact the surrounding highway network and therefore there are no transport or highway reasons why permission should not be granted. TDM concur with this assessment.

Travel Plan

Due to the scale of the development a full Travel Plan must be prepared and submitted using the Travel Plan Guide for New Developments and the associated Travel Plan Template available at www.bristol.gov.uk/travelplans This can be secured by condition. A Travel Plan Management and Audit Fee of £3,735 will be required. This would need to be secured through a Section 106 Agreement or a Unilateral Undertaking payable on the commencement of the development. The Travel Plan must be proactively managed and supervised by a nominated Travel Plan Coordinator throughout the life of the development and for the agreed monitoring period. Contact details must be supplied to travelplans@bristol.gov.uk

Travel patterns will need to be monitored through regular travel surveys and reported to the council, with targets and measures amended, based upon actual travel behaviour, as the development progresses. A Travel Information Pack must be prepared and submitted prior to occupation along with a series of sustainable travel measures including the provision of a weeks' worth of bus tickets/cycle vouchers. Alternatively, the council will undertake the implementation of the Travel Plan on the applicant's behalf for an Implementation Fee of £8,640 (£144 per dwelling). By paying the Travel Plan Implementation Fee the applicant will be released from travel planning obligations over a five year period.

Public Transport

As set out within the Transport Statement future residents will be able to utilise the two bus stops (Black Boy Hill C & D) which are served by the 1, 2, 3, 4 and 505 services. It is unclear if the bus stops will need to be removed in order to construct Block A. If so the stops will need to be replaced once construction has been completed, the cost of which will need to be met by the applicant. If not, as it can be expected that demand will increase and to further encourage a modal shift by providing improved public transport facilities a Section 106 contribution of £25,000 is sought to upgrade these stops. This would be used to remove the existing stops, replace them with a single shelter along with undertaking all the necessary civil engineering works.

Retaining/Oversailing Structures

In order to construct Block A the applicant proposes to remove part of the existing retaining wall adjacent to the bus stops on Westbury Road (A4018). As the foundations of the building will be directly supporting the footway, the applicant will be required to submit an Approval In Principle Structural Report, although this can be secured by condition. This will be subject to a separate fee, the level of which will be dependent on the category of structure required. To break up the façade, it is

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proposed that several sections of the building will oversail the footway. As long as they are a minimum of 2.4m above the footway this is acceptable. However, the applicant will be required to obtain an Oversailing Licence available at www.bristol.gov.uk/highwaylicences

Access

Vehicular access to the site is by means of a unadopted road off of Redland Hill which curves around Queen Victoria House to a series of car parks. Pedestrian access will be via two footpaths. The first from Redland Hill runs into the site as far as the car park adjacent to Harper House. Unfortunately due to the configuration of the car park it is not possible to extend this all the way to Block A or B. However, a delineated route will be provided which will then link to a ramp that in turn will connect to a landscaped area to the rear of Block A. This must conform to Building Regulations with a gradient of between 1:12 and 1:15 and feature a non-slip surface. Access will also be possible from a footpath that runs between Westbury Road via a set of steps as far as St Vincents Hill. Access to this will be restricted to residents and visitors only via electronically controlled gates, which should be constructed to Secured By Design standards.

This is disappointing as a permissive route is sought. All footpaths within the site will be at least 2m wide and suitably illuminated which is acceptable. As shown by the photographs below the footpath from Westbury Road to St Vincents Hill is in an extremely poor state of repair. Given that it will form a key route for residents from the site it must be upgraded as in its current state it constitutes a clear danger to pedestrians. A search of the Land Registry revealed that it is not owned by either the applicant or the Council. The Council can exercise its powers under Section 228 of the Highways Act 1980 and, as Street Works Authority, carry out the upgrade as 'street works' and then give notice that it will adopt (allowing 1 month for the owner(s) to object). In order to pay for the works a Section 106 Contribution of £6,000 is sought from the applicant to renew the treads and risers on the steps and resurface the footpath with tarmac (approximately 35m long x 2m wide).

Site Layout

The area in front of Block B would continue to form part of the car park with seven parking spaces although it is not clear what if any measures would be taken to prevent vehicles from parking in this area. Double yellow lines are recommended although these would need to be privately enforced. It is assumed that the spaces will be allocated. A Car Park Management Plan is required, although this can be secured by condition. Within this and the lower ground floor car park all of the spaces are at least 2.4m wide x 4.8m long with suitable buffers. The blue badge spaces have a side (driver's side) and rear hatched area 1.2m wide and will be signed and marked accordingly. Swept path analysis has been provided for a 5.079m large saloon car to demonstrate that it will be able to safely access and manoeuvre from spaces 10, 19, 22 and 30. A delineated route should be provided within both car parks to the main entrance to Block B and the lift/stair core. This could consist of a simple white line with a pedestrian symbol. All leading edges of the buildings and any areas to be kept clear of vehicles should also be suitably protected.

Car Parking / Cycle Parking

The applicant proposes to provide 35 parking spaces, of which two would be for blue badge holders. Seven spaces are at ground level with the rest on the lower ground floor of Block B, which would be accessed via a car lift. It is unclear how this would operate. To ensure the safety of residents/visitors/staff, particularly young children, a Car Lift Management Plan is required, although this can be secured by condition. At least six Electric Vehicle Charging Points (EVCP's), will be

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provided along with suitable ducting, cabling and earthing (infrastructure) to enable additional points to be installed in the future. As the site is within the Cotham North Residents Parking Scheme, where on-street parking is limited, if permission were to be granted the site must be deemed low car and Advice I044A Restriction of parking permits – existing controlled parking zone/residents parking scheme must be applied.

In respect of cycle storage the applicant proposes to provide three internal stores. Two would be at ground level within both Blocks A and B and the other would be on the lower ground floor of Block B. The two ground floor stores would each have six Sheffield Stands able to accommodate 12 cycles, equating to 24 in total. The store on the lower ground floor of Block B would have 20 Sheffield Stands able to accommodate a further 40 cycles. In total these stores would be able to hold 64 cycles which is acceptable. For the use of visitors a further 15 Sheffield Stands are proposed able to accommodate a total of 30 cycles. Nine stands will be located at the rear entrance of Block A and six at the eastern entrance of Block B. This is acceptable and is to be welcomed. Shower and changing facilities should be provided for the commercial unit.

Waste

The applicant proposes to provide each Block with its own internal waste store. These must be suitably ventilated and will have doors at least 1.5m wide. Both have sufficient capacity for the following number of bins required by Bristol Waste.

As the store for Block B will be on the lower ground floor the bins will need to be manoeuvred up to ground level using the proposed car lift. Bristol Waste vehicles currently access the wider site in order to collect waste from the neighbouring buildings. Swept path analysis has been provided for an 11.4m vehicle to demonstrate that this manoeuvre can be undertaken safely. A collection point consisting of a hardstanding will be provided at the end of Harper House. The sites management company will be responsible for placing the bins there on the agreed collection day and returning them to the waste stores once they have been emptied. A Waste Management Plan setting out how waste will be stored, managed and collected is required, although this can be secured by condition. The bins for the commercial unit will need to be collected by a commercial contractor and stored within their own dedicated store.

Construction Management

Due to the impact the application would have on the highway network during the construction period, particularly Westbury Road (A4018) due to the need to temporarily close the footway and possibly at least one lane of the carriageway, a Construction Management Plan will be required, along with a Highway Condition Survey. Both documents can be secured by condition.

A follow up email from TDM dated 8 April 2021 stated that with regards to S106 contributions, the following contributions would be acceptable:

Description	Contribution
Upgrade public footpath and set of steps onto Westbury Road	£6,000
Upgrade Black Boy Hill bus stops C and D	£25,000
Travel Plan Management and Audit Fee or Travel Plan Implementation Fee	£3,735
Total	£34,735

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TDM has further confirmed that the Senior Road Safety Engineer has no concerns from a highway safety perspective about the access road through The Vincent car park.

Conservation and Archaeology – No objection

The scale of the buildings to the rear of the site is not in keeping with the mews typology of St Vincent's Hill in terms of scale, layout and grain and would be contrary to Policy DM26.

Consequently, there will be less than substantial harm caused to the conservation area and clear and convincing justification for this harm is required. This justification should include a clear narrative explaining how the harm has been kept to a minimum and how this harm can be outweighed by the public benefits of the scheme.

The submitted heritage statement concludes that there is no harm, and we would dispute this based on the impact to the significance of the conservation area in terms of its character and appearance as referenced above.

In terms of archaeology there will be minimal impact here, although we had previously requested a desk-based assessment that has never been undertaken and there is no mention of archaeology in their heritage statement. Consequently, there may be a requirement for an archaeological watching brief condition.

Housing Delivery – No objection

The Enabling Manager provided a consultation response with respect to the affordable housing provision in January 2021. The Housing Delivery Team confirmed that since then, plans have been updated to include assurances around:

- Number of units (20%, so 12 units, as per the threshold approach outlined in the AHPN)
- Size of the units, including 9 one beds and 3 two beds, which is welcomed
- The minimum gross internal floor space of each affordable unit is in line with NDSS
- Placement of the units has been confirmed – all in block A – preferable for management purposes

However, concern was expressed that the applicant has not addressed the tenure split of the affordable units, something which needs to be completed as part of outline consent. To reiterate, the Local Plan and AHPN specifies that citywide tenure requirements for Bristol are 77% Social Rented affordable housing and 23% Intermediate affordable housing therefore the requirement for this scheme is 9 units social rent and 3 units shared ownership.

A future Reserved Matters Application will only cover Landscaping and Appearance. Until this has been agreed, the Housing Delivery Team cannot issue approval from an Affordable Housing perspective.

Flood Risk Manager – No objection

The Flood Risk Manager stated that the drainage proposals are acceptable in principle. The following condition would help gain the detailed requirements:

B35A Sustainable Drainage System (SuDS)

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No development shall take place 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.

Sustainable Cities – No objection

I can confirm that the information received addresses the overheating questions. And the EV charging points (6no) are now identified on the site plan. The plant room layout provided to the energy service to demonstrate that the development is future-proofed for connection to the DH network is also acceptable.

I recommend the following conditions are applied:

Energy and Sustainability in accordance with statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the approved plans, energy and sustainability strategy (Method Consulting, Dec 2019) thermal comfort analysis (Method consulting, Sept 2020), and technical note (Method Consulting, 15th June) prior to occupation. A total 26% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 20% reduction reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies BCS13 (Climate Change), BC14 (sustainable energy), BCS15 (Sustainable design and construction), DM29 (Design of new buildings)

Air permeability

Evidence should be provided to show that the air permeability rate of 3m³/m².hr @50 Pa has been achieved, including the provision of copies of the air testing certificates to be submitted and approved in writing by the Local Planning Authority.

Reason: The air permeability will contribute to the overall efficiency, energy demand and emissions of greenhouse gases of the scheme. To ensure that the development achieves the level of energy efficiency specified in the Energy Statement with reference to policies BCS13 and BCS14.

PV

Prior to implementation, details of the proposed PV system including location, dimensions, design/ technical specification together with calculation of annual energy generation (kWh/annum) and associated reduction in residual CO₂ emissions shall be provided within the Energy Statement.

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Prior to occupation the following information shall be provided:

Evidence of the PV system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate.

A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by 20% as shown in the approved Energy Statement (Method Consulting, Dec 2019).

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

Advisory note

The projected annual yield and technical details of the installed system will be provided by the Micro-generation Certification Scheme (MCS) approved installer.

The impact of shading on the annual yield of the installed PV system (the Shading Factor) should be calculated by an MCS approved installer using the Standard Estimation Method presented in the MCS guidance.

Broadband

Prior to commencement, evidence that the development will provided with 'next generation broadband' shall be presented to the Local Planning Authority through provision of an installation order placed with BT, Virgin Media, or an alternative provider. Registration should show the speed rating/specification of the connection.

Prior to occupation, the development shall be connected to the broadband infrastructure to achieve the speeds stated.

Reason: To show that residents and businesses will have access to ultrafast broadband from occupation.

Pollution Control – No objection

The Pollution Control specialist stated no objection to this application however asks for the following conditions should the application be approved:

1. Construction Management Plan condition

No development shall take place until a site-specific Construction Management Plan has been submitted to and approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

Advice

The Construction Environmental Management Plan should also include but is not limited to reference to the following:

- 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

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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.

- 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.
- 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.

2. Noise insulation

No commencement of use shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of noise insulation measures for all residential accommodation from external noise sources, this scheme shall also include details of ventilation.

The scheme of noise insulation measures shall take into account the recommendations detailed in the Noise Assessment submitted with the application.

The approved details shall be implemented in full prior to the commencement of the use permitted and be permanently maintained.

3. Artificial Lighting (external)

No development shall take place until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and approved in writing by the Council.

Artificial lighting to the development must meet the Obtrusive Light Limitations for Exterior Lighting Installations in table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01:2011.

4. Artificial Lighting (external)

Any light created by reason of the development shall meet the Obtrusive Light Limitations for Exterior Lighting Installations in table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01:2011

5. Noise from plant & equipment affecting residential

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: 2014 Methods for rating and assessing industrial and commercial sound.

6. Use of Refuse and Recycling facilities (ground floor commercial uses only)

Activities relating to the collection of refuse and recyclables shall only take place between 08.00 and 20.00 Monday to Saturday.

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7. Deliveries (ground floor commercial uses only)

Activities relating to deliveries shall only take place between 08.00 and 20.00.

Tree Officer – No objection

5 Individual trees & 1 group have been surveyed; 5 trees have been proposed for removal. 13 replacement trees are required to mitigate the loss or a financial contribution of $13 \times £765.21 = £9,947.73$.

The proposed Site Plan AWW-A-DWG-BLA 0102 Rev K identifies 6 indicative new trees which is considered insufficient considering the size of the development. Although the applicant can agree a unilateral undertaking for £9,947.73 this does not fulfil the requirements within BCS9, DM15 & DM17. Trees are a material consideration to any planning application. At this stage T01 is the only on-site tree that will be retained, one tree as a green infrastructure asset on a development of this size is poor and the lack of green infrastructure within the proposed scheme is concerning. If the applicant agrees to plant the 13 replacement trees that accord with the Planning obligation mitigation figures I would be happy for a detailed landscape condition to be added as a reserved matters condition. I would like to see a complete landscape plan not just 13 trees squeezed in.

If the applicant agrees to the 13-replacement tree can the below landscape condition be added as a reserved matters condition please.

Landscape (Soft and Hard)

As part of the landscaping reserved matters application details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1. a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
2. location, type and materials to be used for hard landscaping including specifications for:
 - a. permeable paving/ hard surfacing
 - b. Stockholm tree planting pits within areas of hard landscaping (Structural stone and Biochar).
 - c. Soil aeration vents
 - d. Structural soil type, organic matter (Biochar) and clay composition
 - e. Sustainable urban drainage integration through root zone
3. A table illustrating the following details:
 - a. The soil volume available for each tree.
 - b. The soil volume required for each tree, when fully grown / mature.
3. Tree planting pit design in accordance with the Stockholm tree planting system.

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4. Rain water and drainage routes incorporated into SUDs layout to supply water to the tree planting pits.
5. a schedule detailing sizes and numbers/densities of all proposed trees/plants;
6. specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with DM15 and DM17.

Further to the landscape condition can the following conditions be added to the decision notice.

Pre-commencement condition

Protection of Retained Trees during the Construction Period

No work of any kind shall take place on the site until the protective fences have been erected around the retained trees in the position and to the specification shown on the Assured Trees, tree Protection Plan (Dwg 200908-HG-TPP-NB&AM) Once installed photos should be electronically sent to the Local Authority Case Officer, shall be submitted to and approved in writing by the LPA in order that the council may verify that the approved tree protection measures are in place when the work may commence. 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 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.

Under no circumstances should the tree protection be moved during the period of the development and until all works are completed and all materials and machinery are removed. Landscaping works within protected areas is to be agreed with the Local Planning Authority and carried out when all other construction and landscaping works are complete.

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 tree(s) give(s) and will continue to give to the amenity of the area in line with Policy DM17.

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Prior to the commencement of development, a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant and the designated site foreman to discuss details of the working procedures. A schedule of visits shall be drawn up to ensure the Project arboriculturist is present during key stages of the development which include, but not limited to: Ground protection and level changes within the Root protection area of T01.

Site visits must be carried out during the key stages identified above. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority, prior to occupancy. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

Arboricultural method statement – During construction

The applicant/developer shall ensure that all works within the root protection area of retained trees, must follow the detailed methodology with the Assured Trees arboricultural method statement. In the instance that major roots are found then further consultation with an arboriculturist will be required, any changes to the specified methodology must be agreed in writing by the local planning authority.

Reason: To protect the retained tree from damage during construction and in recognition of the contribution which the retained tree gives and will continue to give to the amenity of the area.”

Public Art Officer – No objection

The Public Art Officer made the following comments:

Impact and scale of scheme on historic context / farm homestead adjacent to site triggers need for a public art contribution of suitable scale to mitigate the impact on people and place in such a sensitive setting. Fascinating area, difficult to see a clear way through in terms of public art approach at this stage, but would advise that a public art consultant is appointed to explore opportunities, which may include a creative response to -

- Clifton down as a gateway of green to the city, boundaries, entrance points, vistas;
- Historic context (listed public toilets, fountains etc) of the area;
- Need for joyful green spaces and green infrastructure
- Community life of the farm stead houses

As it's a very large scheme we would expect a commitment to a cultural programme from the developer, and I'd be very grateful if you could have in mind to place a Public Art condition on the scheme.

Nature Conservation – No objection

The Council's Nature Conservation specialist provided the following comments:

“The following planning condition is recommended:

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Condition: Nesting Birds

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

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

Ecological mitigation is required to meet the requirements of the National Planning Policy Framework (NPPF). The National Planning Policy Framework (2019) states in paragraph 170(d) on page 49 that planning decisions should minimise impacts on and provide net gains for biodiversity.

Accordingly, the following planning condition is recommended.

Condition: Bird and Bat Boxes

Prior to occupation of the development details provided by a qualified ecological consultant shall be submitted to and approved in writing by the Local Planning Authority providing the specification, orientation, height and location for bird nesting and bat roosting opportunities shown on a site plan with compass directions marked on it. This shall follow the recommendations set out in Clarkson and Woods, Ecological Survey Report, Land at Home Gardens dated December 2019. Bird boxes shall be installed to face between north and east to avoid direct sunlight and heavy rain. Bird boxes shall be erected out of the reach of predators and at least 3.5 metres high on publicly accessible sites. For small hole-nesting species bird boxes shall be erected between two and four metres high. Bat boxes shall face south, between south-east and south-west. Bat boxes shall be erected at a height of at least four metres on appropriate trees, close to hedges, shrubs or tree-lines and avoid well-lit locations. Development shall be undertaken in accordance with the approved details.

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

Please note the following recommendation.

In accordance with Policy DM29 in the Local Plan, the provision of living (green/brown) roofs which do not include Sedum 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), air pollution mitigation and reducing the urban heat island effect. Living roofs can be provided on buildings, as well as on bin stores and cycle shelters. The following guidance applies. The roofs should be covered with local low-nutrient status aggregates (not topsoil) and no nutrients added. Ideally aggregates should be dominated by gravels with 10 - 20% of sands. On top of this there should be varying depths of sterilised sandy loam between 0 - 3 cm deep. An overall substrate depth of at least 10 cm of crushed demolition aggregate or pure crushed brick is desirable. The roofs should include areas of bare ground and not be entirely seeded (to allow wild plants to colonise) and not employ Sedum (stonecrop) because this has limited benefits for wildlife. To

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benefit certain invertebrates the roofs should include local substrates, stones, shingle and gravel with troughs and mounds, piles of pure sand 20 - 30 cm deep for solitary bees and wasps to nest in, small logs, coils of rope and log piles of dry dead wood to provide invertebrate niches (the use of egg-sized pebbles should be avoided because gulls and crows may pick the pebbles up and drop them). Deeper areas of substrate which are at least 20 cm deep are valuable to provide refuges for animals during dry spells. An area of wildflower meadow can also be seeded on the roof for pollinating insects. Please see www.thegreenroofcentre.co.uk and <http://livingroofs.org/> for further information and the following reference: English Nature (2006). Living roofs. ISBN 1 85716 934.4

Small scale living roofs

Please see the following web site:

<http://greenroofshelters.co.uk/make-provide/>

This has examples of ready-made solutions for living roofs on cycle shelters and bin stores as well as on shipping containers including those for on-site storage.

These provide a ready-made solution to the provision of living roofs on site.

The following advisory note is recommended as a precautionary measure.

All species of bats and their roosts are legally protected. If bats are encountered all demolition work should cease and an ecological consultant or the Bat Conservation Trust (Tel 0845 1300 228) should be consulted for advice. The toolbox talk and other bat protection measures as outlined in Clarkson and Woods, Ecological Survey Report, Land at Home Gardens dated December 2019 should be adhered to.

Contaminated Land – No objection

The desk study has been considered by The Public Protection Team and is generally acceptable. Further intrusive site investigation is recommended and alongside this it is recommended the applicants consider the information available for the adjacent sites.

The following conditions are recommended to be applied to any future planning consent:

1. Further Site Assessment

A site-specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of any site contamination and whether or not it originates from the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The results of this investigation shall be considered along with the reports submitted with the original application. The written report of the findings shall be submitted to an approved in writing by the Local Planning Authority prior to any works (except demolition) in connection with the development, hereby approved, commencing on site. This must be conducted in accordance with the Environment Agency's Land Contamination: risk management and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice.

2. Submission of Remediation Scheme

No development shall take place (except demolition) 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

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to, and 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.

3. Implementation of Approved Remediation Scheme

In the event that contamination is found, no occupation of the development shall take place 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 (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and be approved in writing by the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time that had not previously been identified 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 the Environment Agency's Land Contamination: risk management guidance and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice. 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. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 off-site receptors.

Air Quality – No objection

The Air Quality Officer provided the following comments:

The air quality assessment shows a negligible impact from the development on air quality. I therefore have no objections to the development on air quality grounds. The construction mitigation plan should be conditioned appropriately.

COMMENTS FROM EXTERNAL CONTRIBUTORS**Crime Reduction Unit – No objection**

A Crime Prevention Design Advisor with a responsibility for Crime Prevention Through Environmental Design (CPTED) projects within the Bristol area provided the following comments in relation the original application March 2020 and are stated to remain relevant:

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- Although the area in which this proposed development is located does not currently suffer with high rates of crime, the layout is permeable with pedestrian routes through the residential areas. The DAS makes no mention of how crime and disorder will be addressed.
- Electronic access control (vehicular and pedestrian access) to the underground car park, bin and cycles stores should be in place.
- Audio visual intercom with auto release from residential apartments should be linked with the above with automatic release of communal doors in an emergency.
- Doors and windows must be PAS24 2016 with any door allowing access from the underground car park treated as an external door.
- Surveillance cameras would be advisable in the underground car park and communal areas. The cycle store would also benefit from these measures and provide reassurance to those using them, therefore increasing the footfall in this area.
- It was acknowledged during the pre-app consultations that the footpath/steps to/from the proposed development at Blackboy Hill were a security concern, although it is understood that these steps are not within this development area, they will be a key route for residents and so should, in my view, be considered at this stage.
- The need for adequate lighting levels was discussed at the pre-app stage, I can't see that this has been addressed within the DAS?

Following the design changes as listed in the DAS Addendum they also held the following observations:

The semi-private amenity space is intended for the use of residents with the proposed development described as private with no public thoroughfare. I note that there are gated railings at the boundary with Blackboy Hill/Whiteladies Road through the existing boundary wall. Are the gates for demarcation only or is electronic access control intended? If the gates are not locked how do the management company/developer propose to enforce this? We have recently been asked for assistance with a private development with a 'residents only' area, which is not secured in any way, being subjected to repeated incidents of anti-social behaviour and theft of cycles from an underground car park, this has resulted in the management company seeking to retrospectively fit security gating.

Bristol Waste Company – No objection

Following the third round of consultation, the Bristol Waste Company provided comments as follows:

- The numbers of containers suggested would be broadly similar as there is only one additional residential unit on this application.
- Bristol Waste would welcome dialogue the developer regarding access and servicing requirements for refuse and recycling.

Bristol Civic Society – No objection

A neutral response was submitted from Bristol Civic Society on 22 December 2020, who made the following comments:

- The Society welcomes the changes to the orientation of the residential blocks and consider that the design has been significantly improved.
- Concerns regarding density within the proposed development remain.
- The revised floor plans still show a number of single aspect flats that lack cross ventilation.

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Historic England – No objection

Comments received from Historic England in relation to the proposed development were as follows:

“The application site is within the Whiteladies Road Conservation Area, with the site area being over 1,000m². The proposals also have the potential to impact on the setting of the Clifton & Hotwells Conservation Area, as well as on the settings of a number of Grade II listed assets and other undesignated heritage assets. While we have a statutory remit to provide advice on the impact upon the character and appearance of the Conservation Area, we would task your Conservation Officer in providing a view on the setting of Grade II listed buildings.

The proposals are for a mixed-use development over two blocks; the westerly block (Block A) fronting Whiteladies Road would be four stories and the larger, more easterly block (Block B) would be a maximum of seven stories. The site is situated just below the top of the long approach into Bristol from Durdham Downs and is characterised by a predominant scale of relatively modest domestic form; 2-3 and occasionally 4 storeys in height. The Simply Health building, immediate to the north of the site at 6-7 storeys, is significantly out of scale with its neighbours and demonstrates the detrimental impact such development can have on the Conservation Area. Grove Road and Saint Vincent’s Hill, to the south of the application site, are more intimate in urban scale terms and more domestic in their architecture. The impact upon views from these areas should be properly assessed, particularly as the potential impact of Block B upon the groups of heritage assets in these areas could be particularly dominant.

We do not object to the principle of Block A, subject to greater clarity over design and detailing. The elevations do not yet appear contextual and the precedents cited in the Design and Access Statement (including Wapping Warf) are not all representative of the character and appearance of the Conservation Area. Block B is likely to have a greater impact and seven stories within this context would be at odds with the ambient building height of the area and the domestic scale and rhythm of predominantly midlate 19th century architecture.

We believe that the site can accommodate a lower quantum of development of a scale that responds more positively to its historic context. Any proposals should demonstrate that the significance of the Conservation Area is enhanced or better revealed (NPPF, Para 200). The proposals, as they stand, do not persuade us that this would be the case. A more thorough assessment of impact upon the Conservation Area is also required.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to “have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses”. Section 72 of the act refers to the council’s need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset’s setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset’s conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet

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the requirements of paragraph 200 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Wales and West Utilities – No objection

Wales and West Utilities made the following comments during consultation:

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at-risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of our plant or enclose our apparatus.

RELEVANT POLICIES

National Planning Policy Framework – 2021

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

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

EQUALITIES IMPACT ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010. In this case the design and access to the development have been assessed with particular regard to disability and age. Access and movement through and across the site have been considered in detail to help facilitate new connections from Redland Hill and Westbury Road. Dedicated footpaths are proposed alongside access improvements to the steps off Westbury Road. There is vehicular access provided for two disabled parking spaces

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which is in accordance with Policy DM27 and Appendix 2 of the Site Allocations and Development Management Policies (SADMP).

KEY ISSUES**(A) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?***Employment Use*

The application site currently comprises a mix of uses including employment, residential and garages and in accordance with Policy BCS8 of the Core Strategy any loss of employment uses at the site is a key consideration in determining the principle of development. Policy BCS8 states that employment land outside of the Principle Industrial and Warehousing Areas should be retained where it makes a valuable contribution to the economy and employment opportunities.

215 Whiteladies Road is also located within the Whiteladies Road Town Centre and in accordance with Policy BCS7 Retail development, offices, leisure and entertainment uses, arts, culture and tourism uses will be primarily located within or, where appropriate, adjoining the centres in the identified network and hierarchy serving Bristol.

This is further supported by Policy DM7 of the SADMP which states Retail and other main town centre uses should be located within the centres identified on the Policies Map.

The application site currently comprises 47sqm of office floorspace at 215 Whiteladies Road. As part of the proposed development the application proposes to retain this floor space and increase it to 215sqm of Use Class E flexible office space. The retention of office floorspace at the site and the increase in area is considered to be acceptable in accordance with Policy BCS8. 215 Whiteladies Road is also located within the Whiteladies Road Town Centre and therefore the retention of flexible office floorspace would respond positively to Policy BCS7 and Policy DM7.

Residential Use

In considering the principle of development and redevelopment of the site, it is also important to consider whether the site would be appropriate for residential development.

Section 5 of the National Planning Policy Framework (NPPF) sets out the approach to 'Delivering a sufficient supply of homes'. It supports the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements.

Policy BCS5 sets out that the Core Strategy aims to deliver new homes within Bristol's existing built up areas and between 2006 and 2026, 30,600 new homes will be provided in Bristol. The policy further states that the development of new homes will primarily be on previously developed sites across the city.

Alongside Policy BCS5, Policy BCS20 requires that new development is primarily focused on previously developed land.

The Urban Living SPD states that development proposals should make the most efficient use of land by delivering an optimum density for its site and location.

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By proposing a large residential development, in a sustainable location on a previously developed site, it is considered that the proposed development would accord with Policy BCS5 and BCS20 of the Core Strategy.

The proposed development would deliver 60no. residential dwellings within the established area of Clifton. The site is considered to be highly sustainable with access to a variety of public transport including bus routes on Westbury Road/Whiteladies Road and would be in walking distance of Clifton Down Station and central Bristol.

Furthermore, the site would be located within an existing mixed residential and commercial area, where a mix of uses within close proximity to each other is already established. The delivery of the site would also help the Council to meet its target for new homes including affordable housing.

Summary:

It is therefore considered that the principle of development at the site is acceptable in accordance with Policies BCS5, BCS7, BCS8 and BCS20 of the Core Strategy and Policy DM7 of the SADMP.

(B) DOES THE PROPOSED DEVELOPMENT PROVIDE AN APPROPRIATE LEVEL AND MIX OF AFFORDABLE HOUSING?

The proposed development falls within Use Class C3 of the Use Class Order, meaning that it is required to address the Council's Affordable Housing Policies.

Policy BCS17 requires all residential developments of 15 dwellings or more to deliver 40% affordable housing and to provide a mix of affordable housing units and contribute to the creation of mixed, balanced and inclusive communities.

Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

However, the Affordable Housing Practice Note published in 2018 made key changes to the affordable housing thresholds set out in Policy BCS17. Utilising Route 2 of the 3-Route 'Threshold' approach, the proposed development is now required to provide 20% affordable housing.

The proposed development includes 12no. affordable housing units as per the threshold approach outlined in the Affordable Housing Practice Note, including 9no. one bed social rent units and 3no. two bed shared ownership units. The affordable housing provision has been reviewed and supported by the Housing Delivery Team and the tenure split would be secured via the S106.

The application is therefore in full accordance with Policy BCS17 of the Core Strategy by delivering a policy compliant 12no. affordable homes (20%) through the S106.

(C) WOULD THE PROPOSED DEVELOPMENT BE OF A SUFFICIENTLY HIGH-QUALITY DESIGN AND WOULD IT BE APPROPRIATE WITHIN THE CONSERVATION AREA?

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

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Policies DM26-29 (inclusive) of the SADMP require development to contribute to the character of an area through its layout, form, public realm and building design. Policy BCS20 sets out that an appropriate density should be informed by the characteristics of the site and the local context.

The Urban Living SPD is clear that an optimal density in new development is considered to be one that balances the efficient and effective use of land, with aspirations for a positive response to context, successful placemaking and liveability.

The NPPF, in Paragraph 124, states that planning policies and decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed, attractive and healthy places. The Urban Living SPD advocates a design-led approach to optimising density based on an evaluation of the site's attributes, its surrounding context, capacity for growth and the most appropriate development form, as supported by Paragraph 126 of the NPPF.

The application is submitted in outline with some matters reserved, as such only details of scale, layout and access are for consideration at this stage with details of appearance and landscaping reserved for future stages.

During the determination of the application a number of design iterations have been made to respond to comments raised by the City Design Group (CDG). Most notably the scale and massing of the proposed blocks has been reduced with Block B reducing from seven and five storeys to five and four storeys in height. Block B has also been moved further away from the cottages on St. Vincent's Hill and the building form has been straightened and rationalised to reduce impact.

Block A has increased in height but the building has been realigned and reconfigured to better front onto Westbury Road/Whiteladies Road and the upper floors are set back behind a stone wall to enhance the street frontage.

The CDG has welcomed the revised plans confirming that "the design team has engaged positively with this process and the revised heights in terms of townscape are accepted. The simplified form, particularly Block B1, rotated mass and increase separation distances with the cottages is supported."

It is therefore considered that the proposed development is in accordance with Policy BSC21 of the Core Strategy and Policies DM26-DM29 of the SADMP.

Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("*Forge Field*") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

Section 16 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing heritage assets, and the desirability of new development to make a positive contribution to local character and distinctiveness. It also 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 asset's conservation, with any harm or loss requiring clear and convincing justification.

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Policy BCS22 states that development proposals will safeguard or enhance heritage assets and their character and setting. This includes conservation areas and historic buildings, including those locally listed.

Policy DM31 sets out that where a proposed development would impact the significance of a heritage asset the Applicant will be required to justify the extent of proposed works and demonstrate how the features of the heritage asset and the local character of the area will be retained.

The application site is located within the Whiteladies Road Conservation Area and within proximity to the Clifton & Hotwells Conservation Area and a number of Listed Buildings. Historic England has raised no formal objection to the proposed development, however, has raised concerns on heritage grounds in relation to the scale of Block B.

The Council's Conservation Team has also raised concerns that the scale of the buildings to the rear of the site is not in keeping with the mews typology of St Vincent's Hill in terms of scale, layout and grain and considers that a less than substantial harm would be caused to the Conservation Area.

As outlined above, the CDG has worked with the Applicant to improve the proposals throughout the determination of the application, this has included reducing the scale of Block B, setting it further back from the cottages at St Vincent's Hill and rationalising the massing. Consultation with the Council's Conservation Officer has also led to an agreement that the stone wall at the front of the development, fronting onto Westbury Road/Whiteladies Road would be retained where possible or replicated, as a key feature of the development. Appearance is currently a reserved matter and not available for consideration but should planning permission be granted the CDG and Conservation Team would be further consulted at the reserved matters stage to ensure the appearance and materials for the proposed development are appropriate and in keeping within the Conservation Area.

In relation to the NPPF, it is considered by Officers that there would be some harm as a result of the proposed development but this harm would be less than substantial harm to the significance of the Conservation Area.

Considerable weight is attached to such harm. In accordance with NPPF Paragraph 201, any such harm needs to be weighed against the public benefits of the proposed development. There would be notable public benefits arising from the proposed development, including the provision of housing contributing to Bristol's five year housing land supply and 12 no. affordable housing dwellings, provision of increased flexible office floorspace in the Whiteladies Road Town Centre, local transport and access improvements and the proposals would result in the efficient redevelopment of a previously developed and underutilised site within a highly sustainable location. It is therefore considered that the benefits of the scheme would be sufficient to outweigh the heritage harm identified and the proposed development would be in accordance with Policy BCS22 of the Core Strategy, Policy DM31 of the SADMP and the NPPF.

(D) WOULD THE PROPOSED DEVELOPMENT HAVE ANY ADVERSE IMPACT ON THE AMENITY OF RESIDENTS SURROUNDING THE SITE?

Policy BCS21 states that high quality design should consider the amenity of both existing and future residents.

Policy DM29 sets out that new buildings will be designed to ensure that the existing and proposed development achieves appropriate levels of privacy, outlook, and daylight.

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Appendix B to the Urban Living SPD provides specific guidance for assessing daylight and sunlight, stating that achieving adequate levels of daylight and sunlight into the buildings and external spaces where we spend most of our time contributes to our health and wellbeing. It confirms that the most commonly used guidance on such matters is that published by the Building Research Establishment (BRE), which contains nationally applicable best practice guidelines on the levels of daylight and sunlight that existing and new development should follow.

A number of comments have been made by members of the public relating to the impact of the proposed development on their amenity, particularly in terms of overlooking, overbearing, overshadowing and impacts associated with the access.

Overlooking

In terms of overlooking, the nearest residential properties to the proposed development are the cottages at St Vincent's Hill, with 6 St Vincent's Hill located approximately 20m from Block B's nearest point. Whilst this separation distance is below the optimal 21m separation distance, this shortfall is only marginal and the proposed and existing buildings would not directly front onto each other but would be on a slight angle further reducing impact. During the determination of the application, proposed balconies on the eastern elevation of Block B, nearest to number 6 and 7 St Vincent's Hill have also been removed to further reduce any potential overlooking onto these properties and into their gardens.

Overbearing

In terms of overbearing, concerns have also been raised about the heights of the proposed development. To reduce the impacts of overbearing revised plans have been submitted which reduce the overall height of Block B from seven and five storeys to five and four storeys, with the 4 storey element located closest to the cottages at St Vincent's Hill. This stepping down in scale across the site is considered to be acceptable in terms of overbearing and the townscape reflects the existing stepping down on Westbury Road/Whiteladies Road from the seven storey former Simply Health building at the top of Blackboy Hill to the St Vincent's Hill cottages to the south of the site.

Overshadowing

An updated Daylight and Sunlight Assessment has been submitted in support of the planning application which assesses the impact of the proposed development upon the daylight and sunlight currently enjoyed by the habitable rooms within ten neighbouring properties against the guidance set out by the BRE.

A total of 142no. windows have been included within the analysis and the assessment shows that all but 13no. windows meet the recommended guideline level. All these windows (except two at 8-9 St Vincent's Hill) serve rooms within Harper House.

Vertical Sky Component (VSC) is a measure of the amount of diffuse daylight reaching a window. In respect of VSC, the BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is both less than 27% and less than 0.8 times its former value.

The assessment shows that all except two of the 11no. windows serving habitable rooms in the St Vincent Hill's cottages would meet the BRE guidance. These windows (W2 and W5 at ground floor level) would continue to enjoy a VSC of 18.31% (a ratio reduction of 0.79x its former value) and

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24.80% (a ratio reduction of 0.78x) respectively - marginally below the 0.8x guideline set out by the BRE. Furthermore, the room is also served by three other windows that would still meet the BRE guidance. To help understand these results better, the Study also undertakes an assessment of the daylight distribution/Average Daylight Factor (ADF).

The results show that the room would continue to enjoy an ADF level of 3.26% (at a ratio reduction of 0.92), comfortably in excess of the 2.0% target for living/kitchen/dining rooms of this type.

For Harper House the assessment shows that of the 57no. windows assessed, 46no. would meet the target values set out by the BRE (81%) and of the windows that fall below the target values, 2no. would experience minor adverse losses (20%-29.99%) and 9no. would experience moderate adverse losses (30%-39.99%).

Of the 11no. windows that fall below the BRE guidance, all except one would continue to enjoy actual VSC levels of greater than 20% with the development in place, which, according to the BRE, should continue to provide the potential for adequate daylight levels within the rooms.

The BRE guide explains that the daylight distribution, assessed by plotting the position of the existing and proposed 'No Sky Line' (the point within the affected room where the sky can no longer be viewed) of a neighbouring property may be adversely affected if, after the development, the area of the working plane which receives direct skylight is reduced to less than 0.8 times its former value.

The Daylight Distribution assessment shows that of the 36no. rooms assessed, 27no. would meet the BRE guidance (75%). Of the rooms that fall below the BRE target, 3no. would experience minor adverse losses (20%-29.99%), 2no. would experience moderate adverse loss (30%-29.99%) and 4no. will experience adverse losses (of greater than 40%).

In respect of sunlight, an assessment should take account of the Annual Probable Sunlight Hours (APSH). APSH is amount of sunlight the affected window can receive with and without the new development. The BRE guide explains that sunlight availability may be adversely affected if the centre of the window: receives less than 0.8 times its former sunlight hours during either period (summer or winter).

100% of the windows assessed would meet the target for APSH.

Whilst the proposed development would result in some overshadowing to habitable rooms in Harper House it is considered that on balance this impact is acceptable. Out of the 142no. windows assessed only 13no. do not meet the recommended guideline level for VSC. Almost all of these windows enjoy high existing VSC levels as a result of looking out over a largely vacant site. This makes it difficult for a development such as this, which is in keeping with the surrounding bulk and massing, to meet the target values. Furthermore, Harper House is student accommodation and therefore the transient nature of student accommodation has been taken into consideration in the overall assessment alongside the site constraints and benefits of the development which significantly weigh in its favour.

Access

Concerns have been raised by a number of residents within The Vincent about the impact of the access on their amenity both during construction and operation. Condition 7 requires the submission and approval by the Local Planning Authority of a Construction Management Plan prior to the commencement of development at the site, should planning permission be granted. As part of this Plan, the Applicant will be required to set out how they will manage construction impacts in the interests of amenity of surrounding occupiers. During operation it is also considered that the impact of the access would be acceptable given there is already an existing right of access through The Vincent car park which provides vehicular access to 30no. car parking spaces, meaning there would be a minimal increase in activity and parking spaces at the site.

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Therefore it is considered that the proposed development is designed and sited in a way to avoid adverse impacts on the amenity of residents and adjacent land uses in accordance with Policy BCS21 of the Core Strategy and Policy DM29 of the SADMP.

(E) WOULD THE PROPOSED DEVELOPMENT HAVE ANY ADVERSE IMPACT ON THE AMENITY OF FUTURE OCCUPIERS?

Policy BCS21 states that high quality design should consider the amenity of both existing and future residents.

Policy BCS23 states that in locating and designing development, account should be taken of the impact of existing sources of noise or other pollutions on the new development and the impact of the new development on the viability of the existing uses by reason of its sensitivity to noise or other pollution.

Policy DM35 states that noise-sensitive development in locations likely to be affected by existing sources of noise such as busy roads, railway lines, aerodromes, industrial/commercial developments, waste, recycling and energy plant and sporting, recreation and leisure facilities, will be expected to provide an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers of the proposed development.

Daylight/sunlight

A Daylight and Sunlight Internal Study was provided for the proposed development and submitted with the amended plans. The assessment concludes that 100% of rooms within Block A would meet the BRE guideline and 98% of rooms within Block B would meet the guidelines. The two rooms that fail in Block B are studio flats in the same location on the first and second floors. By their nature, studio apartments have large floor areas for individual rooms and as such can be difficult to achieve compliance. Nonetheless, these rooms would enjoy ADF values of 1.31% and 1.32% respectively, against a target of 1.5% which on balance is considered to be acceptable.

Amenity space

The proposed development includes a good level of private and communal amenity space for future occupiers. Two main areas of communal gardens are proposed in the centre of the development and adjacent to the access to St Vincent's Hill and 26no. private balconies and 7no. small private gardens for flats are proposed for Block B, which is considered to be acceptable.

Noise pollution

The proposed development has also been considered in relation to its location adjacent to the Asda petrol filling station. During the determination of the application the Environmental Health Officer (EHO) was consulted and the EHO has proposed a pre-commencement condition for a detailed scheme of noise insulation measures for all residential accommodation from external noise sources to ensure the development and petrol station can co-exist.

It is therefore considered that the amenity for future occupiers would be acceptable and with the proposed measures of control governed by the condition, the adjacent petrol station would not adversely impact on the amenity of future occupiers in accordance with Policy BCS21 and Policy BCS23 of the Core Strategy and Policy DM35 of the SADMP.

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Policy BCS10 and Policy DM23 require that development does not give rise to unacceptable traffic conditions. These policies support the delivery of improvements to transport infrastructure to provide an integrated transport system, which improves accessibility within Bristol and supports the proposed levels of development. With regards to parking and servicing, it requires that development proposals provide an appropriate level of safe, secure, accessible and usable provision having regard to the Council's adopted parking standards.

Policies DM27, DM28 and DM32 in tern deal with layout and form, public realm and recycling and refuse provision in new developments.

Transport Impacts

The Applicant submitted a Transport Statement with the planning application which modelled trips to the site and overall indicates that the junction between the unadopted road through The Vincent car park and Redland Hill would operate safely and well within its design capacity with low queues and delays on all three arms even with the development in place.

The Statement concludes that the Applicant considers the proposed development would not significantly impact the surrounding highway network and therefore there are no transport or highway reasons why permission should not be granted. TDM concur with this assessment and have requested that a full Travel Plan is secured via condition alongside a Travel Plan Management and Audit Fee via the S106.

Bus Stops

As set out within the Transport Statement future residents would be able to utilise the two bus stops (Black Boy Hill C & D) which are served by the 1, 2, 3, 4 and 505 services and because of this it is expected that demand would increase. In order to encourage a modal split at the site a further S106 contribution is therefore required to upgrade these stops. This would be used to remove the existing stops, replace them with a single shelter along with undertaking all the necessary civil engineering works.

Vehicular/Pedestrian Access

Vehicular access to the site would be achieved of the unadopted road from Redland Hill and provide access to 27no. car parking spaces including 6no. Electric Vehicle Charging Points. The car park would be split between a surface level car park and underground car park accessed via a car lift.

Pedestrian access would be gained via two footpaths, one from Redland Hill and one from a set of steps and footpath from Westbury Road/Whiteladies Road. These steps and footpath are currently in a very poor condition and as such would need to be upgraded as a result of the development. A S106 contribution is therefore required to renew the treads and risers on the steps and resurface the footpath with tarmac. Land Registry searches have revealed that the existing steps and footpath are neither owned by the Applicant nor the Council and therefore the upgrades would be undertaken under the Council's powers under Section 228 of the Highways Act 1980 and as the Street Works Authority.

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The Access Statement and enclosed Title Boundary and Land Transfer Plan also identifies the land where Pegasuslife Development Limited has granted rights of access to the Applicant or transferred ownership to the Applicant. This confirms that the Applicant benefits from a right of access “*along the Accessway on foot and (in relation to that part of the Accessway which is laid out for vehicular use) with vehicles together with a right to manoeuvre and turn vehicles (over that part of the Accessway which is laid out for vehicular use)*”. The Applicant is currently using this right of access, to access the site and a 30no. space car park and as part of the application proposes to continue to use it to access the site and the proposed 34no. space car park. TDM has further confirmed that there are no concerns from a highway safety perspective related to the access road.

Cycle Parking/Waste

In respect of cycle storage the applicant proposes to provide three internal stores containing 32no. Sheffield Stands for occupiers plus a further 15no. Sheffield Stands for visitors which is considered acceptable by TDM. The Applicant also proposes to provide each Block with its own internal waste store.

Construction Management

As outlined above, during consultation some concerns were raised about construction management, as such a Construction Management Plan condition will be required should planning permission be granted, which will cover both traffic and environmental management during demolition and construction.

It is therefore considered that the proposed development is acceptable in highways and transport terms and accords with Policy BCS10 of the Core Strategy and Policy DM23 of the SADMP.

(G) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF IMPACT ON TREES?

Policy BCS9 and Policy DM17 confirm the benefits of trees and landscaping in development proposals. Specifically, the provision of additional trees will be expected as part of the landscape treatments of new developments.

The application proposes the removal of 5no. trees (4no. category C and 1no. category U tree) which would require replacement with 13no. replacement trees or a financial contribution of 13 x £765.21 = £9,947.73.

Landscaping is a reserved matter for the application however the Applicant has committed to replacing the trees on site and this would be secured via the S106 and detailed landscape condition to be added as a condition that any reserved matters application must address. It is therefore considered that the proposed development is acceptable in terms of trees in accordance with Policy BCS9 of the Core Strategy and Policy DM17 of the SADMP.

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

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

Policy BCS14 sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy

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sources and low-energy carbon sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.

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

The Energy and Sustainability Strategy submitted with the application demonstrates that through the use of PV panels across the development, a carbon dioxide saving of 20.81% can be achieved, which aligns with the policy requirement. Other sustainable features of the site include the provision of electric charging points and the plant room layout has been future proofed so it can connect to the district heat network.

In conclusion the proposed development is considered to be in accordance with Policies BCS13-15 of the Core Strategy.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination made under the planning acts must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed development would deliver 60no. residential dwellings and 215sqm of flexible office floorspace on previously developed land, in a highly sustainable location and would make a significant contribution to Bristol's housing needs and supply.

The Applicant has also worked proactively with the Council during the determination of the planning application and since the last Committee meeting to reduce the impact of the proposed scheme which is considered to be acceptable. The Applicant has also confirmed that they have a right of access to the site via The Vincent car park and Officers consider that the continued use of this access for the proposed development would be acceptable from an amenity perspective both during construction and operation. TDM has also raised no objection to the access from a highway safety perspective.

It is therefore considered that the proposed development is in accordance with the Development Plan and the NPPF, when read as a whole. The starting point is therefore that permission should be granted in accordance with the statutory presumption in favour of the Development Plan. The policies of the Development Plan relevant to decision making in this application are considered to be broadly consistent with the NPPF and should therefore be given significant weight.

Applying the presumption in favour of sustainable development as set out in the NPPF Paragraph 11(d)(ii) means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In the assessment of this application, balancing the benefits and disbenefits detailed in this report, Officers consider that the impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan and NPPF.

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This means that the application would constitute sustainable development, and this is a material consideration in favour of the proposed development. In the assessment above it is considered sufficient to outweigh the limited conflicts identified with the Development Plan.

With these points in mind it is the Officer Recommendation that planning permission should be granted, subject to the obligations and conditions as listed below. However, should the Committee members still be minded to refuse the planning application the following reason for refusal is suggested:

1. The proposed development would result in unacceptable harm to the residential amenity of surrounding occupiers by virtue of its proposed access through The Vincent car park contrary to Policy BCS21 (Quality Urban Design) of the Bristol Core Strategy (2011).

CIL

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

The CIL liability would be calculated at the reserved matters phase.

RECOMMENDATION GRANT subject to Planning Agreement

(A) That the Applicant be advised that the Local Planning Authority is disposed to grant planning permission, subject to the completion, within a period of six months from the date of this committee, or any other time as may be reasonably agreed with the Service Director, of a planning agreement made under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended), entered into by the Applicant, Bristol City Council and any other interested parties to cover the following matters:

- i) 12no. affordable dwellings including 9no. one bed social rent flats and 3no. two bed shared ownership flats;
- ii) £6,000 – contribution to upgrade the public footpath and set of steps onto Westbury Road;
- iii) £25,000 – contribution to upgrade Black Boy Hill bus stops C and D;
- iv) £3,735 – contribution for Travel Plan Management and Audit Fee or Travel Plan Implementation Fee; and
- v) £9,947.73 – contribution for 13no. trees in accordance with the Tree Replacement Schedule.

(B) That the Head of Legal Services be authorised to conclude the Planning Agreement to cover matters in recommendation (A).

(C) That on completion of the Section 106 Agreement, planning permission be granted subject to the following conditions:

CONDITIONS**1. Reserved Matters**

Approval of the details of the appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the council in writing before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

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Application for approval of the reserved matters shall be made to the council before the expiration of 3 years from the date of this permission.

The development hereby permitted shall begin not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Reserved Matters – Landscape (Soft and Hard)

As part of the landscaping reserved matters application details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- Location, type and materials to be used for hard landscaping including specifications for:
 - a. permeable paving/ hard surfacing
 - b. Stockholm tree planting pits within areas of hard landscaping (Structural stone and Biochar).
 - c. Soil aeration vents
 - d. Structural soil type, organic matter (Biochar) and clay composition
 - e. Sustainable urban drainage integration through root zone
- A table illustrating the following details:
 - b. The soil volume available for each tree.
 - c. The soil volume required for each tree, when fully grown / mature.
- Tree planting pit design in accordance with the Stockholm tree planting system.
- Rain water and drainage routes incorporated into SUDs layout to supply water to the tree planting pits.
- A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years shall be replaced. Unless

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further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with DM15 and DM17

Pre-commencement conditions**4. Construction Management Plan – Major Developments**

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

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site:
 - Deliveries, waste, cranes, equipment, plant, works, visitors;
 - Size of construction vehicles;
 - The use of a consolidation operation or scheme for the delivery of materials and goods;
 - Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;
 - Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;

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- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Method of preventing mud being carried onto the highway;
- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Pollution Control Team;
- 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;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses; and
- Procedures for emergency deviation of the agreed working hours.

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.

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.

Reason: In the interests of safe operation of the adopted highway and amenity of surrounding occupiers in the lead into development both during the demolition and construction phase of the development

5. Highway Condition Survey

No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

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No commencement of use shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of noise insulation measures for all residential accommodation from external noise sources, this scheme shall also include details of ventilation.

The scheme of noise insulation measures shall take into account the recommendations detailed in the Noise Assessment submitted with the application.

The approved details shall be implemented in full prior to the commencement of the use permitted and be permanently maintained.

Reason: To protect residential amenity.

7. Artificial Lighting (external)

No development shall take place until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and approved in writing by the Council.

Artificial lighting to the development must meet the Obtrusive Light Limitations for Exterior Lighting Installations in table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01:2011.

Reason: To protect residential amenity.

8. Further Site Assessment

A site-specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of any site contamination and whether or not it originates from the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The results of this investigation shall be considered along with the reports submitted with the original application. The written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to any works (except demolition) in connection with the development, hereby approved, commencing on site. This must be conducted in accordance with the Environment Agency's Land Contamination: risk management and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice.

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.

9. Submission of Remediation Scheme

No development shall take place (except demolition) 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

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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.

10. Implementation of Approved Remediation Scheme

In the event that contamination is found, no occupation of the development shall take place 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 (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and be approved in writing by 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. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the protective fences have been erected around the retained trees in the position and to the specification shown on the Assured Trees, tree Protection Plan (Dwg 200908-HG-TPP-NB&AM) Once installed photos should be electronically sent to the Local Authority Case Officer, shall be submitted to and approved in writing by the LPA in order that the council may verify that the approved tree protection measures are in place when the work may commence. 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 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.

Under no circumstances should the tree protection be moved during the period of the development and until all works are completed and all materials and machinery are removed. Landscaping works within protected areas is to be agreed with the Local Planning Authority and carried out when all other construction and landscaping works are complete.

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 tree(s) give(s) and will continue to give to the amenity of the area in line with Policy DM17.

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Prior to the commencement of development, a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant and the designated site foreman to discuss details of the working procedures. A schedule of visits shall be drawn up to ensure the Project arboriculturist is present during key stages of the development which include, but not limited to: Ground protection and level changes within the Root protection area of T01.

Site visits must be carried out during the key stages identified above. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority, prior to occupancy. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

13. Arboricultural Method Statement – During construction

The applicant/developer shall ensure that all works within the root protection area of retained trees, must follow the detailed methodology with the Assured Trees arboricultural method statement. In the instance that major roots are found then further consultation with an arboriculturist will be required, any changes to the specified methodology must be agreed in writing by the local planning authority.

Reason: To protect the retained tree from damage during construction and in recognition of the contribution which the retained tree gives and will continue to give to the amenity of the area.

14. Sustainable Drainage System (SuDS)

No development shall take place 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.

15. To ensure implementation of a programme of archaeological works

No development shall take place until the applicant/developer has secured the implementation of a programme of archaeological work, 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:

- The programme and methodology of site investigation and recording

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- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- 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.

16. Structure Adjacent To/Within 6m of the Highway

No development shall take place until an Approval In Principle (AiP) Structural Report setting out how any structures within 6 metres of the edge of the adopted highway (and outside of this limit where the failure of any structures would affect the safety of road users) will be assessed, excavated, constructed, strengthened or demolished has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the works safeguard the structural integrity of the adopted highway during the demolition and construction phase of the development.

17. Broadband

Prior to commencement, evidence that the development will be provided with 'next generation broadband' shall be presented to the Local Planning Authority through provision of an installation order placed with BT, Virgin Media, or an alternative provider. Registration should show the speed rating/specification of the connection.

Prior to occupation, the development shall be connected to the broadband infrastructure to achieve the speeds stated.

Reason:

To show that residents and businesses will have access to ultrafast broadband from occupation.

18. PV

Prior to implementation, details of the proposed PV system including location, dimensions, design/technical specification together with calculation of annual energy generation (kWh/annum) and associated reduction in residual CO2 emissions shall be provided within the Energy Statement.

Prior to occupation the following information shall be provided:

Evidence of the PV system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate.

A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by 20% as shown in the approved Energy Statement (Method Consulting, Dec 2019).

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

19. Energy and Sustainability in accordance with statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the approved plans, energy and sustainability strategy (Method Consulting, Dec 2019) thermal comfort analysis (Method consulting, Sept 2020), and technical note (Method Consulting, 15th June) prior to occupation. A total 26% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 20% reduction reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies BCS13 (Climate Change), BC14 (sustainable energy), BCS15 (Sustainable design and construction), DM29 (Design of new buildings)

20. Nesting Birds

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

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

Pre-occupation conditions**21. Travel Plan – Not Submitted**

No building or use hereby permitted shall be occupied or 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 approved in writing by the Local Planning Authority. The approved Travel Plan shall 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.

22. Car Park Management Plan

No building or use hereby permitted shall be occupied or use commenced until a car park management plan setting out how the car park will be managed has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car park management plan for the lifetime of the development.

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Reason: To ensure the safe operation of approved car park(s).

23. Car Lift Management Plan

No building or use hereby permitted shall be occupied or use commenced until a car lift management plan setting out how the car lift will be used and managed has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved car lift management plan for the lifetime of the development.

Reason: To ensure the safe operation of approved car park(s) and car park lift.

24. Waste Management Plan

No building or use hereby permitted shall be occupied or use commenced until a waste management plan setting out how waste will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

25. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on approved plans

No building or use hereby permitted shall be occupied or 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 adopted highway (including the footway), except on the day of collection.

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

26. Completion of Vehicular Access - Shown on approved plans

No building 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.

27. Completion of Pedestrian and Cyclists Access - Shown on approved plans

No building hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and 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.

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

No building 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.

29. Completion and Maintenance of Cycle Provision – Shown on approved plans

No building 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.

30. 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 14 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

31. Reporting of Unexpected Contamination

In the event that contamination is found at any time that had not previously been identified 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 the Environment Agency's Land Contamination: risk management guidance and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice. 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. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 off-site receptors.

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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: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard the amenity of the occupiers of adjoining premises.

33. Bird and Bat Boxes

Prior to occupation of the development details provided by a qualified ecological consultant shall be submitted to and approved in writing by the Local Planning Authority providing the specification, orientation, height and location for bird nesting and bat roosting opportunities shown on a site plan with compass directions marked on it. This shall follow the recommendations set out in Clarkson and Woods, Ecological Survey Report, Land at Home Gardens dated December 2019. Bird boxes shall be installed to face between north and east to avoid direct sunlight and heavy rain. Bird boxes shall be erected out of the reach of predators and at least 3.5 metres high on publicly accessible sites. For small hole-nesting species bird boxes shall be erected between two and four metres high. Bat boxes shall face south, between south-east and south-west. Bat boxes shall be erected at a height of at least four metres on appropriate trees, close to hedges, shrubs or tree-lines and avoid well-lit locations. Development shall be undertaken in accordance with the approved details.

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

34. 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.

35. Public art

Prior to the occupation of the development hereby permitted, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include information on the commissioning, integration of public art within the development, timetable for those works and details of the future maintenance responsibilities and requirements. The delivery of public art shall then be carried out in full accordance with the agreed Public Art Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the provision of public art within the scheme in pursuance of BCC's public art policy.

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Post Occupation

36. Use of Refuse and Recycling facilities (ground floor commercial uses only)

Activities relating to the collection of refuse and recyclables shall only take place between 08.00 and 20.00 Monday to Saturday.

Reason: To safeguard the amenity of the occupiers of adjoining premises.

37. Deliveries (ground floor commercial uses only)

Activities relating to deliveries shall only take place between 08.00 and 20.00.

Reason: To safeguard the amenity of the occupiers of adjoining premises.

38. Air permeability

Prior to occupation evidence should be provided to show that the air permeability rate of 3m³/m².hr @50 Pa has been achieved, including the provision of copies of the air testing certificates to be submitted and approved in writing by the Local Planning Authority.

Reason: The air permeability will contribute to the overall efficiency, energy demand and emissions of greenhouse gases of the scheme. To ensure that the development achieves the level of energy efficiency specified in the Energy Statement with reference to policies BCS13 and BCS14.

39. 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:

0100 D Site Location Plan, received 6 February 2020

0102 R Proposed Site Plan, received 21 June 2021

0110 K Proposed Lower Ground Floor Plan – Residential, received 21 June 2021

0111 L Proposed Ground Floor Plan – Office and Residential, received 8 April 2021

0112 L Proposed First Floor Plan – Residential, received 21 June 2021

0113 L Proposed Second Floor Plan – Residential, received 21 June 2021

0114 L Proposed Third Floor Plan – Residential, received 21 June 2021

0115 M Proposed Fourth Floor Plan – Residential, received 18 August 2021

0145 E Proposed Site Sections, received 21 June 2021

0146 Proposed Site Sections Existing Footpath, received 21 June 2021

0110 K Proposed Lower Ground Floor Plan – Residential – Plant Room Sketch, received 21 June 2021

Air Quality Assessment, received 6 February 2020

Arboricultural Impact Assessment, received 6 February 2020

Arboricultural Method Statement, received 2 December 2020

Broadband Connectivity Statement, received 6 February 2020

Daylight and Sunlight Assessment, received 8 April 2020

Design and Access Statement – Part 1-3, received 6 February 2020

Design and Access Statement Addendum, received 2 December 2020

Drainage Strategy, received 2 December 2020

Development Control Committee B – 13 October 2021**Application No. 20/00542/P : Land At Home Gardens Redland Hill Bristol BS6 6UR**

Ecological Survey, received 6 February 2020
Energy and Sustainability Strategy, received 2 December 2020
Geoenvironmental Desktop Study – Parts 1-4, received 2 December 2020
Heritage Statement, received 6 February 2020
Internal Daylight Assessment, received 21 June 2021
Noise Assessment, received 2 December 2020
Planning and Housing Statement, received 6 February 2020
Report of Community Involvement, received 6 February 2020
Revised Room Schedule, received 2 December 2020
SUDS Drainage Approach, received 6 February 2020
Supplementary Statement, received 2 December 2020
Thermal Comfort Analysis, received 2 December 2020
Transport Assessment, received 6 February 2020
Transport Technical Note, received 2 December 2020
Sustainability Comments Response, received 21 June 2021

Reason: For the avoidance of doubt.

ADVICES**Outline planning permissions**

You are advised that this is an outline planning permission only and that the approval of the reserved matters relating to appearance and landscaping are required to be submitted. You are reminded that for major development proposals you are required to demonstrate the processes you have carried out in terms of pre application community involvement and submit a Community Involvement Statement (CIS) (to be submitted as a separate titled document) as part of a planning application submission. This should also be carried out on proposals that are of significance locally, regardless of their scale. A CIS should demonstrate that the views of the local community have been sought and taken into account in the formulation of your reserved matters proposals. Be advised that there is emphasis on the early involvement of the community at the “ideas” stage of the plan or the development preparation process i.e. before proposals are fixed and whilst significant options are still open.

The Bristol Neighbourhood Planning Network (BNPN) can help identify the appropriate community group(s) to involve and offer further advice on the overall process.

Nesting Birds

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

Bats and bat roosts

Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations. Prior to commencing work you should ensure that no bats or bat roosts would be

Development Control Committee B – 13 October 2021

Application No. 20/00542/P : Land At Home Gardens Redland Hill Bristol BS6 6UR

affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult Natural England (0845 6003078).

Highway Condition Survey

The development hereby approved includes the carrying out of a Highway Condition Survey. To agree the extent of the area to be surveyed contact the Highway Authority's Transport Development Management Team at transportDM@bristol.gov.uk

Sustainable Drainage System (SUDS)

The development hereby approved includes the construction/provision of a sustainable drainage system. You are advised to contact the Highway Authority's Flood Risk Management Team at flood.data@bristol.gov.uk before any works commence.

Structure Adjacent To/Within 6m of the Highway

The development hereby approved includes the construction of structures adjacent to or within six metres of the adopted highway. You are advised that before undertaking any work on the adopted highway you must prepare and submit an AiP Structural Report.

You will be required to pay technical approval fees (as determined by the proposed category of structure to be assessed) before the report will be considered and approved. Contact the Highway Authority's Bridges and Highway Structures Team at bridges.highways@bristol.gov.uk

Travel Plan Statement / Travel Plan – Not Submitted

You are advised that a Travel Plan Statement / Travel Plan is required to be prepared and submitted using the Travel Plan Guide for New Developments and the associated templates at www.bristol.gov.uk/travelplans

PV System

The projected annual yield and technical details of the installed system will be provided by the Micro-generation Certification Scheme (MCS) approved installer.

The impact of shading on the annual yield of the installed PV system (the Shading Factor) should be calculated by an MCS approved installer using the Standard Estimation Method presented in the MCS guidance.

Supporting Documents

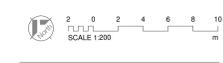
1. Land At Home Gardens

1. 0102 R Proposed Site Plan
2. 0111 L Proposed Ground Floor Plan – Office and Residential
3. 0145 E Proposed Site Sections
4. 0146 Proposed Site Sections Existing Footpath
5. Access Statement

Notes
 This drawing may be used for the purposes of Planning Applications. Land Rights and the legal space above the site are to be used. The client warrants that the drawing is an original or an accurate copy. It may not be used for other purposes.
 Always refer to the specifications. All dimensions are to be checked on site. Dimensions shown on drawings are subject to the ground and site conditions. All changes are to be made in consultation with the specification and all works to be carried out in accordance with the relevant Building Code of Practice.



- PROPOSED TREE**
- R 09.05.21 CJ EV charge points allocated DP
 - Q 02.05.21 CJ Corner balcony omitted DP
 - P 01.05.21 CJ Balcony numbers reduced following DP resubmission comments DP
 - N 16.02.21 CJ Roof added to Block B U
 - M 11.02.21 CJ Block A updated to include EBOP U
 - L 22.01.21 CJ Scale Bar U
 - K 30.10.20 CJ Footprint revised to accommodate parking spaces DP
 - J 19.10.20 CJ Street increased. Additional highway U
 - I 02.09.20 CJ Internal layout and openings coordinated U
 - H 24.08.20 CJ Internal arrangement modified U
 - G 05.08.20 CJ Block A and B layouts reconfigured U
 - F 05.05.20 CJ Landscape Update U
 - D 04.02.20 CJ Planning submission U
 - C 16.12.19 CJ Drawing updates to reflect existing access U
 - B 29.11.19 CJ Arboricultural information added. Plan updated U
 - A 06.11.19 CJ Boundary line updated. NE origin U
- Rev Date: 06/11/19
 H: H: Notes: CJK



Client:
 Drawing Operator:
AWW inspired environments
 London: 100 Waterloo Street, G1 3SD 020 7160 6000
 Plymouth: East Quay House, PL4 0PK 01752 281 282
 Bristol: 2nd Floor, 42-52 Baldwin Street, BS1 1QB 0117 923 0335
 RIBA Chartered Practice www.aww-a.com

Project Title:
Land at Home Gardens, Redland Hill

Drawing Title:
Proposed Site Plan

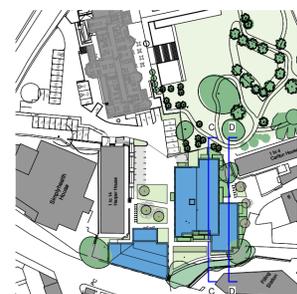
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As Indicated	A0	CJ	U	10/08/18

Status	Project No.
PLANNING	3823

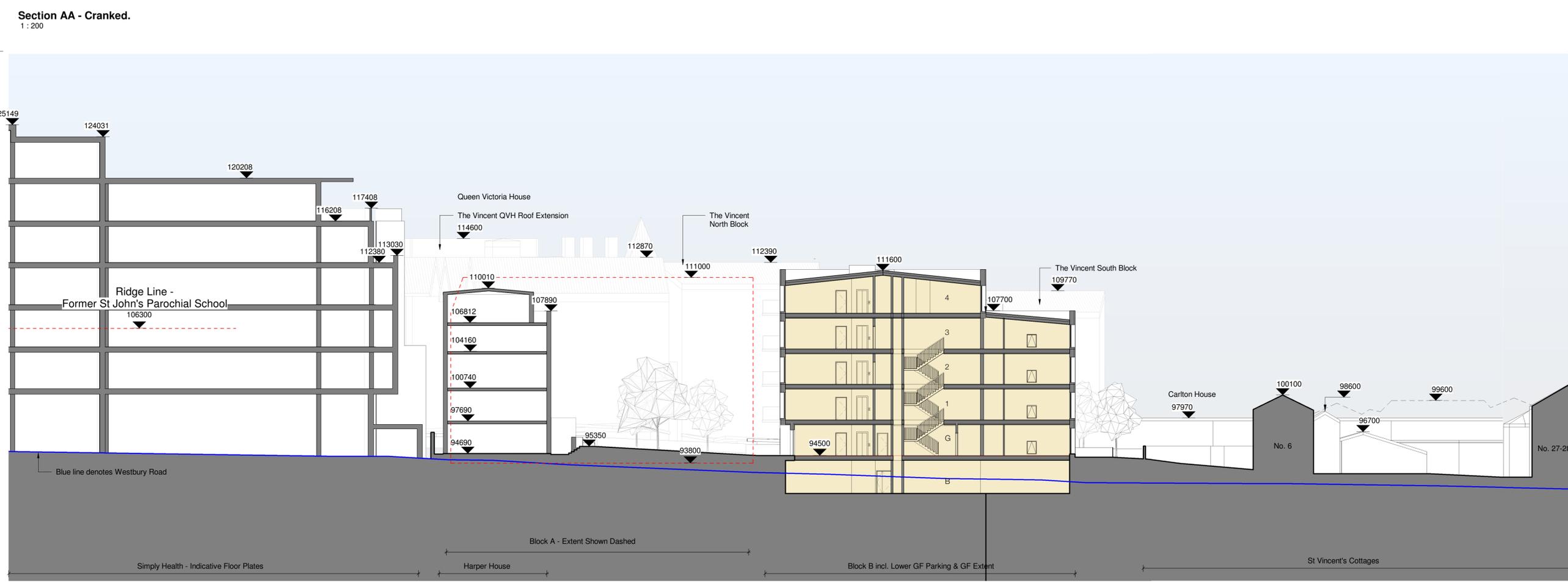
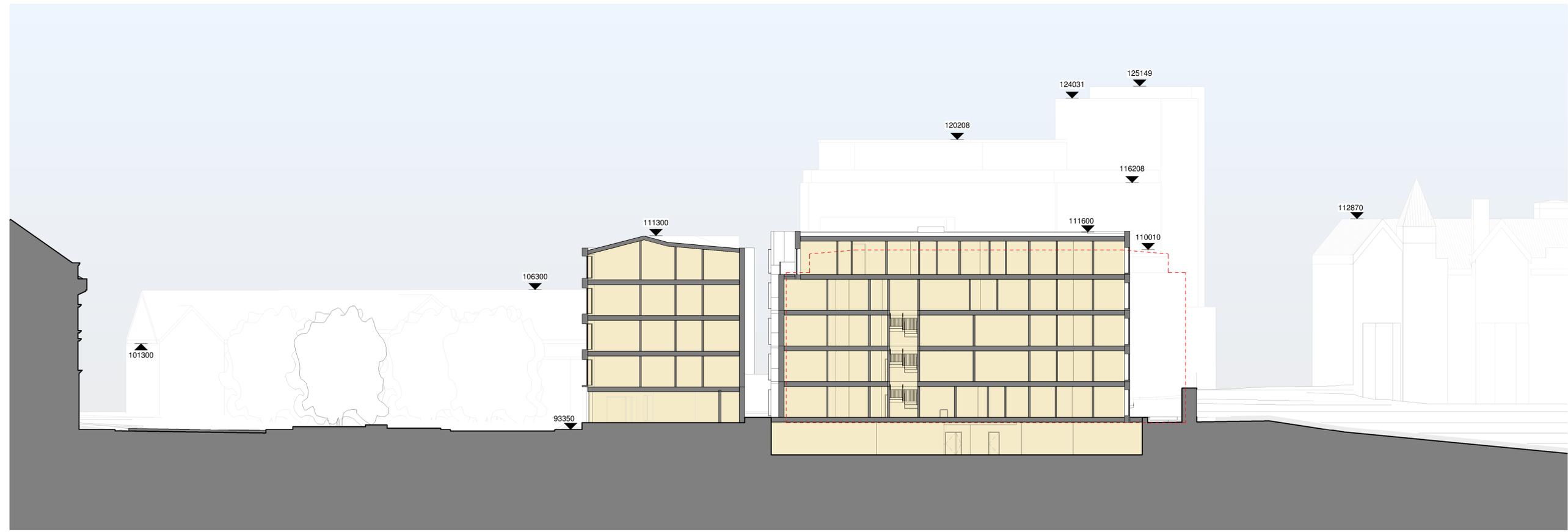
Drawing Reference	Drawing No.	Revision
AWW-A-DWG-BLA	0102	R

Sherrin

Notes
 This drawing may be scaled for the purposes of Planning Applications, Land Registry and for Legal plans where the scale bar is used, and where it verifies that the drawing is an original or an accurate copy. It may not be scaled for construction purposes.
 Always refer to signed dimensions. All dimensions are to be checked on site. Discrepancies and/or ambiguities between this drawing and information given elsewhere must be reported immediately to this office for clarification before proceeding. All drawings are to be read in conjunction with the specification and all works to be carried out in accordance with latest British Standards / Codes of Practice.

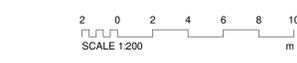


Key Plan - Sections
 1 : 1500



Revisions:

Rev	Date	Init	Notes	Chkd
E	01.06.21	CJ	Balcony numbers reduced following DP reconsultation comments.	DP
D	16.02.21	CJ	Trees added	IJ
C	11.02.21	CJ	Block A updated to include 1B2P units.	IJ
B	05.08.20	CJ	Block A and B layouts reconfigured	IJ
A	29.06.20	CJ	Drawing sheet updated	IJ



Client

Drawing Originator

AWW inspired environments

London - 106 Weston Street, SE1 9GB 020 7180 6000
 Plymouth - East Quay House, PL4 0HK 01752 261 282
 Bristol - pivot + mark, 48 - 52 Baldwin Street, BS1 1OB 0117 923 2535

RIBA Chartered Practice www.aww-uk.com

Project Title

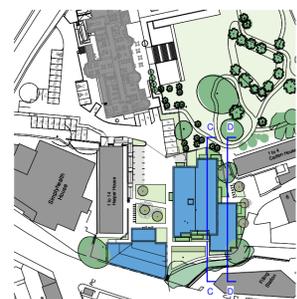
Land at Home Gardens, Redland Hill

Drawing Title

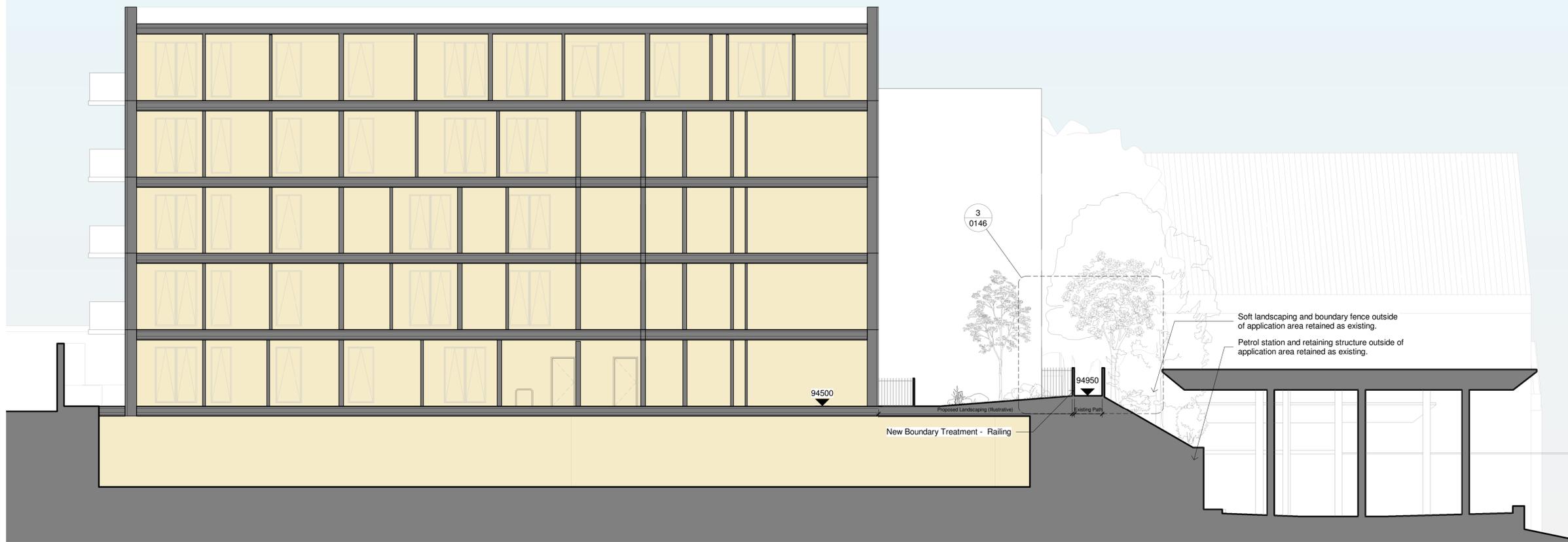
Proposed Site Sections - Iteration 3

Scale	Sheet	Drawn	Checked	Date
As indicated	A1	CJ	IJ	22.06.20
Status	PLANNING		Project No.	3823
Drawing Reference	Drawing No.	Revision		
	0145	E		

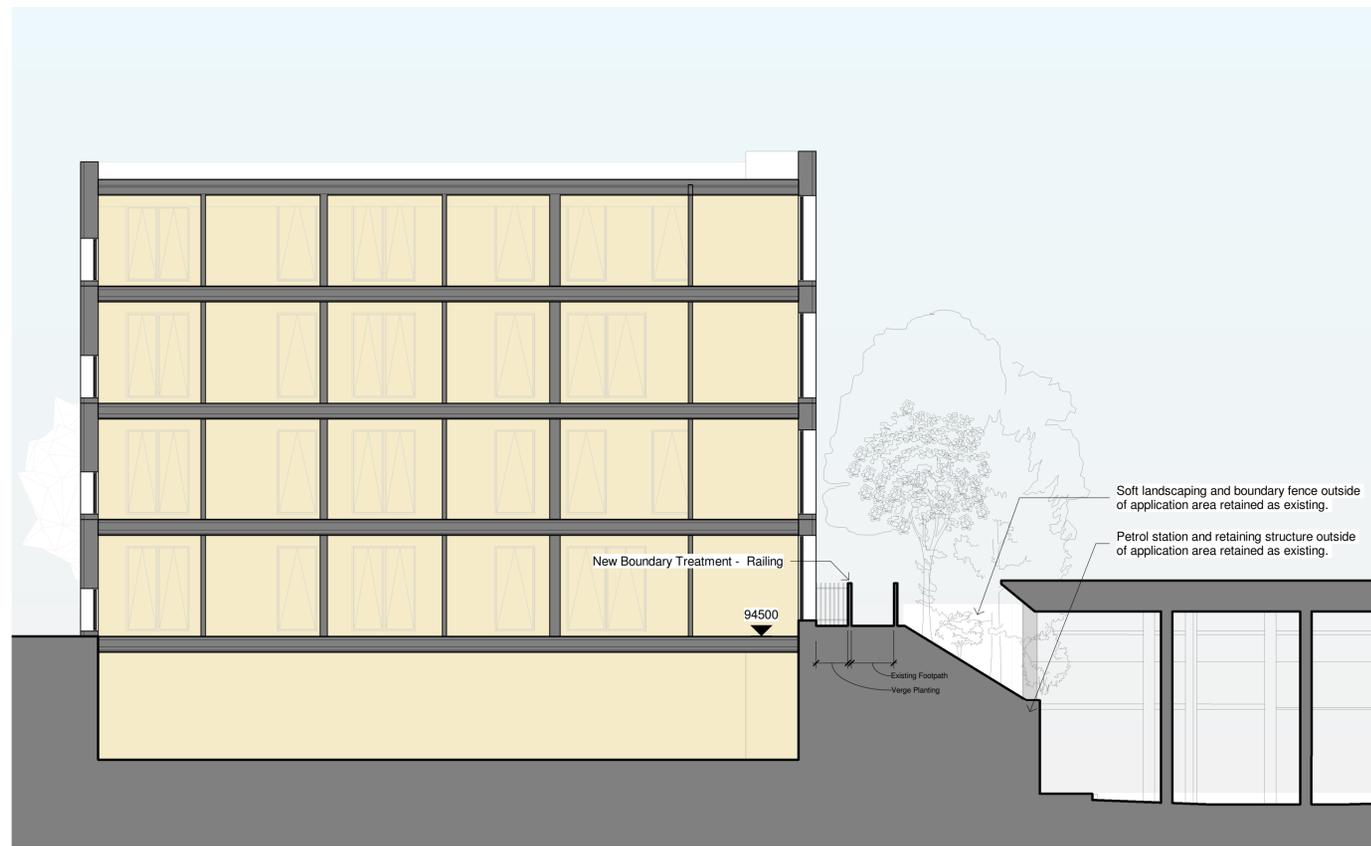
Notes
 This drawing may be scaled for the purposes of Planning Applications, Land Registry and for Legal plans where the scale bar is used, and where it verifies that the drawing is an original or an accurate copy. It may not be scaled for construction purposes.
 Always refer to figured dimensions. All dimensions are to be checked on site. Discrepancies and/or ambiguities between this drawing and information given elsewhere must be reported immediately to this office for clarification before proceeding. All drawings are to be read in conjunction with the specification and all works to be carried out in accordance with latest British Standards / Codes of Practice.



Key Plan - Sections CC & DD
 1 : 1500



Section CC
 1 : 100



Section DD
 1 : 100



3 - Section Through Path
 1 : 25

Rev	Date	Init	Notes	Chkd
1	0			
2	1			
3	2			
4	3			
5	4			

SCALE 1:100

Client

Drawing Originator
AWW inspired environments
 London - 106 Weston Street, SE1 3QB 020 7180 6000
 Plymouth - East Quay House, PL4 0HK 01752 261 282
 Bristol - pivot + mark, 48 - 52 Baldwin Street, BS1 1OB 0117 923 2535
 RIBA Chartered Practice www.aww-uk.com

Project Title
Land at Home Gardens, Redland Hill

Drawing Title
Proposed Site Sections - Existing Footpath

Scale	Sheet	Drawn	Checked	Date
As indicated	A1	Author	Checker	
Status	Project No.			
PLANNING	3823			
Drawing Reference	Drawing No.	Revision		
AWW-A-DWG-BLA	0146			



ELIZABETH BLACKWELL PROPERTIES LTD

LAND AT HOME GARDENS, BLACKBOY HILL, BRISTOL

**OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING
BUILDINGS AND THE ERECTION OF TWO NEW BUILDINGS CONSTITUTING UP
TO 60 RESIDENTIAL UNITS AND FLEXIBLE OFFICE SPACE**

LOCAL PLANNING AUTHORITY REFERENCE: 20/00542/P

SUPPLEMENTARY STATEMENT ON ACCESS ISSUES

SEPTEMBER 2021

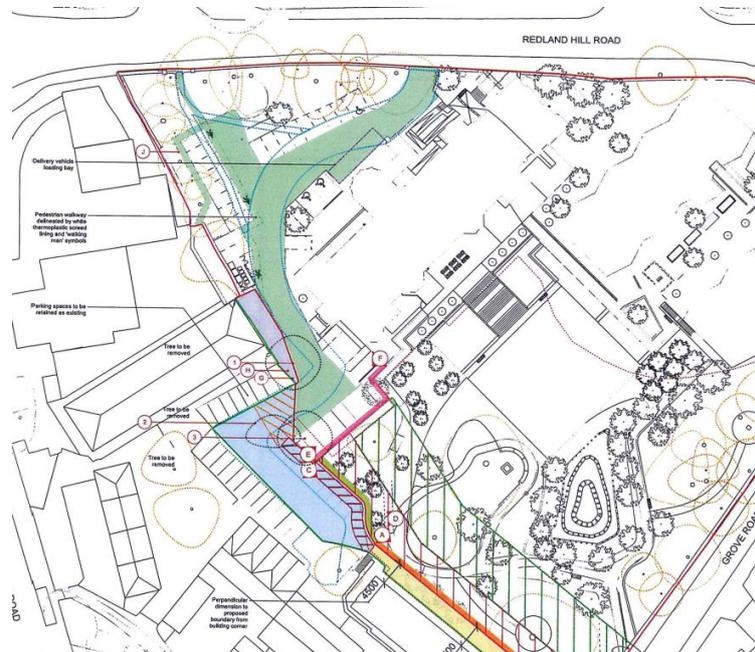
1 Introduction

- 1.1 This supplementary statement has been prepared on behalf of Elizabeth Blackwell Properties Ltd, the applicant for a planning application (LPA Ref: 20/00542/P) seeking outline planning permission for the demolition of existing buildings (1-4 Home Gardens, 1-2 The Bungalows and associated garages and outbuildings) and the erection of two new buildings constituting up to 60 residential units (Class C3) (including 20% affordable housing) and flexible office space at land at Home Gardens, Blackboy Hill, Bristol. Details of access, scale and layout are for determination now, with appearance and landscaping reserved for future consideration.
- 1.2 The application submission followed extensive pre-application dialogue with the Council, as well as substantial engagement with local residents and stakeholders, which have both taken place over a period of a number of years. The submitted proposal was directly influenced by the various discussions that took place pre-submission.
- 1.3 The proposal will deliver much needed housing and flexible office space suitable for a small business in a sustainable location, where people can live and work with good access to high quality walking and cycling links, public transport and open space. It is sensitively designed and sited reflecting the planning constraints and opportunities of the site.
- 1.4 Since submission of the application more than 18 months ago, the applicant has continued its constructive approach towards bringing forward proposals for the site and has made various amendments to the proposals as a response to comments from both officers and consultees.
- 1.5 This resulted in the application being reported to the Development Control Committee B meeting on 1 September 2021 with an officer recommendation for approval. Notwithstanding the comprehensive and robust recommendation for approval, which followed 18 months of discussion with officers and others, the Committee resolved to defer a decision on the application in order to give further consideration to access issues.
- 1.6 The purpose of this supplementary statement is to respond to and clarify some of the issues that were raised by Members relating to access considerations. These include rights of access and land ownership, and more detail relating to the existing access arrangements and what they serve.

2 Access Rights & Land Ownership

- 2.1 It was confirmed by Council officers during the Committee meeting that whether an applicant owns all of an application site, and/or has all necessary rights of access, is not a material consideration in terms of the planning merits of the application. It is a separate matter to be dealt with outside of the planning process. However, the applicant is more than happy to clarify the position here.

- 2.2 Appendix A to this statement is a note that has been prepared by Ashford’s Solicitors and sets out in detail the relevant ownership and rights of access position. It also includes a plan which is contained within an agreement entered into between, among others, the applicant and Pegasuslife Development Limited.
- 2.3 An extract from the plan included at Appendix A is provided below:

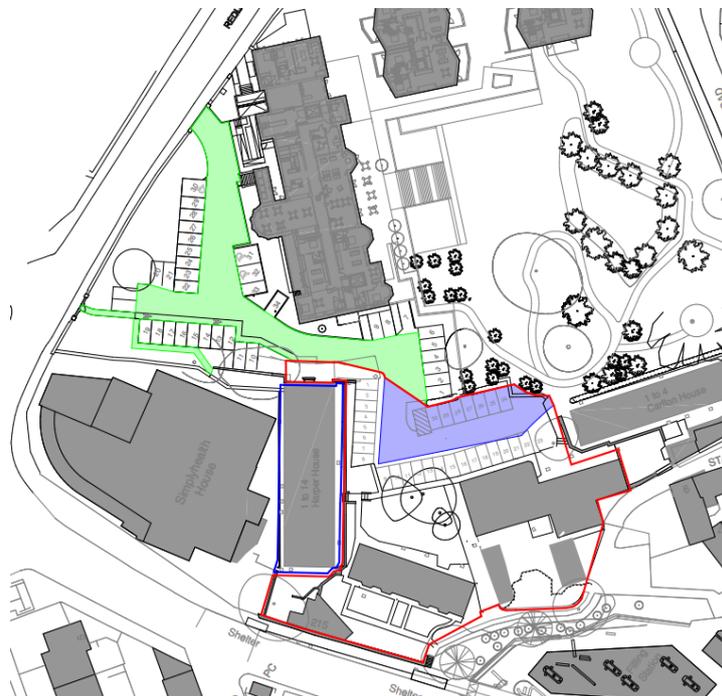


Plan 1: Extract from Supplemental Agreement Plan

- 2.4 The green shading on the plan identifies the land where Pegasuslife Development Limited has granted rights of access to the applicant. The purple and blue shading identifies land that Pegasuslife Development Limited has transferred ownership to the applicant. The other land within the application site was already owned by the applicant.
- 2.5 It will be clear from the above, and the content of Appendix A, that the applicant has a combination of land ownership and access rights that, together, provide for all necessary access to the proposed development.
- 2.6 It is worth noting that these access rights and land ownerships already exist today and have for some time. They are not dependent upon the approval of this planning application.
- 2.7 Finally on this matter, it will be clear from Appendix A that the current position regarding both land ownership and access rights was agreed with Pegasuslife Development Limited.

3 Use of Access

- 3.1 The starting point here in considering the use of the access is that it is an existing access, rather than being a new access created to serve the development. As noted above, the applicant already has an existing right of access, which serves a number of buildings as well as 30 car parking spaces.
- 3.2 This is an important baseline for assessing the access impacts of the development – i.e. the baseline position here is that there are already many vehicles using this access on a daily basis and the application proposals must be assessed on this basis, rather than on the assumption that a new access is being proposed generating vehicle trips in a location that doesn't currently have any.
- 3.3 Appendix B includes a plan showing the existing site layout, including the car parking and buildings that the current access serves (see extract below).



Plan 2: Extract from Existing Site Plan Showing Access Rights

- 3.4 It will be clear from this plan that the existing access already serves a number of buildings and associated car parking spaces.

- 3.5 Elements of the land and buildings served by the existing access can also be seen in the following photographs, which clearly show the existing access and some of the applicant's land that it serves.



Photo 1: Access into application site from Queen Victoria House



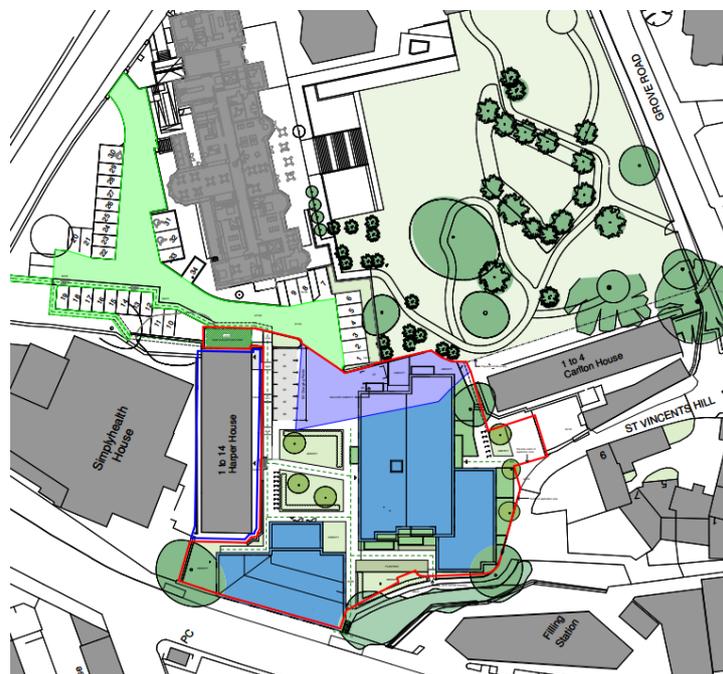
Photo 2: View of part of car park and The Bungalows



Photo 3: View towards Harper House

- 3.6 Under the application proposals part of the existing surface level car parking will be removed as will some existing buildings, all of which are currently served by the existing access

- 3.7 The existing vehicular access will be unchanged as part of the application proposals and will serve 34 car parking spaces (the majority of which will be located under the main building).
- 3.8 The proposed layout is shown on the plan at Appendix B and an extract is provided below.



Plan 3: Extract from Proposed Site Plan Showing Access Rights

- 3.9 Therefore, in practical terms the only change from the existing situation is that the access would serve 34 parking spaces, instead of the current 30 on the application site.
- 3.10 The physical configuration of the existing access does not require any alteration to serve the proposed development. This will be evident from the existing and proposed site plans included at Appendix B.
- 3.11 By any reasonable assessment, it can only be concluded that any additional vehicle trips generated by the net change of just four additional car parking spaces would not be material and certainly could not lead one to the conclusion that such use would warrant refusal of planning permission. Such a view is supported by the Council's Transport Development Management Team.

4 Construction Traffic Impacts

- 4.1 A few comments were raised at the committee meeting regarding the potential impacts on local residents through construction of the proposed development.
- 4.2 Presenting officers confirmed at the meeting that, in assessing any planning application, it is the planning merits of the proposed development once completed that is relevant rather than how the development is constructed. Nevertheless, a planning condition requiring submission of a Construction Management Plan can be reasonable under certain circumstances and the applicant accepts that would be the case here.
- 4.3 The applicant can reassure site neighbours that, if planning permission is granted and the development is progressed, it would take its commitment to being a good neighbour seriously. It would ensure that the appointed contractor follows established good practices and it would prepare and submit a Construction Management Plan for Council approval prior to commencing any work.
- 4.4 The Construction Management Plan would include, inter alia, hours of construction, timing of deliveries and how and where materials would be stored.
- 4.5 Whilst the site has some physical constraints, there have been many developments successfully brought forward elsewhere in the city where sites have been far more constrained and neighbours are in closer proximity. It is also noteworthy that land adjoining the application site (both to the north and east has been the subject of recent significant development).

5 Summary & Conclusions

- 5.1 This supplementary statement has been prepared on behalf of Elizabeth Blackwell Properties Ltd relating to a planning application seeking outline planning permission for the demolition of existing buildings and the erection of two new buildings constituting up to 60 residential units (Class C3) and flexible office space at land at Home Gardens, Blackboy Hill, Bristol. It responds to some of the access issues that were raised by members of the Development Control Committee B when it considered the application on 1 September 2021.
- 5.2 It will be clear from this statement that the applicant has the land ownership and access rights that provide for all necessary access to the proposed development and that they exist today. They are not dependent upon the approval of this planning application.
- 5.3 The access for the proposed development is an existing access, rather than a new access created to serve the development. The existing access serves a number of buildings as well as 30 car parking spaces.

- 5.4 The existing vehicular access will remain unchanged as part of the application proposals and will serve 34 car parking spaces. Therefore, the only change from the existing situation is that the access would serve four additional parking spaces. Any additional vehicle trips generated by these additional car parking spaces would not result in any material impact on the use of the existing access.
- 5.5 The application proposals will deliver much needed housing and flexible office space suitable for a small business on a brownfield site in a highly sustainable location, where people can live and work with good access to high quality walking and cycling links, public transport and open space. They will also deliver various financial contributions towards public transport and pedestrian improvements in the area.
- 5.6 The proposals have been the subject of extensive consultation and technical assessment and Council officers have concluded that the application should be approved when assessed against national and local planning policy provisions.



**APPENDIX A – ASHFORDS SOLICITORS NOTE ON
ACCESS RIGHTS & OWNERSHIP**

Land at Home Gardens - Planning Application Ref: 20/00542/P

This note is intended to provide confirmation of the access rights enjoyed on the development site.

Relevant Land Registry Titles

1. **BL145257** Registered in the name of Elizabeth Blackwell Properties Limited (10562155)
Property: Harper House, Redland Hill, Redland, Bristol
2. **BL153436** Registered in the name of Elizabeth Blackwell Properties Limited (10562155)
Property: Land Lying to the east of 1-4 Home Gardens, Redland Hill, Redland, Bristol
3. **BL95250** Registered in the name of Elizabeth Blackwell Properties Limited (10562155)
Property: Land at 1-4 Home Gardens, Redland Hill, Redland, Bristol
4. **AV247649** Registered in the name of Pegasuslife Development Limited (09340939)
Property: Queen Victoria House, Redland Hill, Bristol

The land included within the red line of the Site Development Plan falls under the ownership of both Elizabeth Blackwell Properties Limited (EBPL) and Pegasuslife Development Limited (Pegasus).

The access road that is in question is within the registered title number AV247649 and, broadly (but not wholly), is the land to the east and north of the property marked Harper House on the Site Location Plan and also registered title BL145257.

The rights

EBPL have a right of access over land belonging to Pegasus.

Previous rights were contained in a Conveyance of the land dated 19 March 1992 (the "1992 Conveyance"). The relevant rights in the 1992 Conveyance are as follows:

Schedule 2: The Rights Granted "*A right of way for the Purchaser and its successors in title to the Property and those expressly or impliedly authorised by them with or without vehicles at all times and all purposes connected with the use of the Property over and along the Accessway and Footpaths*".

The relevant document that confirms EBPL's right of access over the relevant land belonging to Pegasus is a Supplemental Agreement dated 6 August 2019 made between (1) Elizabeth Blackwell Properties Limited (2) Mehrdad Toussimanesh (3) Trym Properties (Guernsey) Limited and (4) Pegasuslife Development Limited (the "Deed of Variation") which varies the terms of the 1992 Conveyance.

The Deed of Variation (at clause 2.2 and 2.3) released the rights granted by the 1992 Conveyance in respect of the rights of way and granted the rights as set out at clause 13 in the transfers annexed to the Deed of Variation.

Clause 13 of the two transfers provide:

13.1 "*There are granted for the benefit of the Transferee's Combined Site a right of way for the Transferee and its successors in title to the Transferee's Combined Site and those expressly or impliedly authorised by them at all times and for all purposes connected with the use of the Transferee's Combined Site over and along the Accessway on foot and (in relation to that part of the Accessway which is laid out for vehicular use) with vehicles together with a right to manoeuvre and turn vehicles (over that part of the Accessway which is laid out for vehicular use).....*"

Accessway is defined in the Transfers as "*that part of the Retained Land as shown shaded green on the Plan*".

The Plan is the one annexed to the Transfer and seen in the Supplemental Agreement as the Revised Layout Plan which is attached for reference. Referring to that plan, the part shaded green is on land belonging to Pegasus and is the land that the access rights have been granted over. This gives both pedestrian and vehicular access from Redland Hill Road to the development site.

Considering the Revised Layout Plan alongside the Site Location Plan you can see that the shaded green area covers the access way to the north and east of Harper House.

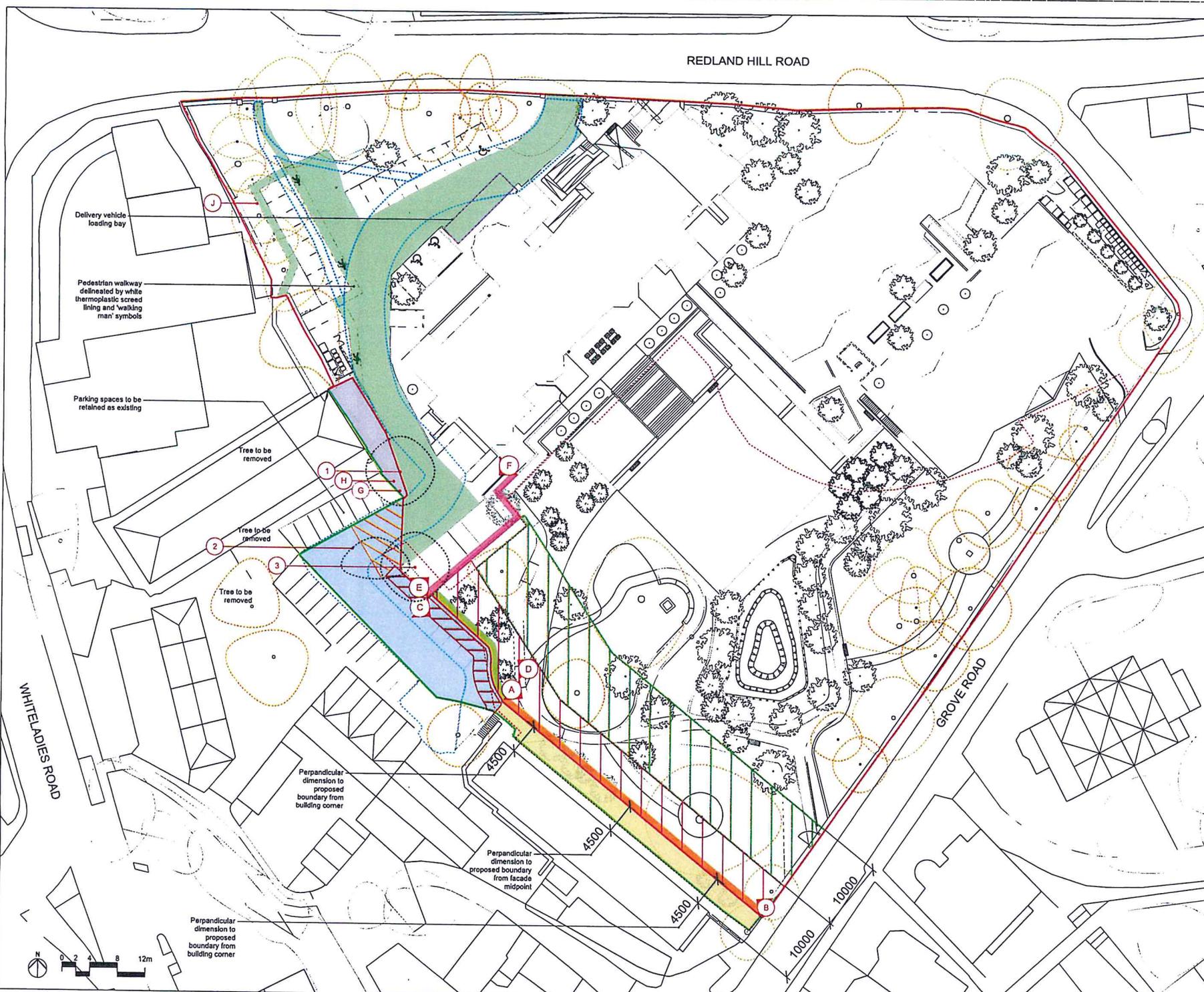
Essentially it is the same right of access as that contained in the 1992 Conveyance but varied to allow for the transfer of land that occurred subject to the 2019 transfers noted above.

Registration of Rights

These rights have been registered against all of the relevant registered titles named above.

Summary

It is clear that the development site benefits from rights of access which are set out clearly in the 2019 transfers and which are registered against all of the relevant titles.



KEY / NOTES

- Existing ownership boundary
- Existing right of access
- Proposed ownership boundary
- Root protection zone
- Tree to be removed
- Varied rights of way to be granted to Elizabeth Blackwell Properties Ltd and Mehrdad Toussimanesh
- Land to be transferred to Elizabeth Blackwell Properties Ltd
- Land to be transferred to Elizabeth Blackwell Properties Ltd
- Land to be transferred to Mehrdad Toussimanesh
- Land transferred but where PegasusLife (PL) maintain an unrestricted right of access
- 2.0m development exclusion zone, measured from kerb edge
- Planting easement - 2m maximum height for new planting. Offset as dimensioned
- Planting easement - 5m maximum height for new planting. Offset as dimensioned
- Non-development zone
- A B Denotes location of new 1.5m timber close boarded fence to be installed by PL contractors
- C D Denotes existing stone retaining wall to be repointed by PL but at mutual cost (shared between PL and Trym Properties (TP)). Afterwards the retaining wall structure will be transferred to TP, who will install a metal railing to prevent falls due to level differences
- E F Denotes 'to be constructed' retaining wall with metal handrail above due to levels difference
- G Gas infrastructure to be investigated to confirm it is redundant
- H Damaged floodlight to be replaced with new lamp standard and light fitting, pending confirmation of power source
- 1 2 3 Existing trees to be removed
- J Pedestrian access to be provided for TP. Note: where it is agreed that a path is to be laid and demarcated here, this will be subject to approval with the local planning authority, with regards proposed build-up and proximity to existing trees.

REV	DATE	NOTE
12	05/06/18	OMISSION OF 2ND PARKING SPACES
11	08/07/18	AMENDMENT TO RED LINE BOUNDARY
10	05/08/18	2ND TREE DETOIT FOR REMOVAL
09	16/07/18	SOUTHERN BOUNDARY RELOCATED TO 4500MM OFF
08	06/07/18	ANNOTATIONS DENOTED A TREE RELOCATED
07	05/07/18	TREES REMOVED / RELOCATED, ADDITIONAL DIMENSIONS
06	20/06/18	TREES REMOVED ALONG SOUTHERN BOUNDARY
05	23/06/18	REVISED PROPOSED OWNERSHIP BOUNDARY ALONG STONE RETAINING WALL, ADDITION OF DEVELOPMENT EXCLUSION AND PLANTING RESTRICTION ZONES, UPDATED LEGEND, TEXT

NOTE

- Do not scale from this drawing, other than for Planning purposes
- All dimensions to be checked on site by the contractor and each dimension to be his responsibility.
- Report all field survey anomalies and discrepancies to the architect.
- This document may be based on an uncontrolled CAD format to enable others to use it in background information. It is the contractor's responsibility to ensure that the file will be accompanied by a PDF version. It is for these reasons that alterations to the file will be accompanied by a PDF version. It is for these reasons that alterations to the file will be accompanied by a PDF version. It is for these reasons that alterations to the file will be accompanied by a PDF version.

LOCATION

ALLFORD HALL MONAGHAN MORRIS
 ARCHITECTS LTD
 2ND FLOOR, BLOCK C, 6-23 OLD STREET LONDON EC1V 9PL
 TEL: 020 7251 5281 FAX: 020 7251 5123 WEB: WWW.AHMALCO.UK

job title
 QUEEN VICTORIA HOUSE

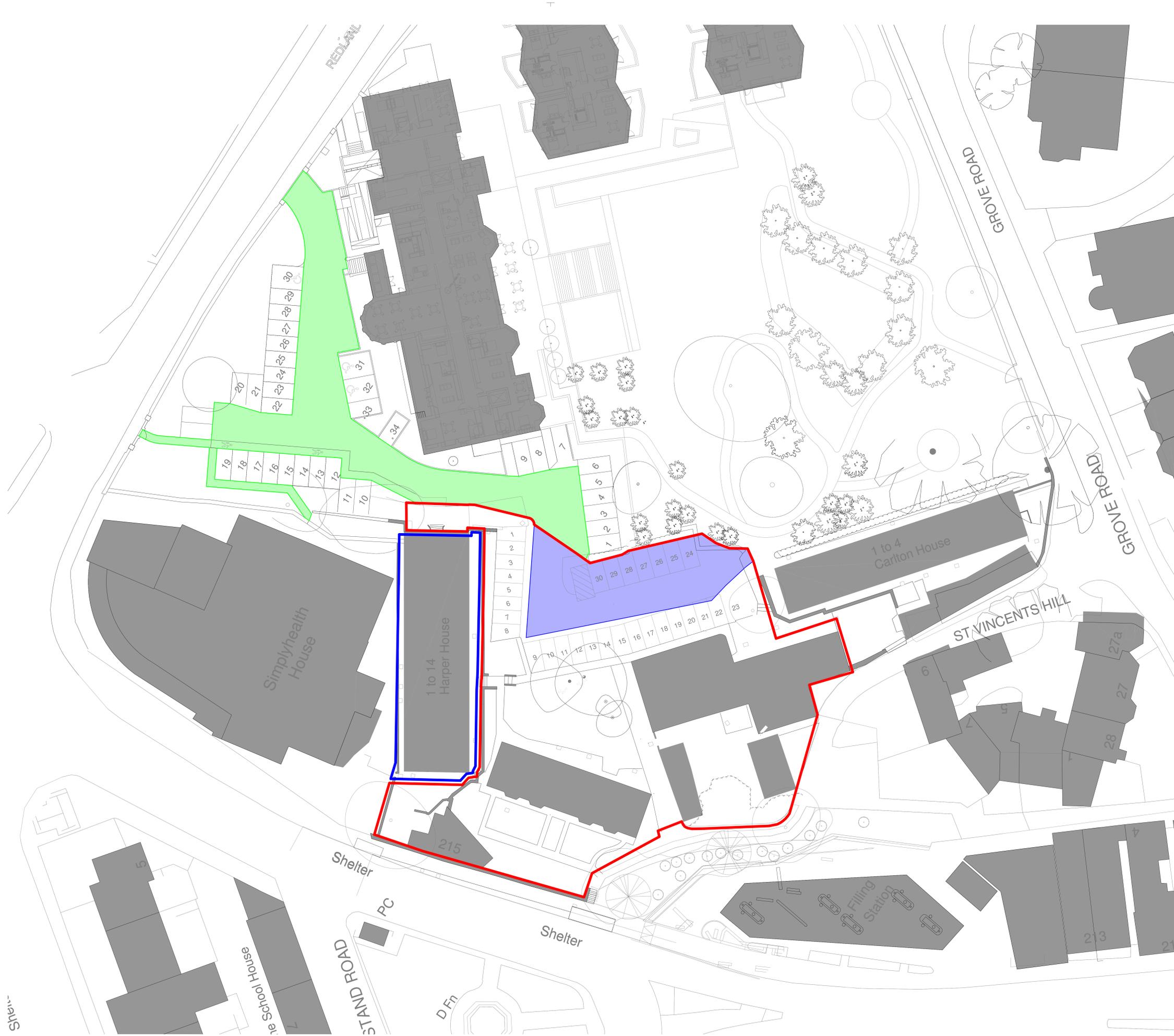
drawing title / location
 TITLE BOUNDARY AND LAND TRANSFER PLAN

drawn by	checked by	scale	status
JW	JW	1:250@A1; 1:500@A3	INFORMATION
project	zone	source	classification
14031	X	[00]	130
drawing no.	revision		
130	12		





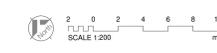
APPENDIX B – AWW Drawings



Notes
 This drawing may be scaled for the purposes of Planning Applications. Land Rights of Way are shown for the site to be used, and where necessary the drawing is an aerial or an accurate copy. It may not be scaled for construction purposes.
 Always refer to the original drawing. All dimensions are to be checked on site. Dimensions shown on this drawing are approximate. The drawing is for information purposes only. All changes are to be made in consultation with the specification and all works to be carried out in accordance with the specification and the contract documents.

- █ Rights of Way Granted to Elizabeth Blackwell Properties Ltd
- █ Land Transferred to Elizabeth Blackwell Properties Ltd
- █ Ownership Boundary

A 23.09.21 CJ Home Gardens parking layout shown CJ to reflect current arrangement.
 Rev Date: 18/11/2021 Notes: CJK2



Client:
 Drawing Operator:
 AWW inspired environments

London: 100 Waterloo Street, SE1 3UG 020 7160 6000
 Plymouth: 1 East Quay House, PL4 0PK 01752 291 292
 Bristol: 200-202, 42-52 Baldemore Street, BS1 1QB 0117 923 9335
 RIBA Chartered Practice www.aww-a.com

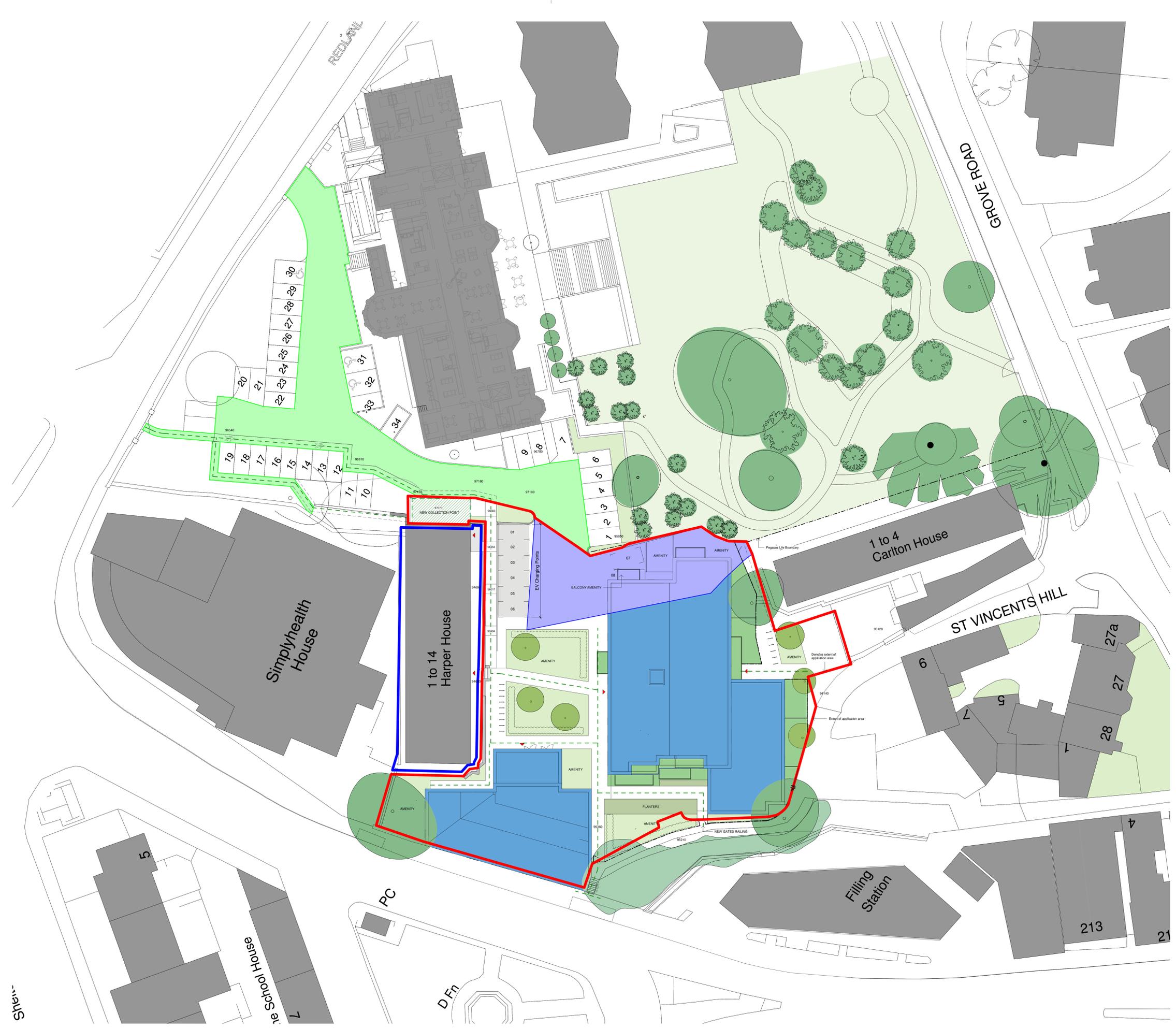
Project Title:
Land at Home Gardens, Redland Hill

Drawing Title:
Existing Site Plan with Rights of Access

Scale	Sheet	Drawn	Checked	Date
As Indicated	A0	CJ		16.09.21
Status	PLANNING	Project No.	3823	
Drawing Reference	0105	Drawing No.	A	Revision

Notes
 This drawing may be sealed for the purposes of Planning Applications. Land Rights of Way are shown in green. All dimensions are to be checked on site. Dimensions shown on drawings are approximate. This drawing is for illustrative purposes only. All changes are to be made in consultation with the specification and all works to be carried out in accordance with the relevant Building Code of Practice.

- █ Rights of Way Granted to Elizabeth Blackwell Properties Ltd
- █ Land Transferred to Elizabeth Blackwell Properties Ltd
- █ Ownership Boundary



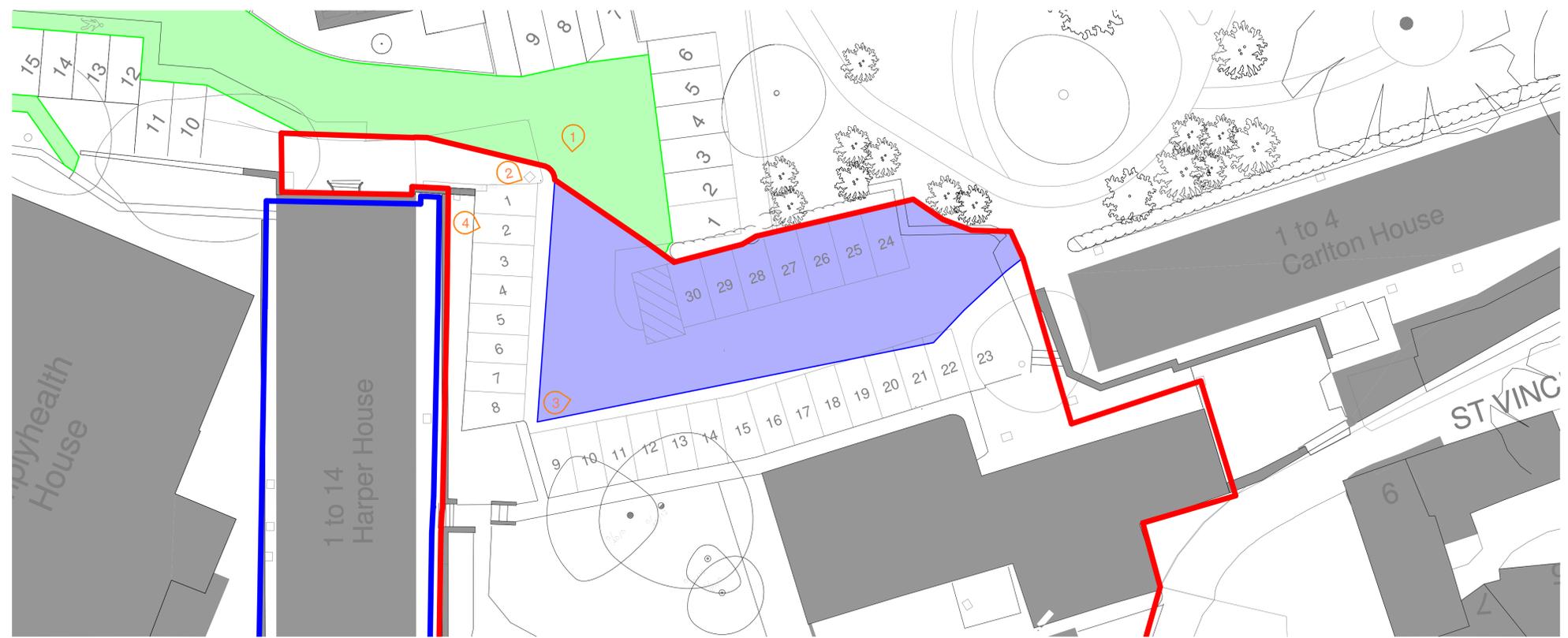
A 23.09.21 CJ Legend updated CJ
 Rev Date H11 Notes C1K2



Client:
 Drawing Operator:
 AWW inspired environments

London 100 Waterloo Street, G1 3SD 020 7140 6000
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Notes
 This drawing may be scaled for the purposes of Planning Applications. Land Registry and for Legal plans where the scale bar is used, and where it verifies that the drawing is an original or an accurate copy. It may not be scaled for construction purposes.
 Always refer to signed dimensions. All dimensions are to be checked on site. Discrepancies and/or ambiguities between this drawing and information given elsewhere must be reported immediately to this office for clarification before proceeding. All drawings are to be read in conjunction with the specification and all works to be carried out in accordance with latest British Standards / Codes of Practice.



- █ Rights of Way Granted to Elizabeth Blackwell Properties Ltd
- █ Land Transferred to Elizabeth Blackwell Properties Ltd
- █ Ownership Boundary
- Photograph Location / Direction

Existing Site Plan Parking Provision
 1:200



View 01: Towards Home Gardens and including Harper House



View 02: Towards Carlton House and Existing Buildings

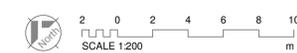


View 03: Towards Carlton House



View 04: Aerial View from Harper House

Rev	Date	Init	Notes	Chkd
A	24.09.21	CJ	Photographs repositioned	CJ



Client

Drawing Originator
AWW inspired environments
 London - 106 Weston Street, SE1 3QB 020 7180 6000
 Plymouth - East Quay House, PL4 0HK 01752 261 282
 Bristol - pivot + mark, 48 - 52 Baldwin Street, BS1 1OB 0117 923 2535
 RIBA Chartered Practice www.aww-uk.com

Project Title
Land at Home Gardens, Redland Hill

Drawing Title
Home Gardens Parking Provision as Existing

Scale	Sheet	Drawn	Checked	Date
As indicated	A1	CJ		23.09.21
Status	Project No.		Revision	
PLANNING	3823			
Drawing Reference	Drawing No.	Revision		
	0104	A		