

WARD: Stoke Bishop

SITE ADDRESS: Public Conveniences Circular Road Sneyd Park Bristol BS9 1ZZ

APPLICATION NO: 21/06762/F Full Planning

DETERMINATION DEADLINE: 8 April 2022

Demolition of existing public toilet block and construction of single storey building comprising café (use class E), education booth (use class F1[a]) and replacement public toilets (resubmission of planning permission 18/04727/F).

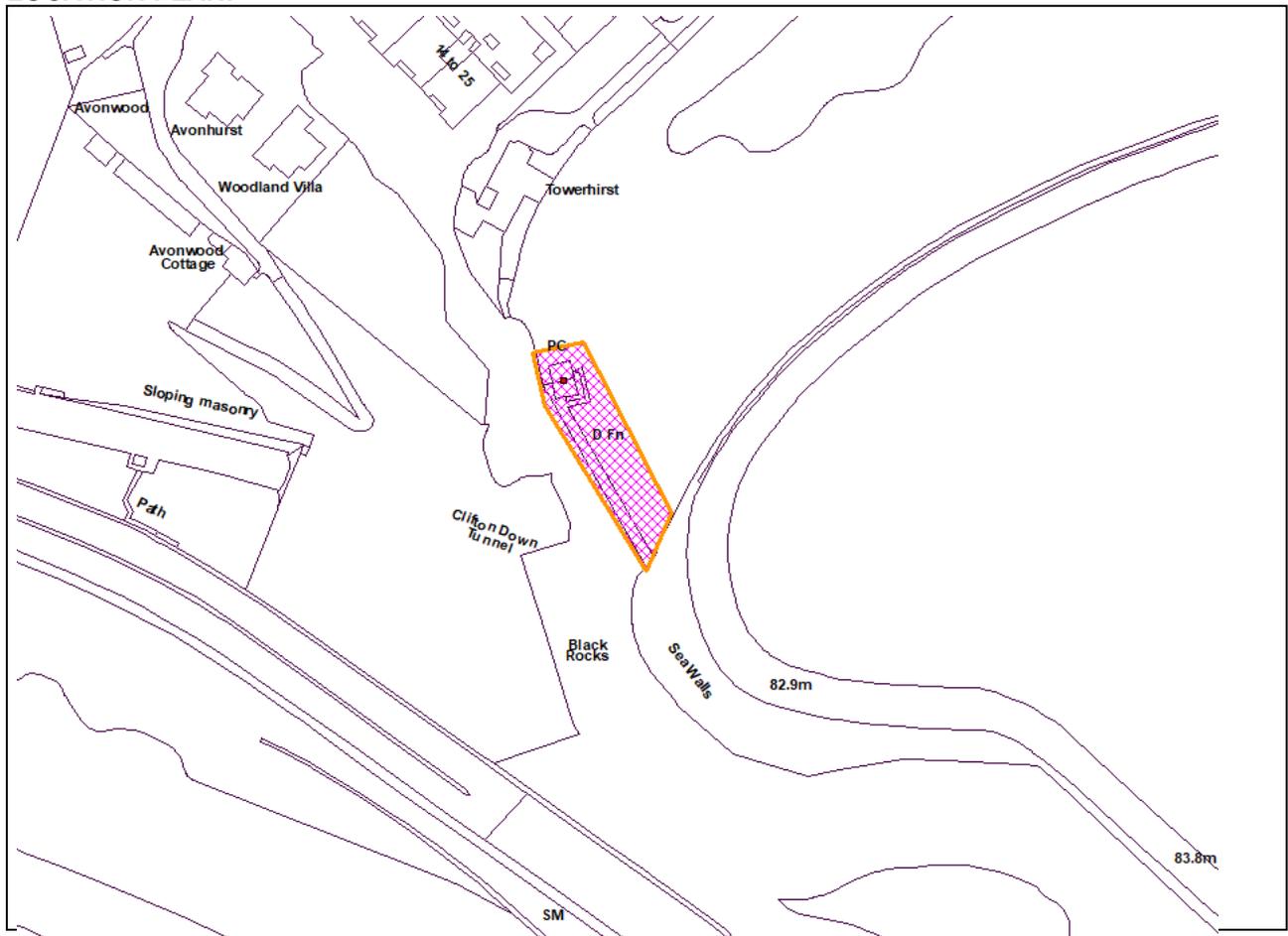
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Chris Goodsall Architect
151 Whiteladies Road
Bristol
BS8 2RA

APPLICANT: The Downs Committee
151 Whiteladies Road
Bristol
BS8 2RA

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

LOCATION PLAN:



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SUMMARY

This application is a resubmission of an application previously granted planning permission by Bristol City Council Development Control Committee B on 14th March 2019.

The application relates to the existing public toilets located adjacent to Sea Walls viewpoint on Circular Road in the north western corner of The Downs open space. The resubmission seeks planning permission for what is in essence the same development as previously permitted in March 2019. This involves demolition of the existing public toilet block construction of a single storey, mixed use building including café, public toilets and education booth.

The resubmitted planning application has attracted 58 objections, 16 responses in support of the development and 1 response classed as neutral. Main grounds of objection relate to the appropriateness of development on The Downs; the impact to the character and appearance of The Downs; commercialisation of The Downs; whether there is need or demand for a café; litter; light and noise pollution; additional vehicles and parking issues; impact to biodiversity and trees; and conflict with The Downs Act 1861. Objections have been made by Stoke Bishop ward Councillors John Goulandris and Councillor Henry Michallat.

Since planning permission was granted in 2019, common land consent for the same development was granted in November 2020 by an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs. The Inspector's findings in relation to similar issues generally align with the Local Planning Authority's earlier decision. The March 2019 planning permission recently lapsed in March 2022, however given the similarities between the developments and relevant legislation, national and local planning policy, the previous planning permission is a material consideration which weighs in favour of the current application.

The officer's assessment and recommendation for the current application remains consistent with the 2019 application; that planning permission is granted subject to conditions. The concerns raised relating to development of open space on The Downs are understood, however national and local planning policy do allow for development of open space in exceptional circumstances. The proposals are found to qualify as the development would be for sports and recreational provision, ancillary to established use of the open space and offering benefits including improved access to, and facilities within, the open space which outweigh the loss of a relatively small degree of open space adjacent to the existing toilet block.

With regards to appearance and quality, the building is found to represent a significant improvement in comparison to the existing toilet block which is dilapidated and attracts crime. It would be a low profile structure, only marginally taller than the existing toilet block and would integrate sensitively with the tree line located to the rear. The impact to the appearance and character of the area including the significance of The Downs Conservation Area is found to be acceptable and the status of each would be preserved and enhanced. A low degree of less than substantial harm is posed to the setting of the adjacent listed drinking fountain but there is sufficient public benefit associated with the development to outweigh this harm.

Similar to the previous application, safeguarding conditions are recommended relating to preservation of neighbouring amenity and living conditions, highways and access issues, trees, ecology and biodiversity, drainage, pollution as well as security and management. Subject to these measures, the officers are satisfied that the impact of development will be acceptable and therefore the application is in accordance with all relevant legislation, national and local planning policy and adopted guidance. The recommendation is for permission to be granted subject to conditions. Further detailed assessment and the list of proposed conditions can be found beneath.

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The development site relates to an existing public toilet block and adjacent land. The building is located within and serves The Downs open space and common land, north Bristol. It is located to the far north western corner of the open space, sited approximately 40m north of Circular Road and the Sea Walls viewing point. The building is a single storey with a flat roof and stone walls. It is understood to date from the 1950s. The building includes separate facilities for males, females and disabled users, with level access from the front (east) and male facilities accessed from the rear (west). Durdham Down open space surrounds the site to the north, south and east, with the Sea Walls clifftop and the Avon Gorge located to the west. The suburb of Sneyd Park is located to the north of the site. Sneyd Park is predominantly residential in use and character. The nearest neighbouring building to the site is Towerhirst which is located approximately 35m north of the site. This is a three storey plus basement detached house in Gothic style which dates from 1892. It is included on the National Heritage List for England for its historic significance at Grade II level. A stone, marble and granite drinking fountain is located in the clifftop wall adjacent to the south west of the existing toilet block. This is also included on the National Heritage List for England at Grade II level. The site is located within The Downs Conservation Area. The site is also within a Site of Nature Conservation Interest, is designated a Local Historic Park and Garden as well as Important Open Space. The Avon Gorge, adjacent to the west of the site is designated a Site of Special Scientific Interest as well as a Special Area of Conservation.

In March 2019, Bristol City Council Development Control Committee B resolved to grant planning permission for demolition of the existing public toilet block and permit construction of a new single storey mixed use building comprising café, replacement public toilets and an education booth. Full details of this application are listed in the planning history section beneath. The March 2019 planning permission lapsed, unimplemented in March 2022. This development received common land consent from the Secretary of State on 11th November 2020.

PLANNING HISTORY

05/04487/FB	Forming new door opening in external wall to allow formation of accessible W.C and construction of concrete ramp	GRANTED - 06.01.2006
18/02629/F	Construction of Cafe and Replacement WCs and Education Booth. Demolition of Existing WCs	WITHDRAWN - 14.08.2018
18/04727/F	Demolition of existing WCs. and construction of cafe, replacement WCs and education booth	GRANTED - 14.03.2019

APPLICATION

The current application follows the recently lapsed March 2019 planning permission and seeks planning permission for essentially the same development. Permission is sought for demolition of the existing public toilet block and replacement with a new building including café, replacement public toilets and an education booth.

The proposed building would be sited in a similar position to the existing toilet block, oriented parallel with the adjacent clifftop wall to the west. The building would be larger than the existing toilet block, measuring 16m in width by 5.8m depth. The building would be of a single storey, a maximum of 3.2m in height from adjacent ground level.

The buildings construction would comprise a rectangular frame of ten steel columns spaced equally within the eastern and western elevations supporting a flat roof structure. The roof would comprise steel beams, plywood construction topped by single ply membrane with the upper face planted as a

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living roof and a flat array of solar panels. The proposed roof structure would overrun the perimeter walls creating a canopy structure.

The proposed café would be sited to the southern end of the building and would include large glazed walls. The toilets would be sited off centre, at the northern end of the building with timber clad walls and a small glazed element above. The northern end of the building would comprise the educational booth which would also be constructed with glazed walls and folding doors.

The proposed café would include a service bar, small back of house area and area of indoor seating. A decking area is proposed surrounding the base of the building which would provide a further area of proposed outdoor seating. The café would have proposed opening hours of 8am to 7pm Monday to Saturday and 10am to 4pm on Sundays. It is proposed the café will be staffed by 2 full time staff and 1 part time member of staff. Bin storage relating to the café is proposed to the rear (west) of the building. This would be housed within an enclosure finished with woven stainless steel mesh. It is outlined that bins would be collected privately, with collections every second day. Café staff would manoeuvre bins to Circular Road for collection and then back to the building. A Sheffield stand for cycle parking for x2 staff bicycles is proposed housed within the same enclosed area as bins at the rear of the building.

The proposed toilets would replace the existing public toilets at the site. It is highlighted that the Council has cut funding to maintain public toilets across the city and the toilets at the site have been maintained by The Downs Committee since early 2018. Three unisex toilets are proposed and one accessible toilet, each self-contained with locking door. The toilets will be available 24/7, provided with robust fittings and may include a payment facility for use when the adjacent café is closed. The accessible facilities would also be available overnight via Radar (Royal Association for Disability Rights) key lock.

The proposed education booth is designed to provide a base for the Avon Gorge and Downs Wildlife Project. This is an organisation set up to protect the wildlife interest of the Avon Gorge and Downs and raise awareness and understanding about the importance of the area for people and wildlife. The booth would have a total internal area of 7m² and would be used to facilitate the operation of the wildlife project and its various events. This would be expandable by use of outdoor decked area including retractable blinds to provide shelter in adverse weather conditions. The proposed blinds would be incorporated within the roof structure.

It is also proposed to re-instate the adjacent Listed fountain to a functional state and replace the existing tarmac surface adjacent to the fountain with individual paving tiles, laid in a semi-circular shape surrounding the fountain.

COMMUNITY INVOLVEMENT

The proposed development is classed as 'Minor' development; therefore there is no requirement for the Applicant to demonstrate community engagement prior to submitting the application. Nevertheless, it is understood that the applicant has reviewed the content of public consultation run by the Local Planning Authority on the previous application and as part of the current application and revised aspects of proposals to reflect some public responses.

RESPONSE FROM PUBLICITY AND CONSULTATION

292 neighbouring properties were directly notified of the application via neighbour notification letter. The proposed development was also advertised via site notice and local press advert.

The deadline for responses was 9th February 2022.

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A total of 75 responses were received following public consultation. 58 responses raised objections to the development, 16 responses were in support of the development and 1 response classed as neutral.

A summary of the grounds of objection is as follows:

- o Unsuitable, inappropriate and out of character with The Downs
- o All development on The Downs should be rejected due to famous undeveloped nature
- o Café would introduce a commercial building in otherwise rural and green views
- o Impact to views of Avon Gorge and The Downs Conservation Area
- o Development would be visually intrusive
- o Development would generate light pollution harmful to the environment in hours of darkness
- o Café will generate litter which will be harmful to the local environment
- o There is no need or demand for a café in this location and there is already a café near the water tower
- o The development will set a precedent for other development on The Downs
- o Education booth unnecessary and outdated due to on line provision and smart phones
- o Noise pollution and harm to local environment as a result of café
- o Noise pollution as a result of proposed air source heat pump
- o More people drawn to this part of The Downs will result in loss of privacy and cause additional noise and disturbance for neighbouring residents
- o Carbon footprint of development too big and makes barest policy compliance
- o Harmful impact to ecology and nature in adjacent Avon Gorge
- o Additional traffic created by the café and harm this would pose to the local environment and amenity
- o Additional vehicular traffic will cause highway safety issues for pedestrians
- o Lack of capacity in foul sewers to accommodate the development
- o Building will attract vandalism
- o Doubts regarding viability of proposed café resulting
- o The development will not achieve net gains for biodiversity
- o The supplied arboricultural report is out of date
- o Development is unlawful due to conflict with The Downs Act 1861
- o Cost to tax payer associated with legal challenge of unlawful planning permission
- o Conflict between applicant as developer and applicant's requirements under The Downs Act

A summary of the grounds of support is as follows:

- o Scheme has been granted common land consent by the Secretary of State considering many of the same issues which does not expire
- o Need for public toilets on The Downs has increased given increased use due to the COVID-19 Pandemic
- o Proposals will generate income for The Downs which will contribute to maintenance and improvement
- o Nothing has changed since the original application so this application should also be granted
- o A café at this location in close proximity of the viewpoint will be a valued amenity
- o It is a long way from another café
- o Existing toilet block is an eyesore
- o The proposals are well designed and fit sensitively into the setting, enhancing the appearance of the area
- o Increased public surveillance and activity in this area would be positive
- o If toilets are available to all, this will be a benefit to the area
- o Walkers and those exercising on The Downs will appreciate the facilities and opportunity for refreshments
- o The café will take up a minuscule percentage of the enormous expanse of the open space and

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- o will not prevent any existing uses occurring
- o The café would make The Downs more hospitable and accessible during winter and bad weather
- o There are cafes in many natural and beautiful areas which are usually welcomed by walkers
- o Buildings and the natural environment can coexist
- o The proposals are long overdue

ELECTED MEMEBERS & AMENITY GROUP RESPONSES

Councillor John Goulandris and Councillor Henry Michallat ward councillors for Stoke Bishop commented on the application as follows:

"I write to object to this planning application in my capacity as ward member.

Whilst there is local support for refurbishment of the toilets, there is very little local support for the proposed cafe. Context is important. The application site is within the Downs Conservation Area and shares a boundary with the Sneyd Park Conservation Area. The land to be developed is currently Downs land. The iconic Seawalls vista is nearby and likewise the Avon Gorge, a Special Area of Conservation and a Site of Specialist Scientific Interest.

Since 2018 motions have been debated and passed at Full Council rejecting any development of green space. This application sees the development of hitherto green space and hence falls foul of the Council's clearly stated policy to preserve the City's green belt.

Near neighbours of the application site have objected and likewise the key local stakeholder group, Sneyd Park Residents' Association.

It is my considered view that the potential harm on the visual amenity, local neighbourhood and landscape are such that they do not meet the requirements of DM 26.

As other objectors have commented, the building is quite stark in design, not in keeping with neighbouring listed properties and will inevitably be a magnet for vandalism, litter and anti-social behaviour. There would no doubt be an increase in traffic and parking issues.

The existing toilets could be refurbished without any need for a cafe. The toilets could become 'pay for use' type toilets with the cost of use set at a level sufficient to cover the ongoing maintenance/cleaning charges. This would obviate the requirement for a commercial cafe to fund the toilets.

There is an existing cafe within reasonably close proximity (less than a mile), which is well established. The financial viability of another cafe is a moot point and its failure would leave a large empty building on the Downs.

In summary, the application with its loss of green space is contrary to the Council's policy as articulated at Full Council, contrary to DM 26 and inappropriate so close to the iconic Sea Walls vista and Avon Gorge.

I assume, given the amount of public interest in this application, that it will be sent to the DC Committee for a decision, which will allow the public to make further representations."

Conservation Advisory Panel:

"The Panel had objected to the 2018 application but recognised that this had been granted consent.

The Panel was pleased that the viewing terrace has been omitted, but reiterates its view that it seems

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inevitable that secure, vandal resistant shutters would be required. These must be included in the design as, if added as an afterthought, they would degrade the proposed building.

The relationship between the listed drinking fountain and its paving and the new terrace decking must be reconsidered to avoid harm to the setting of the drinking fountain".

Campaign for Protection of Rural England, Avon & Bristol:

"While at first sight this application appears to represent a proposal for a cafe at a popular site in Bristol, which would be welcomed by some, and a theoretical improvement to the problem of vandalism of the toilets, we are concerned that on the contrary it would not resolve the latter problem and would pose a threat to the environment, landscape and vistas from this green corner of the Durdham Downs, which are so loved and cherished by local people and visitors alike for a variety of reasons, including a wish to enjoy and preserve the quieter, less used areas of the Downs.

The proposed cafe with its increased built form and area of hardstanding would bring noise and disturbance, light pollution and probable increased littering and trampling of the grassland area.

As such we conclude that the harm caused by this development would outweigh the benefits and we therefore object to the application.

Although presented as a resubmission of a former application which was granted permission, we note a number of amendments to the previous plans, added to which the importance of the preservation of green spaces has become increasingly recognised nationally and locally in the past three years, not least with Bristol's declaration of an ecological emergency, such that it needs to be treated as if a new application.

It is hardly necessary to quote the text of all the various provisions of the Council's relevant Development Management policies under the existing Local Plan because they are well known and will be considered by the decision makers. However we consider that BCS9 on Green Infrastructure is core to the proposal and that the section on Important Open Spaces in paragraph 2.17.2 of DM17 is key.

This area of the Downs is not destined under the Local Plan for any form of development but is designated Important Open Space. The text of DM17 states "Development on part, or all, of an Important Open Space as designated on the Policies Map will not be permitted unless the development is ancillary to the open space use." We would contend that while the existing toilets are indeed necessary and ancillary, the provision of a commercial cafe is not. We note that the existing cafes on the Downs on Stoke Rd near the water tower and at the Observatory are in converted buildings and were not new builds.

We are also very concerned about the likely effect of the building's lighting after dusk on the view of the night sky. Paragraph 2.33.7 of DM33 recognises the problem of light pollution. CPRE is well known nationally for its campaigns to measure and mitigate the effects of lighting pollution on the night sky. This quiet corner of the Downs provides views into the dark night sky across the river Avon towards Leigh Woods. This is important not just for human enjoyment but also for wildlife and nature.

Government guidance on light pollution <https://www.gov.uk/guidance/light-pollution> also warns against polluting night time light levels "Is the development in or near a protected area of dark sky or an intrinsically dark landscape where new lighting would be conspicuously out of keeping with local nocturnal light levels, making it desirable to minimise or avoid new lighting?"

A further issue is the question of whether the proposal meets the requirements for Biodiversity net gain, not least because of the raft of environmental designations for the site itself and the adjacent

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land. We are concerned about the divergence between the figures in the applicant's biodiversity calculations and those of the Bristol Tree Forum. We feel the questions raised by the latter should be a matter for further investigation.

In conclusion we note the very high level of objections from the public to this application. Given the popularity of "cafe culture" we feel that this indicates the high level of concern which local people have for Bristol's green environment and their support for the designations and planning policies which aim to preserve and enhance it."

Bristol Tree Forum:

We have now seen the applicant's Biodiversity Metric calculation and have recast our calculations based on this using the Defra Small Sites Metric Beta Test (1.0) calculator (SSM 1.0).

The main differences are: 1. The proposed development is on (not 'within 500 metres of site boundary') a priority site - Clifton & Durdham Downs SNCI. Because of this, the full Biodiversity Metric 3.0 calculator should have been used rather than SSM 1.0. 2. Our estimate of the size of the development site is 45 square metres larger than the applicant's. 3. The post-development area of the Urban - Developed land; sealed surface habitat is 435 square metres (58% of the site) as opposed to the applicant's 278 square metres (39.4% of their estimate of the site area). 4. The calculation omits the 10 square metres of the green roof shown on drawing 21_06762_F PROPOSED_PLAN_AND_ROOF_PLAN-3111113. We have added it as an Urban - Extensive Green Roof habitat which has biodiversity value of 0.0041 habitat units. 5. The applicant's calculation shows a biodiversity net gain of 23.55%. Ours shows a net loss of 6.62% (the SSM 1.0 calculation reports - 6.60% which, we presume, is a rounding issue).

This is a small site, so a difference of 45 square metres between our respective calculations of the site development area will be significant when calculating biodiversity net gain. It is also clear from the drawings provided, that the post-development built surfaces - the building, the decking, the tarmac and the access path(s) - take up more than 39% of the site (we say it is nearly 60%). Accurate measurements of both the development site and the post-development built areas need to be provided.

OFFICER RESPONSES TO PUBLIC CONSULTATION

A number of comments refer to the Clifton and Durdham Downs (Bristol) Act 1861. It is highlighted that this is non-planning legislation and is not a material consideration in the determination of a planning application. The grant of planning permission would not override any other legislative process and legal approval under other legislative frameworks will be required irrespective of the outcome of this planning application. The determination of an application for planning permission holds no power over any other legislative process.

All other comments are acknowledged and are accounted for in the assessment beneath.

INTERNAL & EXTERNAL CONSULTEES

Avon Gardens Trust:

Thank you for consulting The Gardens Trust [GT] in its role as Statutory Consultee with regard to the proposed development affecting The Downs Conservation Area, The new, mainly glass, single storey building will be set within The Downs, a designated site of nature conservation [SNCI] and it will be adjacent to a listed heritage asset, the drinking fountain donated by William Hind in 1883. The Avon Gorge is immediately to the south and west of the site and is designated [SSSI].

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The Avon Gardens Trust is a member organisation of the GT and works in partnership with it in respect of the protection and conservation of registered sites, and is authorised by the GT to respond on GT's behalf in respect of such consultations.

Avon Gardens Trust have considered the information that you have provided and on the basis of this, and the fact that planning permission for the 2018 proposal expires in March 2022, AGT have no objection to the scheme, 21/06762/F.

Historic England:

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

City Design Group, Bristol City Council:

Previously concerns were raised relating to the inclusion of the proposed roof terrace and the increased massing this caused. Following its removal, the proposals are supported subject to conditions.

Transport Development Management, Bristol City Council:

Transport Development Management (TDM) has no objections on highway safety grounds subject to the applicant addressing the issues listed below.

It is unclear from the plans submitted whether the applicant proposes to resurface the footpath. Given its age, it is recommended that this be carried out. In order for the bins to be moved onto the carriageway a dropped kerb must be provided.

Pedestrians approaching from the south may be tempted to walk over the grass, causing it to deteriorate and form a trip hazard. To avoid this an additional footpath should be created as indicated in the image below. This would help improve permeability with the new building.

Any private external lighting will require a lighting assessment in line with the Guidance Note 1 for the reduction of obtrusive light 2020.

A number of objections have been made on the grounds that the café will create more demand for parking. Given the restrictions already in place TDM considers that this can be appropriately managed. Whilst one objection cites concerns that the existing restrictions are not being enforced, this is not a planning matter and therefore cannot be considered as material evidence. However, the Council's Parking Services Team has been notified. In respect of cycle storage a number of Sheffield Stands already exist by the curved sea walls which can be used by any visitors to the site. The applicant proposes that staff can utilise the external store, where refuse will be stored. Policy DM32: Recycling and Refuse Provision in New Development of the Bristol Local Plan - Site Allocations and Development Management Policies - Adopted July 2014 sets out that recycling and refuse storage should be separate from cycle storage. As a result this must be reconsidered. Fully enclosed, secure, well illuminated storage should be provided for at least one cycle for staff use.

The applicant proposes to provide an internal bin store that will be able to accommodate three 360ltr and one 1,100ltr bins. This is acceptable. A Waste Management Plan has been submitted which indicates that the bins will be collected by a private waste contractor who will transport the bins to and from the bin store. As there are no loading restrictions delivery vehicles can park for short lengths of time on the double yellow lines whilst offloading or collecting the bins.

Due to the location of the site and the impact on the adopted highway during demolition/construction a

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Construction Management Plan is required, which can be secured by condition.

TDM has no objections to the proposals which are considered acceptable on highway safety grounds providing:

- o The footway up to the new building is resurfaced.
- o A dropped kerb is provided to enable the bins to be easily manoeuvred onto/off the carriageway by bin crews.
- o An additional footpath is considered to improve connectivity with the site.
- o Separate staff cycle storage to the bin store is provided.

Environmental Protection, Pollution Control, Bristol City Council:

This application looks pretty much the same as the previous, 18/04727/F, one. My comments are therefore the same as follows:

1. Details of Extraction/Ventilation System No equipment for the extraction and dispersal of cooking smells/fumes shall be installed until details including method of construction, any odour control measures, noise levels have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the installation of any such equipment and thereafter shall be permanently retained.

2. 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 at any time at residential premises. Any assessments to be carried out and be in accordance with BS4142: 2014+2019 Methods for rating and assessing industrial and commercial sound

3. Use of Refuse and Recycling facilities Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 19.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

4. Opening hours As per the application I would ask that these be restricted to Monday to Saturday 08.00 to 19.00 and 10.00 to 16.00 on Sundays.

Arboricultural Officer, Bristol City Council:

No major concerns regarding impact to trees. The boundary wall is likely to prevent the majority of the roots from entering the construction zone. Light pruning works have been specified to avoid damage to the branching during construction - this is reasonable management. The trees do not require protective fencing during construction as the boundary wall will create a sturdy shield. A condition is recommended to ensure works are carried out in accordance with all recommendations within the supplied arboricultural report.

Nature Conservation Officer, Bristol City Council:

This proposal is located close to but outside the Avon Gorge Woodlands Special Area of Conservation (SAC). I consider that the proposed relatively small scale demolition and construction works will not cause a likely significant effect on the interest features of the SAC. As such, a Habitats Regulations Assessment (HRA) under The Conservation of Habitats and Species Regulations 2017 (as amended) is not required in this instance.

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This proposal directly impacts upon part of a designated Site of Nature Conservation Interest (SNCI), Clifton and Durdham Downs. However, with best practice construction methods incorporating pollution prevention methods, including the minimisation of dust pollution, significant ecological impacts are not anticipated. This can adequately be controlled by means of conditions attached to any consent.

Natural England:

As submitted, the application could have potential significant effects on the Avon Gorge Woodlands SAC and the North Somerset and Mendip Bats SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

Mitigation for potential recreational impacts to Avon Gorge Woodlands SAC

Details of proposed lighting including modelling of predicted light spill

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.

Flood Risk Officer, Bristol City Council:

No objection subject to a drainage condition. Drainage proposals should follow guidance within the document titled "Bristol City Council Sustainable Drainage Standing Advice".

Crime Prevention Design Advisor, Avon & Somerset Constabulary:

I have viewed the planning application and have the following comments. We welcome the use of CCTV to provide formal surveillance and would advise that this is monitored by an approved alarm receiving centre (ARC). The system should be capable of providing 'identification' quality images as defined in the Home Office document 28/09. We would also welcome the same planning conditions (shown below) that were placed on the former application 18/04727/F.

Wessex Water:

Wessex Water has no objections to this application providing items shown in red are resolved prior to determination of the application. Specifically, detail is required relating to the proposed foundation design due to proximity to a 3400mm tunnel sewer at 10m below ground level. The drainage strategy is acceptable to Wessex Water.

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Network Rail:

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

RELEVANT POLICIES

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

Planning (Listed Buildings & Conservation Areas) Act 1990

PAN 2 Conservation Area Enhancement Statements (November 1993)

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

ASSESSMENT

DEVELOPMENT OF OPEN SPACE

Paragraph 92 of Part 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (NPPF) states:

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of

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worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Specifically in relation to 'Open space and recreation', paragraph 98 of the NPPF states:

Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The local policy in relation to open space can be found at Policy BCS9 of the Bristol Core Strategy which states: "Open spaces which are important for recreation, leisure and community use, townscape and landscape quality and visual amenity will be protected.

Some areas of open space may be released, through the development plan process, for appropriate development where:

o They are no longer important for recreation, leisure and community use, townscape and landscape quality and visual amenity;

o Development of all or part of an open space would result in improved urban form or an enhancement to existing open space areas.

The supporting text for the policy proceeds to expand on the above by stating: "Whilst the Core Strategy aims to retain the vast majority of green open space within the city, not all such land is important for recreation, leisure and community use, townscape and landscape quality and visual amenity. Existing open spaces may also offer opportunities to contribute to the delivery of necessary

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development, improvements to urban form or enhancements to existing open space areas. In determining whether open space should be released community involvement will be central to decision making. Account will also be taken of open space standards, levels of provision in the locality and the importance of the open space for recreation, leisure and community use, its contribution to townscape and landscape quality and its visual amenity".

Policy DM17 of the Site Allocations and Development Management Policies Local Plan (SADMP) provides more detailed advice regarding development involving existing green infrastructure assets. This policy confirms the designation of The Downs as "Important Open Space".

In relation to Important Open Space, Policy DM17 states "Development on part, or all, of an Important Open Space as designated on the Policies Map will not be permitted unless the development is ancillary to the open space use". Essentially this prohibits all by very limited types of development upon such land.

In this case, the proposed development involves demolition of the existing toilet block and construction of a replacement building in place. Whilst the existing toilet block has a footprint of 42m² plus 9m² access ramp, the proposed building would have a footprint of 75m² plus 100m² decking. As such, it is recognised that the proposals involve development of land beyond the parameters of existing building. This land is designated Important Open Space by local planning policy.

Paragraph 98 of the NPPF indicates existing open space, sports and recreational land should not be built on unless one of the criteria stated within the policy is met. These are a limited set of circumstances which will vary case by case.

In this case, in relation to criteria a) it is noted that the open space concerned is not deemed to be surplus to requirements, and in relation to criteria b) no replacement of open space is proposed in this instance. As such, the development does not qualify with either of these criteria. In relation to criteria c) the proposed development comprises construction of a replacement building for use as a café, public toilets and for educational purposes. The Local Planning Authority is satisfied that all three of these uses can be attributed to sports and recreational provision and would encourage and support the use of the open space for its designated sports and recreational role. As a result, the proposals are found to accord with paragraph 98 of the NPPF and be compatible with national policy in relation to development of open space.

In relation to Core Strategy Policy BCS9, it is recognised that The Downs are highly important to the City of Bristol for recreation, leisure and community use, townscape and landscape quality and visual amenity. Therefore any development on the Important Open Space is only acceptable where the development has demonstrated either delivering an improved urban form or an enhancement of the open space area. The development must also be ancillary to the open space use as outlined in Policy DM17.

As highlighted above, all three proposed uses are found to support, and would be linked to the established use of the open space for sports and recreational purposes. The proposed toilets would replace the existing public toilets, offering modernisation of the existing facilities which date from the 1950s and have not been well maintained. The provision of public toilets on The Downs is of paramount importance to facilitate equal use and access to the open space by all sections of society. The presence of publicly accessible toilets will enable prolonged use of the open space for its various sports and recreational purposes by all sections of the community. As facilities essential to use of the open space, the proposed public toilets would achieve an ancillary relationship to the open space.

The proposed café will serve and support visitors to The Downs by provision of hot/cold drinks and a range of food which (subject to proper management) would encourage, extend and enhance public use of the open space. It is common for parks, open spaces or natural environments to include some

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form of provision for sale of food and drink. These are generally accepted to cater to and enhance the experiences of visitors to the destination. The café would be sited at least 1.2km from the existing café adjacent to the water tower, with no similar existing facilities available in this part of the open space. This is found to be sufficient distance that the proposals are not replicating existing facilities currently available in the immediate area. Whilst it is accepted that a café is less essential than public toilets to the function of the open space, it is nonetheless found that provision of food and drink would support public enjoyment of the public open space. Furthermore, the proposed café would provide maintenance and cleaning of the toilets as well as contribute the ongoing viability of this. This is a further association between the café and public use of the open space.

The educational booth is proposed for use by the Avon Gorge and The Downs Wildlife Project. This is an organisation set up to protect the wildlife interest of the Avon Gorge and Downs and raise awareness and understanding about the importance of the area for people and wildlife. This use would promote access to the open space as well as sharing understanding and knowledge of important characteristics of the area and therefore contribute to supporting the preservation and function of the area for open space use. As such, this use would also support the primary activities and role of the area as public open space.

The impact of the building upon the character of the area will be discussed in greater detail beneath, however the proposed scale, form and design are not found to harm important characteristics of the area as open space. Consequently the development would not prejudice user experience of the open space by means of its position, scale, form or general design. Overall, the proposed uses are found to be suitably ancillary to the use of The Downs as Important Open Space and would avoid prejudicing this function. The development is therefore in accordance with the requirements of national and local planning policy and is acceptable in this regard.

The Local Planning Authority is satisfied that all three of the proposed uses would be linked to the established use of the open space for sports and recreational purposes. The proposals would therefore enhance user experience of and access to The Downs. The development is for sports and recreational provision and it is accepted that the benefits associated with improved user experience of and access to The Downs would outweigh the loss of a small degree of land adjacent to the existing toilet block.

It is highlighted that these conclusions remain aligned with the decision made by Bristol City Council Development Control Committee B in March 2019 when deciding the previous application for what was in essence the same development. Since March 2019, national and local planning policy in relation to development of open space has not materially changed. The permission granted in March 2019 expired only a number of weeks prior to determination of the current application. Given that this planning permission for a similar development could have been implemented until a few weeks ago and policy has not materially changed since the permission was granted, this permission is a material consideration in decision making in respect of the current application.

Furthermore, it is noted that since a decision on the previous application, common land consent has been granted for the development by an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs (application reference: COM/3246988). Whilst this is not a planning decision made in accordance with planning policy, the issues considered by the Inspector share similarities to those being considered by this planning application. It is noted that the Inspector reached similar conclusions following assessment. Their decision states:

"The replacement toilets, café and education booth would improve facilities and services and contribute to supporting the function of the area for open space use as a place of public resort for the citizens and inhabitants of Bristol and would be consistent with the Management Plan aims."

Overall, the Local Planning Authority finds that the proposed development of a small degree of

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Important Open Space would be acceptable given that the proposals would enhance access and user experience of The Downs. The development is therefore ancillary and beneficial to the designation as Important Open Space and the value of the open space would be preserved. This aligns with the findings reached in relation to the previous application which has recently expired but is afforded some weight in decision making. The development accords with relevant national and local planning policy in relation to open space and is acceptable in this regard.

APPEARANCE, CHARACTER & HERITAGE ASSETS

The Authority is required (under Sections 66 and 72 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 the conservation area as well as the setting and significance of Listed buildings or structures. 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".

Section 12 of the NPPF (Achieving well-designed places) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 12 outlines that planning policies and decisions should ensure that developments:

will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 of the NPPF states that: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

Section 16 (Conserving and enhancing the historic environment) paragraph 199 of the NPPF requires 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

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Paragraph 202 of the NPPF requires that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Policy BCS21 (Quality Urban Design) of the Core Strategy 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.

Policy BCS22 (Conservation and the Historic Environment) of the Core Strategy states that new development will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including:

- o Scheduled ancient monuments;
- o Historic buildings both nationally and locally listed;
- o Historic parks and gardens both nationally and locally listed;
- o Conservation areas;
- o Archaeological remains

Policy DM26 (Local Character & Distinctiveness) of the Site Allocations & Development Management Policies (SADMP) Local Plan outlines that all development is expected to contribute positively to an area's character and identity. The policy builds on policy BCS21 (above) by stipulating the characteristics which development should seek to respond to. General principles include:

- i. Responding appropriately to and incorporating existing land forms, green infrastructure assets and historic assets and features; and
- i. Respecting, building upon or restoring the local pattern and grain of development, including the historical development of the area; and
- ii. Responding appropriately to local patterns of movement and the scale, character and function of streets and public spaces; and
- iii. Retaining, enhancing and creating important views into, out of and through the site; and
- iv. Making appropriate use of landmarks and focal features, and preserving or enhancing the setting of existing landmarks and focal features; and
- v. Responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes; and
- vi. Reflecting locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion; and
- vii. Reflecting the predominant materials, colours, textures, landscape treatments and boundary treatments in the area.

The policy states that "development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions."

Policy DM27 (Layout and Form) of the SADMP outlines that the layout, form, pattern and arrangement of streets, open spaces, development blocks, buildings and landscapes should contribute to the creation of quality urban design and healthy, safe and sustainable places. It should make efficient use

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of land, provide inclusive access and take account of local climatic conditions.

Policy DM29 (Design of New Buildings) of the SADMP states the design of new buildings should be of high quality. Proposals for new buildings will be expected to:

- i. Be clearly organised in terms of their form and internal layout and circulation to reflect the hierarchy of function they will accommodate, the uses they will serve and the context they will address; and
- ii. Incorporate active frontages and clearly defined main entrances facing the public realm that emphasise corners and reinforce the most prominent frontages; and
- iii. Respond to the solar orientation of the building to support energy efficient design while ensuring as far as possible that active rooms face the public realm; and
- iv. Provide appropriate natural surveillance of all external spaces; and
- v. Ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight; and
- vi. Allow for future adaptation or extension to accommodate alternative uses or to respond to the changing future needs or circumstances of occupiers by means of their internal arrangement, internal height, detailed design and construction; and
- vii. Provide appropriately for inclusive access and circulation; and
- viii. Incorporate opportunities for green infrastructure such as green roofs, green walls and green decks that may be accessed and used where appropriate; and
- ix. Incorporate exteriors and elevations that provide visual interest from a range of viewing distances and are visually organised and well-proportioned; and
- x. Incorporate high quality detail of an appropriate scale and proportion, arranged in a coherent way that contributes positively to the overall design approach of the building; and
- xi. Employ high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that contribute positively to the character of the area.

Policy DM31 (Heritage Assets) of the SADMP outlines that where development has an impact upon a heritage asset, it will be expected to conserve and, where appropriate, enhance the asset or its setting.

The site is located within The Downs Conservation Area and is also within the setting of Towerhirst and an adjacent drinking fountain which are both Grade II Listed structures for their historic significance. The Downs are also designated a Historic Park and Garden of local significance which represents a heritage asset under Policies BCS22 and DM31.

The important characteristics of the area which have warranted designation as a conservation area are described within The Downs Conservation Area Enhancement Statement. This document states: "The Conservation Area is dominated by the Downs, an expansive plateau of open parkland, defined by the Avon Gorge and Westbury Road to the west and east with the slopes of Clifton and Stoke Bishop to the south and north. This was bought up mainly by the Wills family and laid out for the people of Bristol in the Victorian period. It is now maintained by the City of Bristol. It divides into six distinct areas. The second, the main plateau is short grass land with some low shrubs edged along

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principal roads by avenue trees. This generous open area is enclosed by substantial buildings predominantly villas and institutional buildings dating from the Victorian and Edwardian period".

General enhancement objectives for the conservation area are stated to include:

- o A traffic management scheme
- o A study into restrictions on use of main roads at certain times
- o The effects of Park & Ride
- o Resisting loss of gardens for car parking where visible from The Downs
- o Resist conversion of large dwellings to flats where excessive car parking will result
- o Audit of significant street furniture of historic interest
- o Landscape management scheme required to ensure maintenance of open space
- o Groups of significant buildings will require strengthening in terms of character created by traditional materials and original features

The existing public toilets building and surrounding area are not specifically referenced within the Enhancement Statement. However the general characteristics of the wider area, the expansive plateau of open parkland comprising short grass land with some low shrubs edged along principal roads by avenue trees, apply to the site. The existing building is relatively non-descript but does utilise stone cladding which is reflective of buildings within the local area. It is positioned sensitively, roughly equidistant between the Sea Walls viewing point and the grand dwelling of Towerhirst. This area is at the far north western corner of the open space, before the transition to the residential area of Sneyd Park. A row of low trees line the clifftop to the west of the site. The trees screen the existing toilet block in views from the west, including the Avon Gorge and Leigh Woods beyond. The flat roof form of the existing building with a maximum height of approximately 3m provides a relatively low profile to the structure. In longer views across the open space, the building does not appear prominently given the backdrop created by the taller adjacent treeline. Whilst neutral and effective, the existing building would not however warrant retention or protection.

The assessment relating to the impact of the proposed building to the appearance and character of the area and to designated heritage assets remains the same as with the previous application. There have been some changes to the proportions and layout of the building since the previous application. These are not significant however and do not change the essence of the design proposed. The impact to the appearance and character of the area and to designated heritage assets is found to be comparable to the previous application. National and local planning policy in respect of appearance, character, design and heritage assets has also not been significantly amended since the previous application. Given the similarities, the recently lapsed planning permission and the conclusions drawn are a material consideration in the determination of the current application.

The proposed building would be built in a similar position to the existing toilet block. It is recognised the proposed building would be larger than the existing building in terms of width, depth and overall footprint. The existing toilet block has a footprint of 42m² plus 7m² access ramp and the proposed building would be 75m² plus 100m² decking. As such, the proposed building would be substantially larger and result in the development of land adjacent to the existing toilet block. This increase would largely be to the south of the existing building. The building would have a similar rectilinear footprint, shape and profile created by proposed flat roof form. The total height of the proposed building would be approximately 20cm taller than the existing toilet block.

In terms of proposed siting, the location of the proposed building on the site of the existing toilet block is supported. This will minimise the development of open space adjacent to existing structure and limit the visual impact. Furthermore, the position is roughly equidistant between the Sea Walls viewing point and Towerhirst, reducing the impact to both, as well as providing sufficient separation to avoid impact views of the Listed drinking fountain. Similar to the existing toilet block, the position would also benefit from the screening and backdrop provided by the clifftop trees to the west. This would further

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limit the impact of the building upon the openness of the area in longer views. As such, the proposed siting is found to be acceptable.

With regards to the proposed scale, it is recognised that this would be significantly larger than the existing building. This would predominantly be to the south however, away from Towerhirst and therefore limiting the impact upon the setting of this adjacent Listed building. The increase in height proposed would be very minor (0.2m) which would work to limit perception of the increased scale. The majority of the additional mass would be positioned to the south and would benefit from the screening provided to the rear by the clifftop trees.

In relation to the detailed form and design, the building would utilise a free standing steel frame, comprising ten steel columns spaced equally within the eastern and western elevations supporting a flat roof structure. Except for the proposed centrally positioned toilet block, the walls would be glazed. Whilst it is noted that glazed will not appear completely transparent in all settings and conditions, this will provide the building a light weight appearance and minimal structural form. This would help to offset the increased scale of the building in comparison to the existing building. The structural steel columns will measure 15cm in width and the roof slab will measure 30cm in depth. The equal spacing of the structural columns will provide a coherent elevational layout. The minimal scale of these solid features is found to contribute to an overall elegant built form. The roof of the building would include an upper surface which would be planted with species native to the adjacent Avon Gorge. This would not be highly visible from ground level however would offset some of the impact of development of green land. The design includes solar PV panels located to the northern end to meet sustainability objectives. These will be mounted near flat to ensure the low profile and elegant flat roof form is retained.

The proposed toilet block would be located off centre to the northern side. This would be finished with timber cladding. Whilst timber is not a commonplace cladding material utilised on adjacent buildings, it would provide a natural appearance which would not be at odds with the park land setting. A detailed specification for the cladding would be secured by condition prior to its installation to ensure the layout, detail and finish is of a high quality. A glazed infill section is proposed to the upper part of the toilet block, providing natural light as well as an important visual separation between the structure and the roof. This acts to emphasise the freestanding nature of the structure.

It is recognised that the design of the building does not seek to mimic the Victorian architecture found locally. A more traditional architectural approach would likely result in a building of greater bulk and mass by incorporation of pitched roof forms, greater extent of solid forms and resultantly greater landscape impact. No objection is held to this approach given the design is found to be coherent and of a high quality modern approach. The proposed design is reflective of the differing function and role of the building in relation to the public realm in comparison to adjacent buildings.

Details of proposed materials including the detailed finish of proposed steel work, glazing manifestations, timber cladding, woven steel mesh bin enclosure and rain water goods will be secured by condition to ensure these are of high quality.

Taking account of the preceding assessment, the proposed development is found to result in a negligible impact to the setting and historic significance of Towerhirst. The proposals would result in a very low degree of harm to the status of The Downs as a Local Historic Park and Garden. The proposed development would minimise conflict with important characteristics of The Downs Conservation Area and would result in a low degree of harm to the conservation area. The proposals involve restoration of the adjacent Listed drinking fountain to working state as well as improved surfacing (individual paving stones) surrounding the fountain which will highlight this feature of historic significance within the public realm. Whilst the siting of the building itself does pose a degree of harm to the setting of the drinking fountain, this is a low degree which would be offset by the enhancement proposed through restoration and more appropriate traditional hard landscaping. This would balance

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the harm posed by the siting of the building. Further public benefits associated with the proposed development lie within the upgrade of public toilets, community benefit relating to educational use, a minimum of 3 full time jobs and more broad economic benefits both relating to construction of the building as well as the local economy resulting from the cafes trade. The Downs Committee as applicants may benefit financially which would contribute towards maintenance and enhancements to the wider open space.

Officers have undertaken the assessment required under the Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as that required by Section 16 of the NPPF and have given special regard to the requirement to preserve the setting and significance of heritage assets. There is a low degree of less than substantial harm caused as a result of the proposals, this has been given considerable importance and weight. However, overall, the development would preserve and in some cases enhance the status and significance of adjacent heritage assets. Sufficient public benefits are attributed to the proposed development which would outweigh the low level of less than substantial harm identified.

This conclusion is largely the same as reached with the previous application which is attributed weight in decision making given the recent nature and similarities in terms of the development and relevant legislation and policy. The conclusion also aligns with that of the Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs who considered the application for common land consent (application reference: COM/3246988). In considering conservation of the landscape and features of historic interest, the Inspector found:

"The building would be larger but that it is not to say it would have a greater impact or be more intrusive. Situated on the site of the existing toilets at the edge of the common, the building would not be in a prominent position. It would stand alone and would not interfere with the setting and views of the Gorge and Clifton Suspension Bridge."

"Constructed of glass and timber the new building would have a lightweight and airy feel. It would be larger, but the contemporary design is understated and would appear transparent in part. It would be a discrete coherent development designed to meet specific needs and would not appear as piecemeal development."

"The present toilet block does nothing to enhance the setting of Towerhirst and a drinking fountain, both Grade II Listed structures. The proposed new building would be sufficiently distanced from them to ensure that their setting would not be harmed, and the removal of the existing building would be an enhancement. The drinking fountain would be restored to working with new paving around it as part of the scheme."

"I conclude that the replacement building would result in a visual enhancement to the landscape and restoration of the listed fountain would be an enhancement of a feature of historic interest."

Whilst this is not a planning decision made in accordance with planning policy, the issues considered by the Inspector share similarities to those being considered by this planning application. The conclusions of the Inspector in relation to these issues align with and support the assessment of the Local Planning Authority relating to the previous application and can be applied to the current application also. The design of the proposed building is found to accord with the objectives of all relevant national legislation, national and local planning policy. As a result the development is deemed acceptable in terms of appearance, character, design and heritage subject to safeguarding conditions which will be set out beneath.

ECOLOGY & BIODIVERSITY

Section 15 of the NPPF (Conserving and enhancing the natural environment) outlines that planning

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policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Policy BCS9 of the Core Strategy states: "The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken.

Individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required.

Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site".

In relation to Biological Conservation the policy states: "Internationally important nature conservation sites are subject to statutory protection.

National and local sites of biological and geological conservation importance will be protected having regard to the hierarchy of designations and the potential for appropriate mitigation. The extent to which a development would contribute to the achievement of wider objectives of the Core Strategy will be carefully considered when assessing their impact on biological and geological conservation.

Where development would have an impact on the Bristol Wildlife Network it should ensure that the integrity of the network is maintained or strengthened".

Policy DM19 of the SADMP states: "Development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to

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identified habitats, species and features of importance; and

- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.

Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.

Development on or adjacent to sites of nature conservation value will be expected to enhance the site's nature conservation value through the design and placement of any green infrastructure provided".

In relation to Sites of Nature Conservation Importance (SNCI), the policy states: "Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted".

The site and the wider open space form part of The Downs Site of Nature Conservation Importance. The Avon Gorge which is situated 3-4m west of the site is designated a Site of Special Scientific Interest (SSSI) as well as Special Area of Conservation (SAC).

A Preliminary Ecological Appraisal has been prepared and submitted accompanying the application. This identifies relevant ecological issues and considers the potential impact of development to relevant features.

The Local Planning Authority has consulted both Natural England and the Council's Ecologist in relation to the application. Natural England has highlighted that the development could have potential significant effects on the Avon Gorge Woodlands SAC and the North Somerset and Mendip Bats SAC. Specifically, the potential for impact to the Avon Gorge Woodlands SAC is identified to result from recreational impacts stated to include littering and erosion. The potential for impact to the North Somerset and Mendip Bats SAC is as a result of light spill from the development disturbing bats. The site is within Band C of the consultation zone indicates the potential importance of habitats in this area to horseshoe bats associated with the SAC.

The Council's Ecologist has also been consulted in relation to these issues. The requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) with regards to Habitats Regulations Assessment (HRA) have been reviewed and it has been established that whilst this proposal is located close to the Avon Gorge Woodlands SAC and SSSI, it is found that the proposed development will not cause a significant effect on the habitat and conditions of the SAC. This is due to the relatively small scale demolition and construction works proposed, as well as details which were sought via condition associated with the previous consent. These included submission of a Site Specific Construction Environmental Management Plan which would include details of best practice pollution prevention and dust control guidelines to be adhered to during construction to prevent adverse impacts to the Avon Gorge Woodlands SAC. Details of a lighting scheme for the site including estimated predicted light spill levels to be prepared by a suitably qualified Lighting Engineer were also required to be submitted prior to any development commencing. Via this measure, the Council's Ecologist is satisfied that light spill onto the woodland habitats to the west can be preserved below 0.5 lux as required by Natural England. Furthermore, the proposed opening hours of the site are 08:00 to 19:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays. This will only result in a few hours of illumination following nightfall in winter. The Local Planning Authority will be required that all lighting is turned off outside these hours to limit impact to ecology as well as the character of the area, energy consumption and neighbouring amenity. Subject to these measures, the Local Planning Authority is satisfied that significant effects to ecology can be prevented. This will ensure that the development accords with policy requirements.

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In relation to biodiversity the supplied Preliminary Ecological Appraisal estimates that the development can deliver a net gain for biodiversity of approximately 20%. This would be as a result of the inclusion of a planted living roof utilising native Avon Gorge species as well as an area of 200m² of grassland managed as flower-rich grassland meadow planted adjacent to the development. Further ecological mitigation is suggested in the form of locally sourced native flowering shrubs and native trees planted on the proposed decking adjacent to the development as well as the provision of bird, bat, and invertebrate boxes at appropriate locations, and ensuring permeability for hedgehogs at the bases of any new perimeter fencing. These recommendations have been reviewed by the Council's Ecologist and they are satisfied that the development can deliver net gains for biodiversity as required by the NPPF subject to inclusion of these measures. Given the lack of a clear and precise strategy for deployment and inclusion of the ecological mitigation and enhancement measures, this will be sought via condition as well as an updated calculation to ensure the selected measures achieve a net gain.

Subject to these measures, the development would avoid harmfully impacting upon habitat, species or features, which contribute to nature conservation in Bristol. The development is therefore found to accord with the objectives of national and local planning policy and resultantly the development is acceptable in this regard.

TREES & GREEN INFRASTRUCTURE

Section 12, paragraph 131 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Policy BCS9 (Green Infrastructure) of the Bristol Cores Strategy outlines that the integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken. Individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required. Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site.

Policy DM17 (Development Involving Existing Green Infrastructure) of the Site Allocations and Development Management Policies Local Plan (SADMP) outlines that development should integrate important existing trees. Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted. It is suggested that where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided in accordance with the standard set out within Policy DM17 known as the Bristol Tree Replacement Standard (BTRS).

In relation to green infrastructure provision, it is recognised that the development would result in development of some previously undeveloped open, grassland. The development has however incorporated a green, planted roof covering the majority of the building. This is proposed to be planted with species native to the adjacent Avon Gorge. It is noted that the existing building at the site does not offer such a feature. As such, whilst the development involves the loss of a degree of existing

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green infrastructure, this would be mitigated at roof level to offer an enhancement upon existing green infrastructure levels. Details of proposed planting will be secured by condition attached to any eventual consent to ensure planted materials are appropriate to the context and are maintained through to establishment.

The site is located adjacent to a row of trees that grow beyond the adjacent clifftop wall which runs to the west of the site. These are relatively small specimens, most likely due to the limited rooting environment created by the cliff face and adjacent wall, noted to be of low to moderate quality however offering some landscape value.

An arboricultural report including tree survey, impact assessment, method statement and protection plan has been submitted accompanying the application. This finds that the trees will require will require both above and below ground protection. Above ground, minor pruning works are recommended as well as installation of temporary ground protection during construction. This will be subject to a watching brief maintained by the Project Arboriculturalist. It is anticipated that the existing boundary wall will have prevented tree root penetration below ground towards the development site. This means that it is anticipated that all trees will be retained following development and the development will not result in any tree loss. The recommendations and measures have been reviewed and are accepted by the Local Authority Arboricultural officer. It has also been specified that a post construction tree survey will be undertaken and submitted to the Local Authority, 1 year following substantial completion of the building. This will ensure any unlikely impact to trees is identified and can be mitigated following development. These details would be secured by condition attached to any eventual permission. Subject to these measures, the development would avoid harmfully impacting upon green infrastructure assets including trees. The development is therefore found to accord with the objectives of national and local planning policy and resultantly the development is acceptable in this regard.

NEIGHBOURING AMENITY

Section 12 (Achieving well-designed places) of the NPPF outlines that: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 130 of the NPPF states that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy BCS21 (Quality Urban Design) of the Core Strategy outlines that all new development within Bristol will be expected to strive to achieve high standards of urban design. With regards to amenity it is outlined, that new development is expected to safeguard the amenity of existing development.

Policy BCS23 (Pollution) of the Core Strategy outlines that development should be sited and designed in a way as to avoid adversely impacting upon environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land. Further to this, in locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.

Policy DM35 (Noise Mitigation) of the SADMP outlines that development which would have an unacceptable impact on environmental amenity or biodiversity by reason of noise will be expected to provide an appropriate scheme of mitigation. In assessing such a scheme of mitigation, account will

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be taken of:

- i. The location, design and layout of the proposed development; and
- ii. Existing levels of background noise; and
- iii. Measures to reduce or contain generated noise; and
- iv. Hours of operation and servicing.

Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites.

The assessment relating to the impact of the proposed development to neighbouring amenity and living conditions remains consistent with the previous application. There have been some changes to the proportions and layout of the building since the previous application. These are not significant however and do not change the essence of the proposed use or parameters of development and likely impacts experienced by neighbours. These will be the same as previously proposed and deemed acceptable under the previous application. National and local planning policy in respect of safeguarding the amenity of existing development has also not been significantly amended since the previous application. Given the similarities, the recently lapsed planning permission and the conclusions drawn are a material consideration in the determination of the current application.

In relation to neighbouring residential properties, the proposed building would be in closest proximity of Towerhirst which is sited approximately 35m north of the site. Seawalls, a post war flatted development is located approximately 60m from the site, beyond Towerhirst. The next closest property is 27 Sea Walls Road, separated by some 90m of the site. Given the scale of the proposed building and the aforementioned separations, no harmful loss of light, overshadowing, impact to outlook or loss of privacy would result to any adjacent residential property.

In relation to noise and potential disturbance, it is noted that given the surrounding layout, the only property which would stand to experience any potential change in conditions would be Towerhirst. The garden of this property extends to within 15m of the site. There is however a substantial wall between the garden and the neighbouring property. It is also understood that the garden of this property is tiered with other parts located at lower level further from the site. This neighbouring site shares its boundary with the public open space and therefore some level of noise and disturbance resulting from this public/private relationship is inevitable. In closest proximity of the neighbouring property would be the educational booth and public toilets. The public toilets would be sited similarly to the existing facilities and it is unlikely these would cause any more noise or disturbance than the present facilities. High levels of noise would also not be anticipated to be associated with the educational booth given the proposed use and scale of this facility.

Some noise and activity would be generated by patrons relating to the proposed café and its outdoor seating area. This facility would be sited at the southern end of the proposed building, thus furthest from Towerhirst. Under normal use this would only relate to noise from conversation and general human activity which could be commonly expected at any point of a public open space.

The opening hours for the café are proposed to be restricted to Monday to Saturday 08.00 to 19.00 and 10.00 to 16.00 on Sundays. These are found to be reasonable to safeguard against noise creating activity at quieter times of day. Restrictions also secured via conditions will also be applied to hours of collection for waste to prevent noise relating to this servicing at quieter times of day. It is noted that no plant or extraction equipment is proposed for the café and therefore noise emissions relating to such equipment would not be an issue. A condition has been recommended by the Pollution Control officer to prevent installation of such equipment without the prior approval of the Local Authority. Further conditions are also suggested to ensure that any noise generated by plant or equipment which is installed at any point shall be at least 5 dB below the background level at any time at residential premises. These were applied to the previous planning permission and are

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recommended to be reapplied to the current application.

Information submitted with the planning application with regard to how the café, toilets and educational booth will be managed by the occupiers is basic in nature at this point as an operator for the café has not been identified. As such, a condition securing a detailed site management plan will be attached to any eventual consent. This will set out details of various operations of the café, public toilets and education booth, including waste management, security, servicing and deliveries, communications and complaints procedures, out of hours procedures, health and safety and cleaning and maintenance.

The conclusions reached above also align with those of the Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs who considered the application for common land consent (application reference: COM/3246988). In considering the interests of the neighbourhood, the Inspector found:

"Objectors state that the locality is valued for peace, beauty, birdsong and dark night skies and consider that the presence of the café would result in nuisance. The previous Inspector noted the quietness of this area. My visit was on a warm sunny Sunday afternoon. I observed a steady flow of traffic and cars parked alongside the road in several areas, particularly close to the viewing platform for the Gorge. Traffic noise was apparent in the background hum of this green urban lung. An ice cream van parked close to the toilets was busy with a queue of customers. The locality had the feeling of a popular, well-used urban greenspace. Some objectors to this application acknowledge that the locality and the Seawalls promenade are particularly busy at weekends. Some refer to the traffic, including cars, coaches and commercial vehicles parked as a "ring of steel" and an intrusive volume of existing traffic."

"I have no doubt that the proposed café with external tables on the proposed decking area would receive custom and attract some additional people to this area. But like the previous Inspector I do not think that it can be concluded that more people would necessarily be detrimental, and I note that the size of the café is limited, and the external seating area would only provide for a limited number of tables and chairs."

"A verdant residential suburb to the north of the common includes the designated Sneyd Park Conservation Area (CA). On my visit I found that those dwellings immediately north of this part of the common are in the main some distance from the site of the application, and largely screened from it by boundary screening, trees and mature woodland. I also note that the CA excludes the row of dwellings closest to the common. The café and external seating area would face away from this area. I very much doubt that there would be any discernible visual or audible impact arising from the café within this area generally."

"The education booth would be the closest part of the development to Towerhirst. Undoubtedly, the ambience and appearance would change. But with an internal area of 7m² plus a restricted undercover outdoor decked area, the capacity and uses would be limited. There is nothing to say that the area could not presently be used by the Avon Gorge and Downs Wildlife Project and other individuals or groups of people for open air lectures, picnics and the like."

"From the level of use and traffic I observed, and the number of cars parked in the locality I think it unlikely that the proposal would generate a significant level of traffic, activity or noise that would materially change the existing character and amenities of the neighbourhood."

"I conclude that with the environmental controls afforded by the planning permission, the proposal would not be likely to adversely affect the interests of neighbouring residents and occupants. Overall the proposal would positively benefit the neighbourhood and the future use and enjoyment of the common by commoners, the public and others."

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Whilst this is not a planning decision made in accordance with planning policy, the issues considered by the Inspector share similarities to those being considered by this planning application. The conclusions of the Inspector in relation to the interests of the neighbourhood align with and support the assessment of the Local Planning Authority relating to safeguarding existing amenity. The findings are in alignment with the previous application and can be applied to the current application also. The proposed use and building are found to safeguard acceptable standards of amenity for all relevant neighbouring occupiers and the area at large. The development therefore accords with the objectives of all relevant national legislation, national and local planning policy. As a result the development is deemed acceptable subject to safeguarding conditions which will be set out beneath.

TRANSPORT, HIGHWAYS & ACCESS

Section 9 (Promoting Sustainable Transport) of the NPPF outlines that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both planning and decision-making.

In relation to sustainable transport, the NPPF states that development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy BCS10 (Transport & Access Improvements) of the Core Strategy states that development proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density mixed use development at accessible centres and along or close to main public transport routes. Proposals should minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport.

Developments should be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes and noise. Proposals should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

The following hierarchy for transport user priorities is set out:

- a) The pedestrian;
- b) The cyclist;

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- c) Public transport;
- d) Access for commercial vehicles;
- e) Short stay visitors by car;
- f) The private car.

Policy DM23 (Transport Development Management) of the SADMP outlines that new development should not give rise to unacceptable traffic conditions and will be expected to provide safe access to the highway network. The policy also outlines that new development should be accessible by sustainable transport methods such as walking, cycling and public transport. Furthermore, the policy sets standards for parking provision. These can be found at Appendix 2 of the SADMP document. The parking standards are maximum levels for car parking and minimum levels for cycle parking.

Policy DM32 (Recycling & Refuse Provision in New Development) of the SADMP outlines that all new development should provide bin and recycling storage facilities fit for the nature of development, with adequate capacity for the proposed development, in a location which is safe and accessible for all users and does not harm the visual amenity of the area or neighbouring amenity.

In relation to transport, highways and access issues which result from the policy listed above, to all intents and purposes the development will be the same as the previous application. The proposed use and layout are in essence the same and the relevant national and local policy relating to transport and highways issues are broadly the same as when the previous application was granted permission by Committee in March 2019. As such, the impact of development and the acceptability of this are comparable to the previous application. The previous permission which has only recently lapsed is a material consideration in the assessment of the current application. The assessment of officers is therefore similar to the previous application which is as follows.

The site is located at the far north western corner of The Downs open space which the proposed uses are designed to serve. By virtue of the lack of development bordering the site to the south, east and west, the site is recognisably not best served by public transport. There are however bus stops located at Rockleaze and Downleaze between 600-800m or 8-10 minutes' walk (dependent on inbound or outbound) east of the site. These are presently served by the route 4 service running between the city centre and Cribbs Causeway via Shirehampton. This would provide a reasonable means of public transport access to the site.

Given the position within a public open space where people are likely to attend for sports and recreational purposes, the distances users are likely willing to walk or cycle to reach their destination are likely greater. As such, it is not foreseen that the scale of distances involved to reach the site would discourage walking or cycling as in other contexts. As such, the development can be considered to promote such active and sustainable means of transit. Within this context, the 1.3km walk from other bus stops at the top of Whiteladies Road or even from Clifton Down Railway Station (approx. 2km) would not be unreasonable for some. It is consequently concluded that the site would be accessible by public transport and sustainable means.

It is noted that the parking standards do not require the provision of any car parking or cycle parking within cafes under 250m². It is recognised some users will inevitably access the site via cars however there is found to be sufficient parking on Circular Road that this would not cause a significant highways issue. Transport Development Management has confirmed highways officers are satisfied that existing parking and highways restrictions are sufficient to manage access to the development by car. Any illegal parking which is presently an issue on The Downs and may also be attributed to the proposed development can be dealt with through other highways legislation. Issues relating to highways enforcement should be reported to the relevant team for resolution.

There is existing publicly accessible visitor cycle parking in the form of Sheffield stands available at the Sea Walls viewing point. A staff cycle parking stand is proposed for x2 bikes within the

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development.

As highlighted above, the implications of the Equalities Act 2010 have been considered both procedurally and in relation to the proposed development. The development would include level access from the surrounding public realm and would be required to accord with all necessary aspects of Part M of Building Regulations. It is noted that there is an existing on street disabled parking bay adjacent to the site on Circular Road at Sea Walls. This is deemed to accord with policy requirements in relation to equal access.

It is noted that highways officers have suggested that a new footpath is installed to provide more direct access to the building from the north east. However this is not part of the current application proposals. It is accepted that there may be desire to access the site more directly from this direction. However the Local Planning Authority is conscious of minimising subdivision and compartmentalisation of the open space. It is not found that it would be a significant inconvenience for users to follow the established footpaths. Desire lines have not emerged relating to access the existing public toilet block. Mud and lack of traction will likely deter access across the grass during wet weather. Nevertheless, a further footpath could be explored and constructed following this route in future should this be necessary. The absence of this from the current application would not warrant the refusal of planning permission. The Local Planning Authority is satisfied that the current proposals will provide suitable means of access to the site.

Highways officers have also recommended resurfacing of the footpath which provides access to the site. This is deemed reasonable given the current condition and increased use which route would be subject to. Resurfacing would be required to install paving around the drinking fountain. As such, a condition will be applied to any eventual consent requiring submission of resurfacing proposals and installation of a dropped kerb adjacent to the highway on Circular Road.

In relation to waste storage and management, a bin store is proposed to the rear of the building. This would be sited to have the lowest possible public perception. The bin store is deemed to be of sufficient scale of accommodate bins required to serve the development. It is outlined that bins will be collected by private contract which will include waste contractors manoeuvring bins from store to collection vehicle. This will take place every second day. Transport Development Management has reviewed the details provided in the supplied Waste Management Strategy and deem these acceptable, subject to resurfacing of the access path and installation of a dropped kerb. This would be secured via condition in the event of permission being granted. Subject to this measure, the proposals would accommodate acceptable facilities for storage of refuse and recycling.

Subject to conditions, the proposed development is therefore found compatible with national and local policy objectives for sustainable development through encouraging active and low carbon travel. The development would also avoid any detrimental impact upon the safe and free flow of the surrounding highway network. On this basis the proposed development is therefore acceptable in terms of transport and access.

SITE MANAGEMENT & CRIME PREVENTION

Paragraph 130 of the NPPF states that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy DM10 (Food and Drink Uses and the Evening Economy) of the SADMP states that food and drink uses will be acceptable provided that they would not harm the character of the area, residential amenity and/or public safety, either individually or cumulatively; and that proposals resulting in a harmful concentration will not be permitted.

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Policy DM28 (Public Realm) of the SADMP states that: "development will be expected to "reduce crime and fear of crime by creating a well-surveilled public realm that is well managed and cared for".

As concluded within the preceding sections, the proposed café is not found to harm the character of the area or harm residential amenity. A harmful concentration of such uses would also not be created in this instance. There are however some implications for public safety and crime prevention. Due to the isolated nature of the site and public accessibility of the open space, this area is understood to attract crime. It is noted that the proposed café would offer benefits over the existing public toilet block in terms of increased public surveillance over this part of the open space. The existing public toilets are in a poor state of repair and the entrance to the males toilets are located at the rear of the building, screened from the public realm. The proposed building would offer a significant upgrade and modernisation of facilities in comparison to the existing toilet block. Entrances would be moved to the front of the building and the glazed construction would provide less screening than the existing building. Through good urban design, the proposals are found to reduce opportunities for crime and provide increased public surveillance and a better managed and cared for public realm.

Avon and Somerset Police have been consulted on the development and the local policing team responsible for patrol of the area have raised no specific concerns. The Crime Prevention officer has however recommended that, similar to the previous application, a 'Site Security Strategy' is submitted prior to first use of the building. This will include details of: Access control for the building; CCTV proposals; Lighting proposals; Out of hour's security strategy; and Details relating to management of cash. It is recommended that CCTV is used to provide formal surveillance and the officer advises that this is monitored by an approved alarm receiving centre (ARC). The system should be capable of providing 'identification' quality images as defined in the Home Office document 28/09. Subject to this measure, the development would not be directly associated with increased crime or detriment to public safety.

It is noted that the Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs who considered the application for common land consent (application reference: COM/3246988) found that:

"The replacement toilets together with improved management and supervision would be an improvement and of benefit to people informally exercising, strolling and recreating in the locality, as well as people visiting to take in the views of the Gorge and Clifton Suspension Bridge. They would make the facilities more attractive and usable for the many different user groups. Some objectors are worried about access to toilets becoming restricted, but the applicant advises that facilities would be available at all times. Overall, the replacement toilets would result in an improvement to safety and amenity which would benefit young and old, the able and less able, and be consistent with aims of a 2012-2017 Management Plan to ensure that anti-social behaviour is controlled, and its impact reduced. These would be positive benefits for the neighbourhood".

Overall, the proposals accord with national and local policy in respect of good urban design which reduces opportunities for crime as well as the fear of crime. Conditions will be applied to any eventual consent to ensure the proposals fully accord with requirements in this regard.

SUSTAINABILITY & CLIMATE CHANGE

Section 14 of the NPPF states "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure".

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Paragraph 150 of the NPPF outlines that "new development should be planned for in ways that: can help to reduce greenhouse gas emissions, such as through its location, orientation and design".

Core Strategy Policy BCS13 states that "Development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions. Development should mitigate climate change through measures including:

- o High standards of energy efficiency including optimal levels of thermal insulation, passive ventilation and cooling, passive solar design, and the efficient use of natural resources in new buildings.
- o The use of decentralised, renewable and low-carbon energy supply systems.
- o Patterns of development which encourage walking, cycling and the use of public transport instead of journeys by private car.

Development should adapt to climate change through measures including:

- o Site layouts and approaches to design and construction which provide resilience to climate change.
- o Measures to conserve water supplies and minimise the risk and impact of flooding.
- o The use of green infrastructure to minimise and mitigate the heating of the urban environment.
- o Avoiding responses to climate impacts which lead to increases in energy use and carbon dioxide emissions.

These measures should be integrated into the design of new development. New development should demonstrate through Sustainability Statements how it would contribute to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions by means of the above measures.

Core Strategy Policy BCS14 provides further objectives for how development will be expected to reduce carbon emissions through use of sustainable energy sources. It is outlined that development should include measures to reduce carbon dioxide emissions from energy use in accordance with the energy hierarchy. Development is also required to reduce carbon dioxide emissions from residual energy use by way of onsite renewable energy generation in buildings by at least 20%. New development will be expected to demonstrate that the heating and cooling systems have been selected following the heat hierarchy.

Further guidance on Core Strategy policy requirements and the preparation of Sustainability and Energy Statements is available within the Climate Change and Sustainability Practice Note (2020).

The applicant has supplied a Sustainability Statement in support of the proposed development. This outlines a range of measures the development would take to achieve high levels of energy efficiency and reduce energy consumption. These include specification of thermal elements and air tightness above and beyond the building regulations requirements. In turn, this will decrease the overall heating demand of the development. Due to the location of the site the heating fuel will be electricity. Incorporating an air source heat pump and a heat recovery ventilation system will reduce the electricity demand and generate heat via renewable energy, in turn reducing CO2 emissions. The building has been designed with a large overhanging roof to create solar shading. This design feature mitigates the risk of overheating which would otherwise be likely in the summer months due to excess

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solar gain.

The sustainability statement includes an energy table which indicates these measures would make a 10% reduction in carbon emissions beyond Building Regulations Part L levels. The energy table also indicates a further 29% reduction in carbon emissions (beyond the improved Part L level) can be achieved via on site renewable energy generation, specifically via installation of an air source heat pump and solar photovoltaic panels. The solar panels are proposed for installation to the flat roof and will be installed flat to prevent visibility. These are shown on the proposed drawings. Further detail would be sought via condition regarding the exact positions and specifications proposed prior to the installation of air source heat pump and solar panels. A condition would also be applied to any eventual permission ensuring full compliance with the supplied a sustainability statement and energy statement. Subject to this, the proposed development would therefore make an acceptable contribution to policy objectives of sustainability and climate change.

DRAINAGE & FLOOD RISK

Policy BCS16 (Flood Risk and Water Management) of the Core Strategy states that development in Bristol will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a sequentially greater risk of flooding will be considered where essential for regeneration or where necessary to meet the development requirements of the city.

Development in areas at risk of flooding will be expected to:

- i. be resilient to flooding through design and layout, and/or
- ii. incorporate sensitively designed mitigation measures, which may take the form of on-site flood defence works and/or a contribution towards or a commitment to undertake such off-site measures as may be necessary, in order to ensure that the development remains safe from flooding over its lifetime.

All development will also be expected to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SUDS).

Policy DM33 (Pollution Control, Air Quality and Water Quality) of the SADMP states that Development which has the potential, either individually or cumulatively, for an unacceptable impact on environmental amenity, biodiversity or water quality by reason of pollution as set out in the Core Strategy but is considered desirable for reasons of economic or wider social need will be expected to provide an appropriate scheme of mitigation.

The policy proceeds to outline that "Development adjacent to underground or surface water bodies covered by the Water Framework Directive and Severn River Basin Management Plan should contribute towards those water bodies maintaining or achieving Good Ecological Status. This may take the form of on-site measures or a financial contribution to off-site measures."

"In terms of water quality, the River Frome, Brislington Brook, Malago, River Trym and Colliter's Brook do not currently achieve Good Ecological Status due to impacts from flood protection / land drainage schemes and urbanisation. To comply with the Water Framework Directive water bodies should reach good ecological potential by 2027. Measures will therefore be sought from development adjacent to waterways covered by the Water Framework Directive, where feasible and viable, either through measures in the Severn River Basin Management Plan or other good practice such as naturalised river habitats, deculverting and appropriate vegetation management plans. The River Avon is at good ecological status and this should not be allowed to deteriorate through development."

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The site is not located within a flood zone and is not at risk of flooding. The proposed development is located within surface drainage discharge zone where the priority is to use infiltration techniques where possible, or reduce the discharge rate and provide water quality improvements. The proposed development of undeveloped green land would likely result in increased discharge rates. It is noted that the development includes proposals for a large green roof which would mitigate some of the effects in terms of increased discharge rates. Wessex Water has confirmed proposals to discharge surface water via the main sewer as acceptable. Measures to reduce surface water run off into the existing combined sewer, to improve water quality and reduce flood risk are however encouraged. The applicant is referred to local flood risk and drainage standing advice. The application does not detail proposals to meet these objectives. As such, a condition will be applied to any eventual consent requiring a detailed sustainable urban drainage strategy prior to commencement. Subject to this measure, the development would avoid causing any significant increase in flood risk locally.

COMMUNITY INFRASTRUCTURE LEVY

Some new developments granted planning permission will be liable to pay Community Infrastructure Levy (CIL) to Bristol City Council.

CIL is payable where development comprises 100m² or more of new build floorspace or results in the creation of one or more dwellings.

The proposed development does not qualify to pay CIL.

CONCLUSION

The proposed development has been assessed against all relevant national and local planning policy as well as relevant adopted supplementary guidance. The proposed development of open space is found to be acceptable in this instance on the basis the proposed use would be for sports and recreational purposes and ancillary to the designation as Important Open Space. The development is found to pose a low degree of harm to the setting of adjacent heritage assets however sufficient public benefit is associated with the development to outweigh this. The design of the building presents an acceptable response to the context and would preserve the significance of the conservation area. Following assessment and subject to safeguarding conditions, it has been confirmed that the proposed development would avoid detrimental impact to ecology, biodiversity, trees, green infrastructure, neighbouring amenity and living conditions, surrounding highways, public safety, climate change and flood risk. The development is therefore found to be in accordance with relevant national and local planning policy. There are no material considerations which would warrant the refusal of planning permission. It is therefore recommended permission is granted subject to conditions.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

Development Control Committee B – 6 April 2022**Application No. 21/06762/F : Public Conveniences Circular Road Sneyd Park Bristol BS9 1ZZ****RECOMMENDED GRANT subject to condition(s)****Time limit for commencement of development**

1. Full Planning Permission

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

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

Pre commencement condition(s)

2. Construction Management Plan

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 approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

3. Site Specific Construction Environmental Management Plan

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

- * Procedures for maintaining good public relations including complaint management, public consultation and liaison
- * Arrangements for liaison with the Council's Pollution Control Team
- * All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

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08 00 Hours and 18 00 Hours on Mondays to Fridays
 08 00 and 13 00 Hours on Saturdays and;
 at no time on Sundays and Bank Holidays.

- * Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- * Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- * Procedures for emergency deviation of the agreed working hours.
- * Bristol City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
- * Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- * Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

4. Highway works - General arrangement plan

No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.

- o Resurfacing of footpath to access development;
- o Installation of a dropped kerb on Circular Road for waste collection and deliveries;

Where applicable indicating proposals for:

- o Existing levels of the finished highway tying into building threshold levels
- o Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- o Signing, street furniture, street trees and pits
- o Structures on or adjacent to the highway
- o Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order.

Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

5. Sustainable Drainage System (SuDS) Strategy

The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage

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for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate use of infiltration techniques where possible, or demonstrate a reduction in the discharge rate and provide water quality improvements. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

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

6. Submission of lighting strategy

Prior to the commencement of development a detailed lighting scheme and predicted light spill levels prepared by a suitably qualified Lighting Engineer shall be submitted and approved in writing by the Local Planning Authority. The report must include details of all internal and external lighting (including any decorative lighting and security lighting within external amenity/access areas), lighting switches, timing and management controls as well as associated light spill plans demonstrating that the development will not result in light spill above 0.5 lux onto the adjacent woodland habitat to west of the site which is a designated Special Area of Conservation unless otherwise agreed in writing by the Local Planning Authority. Artificial lighting to the development must also 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, the appearance and character of the area as well as local ecology.

7. Vegetation Clearance

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. If works are proposed within this period, the Authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be adversely affected including by disturbance before giving any approval under this condition. Where checks for nesting birds by a qualified ecological consultant are required they shall be undertaken 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.

8. Further details: Listed drinking fountain restoration

Prior to commencement of development a detailed method statement and phasing strategy of the proposed restoration works for the historic drinking fountain, including large scale details and samples (where necessary) as well as details of the future management and maintenance of the fountain shall be submitted to and approved in writing by the Local Planning Authority. The restoration works shall be completed in accordance with the agreed strategy, prior to first use of the building hereby approved unless otherwise agreed in writing by the Local Planning Authority .

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Reason: To ensure the proposed works do not result in harm to the historic fabric of the Listed drinking fountain and deliver the public benefit associated with the development.

9. Further details: Materials

Prior to building operations proceeding above slab level further details of external building materials including manufacturer, specification, product information and samples (if necessary), demonstrating appearance, colour and texture of the following elements, shall be submitted to and approved in writing by the Local Planning Authority.

- a) Exposed steel frame
- b) Timber cladding
- c) Timber toilet doors
- d) Glazing including windows, doors and manifestations if required.
- e) Roof fascia trim
- f) All external hard surfaces including timber decking, resurfaced access footpath and paving at listed fountain.
- g) Steel mesh fencing
- h) Bin and recycling stores
- i) Cycle parking

The development shall then be completed in full accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the finished appearance of the building is of a high quality and responds appropriately to the character and appearance of the local area in accordance with Policies BCS21, DM26, DM28 and DM29.

10. Further details: Education Booth Blinds

Prior to installation of the external blinds proposed for installation within the roof fabric surrounding the educational booth, detailed specifications demonstrating proposed appearance, material, colour and method of fixing at ground level shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall then be completed in accordance with the approved details prior to the first commencement of the use hereby approved and maintained thereafter for the lifetime of the development as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the external appearance of the building is of a high quality and would be appropriate to the setting.

11. Further details: Green Roof Specification

Prior to installation of the green roof hereby approved, a detailed planting specification comprising locally appropriate species as well as a maintenance schedule through to establishment shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details prior to the first commencement of the use hereby approved and maintained thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. If the roof planting fails, it shall be replaced in full to a specification as agreed in writing by the Local Planning Authority and maintained to establishment.

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Reason: To ensure the proposed planting is compatible with local biodiversity, will support local ecosystems and provide a satisfactory appearance appropriate to the surroundings.

12. Ecological Mitigation & Enhancement Strategy

Prior to the building being constructed above slab level, an Ecological Mitigation & Enhancement Strategy (EMES) shall be submitted to and approved in writing by the Local Planning Authority. This will accord with enhancement proposals outlined within the approved Preliminary Ecological Appraisal (S:7020/J001613 by Betts Ecology, dated February 2022) and shall include details of a scheme of ecological enhancement measures including proposed green roof, flower-rich grassland planting, details of any further on site landscaping, bird, bat, and invertebrate boxes at appropriate locations and permeability for hedgehogs to be incorporated within the development, together with an updated calculation demonstrating net gains for biodiversity within the development. The location, specification, height and orientation of these ecological enhancement features must be shown on a site plan.

The development shall then be carried out in full accordance with the approved details or any amendments subsequently agreed in writing by the Local Planning Authority.

Reason: In accordance with paragraph 174 of the National Planning Policy Framework (2021) which requires that planning decisions enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Furthermore, the Natural Environment and Rural Communities Act 2006 (Section 40) obliges the Local Planning Authority '... in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. It is noted that a hedgehog is a Priority Species in the Bristol Biodiversity Action Plan.

13. Further details: Air source heat pump

Prior to the installation of the air source heat pump system hereby approved, further details including the exact location, manufacturers technical specification and predicted noise emission levels including details of acoustic mitigation (if required) must be submitted to and approved in writing by the Local Planning Authority. Noise emissions resulting from the heat pump equipment must be at least 5 dB below the background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound at the nearest noise sensitive premises.

The approved air source heat pump system and any acoustic mitigation shall then be installed in full accordance with the approved details and fully operational prior to first use of the building and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and preserves an acceptable standard of amenity for neighbouring occupiers.

14. Details of Photovoltaics (PV)

1) Prior to commencement, 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.

2) Prior to occupation the following information shall be provided:

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- 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 the percentage shown in the approved Energy Statement.

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

Pre occupation condition(s)

15. Site Management Plan

Prior to first use of the café, toilets and educational facility hereby approved, a detailed site management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include detailed management proposals for each use including proposed operating arrangements for each use including waste management, security, servicing and deliveries, communications and complaints procedures, out of hours operational details, management of all external outdoor areas, health and safety information and cleaning and maintenance proposals. The uses shall then operate in direct accordance with the details indicated within the site management plan in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development protects the amenity of the area, neighbouring residents and public safety.

16. Site Security Strategy

Prior to first use of the building hereby approved, a detailed security strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall outline detailed security measures for the site hereby approved including:

- o Access control for the building
- o CCTV proposals
- o Lighting proposals
- o Out of hour's security strategy
- o Details relating to management of cash

The proposed CCTV system shall be monitored by an approved alarm receiving centre (ARC) and the system must be capable of providing 'identification' quality images as defined in the Home Office document 28/09.

The development shall then operate in accordance with the approved security strategy in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard public safety and minimise the likelihood of crime.

17. No Installation of Plant and Equipment

No equipment for the extraction and dispersal of cooking smells/fumes shall be installed until details including detailed plans, method of construction, any odour control measures and predicted noise levels have been submitted to and been approved in writing by the Local Planning Authority. Such equipment shall then be installed directly in accordance with the approved details prior to the first commencement of the use hereby approved and permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To safeguard the amenity of the local area including appearance, character and neighbouring living conditions as well as to prevent airborne odours.

18. 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.

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

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

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

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

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

Reason: In the interests of highway safety.

Post occupation management

21. Energy and Sustainability in accordance

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 energy and sustainability statement (titled Sustainability Statement and Energy Strategy (Iteration 2), Chris Goodsall Architect, 26th February 2019) prior to first occupation or use commenced. A total 10% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 29% reduction in carbon dioxide emissions below residual emissions through renewable technologies (air source heat pump and solar photovoltaic panels) shall be achieved.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate.

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22. In accordance with Arboricultural Report

The proposed development shall be implemented in accordance with all findings and recommendations (including arboricultural watching brief) as outlined within the supplied Arboricultural Impact Assessment (Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, Hillside Trees Ltd, February 2019). The project arboricultural consultant must be present to oversee works within root protection areas in accordance with the arboricultural supervision recommendations in the arboricultural method statement. Copies of written site notes and/or reports detailing the results of arboricultural site supervision shall be submitted to the Local Planning Authority following the operations detailed within the arboricultural method statement. In accordance with the Tree Protection Plan, a BS5837:2012 tree survey shall be undertaken 1 year following substantial completion of the building.

Reason: To protect green infrastructure and the character and appearance of the area in line with Policy BCS9 of the Core Strategy and Policy DM17 of the Site Allocations & Development Management Policies Local Plan.

23. Opening Hours

All patrons, customers and members of the public must vacate the building and external seating areas outside the hours of 08:00 to 19:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenity of neighbouring occupiers.

24. Seating area extent

The outdoor seating area hereby permitted shall only take place on the decking area and locations identified on the approved site layout plan (DC2-PD20 Rev - B). All tables, chairs and associated furniture and receptacles will furthermore be removed from the area and stored internally outside of the stated opening hours. No outdoor furniture shall extend beyond the decking area onto the adjacent open space at any point.

Reason: To ensure that pedestrian and bicycle movement would not be obstructed and to safeguard safety and security as well as residential and visual amenity.

25. Hours of Waste Collections

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring occupiers

26. Development in accordance with Waste Management Strategy

The use hereby approved shall be managed and serviced in full accordance with all measures and proposals included within the supplied Waste Management Strategy (Waste Management Strategy by Chris Goodsall Architects dated 14th February 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area including that of neighbouring occupiers as well as manage highways impacts relating to waste management.

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27. Deliveries and servicing

Activities relating to deliveries and servicing of the site shall only take place between 08.00am and 19:00pm Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to safeguard the amenities of future and adjoining occupiers, as well as that of the area as a whole.

28. Restriction of noise from plant and equipment

The rating level of any noise generated by plant and equipment as part of the development shall be at least 5 dB below the background level as measured at nearest noise sensitive premises in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

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

29. Restriction on use of roof

The flat roof of the building hereby approved shall not be used as a roof terrace, roof garden, balcony or for any other form of amenity area without further specific consent by the Local Planning Authority.

Reason: To safeguard to the special characteristics of the surrounding conservation area as well as neighbouring amenity.

List of approved plans

30. 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.

DC2-BD61 REV B Proposed Section A-A, received 14 March 2022
 Preliminary Ecological Appraisal, received 9 March 2022
 DC2-PD20 REV B Proposed plan and roof plan, received 14 March 2022
 DC2-BD70 REV A Proposed elevations, received 4 January 2022
 DC2-ED01 REV B Location and block plan, received 4 January 2022
 DC2-ED10 REV B Existing site plan, received 4 January 2022
 DC2-ED70 REV A Existing WCs and elevations, received 4 January 2022
 DC2-PD10 REV F Proposed site plan, received 14 March 2022
 Site analysis, received 4 January 2022
 Design and Access and Heritage statement, received 4 January 2022
 Arboricultural Assessment, received 4 January 2022
 Sustainability statement, received 4 January 2022
 Waste management strategy, received 4 January 2022
 DC2-PD13 Proposed block plan, received 4 January 2022

Reason: For the avoidance of doubt.

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- 1 Construction site noise: Due to the proximity of existing noise sensitive development and the potential for disturbance arising from contractors' operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, to BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites code of practice for basic information and procedures for noise and vibration control" and the code of practice adopted by Bristol City Council with regard to "Construction Noise Control". Information in this respect can be obtained from Pollution Control, City Hall, Bristol City Council, PO Box 3176, Bristol BS3 9FS.
- 2 Bats and bat roosts: Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations Act. Prior to commencing work you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult English Nature (Taunton office 01823 283211).
- 3 Nesting birds: Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.
- 4 Application for listed building consent potentially needed: The applicant is advised that this permission does not act as listed building consent and you are accordingly advised of the potential need to submit a separate listed building consent application in respect of the works shown on the drawings hereby approved (restoration of the drinking fountain).
- 5 BS Standard - tree work: Any works should be completed in accordance with British Standard 3998: Recommendations for tree work, you are advised that the work should be undertaken by a competent and suitably qualified tree contractor.
- 6 Tree Protection: You are advised to refer to BS5837 : 2012 Trees in relation to construction for detailed information on types of tree protection, protection zones and other relevant matters.
- 7 Minor Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking any work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the council.

You will be required to pay fees to cover the council's costs in undertaking the approval and inspection of the works. Contact the Highway Authority's Transport Development Management Team at transportDM@bristol.gov.uk

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 8 Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway.

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You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Transport Development Management Team at transportDM@bristol.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the council's costs in undertaking the following actions:

- I. Drafting the Agreement
- II. A Monitoring Fee equivalent to 15% of the planning application fee
- III. Approving the highway details
- IV. Inspecting the highway works

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

9 Excavation Works on the Adopted Highway

The development hereby approved includes the carrying out of excavation works on the adopted highway. You are advised that before undertaking any work on the adopted highway you will require a Section 171 (Excavation) Licence from the Highway Authority which is available at www.bristol.gov.uk/highwaylicences

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

11 Are existing public sewers affected by the proposals?

According to our records the proposed site will be over a 3400mm tunnel sewer. Whilst this sewer is approximately 10 metres deep, the applicant will need to submit details to our Buildover Team so that we can assess what is required when building over this critical asset.

In the circumstances it is recommended that further details are submitted to the LPA prior to planning decision showing details of the proposed foundations including depth and type. Wessex Water can then assess the feasibility of building over this critical sewer without disruption of normal services.

12 Network Rail

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

This structure is within the zone of influence of Clifton Down Tunnel, as the application does not contain any foundation plans and any foundation would most likely require piling into rock,

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therefore, our Structures Engineers require foundation plans which will need to be approved by Network Rail's AssetProtectionWestern@NetworkRail.co.uk

TUNNELS

Network Rail's Engineer is to approve details of any development works within 15m, measure horizontally, from the outside face of the tunnel extrados with special reference to:

The type and method of construction of foundations

Any increase/decrease of loading on the tunnel both temporary and permanent.

Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.

13 Network Rail

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. assetprotectionwestern@networkrail.co.uk

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Development Control Committee B – 6 April 2022**Application No. 21/06762/F : Public Conveniences Circular Road Sneyd Park Bristol BS9 1ZZ****DRAINAGE**

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property. (The Land Drainage Act) is to be complied with. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

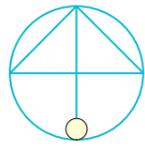
Full details of the drainage plans are to be submitted for acceptance to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers: Network Rail has various drainage standards that can be provided Free of Charge should the applicant/developer engage with Network Rail's Asset Protection Engineers.

- 14 Application for advertisement consent needed: The Applicant is reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which you may wish to display on these premises.

Supporting Documents

3. Public Conveniences, Circular Road

1. Proposed Site Layout Plan
2. Proposed Floor and Roof Plans
3. Proposed Elevations
4. Site Photos
5. Copy of Common Land Consent Application Ref: COM/3246988
Inspector Decision 11th November 2020



Approximate location of existing manhole and sewer

To existing manhole

Proposed wildflower area
200m2
Local species only

Location of existing WCs

Proposed Cafe, WC and Booth

Ramped access (1:20)

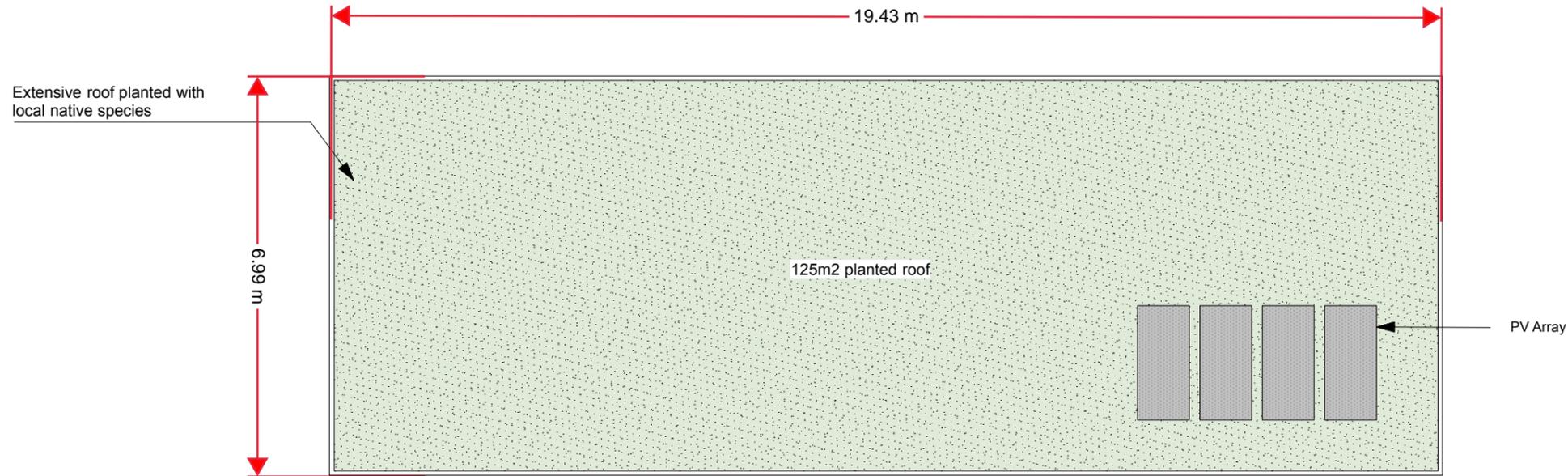
Proposed paved area

Existing listed fountain to be restored to working use as part of the proposal

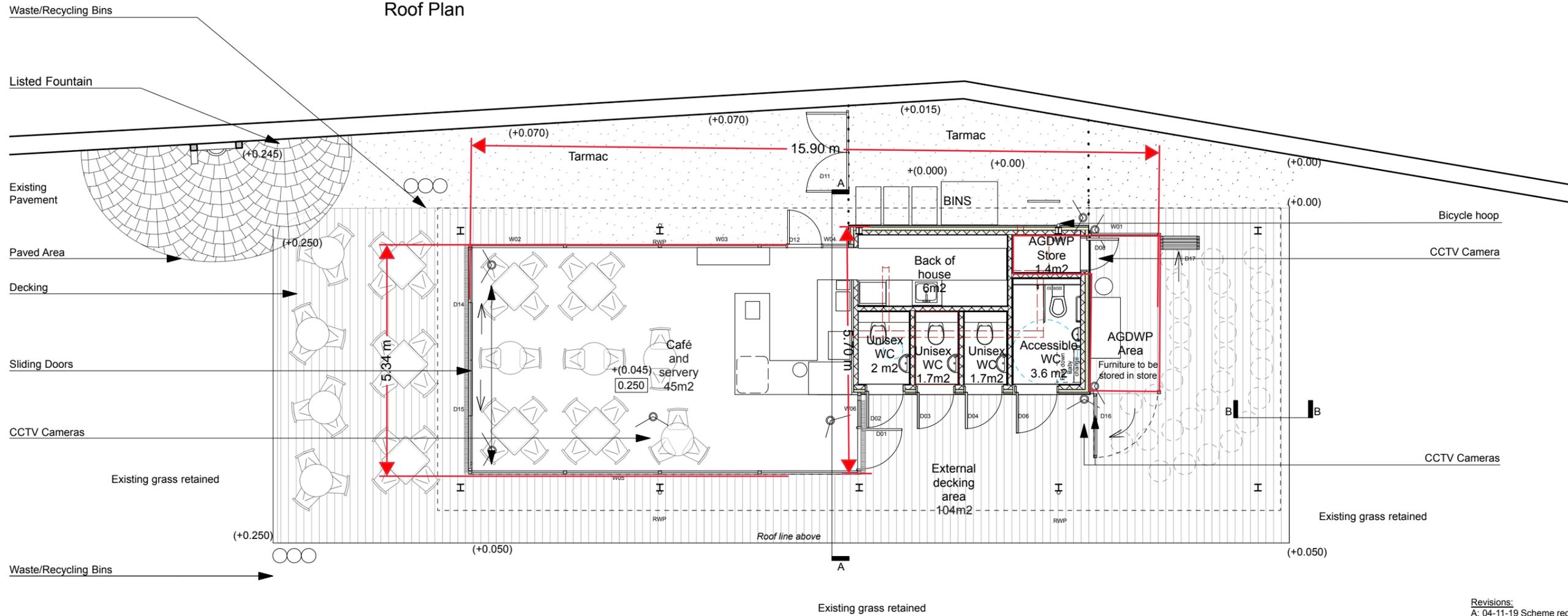
Cliff face

Bristol Downs

Revisions	
F:	Wildflower area added 11/3/2022
E:	Updated to suit revised plan 08/12/2021
D:	Roof terrace removed 05/02/2019
C:	Revised post meeting 22/10/2018
Rev. B:	Ramp added 03/09/2018
A:	Location of building revised 20/08/2018



Roof Plan



Ground Floor Plan

Revisions:
 A: 04-11-19 Scheme reduced
 B: 11-3-22: Green roof re-instated to full area of roof



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Chris Goodsall Architects



Front Elevation

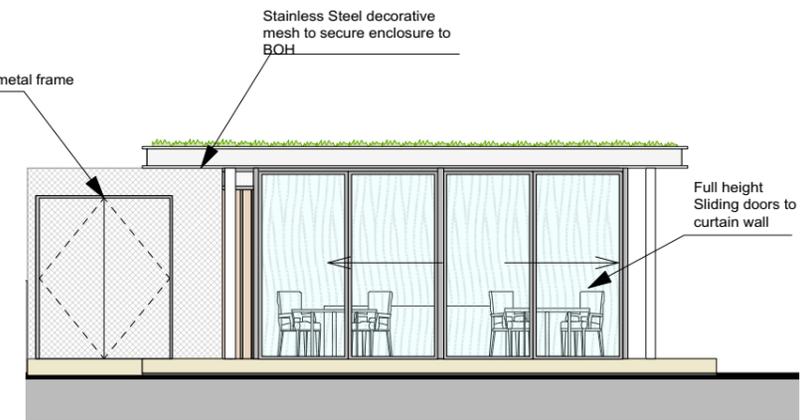
Toilet doors to be timber clad

Defibrillator

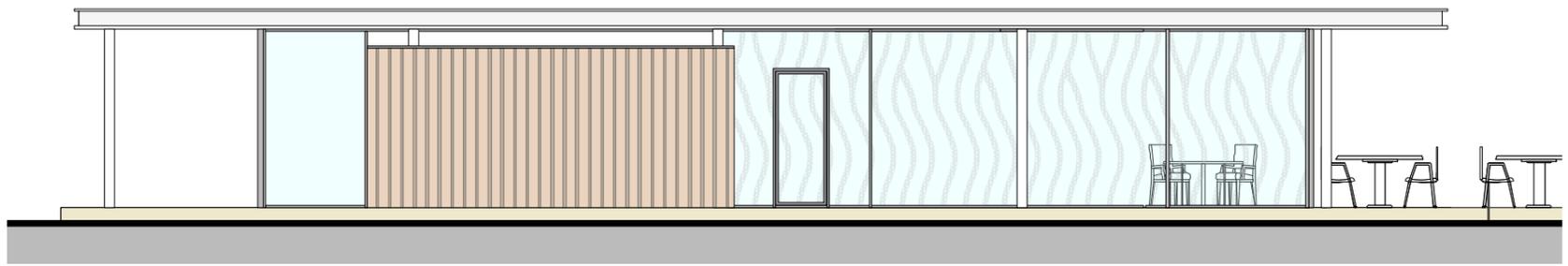
3.23 m



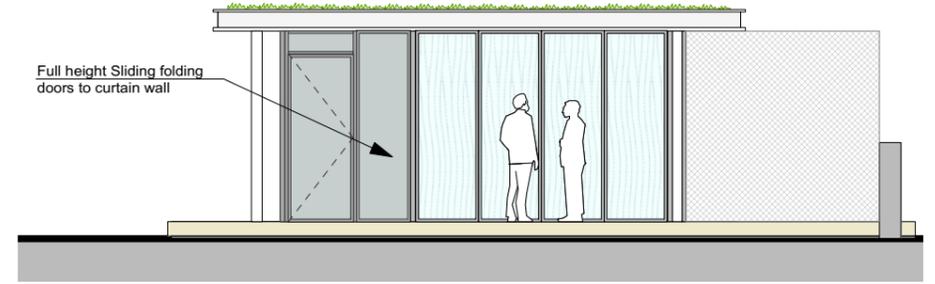
Example of woven stainless steel mesh to be used to enclose bin store



Side Elevation



Rear Elevation



Side Elevation



Revisions
A: 30-10-19 Updated for reduced scheme

Seawalls viewing point

Listed drinking fountain

Existing toilet block



Listed drinking fountain

Existing toilet block





Existing toilet block

Towerhirst



Existing toilet block

Towerhirst





MEN



Application Decision

Site Visit held on 20 September 2020

by **Helen Heward BSc Hons MRTPI**

An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 11 November 2020

Application Ref: COM/3246988

Durdham Down, Bristol

Register Unit No: CL5

Commons Registration Authority: Bristol City Council

- The application received on 27 February 2020 is made under Section 38 of the Commons Act 2006 ('the 2006 Act') for consent to carry out restricted works on common land.
 - The application is made by Jonathon Baker, on behalf of The Downs Committee, c/o Democratic Services, City Hall, Bristol, BS1 5TR.
 - The works comprise:
 - The demolition of existing public conveniences;
 - The erection of a building to comprise café, public conveniences and education booth with hard surfacing provision for outside seating;
 - Temporary fencing enclosing a construction area of 687m²;
 - The total area of the permanent building and surfacing to be 205m².
-

Decision

1. Consent is granted.

Preliminary Matters

2. I carried out an unaccompanied site visit on 20 September 2020.
3. A previous application, COM/3221451, for the same scheme of works was refused in September 2020. This application has been submitted to address concerns raised in that decision. There is nothing in the Commons Act 2006 to prevent an applicant making another application.
4. In the documents before me, there are references to a total area of building and surfacing of both 200m² and 205m². The difference is not significant. The previous Inspector referred to 205m². I too have considered this larger area so that I have considered the greatest potential implications.
5. The Applicant confirmed that Drawing "DC2-ED04 Rev-" is the application map.
6. I have reached my decision on the basis of the evidence presented in the current application and from my site visit observations of the site and locality. The application includes a copy of the planning permission¹ for the proposal with all of the conditions attached; information about the costs and financing of the building and the likely costs and profits of the operation of the café. Other evidence that I have had regard to includes the provisions of The Clifton and Durdham Downs (Bristol) Act 1861 ('the 1861 Act') and the Clifton and

¹ Bristol City Council Planning Permission : 18/04727/F

Durdham Downs Bylaws (effective 11 April 2003) ('the Bylaws'). I have also had regard to representations made in relation to this application.

7. Over 50 representations have been received. Objectors include the Open Spaces Society and the Sneyd Park Resident's Association (SPRA). Representations in support include letters from the British Zoological Society and the Avon Wildlife Trust.
8. Many objectors complain about the application process, including the advertisement of the application and notification of interested persons. These include that residents of houses and flats of an area close by and the SPRA were not notified and that information at a public meeting on 27 January did not amount to notice that an application was being considered.
9. Some objectors state that they have been unable to view the application documents due to the Covid-19 situation. Under the Commons Act 2006 the applicant is responsible for advertising the application and making the documents available for public inspection. The application was advertised in the Bristol Post on 7 February 2020. The applicant advises that the documents were lodged with Bristol City Council at City Hall in February 2020 and over a month before lockdown and has provided a letter confirming the publicity and notifications undertaken.

Description of the site

10. The application site is in the south-west corner of an area of land registered on the Commons Register ('CR') as Durdham Down. The common is owned by The City Council of Bristol and managed by a joint committee (the Downs Committee). The site includes a public toilet block, accessed via a hard-surfaced path from the adjacent highway (Seawalls).
11. The total area of the common is 85.793 hectares. The application site is in a corner, in an area of peripheral grass and woodland which appears to be mainly used for informal recreation. There are several sports pitches on a more central area close by.
12. The site is also adjacent to the top of the Avon Gorge, a Site of Special Scientific Interest ('SSSI'). There is a relatively large hard surfaced area for road-side parking, and an extensive paved viewpoint which affords spectacular views of the historic Clifton Suspension Bridge and the Gorge in general.

The Application

13. The application is for the demolition of the toilet block and replacement with a new larger building to house toilets, café and education booth together with an external decking area on which seating would be placed. The total area of buildings/development would cover 205m².
14. The application also proposes temporary Heras-type safety fencing to enclose an area of 687m² for the construction period of approximately 24 weeks.

Main Issues

15. I am required by section 39 of the 2006 Act to have regard to the following in determining this application: -

- a. the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
 - b. the interests of the neighbourhood;
 - c. the public interest;² and
 - d. any other matter considered to be relevant.
16. Section 39(3) provides that consent may be given under Section 38(1) in relation to all or part of the proposed works, and subject to such modifications and conditions relating to the proposed works as are thought to be fit.
17. In determining this application, I have had regard to the latest edition of Defra's Common Land Consents Policy³ ('the 2015 Policy') which has been published for the guidance of both the Planning Inspectorate and applicants. However, every application will be considered on its merits and a determination will depart from the policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.

Reasons

a) The interests of those occupying or having rights over the land

18. The CR indicates that there are several commoners with rights to graze significant numbers of sheep between them. There is no dispute that these rights are exercised infrequently, and symbolically, at five yearly intervals.
19. A very small area of common in a peripheral location would be affected. No objections have been made by any party benefitting from rights of common on, over or across the land and the evidence indicates that the rights are not generally exercised. The proposed works would have a negligible effect on the grazing rights.

b) The interests of the neighbourhood

20. The 2015 Policy indicates that issues to be considered include whether or not the works would result in the loss of existing use; whether or not the outcome intended by the proposed works would add something that will positively benefit the neighbourhood and whether or not there would be an interference with the future use and enjoyment of the common by commoners, the public or others.
21. There is a general expectation of some positive benefits on the neighbourhood. Nevertheless there is no obligation for this to be the case and the interests of the neighbourhood either positive or negative would need to be put in the overall balance. There is no official definition of neighbourhood, as well as local inhabitants it could include all likely to use the common.
22. The existing toilet building is roughly 50 years old. It is a relatively small flat roof building. It is outdated, rundown and has been subject to some vandalism and misuse. It is open 24 hours a day and used by people who are in the locality for many reasons including informal recreation, coming to take in the

²Section 39(2) of the 2006 Act provides that the public interest includes the public interest in; nature conservation; the conservation of the landscape; the protection of public rights of access to any area of land; and the protection of archaeological remains and features of historic interest.

³ Common Land Consents Policy (Defra November 2015)

- view or for sports. The toilets have been subject to some antisocial behaviour, particularly during hours of darkness.
23. The proposed development would incorporate replacement toilets. Toilets would remain available 24 hours a day and free of charge. The facility would be staffed from 08.00 to 19.00 Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank Holidays. At other times they would be monitored by infra-red CCTV. There would be no loss of existing use.
 24. On the day of my site visit there were many people in the area, some admiring the view and some relaxing on the grass, others playing sport, games and taking exercise. I saw several people use the existing toilets in a relatively short time. The access to the existing men's toilet is at the rear. Bounded by a wall and overhung by tree canopies, this access felt somewhat unsafe.
 25. The availability of other facilities on Stoke Road and elsewhere might be accessible to some but would not provide a convenient amenity for the needs of many users of the southern end of the common, particularly the less able.
 26. There are changing facilities available for organised sports, but it would seem reasonable to presume that people playing sports on pitches at the southern end of the common would still make use of both the existing and the proposed replacement toilets.
 27. Letters in support of the application from individuals, walking groups, and the Ramblers Association attest to the need for facilities for many different groups using the common and locality, including the elderly and children. They attest to the poor quality of the existing toilets.
 28. The replacement toilets together with improved management and supervision would be an improvement and of benefit to people informally exercising, strolling and recreating in the locality, as well as people visiting to take in the views of the Gorge and Clifton Suspension Bridge. They would make the facilities more attractive and usable for the many different user groups. Some objectors are worried about access to toilets becoming restricted, but the applicant advises that facilities would be available at all times. Overall, the replacement toilets would result in an improvement to safety and amenity which would benefit young and old, the able and less able, and be consistent with aims of a 2012-2017 Management Plan to ensure that anti-social behaviour is controlled, and its impact reduced. These would be positive benefits for the neighbourhood.
 29. Objectors state that the locality is valued for peace, beauty, birdsong and dark night skies and consider that the presence of the café would result in nuisance. The previous Inspector noted the quietness of this area. My visit was on a warm sunny Sunday afternoon. I observed a steady flow of traffic and cars parked alongside the road in several areas, particularly close to the viewing platform for the Gorge. Traffic noise was apparent in the background hum of this green urban lung. An ice cream van parked close to the toilets was busy with a queue of customers. The locality had the feeling of a popular, well-used urban greenspace. Some objectors to this application acknowledge that the locality and the Seawalls promenade are particularly busy at weekends. Some refer to the traffic, including cars, coaches and commercial vehicles parked as a "ring of steel" and an intrusive volume of existing traffic.

30. I have no doubt that the proposed café with external tables on the proposed decking area would receive custom and attract some additional people to this area. But like the previous Inspector I do not think that it can be concluded that more people would necessarily be detrimental, and I note that the size of the café is limited, and the external seating area would only provide for a limited number of tables and chairs.
31. A verdant residential suburb to the north of the common includes the designated Sneyd Park Conservation Area (CA). On my visit I found that those dwellings immediately north of this part of the common are in the main some distance from the site of the application, and largely screened from it by boundary screening, trees and mature woodland. I also note that the CA excludes the row of dwellings closest to the common. The café and external seating area would face away from this area. I very much doubt that there would be any discernible visual or audible impact arising from the café within this area generally.
32. One property, Towerhirst, has a number of windows at first floor level and above offering views toward the site. These windows would enable occupants to take advantage of an outlook over this corner of the common. In winter and periods of low daylight, the building would be at its most noticeable when lights are on. In summer there could be people sat the tables on the far side of the building, but they would largely be screened from Towerhirst by the building.
33. The education booth would provide a covered space for teaching and educating during bad weather. The 2012-2017 Management Plan aims include providing the maximum opportunities for education and enjoyment of The Downs, and to ensure that they are well managed and well resourced. The education booth is designed to provide a base for the Avon Gorge and Downs Wildlife Project (AGDWP). This is an organisation set up to protect the wildlife interest of the Avon Gorge and Downs and raise awareness and understanding about the importance of the area for people and wildlife.
34. The booth would be used to facilitate the operation of the wildlife project and its various events, promote access, understanding and knowledge of important characteristics of the area. It would also provide for an interpretation space about the wildlife of the Avon Gorge and Downs. Information about the activities of the AGDWP includes that each year they teach approximately 1500 primary age school children, some coming to the Downs for education sessions in the spring and summer. They also run a programme of public events during the year including talks, family events and walks, many of which start at Seawalls.
35. A number of star-gazing evenings on the Downs have also been held since the Downs became a Dark Skies Discovery Site. Such events can attract up to 100 people. The application includes details of many other existing types of events held in the locality, including coach trip visits to the viewing area for the Clifton Suspension bridge.
36. The education booth would be the closest part of the development to Towerhirst. Undoubtedly, the ambience and appearance would change. But with an internal area of 7m² plus a restricted undercover outdoor decked area, the capacity and uses would be limited. There is nothing to say that the area could not presently be used by the Avon Gorge and Downs Wildlife Project and other individuals or groups of people for open air lectures, picnics and the like.

37. Moreover, the planning permission includes a number of conditions to protect the amenities of residents and the locality, including requiring that all patrons, customers and members of the public vacate the building outside of the hours 08:00 to 19:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.
38. A condition about lighting has been imposed to safeguard the amenities of adjoining residential occupiers, the appearance and character of the area as well as local ecology. It requires that prior to the commencement of development a detailed lighting scheme and predicted light levels by a suitably qualified lighting engineer shall be submitted and approved in writing by the Local Planning Authority. The report should include details of all internal and external lighting (including any decorative lighting and security lighting within external amenity/access areas) and associated light spill plans unless otherwise agreed in writing by the Local Planning Authority.
39. 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. Zone E2 relates to areas of rural low district brightness such as sparsely inhabited rural areas, villages or relatively dark outer suburban locations.
40. A planning condition to safeguard the amenity of nearby premises and the area generally restricts the rating level of any noise generated by plant and equipment to at least 5dB below the background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
41. From the level of use and traffic I observed, and the number of cars parked in the locality I think it unlikely that the proposal would generate a significant level of traffic, activity or noise that would materially change the existing character and amenities of the neighbourhood.
42. The applicant agrees that there has been a particular litter problem this year post the Covid-19 lockdown. Objectors acknowledge that some litter is from "fast food debris". I find no reason to doubt that the café could not manage its own litter and waste production.
43. The Inspector who determined the previous application was concerned that there was insufficient information about the viability of the proposal to give certainty about aspects of the scheme which could affect the likely impacts upon the neighbourhood.
44. A 2020 cost assessment included in this application indicates a construction cost of £373,662 confirms that Bristol City Council holds £375,000 on reserve for the Downs Committee. This indicates sufficient funding to demolish the existing toilets and construct the new building.
45. The applicant advises that the existing toilets cost circa £12,500 per year to clean and maintain, additional costs from vandalism etc can take them to in excess of £20,000.
46. It is intended that the venture should be self-funding, including the management, maintenance and upkeep of the new toilets. Any surplus would contribute to the costs incurred in the general management of the common, in

- the face of government funding cuts which have resulted in lower contributions from the local authority for that purpose.
47. The Stoke Road café building is owned by the Downs Committee. Centrally located within the common it offers a broadly comparable model for the proposed café and the accounts of that café have been used as a guide for projections for the proposed café. These accounts demonstrate that following two years of breaking even and making a small loss the Stoke Road café made a healthy profit in 2019. The business plan for the proposed café assumes a slightly smaller turnover to that achieved at the Stoke Road café in 2019, and slightly higher consumable costs.
 48. The two cafés might share some similar customer groups but are over 1Km apart. The Stoke Road café benefits from a more central and busy location and the proposed café would benefit from being close to the Zoo and existing parking and the viewing platform for the Clifton Suspension Bridge and Gorge. There are other cafés too, including on Whiteladies Road, but that is not to say that there is no need or demand for the proposed café.
 49. There is little evidence to doubt the applicant's assessment of the financial soundness and viability of the proposal, nor to say that a café operating in the proposed building would not be able to achieve a similar result or that low winter turnover would threaten viability.
 50. The building design indicates that it would be a sustainable structure with energy conservation. There is little evidence to say that the management of the toilets would unduly add to the costs of the enterprise, that the business could not finance an operation requiring staff on hand for up to 11 hours a day on most days of the week and the monitoring of a CCTV.
 51. The replacement toilets, café and education booth would improve facilities and services and contribute to supporting the function of the area for open space use as a place of public resort for the citizens and inhabitants of Bristol and would be consistent with the Management Plan aims.
 52. The applicant has demonstrated the financial arrangements and assumptions. There is no substantive evidence to the contrary. I am satisfied that the evidence in this application allays concern that a similar situation to the one that exists at present; or that a dilapidated structure which is not attractive and may be the target for vandals would be likely to arise.
 53. I conclude that with the environmental controls afforded by the planning permission, the proposal would not be likely to adversely affect the interests of neighbouring residents and occupants. Overall the proposal would positively benefit the neighbourhood and the future use and enjoyment of the common by commoners, the public and others.

Loss of existing use or interference with future use and enjoyment of the common

54. One objection is that the Downs should not have a commercial enterprise on it. The applicant advises that the café is to be run as a social enterprise. In any event, there are no express provisions in the 1861 Act which prohibit the operation of a commercial enterprise. The Act provides for Bylaws to be made, and Paragraph 6 of the current Bylaws states that '*No person shall on the Downs, without the consent of the Downs Committee, sell or offer or expose for*

sale, or let to hire, or offer or expose for letting to hire, any commodity or article.’ This would appear to provide for the running of a commercial premises or business with the consent of the Downs Committee.

55. There is no evidence that rights holders exercise their rights over the area of the common affected by the application except symbolically on rare occasions. The amount that the increase in the built footprint of the building would reduce the area available for possible grazing in the future would be tiny in relation to the overall area. The temporary loss of potential grazing of the fenced off construction site for health and safety reasons would also be insignificant.
56. The proposed building would be open to the public during operational hours and toilets would be available at all times. The public would have access to the site at all times, and to the building for a large part of each day. Temporary fencing would interfere with public access during the construction period of approximately 24 weeks.
57. There would be no loss of toilet use and the facilities would be improved. Given my findings on the viability of the proposal I find no reason to conclude that the future use and enjoyment of this part of the common would be adversely affected.

The public interest

Nature conservation

58. The building would have a green roof although the application does not claim the building to have any particularly special benefits for nature conservation in itself. The proposed works would reduce very slightly the area of grassland on the common, but the affected area is down to grass and subject to a relatively high level of use by people accessing the toilets and there is no evidence that it is important for the purposes of nature conservation. The planning permission includes a number of conditions designed to ensure that nature conservation interests are adequately protected, including control of lighting. The applicant would need to discharge and comply with the requirements of these conditions.
59. Comments have been made in relation to the proximity of the site to the Avon Gorge Site of Special Scientific Interest. Natural England made no adverse comments. The Avon Wildlife Trust consider that the education booth, with information about the wildlife and ecology of the Downs and Gorge, including the varied habitats and unique species, will encourage people to experience and appreciate nature.
60. There would be no direct adverse implications in respect of nature conservation and the proposal would indirectly benefit a wide range of nature conservation interests on the common and in the locality.

Conservation of the landscape and features of historic interest

61. As with the previous application many objectors object to effects of the proposed building on the surrounding landscape. The building would be larger but that it is not to say it would have a greater impact or be more intrusive.
62. Situated on the site of the existing toilets at the edge of the common, the building would not be in a prominent position. It would stand alone and would

- not interfere with the setting and views of the Gorge and Clifton Suspension Bridge.
63. The existing toilet block building is utilitarian in design and not attractive. Adaptations for accessibility including a ramp and rails add more detracting elements, when seen from the front. It has a negative effect upon the visual amenity of the neighbourhood.
64. Constructed of glass and timber the new building would have a lightweight and airy feel. It would be larger, but the contemporary design is understated and would appear transparent in part. It would be a discrete coherent development designed to meet specific needs and would not appear as piecemeal development.
65. Its use would change the ambience and the appearance of this corner of the common, but I have already found that the planning permission would mitigate impacts, including limiting lighting to a level appropriate to sparsely inhabited rural areas, villages or relatively dark outer suburban locations.
66. The present toilet block does nothing to enhance the setting of Towerhirst and a drinking fountain, both Grade II Listed structures. The proposed new building would be sufficiently distanced from them to ensure that their setting would not be harmed, and the removal of the existing building would be an enhancement. The drinking fountain would be restored to working with new paving around it as part of the scheme.
67. I conclude that the replacement building would result in a visual enhancement to the landscape and restoration of the listed fountain would be an enhancement of a feature of historic interest.

Public Access

68. Public access to the application site would not be prevented by the proposed works except at certain times of the day and, temporarily, during the construction period.

Archaeological remains

69. There is no evidence to suggest harm to archaeological remains.

Other matters

70. There is little evidence to say that the proposal would have a material adverse effect upon the trade of existing businesses.
71. The application does not propose car parking. Any such proposal would be for consideration if and when it was proposed. When considering the planning application the Council found there to be sufficient parking on Circular Road that this would not cause a significant highways issue. There is no clear evidence that the proposed building would attract large numbers of extra vehicles but, if problems arose, the local authority and the Police have powers to deal with unauthorised or illegal parking.
72. Matters relating to structural stability, flooding and drainage would be subject to other statutory controls. There is some concern that granting consent would set a precedent, but each application must be considered on its own merits and with regard to the legislation.

Conclusions and decision

73. The 2006 Act, together with earlier legislation, enables government to safeguard commons for current and future generations to use and enjoy; to ensure that the special qualities of common land, including its open and unenclosed nature are properly protected; and to improve the contribution of common land to enhancing biodiversity and conserving wildlife.
74. The consent process, in respect of applications under Section 38 of the 2006 Act, seeks to ensure that any use of common land is consistent with its registered status, and that works take place on common land only when they maintain or improve the condition of the common, or where they confer some wider public benefit, and are either temporary in duration, or have no significant or lasting impact.
75. I conclude that the proposal would not be likely to adversely affect the interests of neighbouring residents and occupants, would positively benefit the neighbourhood and the future use and enjoyment of the common by commoners, the public and others and would not harm the future use and enjoyment of this part of the common. There would be no direct adverse implications in respect of nature conservation and the proposal would indirectly benefit a wide range of nature conservation interests. The replacement building would result in a visual enhancement to the landscape and restoration of the listed fountain would be an enhancement of a feature of historic interest.
76. Having regard to the criteria set out in paragraphs 15 to 17 above, and all the written representations, I conclude that consent for the works applied for should be granted.

Helen Heward

Inspector

