

WARD: Central

SITE ADDRESS: 1A-C Colston Yard Bristol BS1 5BD

APPLICATION NO: 21/04208/F Full Planning

DETERMINATION DEADLINE: 30 November 2022

**Partial demolition, conversion of no. 1A Colston Yard from offices to a house in multiple occupation and conversion of nos. 1B-C to an apart-hotel (Use Class C1) with a business hub and associated new-build development containing serviced apartments.**

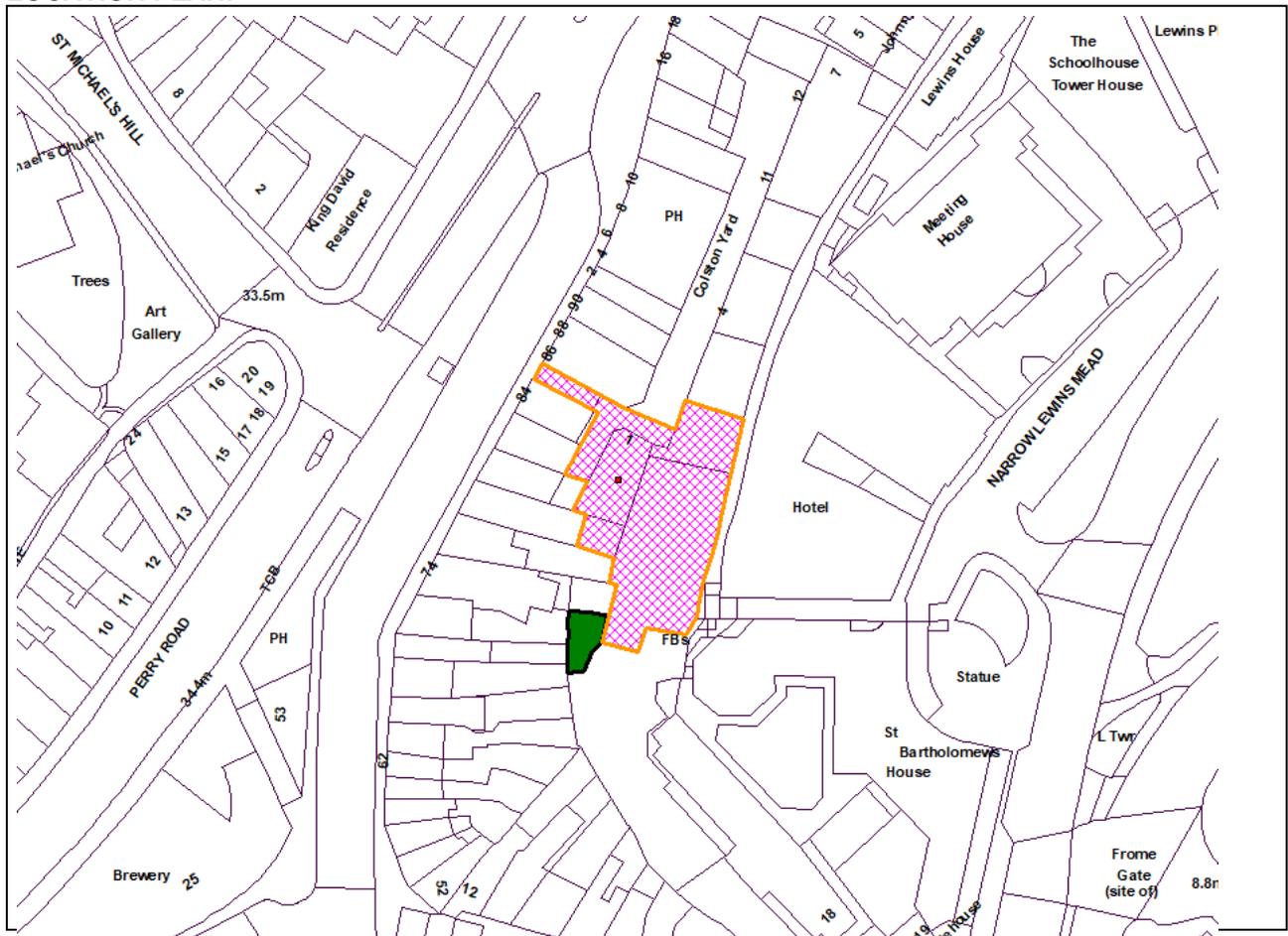
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Aspect360 Ltd  
45 Oakfield Road  
Clifton  
Bristol  
BS8 2AX

APPLICANT: STP Lettings Ltd  
C/o Agent

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

**LOCATION PLAN:**



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**1A-C Colston Yard. Application 21/04208/F**

**ADDENDUM To Committee Report for the 5<sup>th</sup> October 2022.**

This report should be read in conjunction with the previous Officer's Report to Committee on 5<sup>th</sup> October 2022. The item was deferred to the 16<sup>th</sup> November 2022 Committee to allow for Members to conduct a site visit.

**UPDATE SINCE DEVELOPMENT CONTROL COMMITTEE A MEETING ON 5<sup>th</sup> OCTOBER 2022.**

Since the decision to defer this application pending a site visit, a revised scheme has been submitted which reduces the height of the southernmost section by 3.4m, removing the gable and one proposed apart-hotel room. As such, the proposal is now for a 19-room aparthotel and an 8no. bedroom HMO (which benefits from an extant planning permission).

The revisions submitted required further assessment of key issues C (Design and Heritage), D (Amenity) and K (Other Matters) in the original Officers' Report. This assessment is set out below.

Following the submission of the revised plan, a 14-day re-consultation was undertaken with letters sent to all neighbouring properties and citizens that had commented on the application. The deadline to respond was 2<sup>nd</sup> November 2022.

In addition, the City Design Officer and Economic Development Officers have also been consulted.

A total of 27 objections have been received from members of the public. The majority of the reasons for objection are resubmission of reasons given in the first round of consultations and summarised in the first report.

Additional reasons given during the re-consultation period are summarised as follows:

- Revised plans do not adequately address previously raised issues.
- Should be a story lower.
- Does not offer a substantial contribution to Bristol Infrastructure.
- Non-residential development.
- Lack of light due to trucks.
- Construction hours are too long.
- The area is a key feature in Bristol's tourism offering due to the concentration of independent businesses.
- No need for hotel accommodation.
- Loss of light and air to properties adjoining the proposal.

Comments have been made that support the proposal within the latest consultation period within the representations objecting to the application. These include:

- The continuation of the Johnny Ball Lane arches is appealing.

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- The architectural merits are evident in the response to the Victorian arches on Johnny Ball Lane, the pitched roofs of Colston Yard and Street.

The Christmas Steps Arts Quarter (Residents and Traders) has commented as follows:

'This Association, the Christmas Steps Arts Quarter (Residents & Traders), having studied the newly-revised plans and consulted its members continues to object as follows:

The revised removal of the southernmost gable storey would give more light and air to residents in No. 76 Colston Street and their immediate neighbours. However, the revision does nothing to address the community's many other existing and profound grounds for objecting:

1. LOSS OF AIR AND LIGHT to the remaining Colston Street residents.
2. OVER-DEVELOPMENT. Far too big and massive (7 storeys). Its presence and activity would overwhelm the small scale of Colston Yard and its businesses. The Yard's limited capacity is already fully-stretched.
3. "MODERN" CORPORATE HOTEL ARCHITECTURE harmful to the Conservation Area and alien to the character of historic Colston Yard and its intimate studios/workshop and adjacent listed buildings.
4. SITE EXTREMELY DIFFICULT - Loose material and steeply-sloping and confined with very constricted access. The site would need a geological survey by a Council-nominated firm. Seven or more previous schemes have all been abandoned.
5. CONSTRUCTION NOISE AND DISTURBANCE to residents and traders for an estimated 72 weeks.
6. PUMPING LIQUID CONCRETE through Colston Yard would hamper access to and from and to the surrounding traders' authorised parking spaces in Colston Yard, as probably would the hotel's activity once it is in operation.
7. THE COMMANDEERING OF SEVERAL OF COLSTON STREET'S VITAL PARKING SPACES for months by those concrete lorries would be disastrous to Colston Street's traders.
8. THE PROPOSED BUILDING MATERIALS YARD in front of the Hotel Du Vin has been robustly objected to by Hotel Du Vin and by adjacent St. Bartholomew's Court.
9. CLOSING-OFF JOHHNNY BALL LANE public right of way for 72 weeks would damage the CSAQ traders' vital footfall.

This Association has said consistently that an application of approximately half of the present size would be considered more sympathetically, but the applicant's two revisions have fallen far short of such a reduction.

For all of the above grounds, this ASSOCIATION strongly requests that this application 21/045208/F be refused.'

[Case Officer Note: Only material planning considerations can be considered in assessment of the applications. Many objections reference disturbance by way of noise and dust to

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nearby residential properties and economic impact on business during the construction period and the difficulty in accessing the site for construction purposes. Whilst these are not material planning considerations, the impact can be minimised through planning conditions for revised Construction Management Plans.]

**OTHER COMMENTS:**

**The City Design Officer has commented as follows (4<sup>th</sup> November 2022):**

'The previous comments still stand. The further reduction in the southern end massing is welcomed and further reduces potential impact on neighbours, which was already considered acceptable after the first round of revisions. As per previous comments, we have no concerns with regard to impact on the Conservation Area or key views. Materials and architectural details will be secured by condition.'

**The Economic Development Officer has commented as follows:**

'I'd concur with the view that the proposal has the potential to contribute positively to the local economy and as such wouldn't oppose.'

Regarding any potential disruption to normal business activities in the vicinity during construction works, I understand it is possible that businesses can apply to the VOA (the organisation that sets the values of business premises for business rates purposes) to have their rateable values reassessed: About us - Valuation Office Agency - GOV.UK ([www.gov.uk](http://www.gov.uk)). Also, in extreme cases, and provided certain criteria are met, businesses can apply for hardship relief: Business rates relief: Hardship relief - GOV.UK ([www.gov.uk](http://www.gov.uk)).'

**ADDITIONAL ASSESSMENT OF THE REVISED PROPOSALS – KEY ISSUES:**

**C. DESIGN AND HERITAGE**

The revised proposal has been reviewed by a City Design Officer. The proposed roof line sits comfortably within the street scene in Colston Yard and the impact on the setting of the street would be minimal, with no increase in the number of storeys or footprint visible within the yard.

The previous revision of the scheme was considered to adequately address any concerns regarding harm to residential amenity by way of loss of light, overshadowing, overbearing or loss of privacy. The revised proposal with the removal of the southern-most gable and a flat roof section was submitted following public statements made at Committee on 5<sup>th</sup> November and is considered to further reduce impact that had been assessed as acceptable.

The proposed scheme has a lower roof height than 1A Colston Yard and would have minimal impact on the street scene of Colston Yard. The proposed brick elevations are in keeping with the street scene and would preserve or enhance the special character of this part of the Conservation Area.

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**D. AMENITY IMPACT FOR NEIGHBOURING PROPERTIES**

The application was assessed and found to be acceptable in terms of amenity for neighbouring properties. Following the objections and Public Forum statements at the 5<sup>th</sup> October 2022 Committee, the applicant submitted a revised scheme with a reduction in massing at the south end of the development, removing one bedroom and gable from the plan. This southern section now features a flat roof at ground level.

Further to these revisions, the impact on neighbouring residential properties would be further reduced and is considered acceptable.

**K. OTHER MATTERS**

Further to concerns raised with regard to impact on existing businesses during and post-construction, the Economic Development Team were consulted. They raise no objection to the proposal and support the development of an apart-hotel in this location. Once complete, the additional accommodation for visitors to the city would increase footfall for neighbouring retail businesses.

Further, they have confirmed that should businesses suffer from a loss of earnings as a result of impact during construction, they would be eligible to apply for a reduction in Business Rates.

**EQUALITIES ASSESSMENT**

In providing this further advice and 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.

This assessment has been carried out in accordance with the Council's Equality Objectives and in compliance with the Public Sector Equality Duty.

**RECOMMENDATION**

Officers recommend that the application be approved subject to the conditions set out in the previous Officer's Report.

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**LIST OF APPROVED PLANS CONDITION.**

Please note any decision would be on the basis of the following updated list of plans and drawings:

- 1706(L)00 Location Plan, received 2 August 2021
- 1706(L)01 Existing Site Plan, received 2 August 2021
- 1706(L)30 Proposed Site Plan, received 2 August 2021
- 1706(L)10 Existing Johnny Ball Lane Level Plan, received 2 August 2021
- 1706(L)11 Existing Colston Yard Ground Floor Plan, received 2 August 2021
- 1706(L)12 Existing Colston Yard First Floor Plan, received 2 August 2021
- 1706(L)13 Existing Colston Yard Roof Plan, received 2 August 2021
- 1706(L)20 Existing East Elevation, received 2 August 2021
- 1706(L)21 Existing South Elevation, received 2 August 2021
- 1706(L)22 Existing West Elevation, received 2 August 2021
- 1706(L)23 Existing North & East Elevations (wrong drawing title), received 2 August 2021
- 1706(L)24 Existing East & West Street Elevations, received 2 August 2021
- 1706(L)40 A Proposed Level 0 Plan, received 2 August 2021
- 1706(L)41 A Proposed Level 1 Plan, received 2 August 2021
- 1706(L)42 A Proposed Level 2 Plan, received 2 August 2021
- 1706(L)43 C Proposed Level 3 Plan, received 17 October 2022
- 1706(L)44 F Proposed Level 4 Plan, received 17 October 2022
- 1706(L)45 E Proposed Level 5 Plan, received 17 October 2022
- 1706(L)46 E Proposed Level 6 Plan, received 17 October 2022
- 1706(L)47 C Proposed Roof Plan, received 17 October 2022
- 1706(L)60 B Proposed East Elevation, received 17 October 2022
- 1706(L)61 C Proposed South Elevation, received 17 October 2022
- 1706(L)62 D Proposed West Elevation, received 17 October 2022
- 1706(L)63 B Proposed North & East Elevations Rear Building, received 17 October 2022
- 1706(L)64 E Proposed West Elevation Rear Units, received 17 October 2022
- 1706(L)65 C Proposed East & West Street Elevations, received 17 October 2022
- 1706(L)70 B Proposed Section A-A, received 18 January 2022
- 1706(L)80 Proposed Bike Stores, received 2 August 2021
- 1706(SK)18 Proposed Section showing windows of 76 Colston Street, received 7 November 2022
- P500 P1 Outline Drainage Strategy, received 2 August 2021

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**REASON FOR REFERRAL**

The application has been called in by Councillor Stafford-Townsend. The reasons given are overbearing impact on Grade II and Grade II\* Listed Buildings, that the proposal is unsuitable for the plot and location, transport impact, economic impact on surrounding businesses, amenity of neighbouring properties, impact of construction (noise and pollution). Full comments can be found on the Member Referral Form available to view online.

In addition, a significant number of objections have been received from members of the public and amenity groups.

**SUMMARY**

This application is for full planning permission the demolition of two buildings and construction of a 20 bedroom apart-hotel and an 8 bedroom HMO (the latter has already received planning permission). Following Case Officer advice, the scheme has been reduced in scale to the southern end, with an additional two bedrooms removed from the scheme.

A similar scheme to create residential units was approved in 2007. Following case officer advice, this application was reduced in scale to a similar massing to the previously approved scale of development.

The scheme is considered to be acceptable in terms of the principle of development and would preserve or enhance the special character of this part of the Conservation Area. Overall, the scheme is considered acceptable on balance subject to the conditions attached, and offers an inventive and creative use of land, including a parcel of brownfield land with no accessibility other than through the existing site. Consequently, Officers are recommending approval of the application.

**SITE DESCRIPTION**

The application site is located in the south-west corner of Colston Yard, a mews style backland development that has a range of buildings accommodating a mix of uses that include residential, workshops and offices. It also provides the rear access to shops and restaurants that front Colston Street. Pedestrian and vehicular Access is via a small squared arch from Colston Street.

The site lies within the St. Michaels Hill and Christmas Steps Conservation Area.

The views of the proposed development are from the south, above the Hotel du Van from Lewins Mead / Rupert Street.

A recent approval planning permission was granted for the conversion of 1A Colston Yard into an 8-bedroom HMO.

**RELEVANT PLANNING HISTORY**

There is an extensive planning history relating to this site. The most recent relevant applications of which are:

1A Colston Yard

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21/06135/X: Application for the variation of condition 12 following grant of planning application 19/00311/F for the conversion of the building from offices to a house in multiple occupation, with associated external alterations, cycle parking and refuse storage. GRANTED subject to conditions on 16.05.2022.

19/00311/F: Conversion of the building from offices to a house in multiple occupation, with associated external alterations, cycle parking and refuse storage. GRANTED subject to conditions on 02.10.2019.

17/00809/COU: Proposed Change of Use from Office Use (Class B1) to a 2 No. Dwellinghouse. PRIOR APPROVAL GIVEN on 13.04.2017.

13/01636/NMA: Application for Non-Material Amendment following a grant of planning permission. Application 12/04573/F. Use of vacant (abandoned) commercial building for B1 office use. AGREED on 16.04.2013.

12/04573/F: Use of vacant (abandoned) commercial building for B1 office use. GRANTED subject to conditions on 04.02.2013.

07/01304/F: Mixed use redevelopment to involve retention and alteration of an existing building within the confines of the Colston Yard for employment use and construction of 18 new residential units. GRANTED subject to conditions on 03.04.2009.

**1B & 1C Colston Yard**

20/00330/F: Conversion of the building from offices to a larger house in multiple occupation (Sui Generis), with associated external alterations, cycle parking and refuse storage. GRANTED subject to conditions on 02.07.2020

18/05246/COU: Notification for prior approval for a proposed change of use of ground floor unit 1B and first floor unit 1C from office use (Class B1(a)) to two flats (Class C3). (2 units). GIVEN on 12.12.1018.

**APPLICATION**

Full planning permission is sought for the partial demolition an, conversion of no. 1A Colston Yard from offices to a house in multiple occupation and conversion of nos. 1B-C to an apartment-hotel (Use Class C1) with a business hub and associated new-build development containing serviced apartments.

Following revision, the total number of rooms in the aparthotel has been reduced from 22 to 20.

Please see full plans for details.

For assessment of the 8 bedroom HMO element of the scheme at 1A Colston Yard, please see the Officer's Report for application 21/06135/X.

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**RESPONSE TO CONSULTATION AND PUBLICITY**

Neighbouring properties were consulted by letter with a deadline to respond of 22.10.2021. In addition, a site notice was posted with an expiry date of 06.10.2021.

58 objections have been received, of which 12 were received after revised plans were published on the planning website.

Key reasons for objection:

- Loss of character of the Yard, inconsistent with the existing uses therefore contrary to special character of this part of the Conservation Area.
- Construction Plan is not credible.
- Impact on neighbouring business and services during construction.
- Additional traffic and servicing will block access for existing occupiers on the Lane.
- Overbearing on Sugar House and Listed Buildings.
- Size of development should be reduced.
- Unacceptable increase in urban density within the Conservation Area.
- Loss of privacy and overlooking for existing residents in the area.
- Loss of light to buildings on Colston Street.
- Fears that an aparthotel could 'morph' into a student development.
- Existing traffic and parking issues would be exacerbated.
- Noise pollution during and after construction.
- Concern over waste and rubbish/litter on the street.
- Development would cause antisocial behaviour.
- The previous scheme was more appropriate.
- Safety concerns with only one lift and one staircase.
- Poor amenity for future occupiers with very small bedrooms.

**Conservation Advisory Panel**

The Conservation Advisory Panel has commented as follows:

'The proposals would be very visible from both near and far viewing points, from Lewins Mead and further away and these views must be provided. It is difficult to determine how the upper levels of the development would impact the rear of the properties on Colston Street and further information should be provided.

Regarding the lower section of the proposal: as per the previous approval the Panel agrees with the design comprising new arches with recessed balconies. The detail of the glazing and balustrades would be critical and must be submitted and approved.

Regarding the section above the retaining wall: the new proposals are considerably larger than previously approved and this is not considered to be acceptable. The additional storeys do not take account of the falling ground level to Colston Street and would adversely affect the setting of these listed buildings. This part of the building when viewed from below would rise above the existing skyline, be very overbearing to the Sugar House and adversely affect the setting of this listed building. The building may also be visible above the listed buildings in Colston Street in views from Perry Road and TVA views of this must be provided.'

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**Bristol Civic Society**

Bristol Civic Society has commented as follows:

'The proposal is for a 22 bed apart-hotel with an office hub plus an 8 bedroom HMO. There are outstanding planning permissions for two of the buildings on the site to be used as HMOs. The Society objected in 2018 to a proposal for a 72 bed student accommodation principally because of the proposal's height and its impact on views from the east and its lack of sympathy with the rhythm of development in and near Colston Yard. We consider that the present proposal is more sympathetic to its surroundings and offers an interesting solution to developing this underused site but have concerns regarding the height of the new buildings, the intensity of the development and access to the site.

**Land Use.**

The Society has no objections to the proposed uses of the site and welcomes, in principle, the development of the unused, poor quality land off Johnny Ball Lane. We have concerns that the proposed intensity of use will raise access issues covered in the section on access below.

**Design and Height.**

The Society considers that the main southward extension of development to accommodate most of the apart hotel rooms complements the rhythm established by the arched design of the large retaining wall beneath Colston Yard and immediately adjacent to Johnny Ball Lane. The gabled roofs surmounting each section of the new development also reflect the predominant roofscape of the east elevation of the Yard. However, we consider that the height of the apart-hotel should be reduced by at least one storey to reflect the southward slope of the land. This would, in our opinion, improve the view of the development as seen from Lewins Mead as well as reducing the impact of the development on the properties in Colston Street and Christmas Steps.

**Access.**

The site is poorly served in terms of access with a pedestrian only route from Johnny Ball Lane and a difficult vehicular access from Colston Yard. Consideration needs to be given to how the impact of dropping off and picking up of residents can be managed in Colston Street assuming that taxis and other vehicles will be reluctant to turn into Colston Yard and should probably be prevented from doing so in any case. Service vehicle access also needs to be addressed.

**Safety.**

The development would improve oversight and lighting in Johnny Ball Lane. Nonetheless, the Lane is narrow, enclosed and has two sight-obscuring right-angle bends. A safety enhancement scheme will be essential for Johnny Ball Lane.

**Construction.**

The access difficulties and constrained nature of the site will pose considerable challenges for construction and risks causing unreasonable disturbance to neighbouring activities and residences. We understand that the developers are working on this and a detailed construction management plan mitigating disturbance to neighbours will be essential if the proposal is to progress.'

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Following submission of revised proposals, the Bristol Civic Society commented further:

'Bristol Civic Society notes the small reduction in the proposed height of the apart-hotel. Although this is a slight improvement, the Society considers that it is insufficient to warrant a withdrawal of its objection to the proposed height of the development. Our other concerns remain.'

**The Christmas Steps Arts Quarter (Residents and Traders)**

The Christmas Steps Arts Quarter (Residents and Traders) have commented as follows:

'The Christmas Steps Arts Quarter (Residents & Traders) objects. There is very strong opposition to this application as shown by the large number of objectors which include the Bristol Civic Society, the Conservation Advisory Panel and our CSAQ Association that comments as follows:

No. 1A

We will not comment on this proposal for an 8-student accommodation, because a virtually identical application has already received planning consent.

1B, 1C AND LAND AT REAR

We strongly object to the size, massing and design of the proposed hotel as being far too big for the site, harmful to this part of the Conservation Area, and far too big and overburdening to the very restricted upper and lower accesses both during construction and during ensuing operation:

SIZE

The scheme is far too big and ambitious and is "Trying to put a quart into a pint pot". The footprint covers every square meter of available land, and the seven-level building would be too high. The site is backed on to by Colston Street shops/residences nos. 84 to 66 that steeply step down Colston Street, whereas the proposed 2.5 storeys above Colston Yard's ground level continue horizontally southwards from Colston Yard's level, effectively appearing as much more than 2.5 storeys when viewed from descending Colston Street's rear windows, depriving them of light and air. Those occupants also object to their homes and gardens being overlooked from the proposed upper storeys, plus noise from same.

CONSERVATION AREA ISSUES

The proposed lower section continues the arched wall theme of Johnny Ball Lane and appears to be fairly acceptable to our community. However the upper glass 'Modern' storeys are not only too high, but are harmful to the character of the Conservation Area's many buildings surrounding the site:

Immediately to the north are Nos. 72 to 90 Colston Street and Nos. 1A to 4 Colston Yard - all designated "Unlisted Buildings of Merit".

Immediately East are St. Bartholomew's Hospital Remains Grade II\*, The Sugar House (Hotel Du Vin) Grade II Listed and the Unitarian Chapel Grade LL\* Listed.

Immediately south are all the buildings of Christmas Steps, all Grade II and Grade II\*

Bristol City Council's St. Michael's & Christmas Steps Conservation Area Character Appraisal states "7.7.31 Colston Yard is the only mews development in the Conservation

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Area, which retains a light-industrial character. The retention of independent workshops, artisans and light industry is extremely important in protecting the unique and diverse character of the area."

The proposed corporate 22-apartment hotel would greatly harm and disrupt the Yard's unique and precious character.

#### CONSTRUCTION ISSUES

The application's Construction Management Plan proposes commandeering several shoppers' parking spaces in Colston Street (for a year or two?) for the delivery and pumping of concrete etc. through Colston Yard's only entrance - a small tunnel with a driving-width of only 2.34m. This would call a halt to all vehicular movements to and from the Yard's existing businesses during the many hours of pumping, causing them great harm. The lengthy exercise would deprive the already-struggling traders of some of Colston Street's precious few shoppers' parking spaces and it would create mayhem in Colston Street at a pinch-point where already there is already a tailback of traffic to the lights and the top of Colston Street.

Although construction noise is not always a planning ground for an objection, Nos. 82-88 Colston Street backing on to the site contain many treatment, therapy and meditation rooms behind single glazed windows (due to conservation constraints). Therapy treatments would be difficult or impossible during the construction noise of such a large development, and the neighbours with small children would also suffer greatly.

The Construction Management Plan proposes closing and using Johnny Ball Lane footpath to convey all materials (except the concrete) to the site. The plan proposes creating a delivery area the materials at the mouth of Narrow Lewin's Mead, stretching across the frontage and reception entrance of Hotel Du Vin whose management wishes local representation to oppose this application.

#### HOTEL OPERATING ISSUES

The proposed hotel would not provide any parking, nor could Colston Yard serve as a forecourt for deliveries/arrivals/departures etc. Therefore the foot-traffic, luggage-trolleying, deliveries, waste collections etc. of a hotel of this scale would place an impossible burden on the one small entrance tunnel which is already hard-pressed in serving the needs of the Yard's existing occupants.

#### RECENT HISTORY

In 2007, a former applicant proposed a pre-application scheme of very similar massing for this site. In the presence of Councillor Mark Wright, we successfully negotiated for the upper section to be appropriately "Gritty industrial" in character, and to be lowered and tapered down in height to nothing at the southern end. Also, recognising the pressures on Colston Yard, Mr. Knapton re-positioned the entrance down into Johnny Ball Lane, with the door on to Colston Yard only to be used as an emergency fire escape. That application 07/01364/F was more acceptable to our community and was APPROVED.

In early 2021, We met the current applicant and his agent and architect to discuss his pre-application presentation in the presence of Councillor Ani Stafford-Townsend. Our illustrated response requested that the upper part of the building be reduced and re-designed in similar fashion to the above-mentioned approved 07/01364/F scheme (reproduced in the current application's Statement Of Community Involvement). However, the applicant completely

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ignored our concerns and requests, and states in his current application that he has submitted it unchanged.

**SUMMARY**

The overwhelming consensus is that the proposed development is simply far too big and ambitious for this intimate, constricted site and its surroundings. Many of the objectors would not have objected to a noticeably smaller development on this long-neglected site. One put it perfectly by calling for "A more modest building that sits comfortably within the site, does not overwhelm its neighbours and is in keeping with Colston Yard and the surrounding listed buildings".

This Association requests that this application be refused'

Following the submission of revised plans, further comments were received:

'We, the Christmas Steps Arts Quarter (Residents & Traders) have studied the new revisions that lower two gabled roofs by a storey, reducing the proposed hotel's apartments from 22 to 20.

Such has been the emerging strength of opposition to the overall scheme expressed in the community's sixty-seven planning objections received to date (as summarised in the following concerns 1. to 11.) that the revisions have not caused anyone to withdraw their objections.

The revisions address the following concerns 1 to 4 only to a marginal extent, but do not address concerns 5 to 11 at all:

1. Since the 2009 scheme for the site gained approval (but was not implemented), Colston Yard has flourished immeasurably into a much larger and thriving group of small businesses that are already finding the Yard's very limited space difficult. The impact of the proposed corporate hotel would over-burden the Yard and would make life impossible for all concerned.
2. Colston Yard is already has high and congested urban density and should not be exacerbated by this over-sized proposal which we regard as over-development.
3. Loss of aspect from the Colston Street properties, even with the revision lowering two gable ends by one storey. Two current online comments have described the revisions as "Token" and "Pitiful". The community's consensus is that any scheme should be less than half of the proposed size to get a more sympathetic response.
4. The proposed upper storeys are still too tall and are ugly and out-of-keeping, and would harm the character of the Yard and the historic Conservation Area. A corporate hotel would clash with the whole character oi Colston Yard's small independent businesses.
5. The impact of 18 months' massive construction noise and disturbance (including pile-driving) would be unacceptably harmful to the many surrounding small businesses and residents.
6. The pumping of liquid concrete through Colston Yard entrance tunnel is proposed over a long period. Already, the Yard's sole entrance tunnel is in vital and constant use and is frequently blocked by traffic jams.

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7. The commandeering of Colston Street parking spaces for months for this pumping purpose will be even more difficult after BCC's removal of those adjacent parking spaces and their replacement with unimpeded cycle lanes.
8. The construction method from below via Johnny Ball Lane from the proposed building materials reception compound between St. Bartholomew's House and the Hotel Du Vin is utterly unacceptable to those firms - see their professional agents' objections, as is the proposed closingoff Johnny Ball Lane public right of way for over a year.
9. There is no more room for rubbish collections and rubbish collectors' visits.
10. Our members fear that the proposed apart-hotel could morph into becoming student accommodation of which there is already an unacceptably high concentration in the immediate area.
11. Loss of wildlife from the area's only undeveloped site is one objector's concern, and another neighbour complains of "Greedy developers who insist on monetising every square foot" in these ecologically-conscious days.

The sixty-seven objections (to date) are from near residents and traders to the site plus Bristol Civic Society (23/9/21), the Conservation Advisory Panel (6/10/21), The Christmas Steps Arts Quarter (18/10/21, 26/11/21 and 24/2/22) and ward councillor Ani Stafford-Townsend (21/10/21).

Due to the high level of local objection, Cllr. Ani Stafford-Townsend has called the case in for the planning committee's consideration (Referral 21/10/21) and we request and trust that your report will recommend that it be refused.'

**OTHER COMMENTS:**

The City Design Team has commented are incorporated into the Key Issue on Design below.

**The Transport Development Management Officer has commented as follows:**

**Highway Network**

The site is situated within Colston Yard, a collection of mixed used and industrial units with sole access via the archway directly from Colston Street. The archway measures approximate 2.3m in width and 13m in length with no pedestrian visibility for vehicles emerging onto Colston Street and a 90 degree bend for vehicles entering the site.

The entrance is in close proximity to the Colston Street/Upper Maudlin Street signalised junction which can cause queuing vehicles past the point of entrance. Upper Maudlin Street is subject to heavy flows of traffic and at present due to works at the Bristol Beacon the vehicular route to Pipe Lane and Frogmore Street is currently closed impacting upon vehicular numbers along Colston Street. It is noted Colston Street and Upper Maudlin Street are classified B roads. There has been one recorded accident along the Colston Street frontage which involved a pedestrian and was of a slight injury.

There are a number of bus routes in close proximity to the site with the Bus station within walking distance as well as local amenities such as shops and restaurants. Colston Street is

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an identified Secondary pedestrian route with Colston Street, Upper Maudlin Street and Perry Road identified as popular busier cycle routes.

It should be noted there are currently proposals to alter Colston Street and Upper Maudlin Street out for consultation.

Access / Visibility

Colston Yard will be the main point of access to the site. Colston Yard is a narrow unadopted road occupied by light industrial premises. It has no footway. The entrance is from Colston St via an archway which measures approximately 2.3m in width and approximately 13m in length with the reduced width extending on for another 8m (approximately) with a sloping gradient down into the site. There is a 90 degree turn at the bottom after the entry to the site which obscures visibility. The lane is used by vans serving the industrial units as well as other vehicles in conjunction with the industrial use.

TDM object to the application on the grounds that the pedestrian and cycle trips, plus a small number of vehicular trips, generated by the residents and visitors to this site would conflict with the industrial use due to the unacceptable turn. Furthermore, vehicles would not be able to pass a pedestrian or cyclist in the vicinity of the archway safely given the restricted width and this is considered to be unacceptable.

There is limited visibility for vehicles along the lane until users are already committed to traversing along the lane. This will result in either the pedestrian having to turn around or the vehicle reversing back onto Colston Street (which is subject to consistent footfall and is an identified Secondary pedestrian route within BCAP30) with no visibility of pedestrians or vehicles which creates a highway safety concern. The same issue applies when a vehicle is required to reverse back towards the site albeit general footfall will be lower.

Little information to address the servicing needs of the development has been submitted. This site will operate as residential and a hotel which will each attract a different servicing stream. The site will be unable to be accessed by servicing lorries etc and serious concerns are raised regarding the use of Colston Street and the impact to the obstruction of free flow traffic. It is unclear how well used the existing loading bay is and what, if any provisions will be made should this loading bay be in use.

The applicant has proposed a secondary access onto Johnny Ball Lane. Whilst no concerns are raised regarding this an AiP (Approval In Principle) will be required (which can be conditioned) and a levels plan which shows how the building will tie into this existing adopted highway.

PROW – Johnny Ball Lane

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Having consulted the PROW team no concerns were raised regarding the impact of the development upon Johnny Ball Lane however concerns were raised regarding the construction phase. Should permission be granted detailed discussions between the applicant and the PROW team will be required.

Additionally a structural AiP will be required to ensure the structural integrity of the adopted highway is maintained and no adverse impacts are caused. The applicant will be required to upgrade the street lighting along Johnny Ball Lane to ensure it complies with BS7671, BS5489 and the Council's Street Lighting Specification 2012 Version 2. A street lighting & electrical design will therefore be required which can be provided (subject to a separate fee) by the Council's Highways Electrical Assets Team. Please note that any private external lighting will require a lighting assessment in line with the Guidance Note 1 for the reduction of obtrusive light 2020.

#### Car parking & Cycle Parking

No vehicular parking has been provided as part of this development. No concerns are raised regarding this given the constraints outlined above. It should be noted residents of the HMO units will not be eligible for parking permits.

In respect to cycle parking three cycle parking spaces have been provided for the HMO use. TDM recommend Sheffield stand spaces be used given these allow the owner to securely lock the cycle to the stand and not just lock the front wheel. Additionally Sheffield stands allow for the storage of adapted cycles and therefore promote sustainable transport to all sections of the community. Given walking and cycling will form well used modes of transport due to the lack of vehicular parking improvements to the design and an increase in the number of spaces to 1:1 should be incorporated.

In regard to the cycle parking for the apart-hotel given the nature of the development five cycle parking spaces are considered acceptable and this also exceeds the minimum policy requirement. As with the HMO use TDM recommend Sheffield stands be utilised.

#### Waste/ Servicing

The applicant has outlined the apartments will be serviced regularly with general waste and recyclables separated and taken to the main store adjacent to the site entrance.

Refuse will then be collected regularly by a commercial waste contractor. The applicant must clarify from where this would be undertaken. It has been outlined the agents will ensure the refuse store is kept clean and tidy and that there are no security issues.

The HMO will have its own separate provision in a dedicated store located next to the main entrance. BCC has a duty to collect residential waste. As the collection of domestic waste is a statutory requirement, the use of private waste contractors is not permitted. The applicant must contact Bristol Waste to agree how this would be undertaken and evidence of this must be submitted.

Further detail is required regarding the number of servicing movements the development will generate, where these will take place and how long each service vehicle will take. The refuse collection for the hotel element will likely take a considerable length of time given the distances involved and the inability of a refuse vehicle to directly access the site and perform a turning manoeuvre in Colston yard.

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Emergency vehicles

TDM question the suitability of access for the fire service and whether it complies with The Building Regulations 2010 - Approved Document B (Fire Safety) Volume 1: Dwellings 2019 Edition - Requirement B5: Access and facilities for the fire service. It is recommended that Technical Fire Safety at Avon Fire & Rescue is consulted.

Construction Management

Due to the impact this proposal would have on the highway network during the demolition/construction period, the applicant would be required to produce and submit a construction management plan.

Recommendation

Overall TDM recommend refusal.

**The Nature Conservation Officer commented as follows:**

Following the submission of the Preliminary Ecological Appraisal:

'The risk of any protected species being affected by this development is very low. There is no objection. Conditions have been supplied.'

**The Land Contamination Officer has commented as follows:**

The submitted Phase 1 Desk Study prepared by Wesson Environmental dated April 2021 has been considered. Generally the report is acceptable and we welcome the proposals for further investigation (although we appreciate access may be difficult given the terrain).

Therefore conditions in respect of Intrusive site investigation, remediation and the reporting of unexpected contamination are recommended.

**Flood Risk**

The Flood Risk Officer raises no objection to the application proposal.

**KEY ISSUES**

**A. IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE?**

The principle of the proposed HMO at 1A Colston Yard was addressed and accepted under the recent planning application 19/00311/F and subsequent Section 73 application 21/06135/X.

With regard to the proposed aparthotel, in planning terms, the use class for serviced apartments is closest to a hotel given that the four units will be let on a short term basis (for a maximum of 90 days). The National Planning Policy Framework (NPPF, 2021) states that culture and tourism development (including hotels) are defined as a main town centre use. The application site is within the designated St. Michael's Hill and Local Centre and close to direct transport links to the City Centre and the University of Bristol.

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Policy BCS7 in the Bristol Local Plan (2011) states that culture and tourism uses will be primarily located within identified town, district and local centres. Development will be of a scale appropriate to the position of the centre within the identified network and hierarchy serving Bristol. It goes on to say that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged.

Policy BCAP10 in the Bristol Central Area Plan states that 'Proposals for small-scale, boutique or high quality hotel development will be encouraged as individual development or as part of broader mixed-use developments. Proposals for new hotel development should provide active ground floor uses and/or frontages and achieve high standards of sustainability and urban design in all other respects.

The application site is located within the St Michael's neighbourhood within Bristol City Centre, close to transport links and amenities. As such, there are no concerns with the principle of development of an aparthotel in this location subject to all other issues being suitably addressed.

**B. WOULD THE DEVELOPMENT RESULT IN STRUCTURAL DIFFICULTIES OR LAND STABILITY ISSUES?**

Given the difficult nature of the site, advice has been sought from Structural Engineers to ensure that the development is viable. A Structural Engineering Strategy was submitted with the application, and this has been found to be feasible. Consequently, there are no concerns raised with regard to the viability in land stability terms.

**C. DESIGN AND HERITAGE**

The application has been reviewed by the City Design Team. Initially, concern was raised regarding the height and massing of the proposed development on neighbouring properties, the setting of Colston Yard and views of the terracing from the Centre. Further to Case Officer and City Design Group advice, a revised scheme was submitted lowering the south portion of the building and reducing the capacity of the proposed apart-hotel from 22 to 20 rooms with the two southernmost gables stepped down in height.

Whilst it is accepted that the southern most gables are slightly higher than the previously approved 2009 scheme that was not implemented, the northern-most gable (1A Colston Yard), will be lower in height and the massing of the building is narrower than the previously approved scheme. Overall, the scale and massing, upon revision, is considered acceptable.

The proposed apart-hotel is located to the right when entering Colston Yard, with the yard itself to the left. As such, the impact of the proposed development to the street scene of Colston Yard is limited and further reduced by the retention of 1A Colson Yard in it's current form. Consequently, there are no concerns with regard to the impact on the setting of Colston Yard.

It is noted that the application was called in for the potential for the development to be overbearing on nearby Listed Buildings within key views in the Conservation Area. The existing situation is that there is terracing of buildings from Colston Street down to Lewins Mead set into a steep hill. The proposed design of the development would result in an addition which would slightly alter the wider view with the proposed east elevation partially obscuring views of the rear elevations of Colston Street. The lower portion of the

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development would be obscured from view by existing buildings and would only be visible from Johnny Ball Lane.

The key view is that of the East elevation fronting Johnny Ball Lane. This will be visible from Lewins Mead and Rupert Street in the Centre. The proposed design, featuring the continuation of the arching in the retaining wall is considered acceptable and the introduction of balconies and windows would provide much needed natural surveillance of the pedestrian lane.

Given the existing terracing arrangement, the massing, upon revision is not considered to be overbearing and the design would result in a development that is considered to be a sensitive addition to the Conservation Area. Consequently, conditions are attached to ensure that the materials and fine details of the development will respond sensitively to this part of the Conservation Area.

Further to the above, the application is considered acceptable in design terms and would preserve or enhance the special character of this part of the Conservation Area.

**D. AMENITY FOR NEIGHBOURING PROPERTIES**

Concern has been raised with regard to amenity of neighbouring properties. With regard to the impact of the southward extension adjacent to the existing 1A Colston Yard, the west elevation would be set back approximately 16.5m from the rear elevation windows in the lower level extension to the rear of No. 78 Colston Street and the balcony above. Given that the development is to the west of the rear of these properties, it is considered a sufficient distance to avoid any unacceptable overbearing, loss of daylight, sunlight or overshadowing. Further, the windows in the west elevation serve communal corridors to rooms only. As such, there would be no overlooking or unacceptable loss of privacy to dwellings along Colston Street. Further, there are no windows in the west elevation of the Hotel di Vin and consequently, there would be no impact on the amenity of that property.

Whilst concern has been raised about harm to amenity by way of noise and pollution during construction, this is not a material planning consideration or reason for refusal. The Pollution Control Officer has been consulted and raised no concerns with regard to the development in terms of noise or pollution, however an Environmental Construction Management Plan would be required by condition to ensure minimal disruption to neighbouring properties during the construction period.

No further amenity issues are raised.

**E. TRANSPORT**

The Transport Development Management (TDM) Officer reviewed the application and objected to the application on the grounds that the existing archway would not provide adequate access to the development.

Officers accept that the access is narrow, however it was apparent on a site visit undertaken on foot that this is the only access to the Yard and that it has served existing properties and businesses without incident. Overall, there would be a net increase in usage of the access, however the apart-hotel would also be served by an entrance on Johnny Ball Lane with lift access to all floors. As such, it is expected that this will be used by the majority of residents at the apart-hotel, who are likely to leave in the direction of the City Centre and amenities in that direction.

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Whilst TDM's comments (set out in full above) has been considered, it is also recognised any existing business or building within Colston Yard benefits from unrestricted numbers of deliveries, servicing trips and/or visitors parking within the Yard. Further, if units B and C were in use as offices or light industrial use, they would not be limited in terms of deliveries, servicing or visitor levels.

There is clear benefit of bringing a brownfield site in such a sustainable location back into active use. Moreover, the proposed use is for an aparthotel and adopted policy accepts that the City needs more hotel rooms and boutique hotels. Concerns regarding servicing, deliveries, drop-offs and pick-ups can be managed through the attached conditions.

Additional benefits of the scheme include improved natural surveillance, lighting and security on Johnny Ball Lane, which is a pedestrian route suffering from an overbearing sense of enclosure and is considered intimidating for use in hours of darkness. The application would result in tangible benefits to the security and use of Johnny Ball Lane.

Given the highly sustainable location of the development, close to key bus stops on Upper Maudlin Street and the Centre, and in close proximity to the Bristol Bus Station, the development would not be eligible for parking permits and would not contribute to increased parking pressure in the area.

It is noted that in response to the TDM comments, the applicant submitted a Premises Management Plan. Whilst this appears broadly acceptable, conditions are attached for the submission of a waste management plan and servicing and delivery plan (which should include details about guest drop-off and pick-up) to be approved by TDM.

It is also noted that the TDM Officer suggested that Avon Fire and Rescue be consulted with regard to the ability of emergency vehicles to access the site. A request for consultation was made, however no response or objection has been received. Given that there will be no alteration to the existing access and that the development is effectively an enlargement of an existing development, and the development would be required to meet building regulations for access facilities for the fire service, this is not considered a reason for refusal of planning permission. Further, the Health and Safety executive were consulted and their response is set out in 'Key Issue 1'.

Further to the above, the application is considered acceptable on balance and would not result in any major increase in traffic within the lane subject to the attached conditions.

## **F. FLOOD RISK AND SUSTAINABLE DRAINAGE**

The applicant submitted a proposed drainage strategy with the application. This was reviewed by the Flood Risk Officer and found to be broadly acceptable in terms of drainage outflow, albeit with a conservative discharge rate than the West of England Sustainable Drainage Developers Guide recommends. Wessex Water have specifically determined this rate due to the sewer capacity in the area. As such, this is considered acceptable.

The proposed drainage has, however been designed for flows based on 30% climate change. In order to meet the Level One Strategic Flood Assessment requirements, this should be based on 40%. As such, a revised Sustainable Drainage Strategy (SuDS) is required. This can be secured by condition.

No other concerns are raised with regard to flood risk and sustainable drainage.

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**G. SUSTAINABILITY AND CLIMATE CHANGE**

The applicant submitted a Sustainability Statement with the application. This sets out that the applicant will achieve an overall reduction of 37.3% on carbon emissions through the use of 30m<sup>2</sup> of photovoltaic panels and Air Source Heat Pumps (ASHPs). The statement sets out the approach taken in accordance with the heat hierarchy, sustainable design and construction and includes a partial green roof to promote heating efficiency and biodiversity. The application is considered acceptable with regard to sustainability and climate change.

**H. LAND CONTAMINATION**

The applicant has submitted a Phase 1 desk study, prepared by Wesson Environmental and dated April 2021. This has been reviewed by the Land Contamination Officer. The report is found to be broadly acceptable and the further investigations proposed are welcomed. As such, the application is considered acceptable subject to the conditions attached.

**I. FIRE SAFETY**

A Fire Statement was submitted by the applicant on 15 November 2021 and The Health and Safety Executive were consulted. They have declined to comment in this instance as the building is only for six floors. Consequently, the application is considered acceptable with regard to fire safety in planning terms.

**J. NATURE CONSERVATION**

The application has been reviewed by the Nature Conservation Officer following reports of potential roosting of bats, fox dens and badger setts on site subsequent to the site being largely cleared of vegetation. Concern was raised with regard to the clearing of the formerly developed land. This was previously well vegetated, however the clearance took place prior to the application for development being made. It cannot be determined when and by whom this was done.

The applicant submitted a Preliminary Ecological Assessment. This was deemed broadly acceptable, however given that it was over a year old, and the potential for new bat roosts and species to occupy the site in the interim period, a revised ecological assessment was requested.

Further to the submission of a revised Preliminary Ecological Appraisal (dated September 2022), the Nature Conservation Officer has confirmed that there are no protected species at the site and provided conditions for an approval.

**K. OTHER MATTERS**

It is noted that concern has been raised about the economic impact of the development on neighbouring businesses and potential to harm filming locations within the city centre.

These are not material planning considerations and cannot be used as a reason to refuse development. Officers are sensitive to the potential for construction to impact on neighbouring properties, businesses and residents and an Environmental Construction Management Plan to be required by condition.

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In addition, a revised Construction Management Plan will be required by condition limiting the construction hours to ensure that there is no early morning disruption that would cause residents at the neighbouring hotel to suffer from being woken up unreasonably early.

It is also considered that the proposed apart-hotel, once complete and in occupation, would result in increased footfall along neighbouring streets and result in potential additional business, providing an economic benefit to the nearest business.

**EQUALITIES IMPACT ASSESSMENT**

The public sector equalities duty is a material planning consideration as the duty is engaged through the public body decision making process.

"S149 of the Equality Act 2010 provides that a public authority must in the exercise of its functions

have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relationships between persons who share a relevant characteristic and those who do not share it.

During the determination of this application due regard has been given to the impact of the scheme upon people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

**Time limit for commencement of development**

1. Full Planning Permission

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

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

**Pre commencement condition(s)**

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

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

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to and approved in writing by the Local Planning Authority.

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

**3. Construction Management Plan - Major Developments**

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

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

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4. Highway Condition Survey

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

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

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

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

5. Ecological Enhancement

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of 2No bird and 2No bat boxes. The location, specification, height and orientation of these features shall be shown on a site plan.

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Bristol City Council.

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2021) which states (in paragraph 174) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'.

6. Birds

All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. No clearance of vegetation or structures suitable for nesting birds shall take place whilst birds are nesting, which is typically between 1st March and 31st August 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 are required, they shall be undertaken by a qualified ecological consultant no more than 48 hours prior to the removal of vegetation or the demolition of/works to buildings.

Reason: To ensure that wild birds, building or using their nests are protected, to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended).

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7. Fox Mitigation Plan

Fox earths (dens) are protected under the Wild Mammals (Protection) Act 1996 which includes the offences of crushing and asphyxiation.

The development shall be carried out in full accordance with the mitigation plan outlines in section 5.2.4 of the Preliminary Ecological Appraisal (IES Consulting, September 2022).

Reason: To demonstrate compliance with the Wild Mammals (Protection) Act 1996.

8. Method Statement and Spec for Green Roofs

Prior to commencement of the development hereby approved the applicant shall submit a Method Statement prepared by a suitably qualified ecological consultant or landscape architect shall be submitted to and approved in writing by Bristol City Council for the creation of living roofs and/or walls. This shall include management details e.g watering/care schedule and details of the provision of new plants should the originals fail. All details shall be shown on a scale plan of the site.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: To conform with Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: 'Proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks'.

9. Soft Landscaping Plan

On this occasion a Biodiversity Net Gain Assessment (BNGA) is not considered necessary, but prior to the commencement of the development hereby approved, a soft Landscape Plan including a planting schedule, shall be submitted to and approved in writing by Bristol City Council to demonstrate that the proposal will achieve gains in biodiversity.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: To conform with Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: 'Proposals for new buildings will be expected to incorporate opportunities for green infrastructure'. And to comply with the revised National Planning Policy Framework (NPPF, 2021), which states in paragraph 174 (d) on page 50 that 'Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...',

10. Construction Management Plan (Environmental)

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

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

- o All works and ancillary operations which are audible at the site boundary, or at

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such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

- o 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.
- o Procedures for emergency deviation of the agreed working hours.
- o Control measures for dust and other air-borne pollutants .
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- o Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- o Ensure that all accesses and emergency accesses to neighbouring properties are kept clear at all times or suitable alternative routes are agreed.

Reason: To protect the amenity of neighbouring properties and the area generally.

#### 11. Intrusive site investigation

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in line with paragraph 170 of the National Planning Policy Framework.'

#### 12. Submission of Remediation Scheme

No development shall take place (except demolition) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in line with paragraph 170 of the National Planning Policy Framework.'

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13. Implementation of Approved Remediation Scheme

In the event that contamination is found, no occupation of the development shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in line with paragraph 170 of the National Planning Policy Framework.'

14. Flood Risk

No development shall take place until a revised Flood Risk and Sustainable Drainage Strategy has been submitted to and approved in writing by the Local Authority. This must meet all four pillars of SuDS design highlighted in the SuDS Manual; this includes improving water quality, enhancing amenity value, increasing biodiversity and reducing water quantity.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of water management on the site

**Pre occupation condition(s)**

15. Submission of samples before specified elements started

Samples of all elevation treatments, external windows, doors, balcony balustrates and roof materials shall be submitted to and be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved samples before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory and preserves or enhances the special character of this part of the Conservation Area.

16. Large Scale Details

Prior to the commencement of the relevant element detailed drawings of the following shall be submitted to the Local Authority and approved in writing:

a) 1:5 section details of all external windows and doors showing the proposed materials, frame profiles, mouldings, glazing bars, and all fabric connections at head, reveals and cill or threshold.

b) 1:5 section details of the proposed conservation roof windows showing the glazing details, bars, relationship to the existing roofing materials.

c) 1:10 section and elevation details of the proposed material junctions, eaves and parapets.

**Development Control Committee A – 5 October 2022**  
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Development shall be completed in accordance with the approved drawings.

Reason: To ensure the protection of the significance of the Listed buildings and to preserve or enhance the special character of the Conservation Area.

**17. 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.

**18. 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.

**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. Delivery & Servicing Plan**

No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development. The delivery and servicing plan shall include:

- a) The contact details of a suitably qualified co-ordinator;
- b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway;
- c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;

Reason: In the interests of highway safety and to minimise the impact of vehicles servicing

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the development upon congestion

21. Waste Management Plan

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

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

22. Reporting of Unexpected Contamination

In the event that contamination is found at any time that had not previously been identified when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the Environment Agency's 'Land Contamination: risk management' guidance and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice. Where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in line with paragraph 170 of the National Planning Policy Framework.'

23. PV Panels and ASHPs

Prior to implementation, details of the PV panels and air source heat pump (including the exact location, dimensions, design/ technical specification) together with calculation of energy generation and associated CO2 emissions to achieve 20% reduction on residual emissions from renewable energy in line with the approved energy statement should be submitted to the Local Planning Authority and approved in writing. The renewable energy technology shall be installed prior to occupation of the dwellings and thereafter retained.

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

24. Designing Out Crime

Prior to commencement of use of the accommodation, details of measures to be used within the development to design out crime (including locations, specification and means of monitoring access to the Colston Yard and Johnny Ball Lane entrances; security lighting; and CCTV), shall be submitted to and be approved in writing by the Local Planning

**Development Control Committee A – 5 October 2022**  
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Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with the approved details and the measures shall be in place prior to the occupation of the building.

Reason: In order to ensure a safe environment which seeks to design out crime, disorder, antisocial behaviour and the fear of crime, and in turn enhance the amenity of the area.

**25. Details of lighting scheme**

Full details of a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that element of the scheme. The approved details shall be completed in accordance with the approved details prior to the first occupation of the development hereby approved and retained and maintained as such thereafter.

Reason: In the interests of safety for future occupiers and users of Johnny Ball Lane.

**Post occupation management**

**26. In Accordance With The Sustainability Strategy**

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 statement submitted with the application (Produced by Sustainable Construction Services and dated 20.04.2021) prior to occupation to achieve a reduction of 37.3% in carbon dioxide emissions.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies BCS13 (Climate Change), BC14 (sustainable energy), BCS15 (Sustainable design and construction), DM29 (Design of new buildings) and BCAP20 (Sustainable design standards).

**27. No further extensions**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the development hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of this property or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area.

**28. 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 20.00.

Reason: To protect the amenity of future occupants and adjoining neighbours.

**29. Deliveries**

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

Reason: To protect the amenity of future occupants and adjoining neighbours.

**Development Control Committee A – 5 October 2022**  
**Application No. 21/04208/F : 1A-C Colston Yard Bristol BS1 5BD**

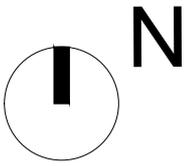
**List of approved plans**

30. List of approved plans and drawings

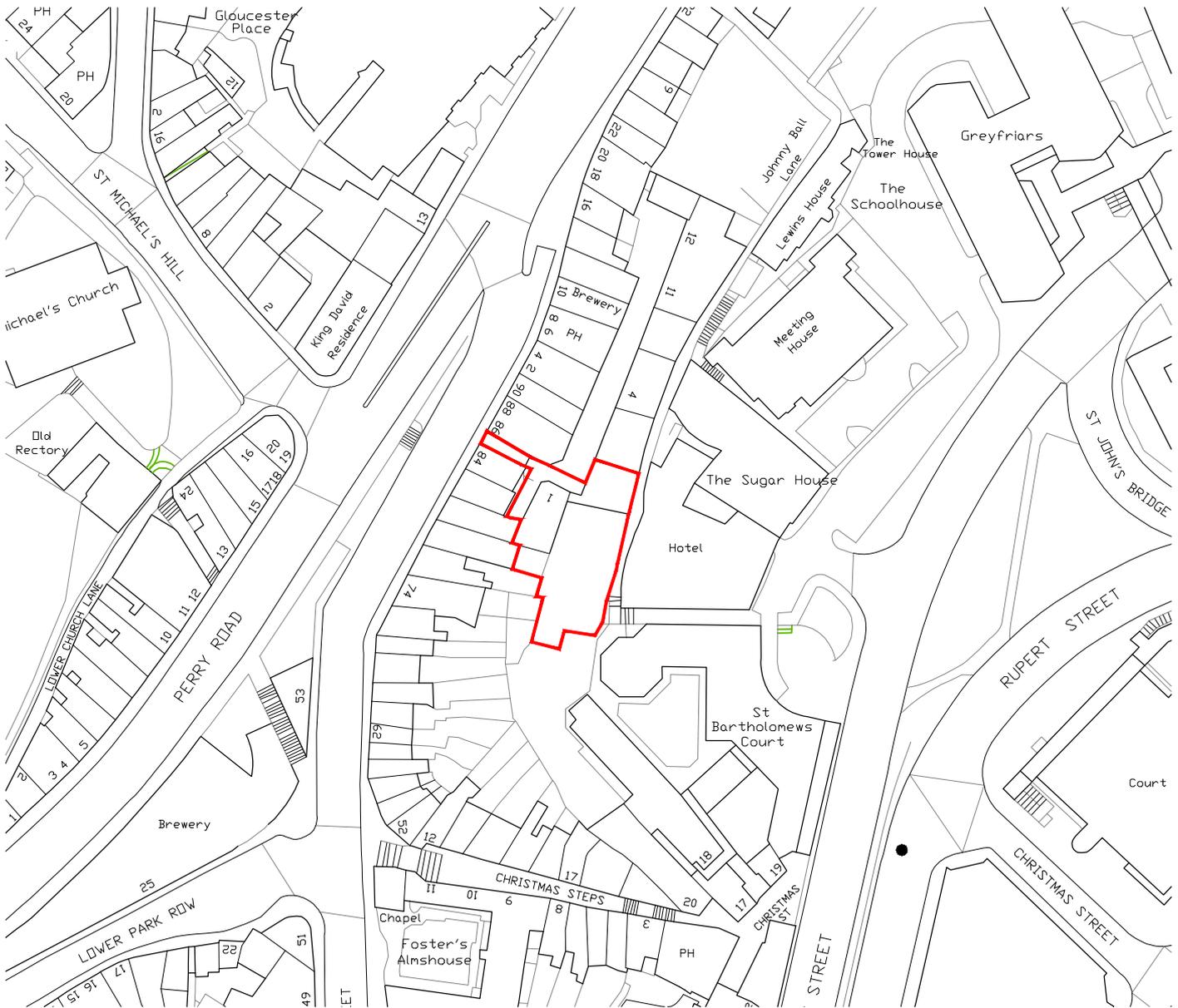
The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

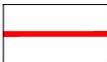
## **Supporting Documents**

1. 1A-C Colston Yard
  1. Site Location Plan
  2. Existing Site Plan
  3. Proposed Site Plan
  4. Proposed East Elevation
  5. Proposed South Elevation
  6. Proposed West Elevations
  7. Proposed East & West Elevations
  8. CGI Montage of Revised Scheme



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



 Site Outline

REV Note Date



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

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Project **Colston Yard**

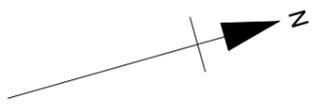
Drawing Title **Location Plan**

Drawing No. **1706(L)00**



Scale @A4 drawn by Date Rev  
**1:1250 BF 14/01/21 /**

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Existing Site Plan 1:200

REV	Note	Date
-	PLANNING ISSUE	21.05.21

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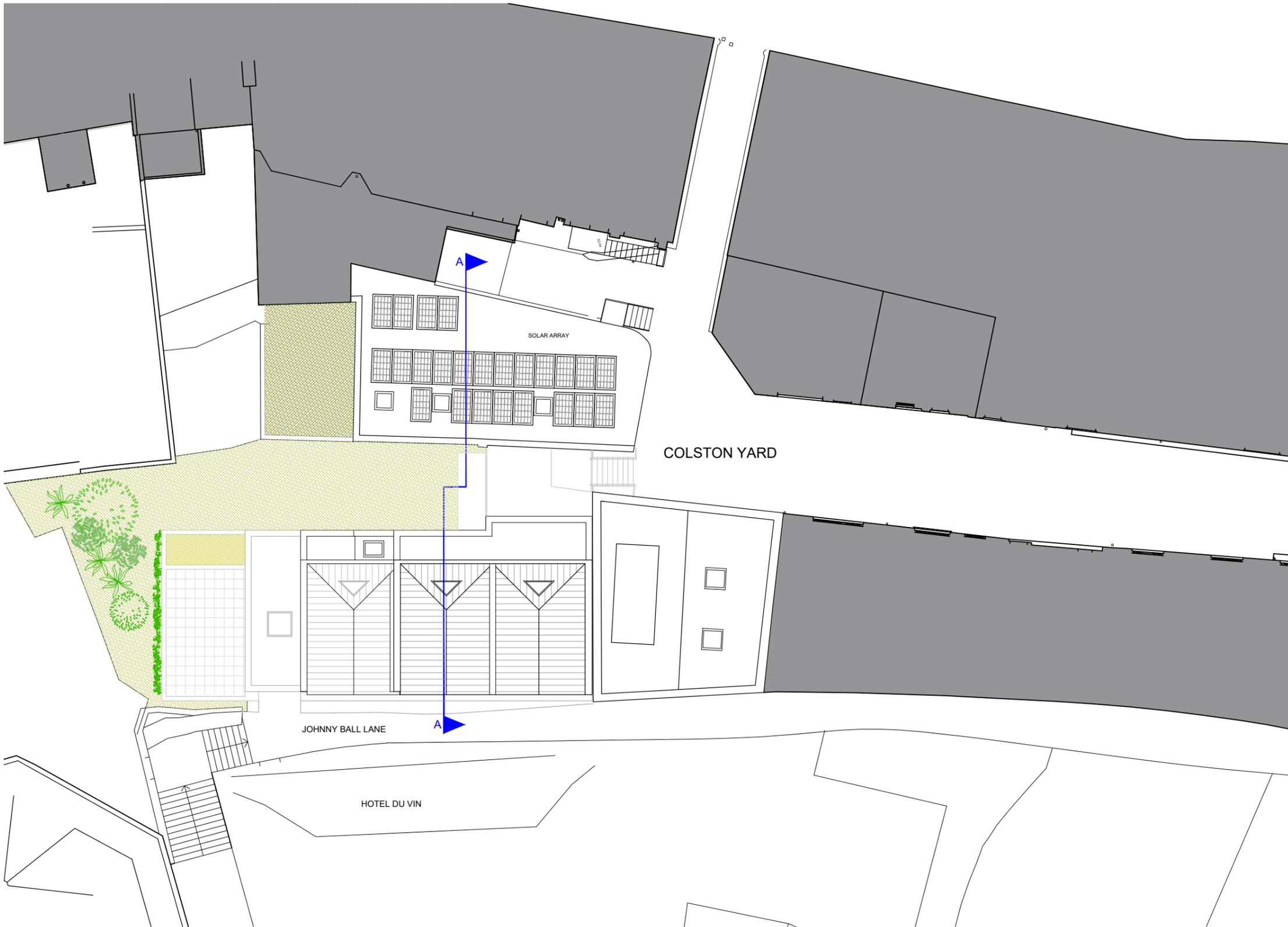
Drawing Title **Existing Site Plan**

Drawing No. **1706(L)01**

Scale @A3	drawn by	Date	Rev
1:200	LR	21.05.21	/



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Proposed Site Plan 1:200

A	Plans updated following the reduction in height of south end of proposal following the planning committee meeting	13.10.22
-	PLANNING ISSUE	21.05.21
REV	Note	Date

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Project **Colston Yard**

Drawing Title **Proposed Site Plan**

Drawing No. **1706(L)30**

Scale @A3	drawn by	Date	Rev
1:200	LR	14.05.21	A



Proposed Apart-Hotel and HMO  
East Elevation 1:100



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

- PROPOSED MATERIALS:**
1. WALLS: CLAY FACING BRICK
  2. WALLS: NATURAL STONE
  3. WALLS: METAL STANDING SEAM
  3. ROOF: METAL STANDING SEAM
  4. WINDOWS: ALUMINUM IN RAL 7016
  5. GUARDING/HANDRAIL: GLAZING

Outline of previously reduced scheme  
Outline of first presented scheme  
Outline of 2007 Approved Planning Application 07-01304-F  
Coordination datum for outline of 2007 Approved Planning Application



REV	Note	Date
B	Plans updated following the reduction in height of south end of proposal following the planning committee meeting	13.10.22
A	Drawings updated following the reduction in height of south end of proposal	10.01.22
-	PLANNING ISSUE	14.05.21

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Project **Colston Yard**

Drawing Title **Proposed East Elevation**

Drawing No. **1706(L)60**

Scale @A3 drawn by LR Date 31.03.21 Rev B

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

**PROPOSED MATERIALS:**

- 1. WALLS: CLAY FACING BRICK
- 2. WALLS: NATURAL STONE
- 3. WALLS: METAL STANDING SEAM
- 3. ROOF: METAL STANDING SEAM
- 4. WINDOWS: ALUMINUM IN RAL 7016
- 5. GUARDING/HANDRAIL: GLAZING



Bird boxes to be installed against existing wall as per the environmental statement



REV	Note	Date
C	Plans updated following the reduction in height of south end of proposal following the planning committee meeting	13.10.22
B	Drawings updated following the reduction in height of south end of proposal	10.01.22
A	Rear terrace amended following comments from Christmas Steps Quarter (Residents and Traders)	22.07.21
-	PLANNING ISSUE	14.05.21

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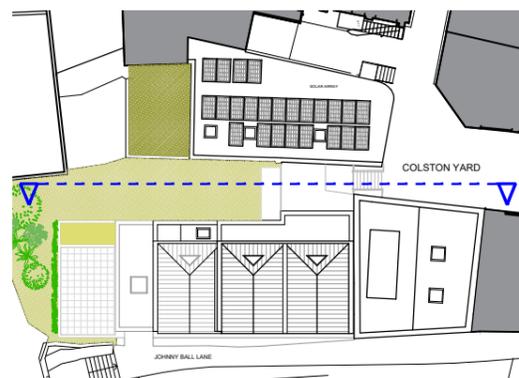
Project	Colston Yard		
Drawing Title	Proposed South Elevation		
Drawing No.	1706(L)61		
Scale @A3	drawn by	Date	Rev
1:100	LR	30.04.21	C

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



Proposed Apart-Hotel and HMO West Elevation 1:100

- PROPOSED MATERIALS:**
- 1. WALLS: CLAY FACING BRICK
  - 2. WALLS: NATURAL STONE
  - 3. WALLS: METAL STANDING SEAM
  - 3. ROOF: METAL STANDING SEAM
  - 4. WINDOWS: ALUMINUM IN RAL 7016
  - 5. GUARDING/HANDRAIL: GLAZING



Proposed Roof Plan showing Elevation Location 1:500

REV	Note	Date
D	Plans updated following the reduction in height of south end of proposal following the planning committee meeting	13.10.22
C	Updated the window layout of Unit 1 following the planning officers comments	28.04.22
B	Drawings updated following the reduction in height of south end of proposal	10.01.22
A	Rear terrace amended following comments from Christmas Steps Quarter (Residents and Traders)	22.07.21
-	PLANNING ISSUE	14.05.21

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Project **Colston Yard**

Drawing Title **Proposed West Elevation**

Drawing No. **1706(L)62**

Scale @A3 drawn by Date Rev  
**1:100 LR 13.05.21 D**



Proposed Johnny Ball Lane Street East Elevation 1:200



Proposed Colston Yard Street West Elevation 1:200

REV	Note	Date
B	Drawings updated following the reduction in height of south end of proposal	10.01.22
C	Plans updated following the reduction in height of south end of proposal following the planning committee meeting	12.10.22
A	Rear terrace amended following comments from Christmas Steps Quarter (Residents and Traders)	22.07.21
-	PLANNING ISSUE	14.05.21
REV	Note	Date



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Project **Colston Yard**

Drawing Title **Proposed East and West Street Elevations**

Drawing No. **1706(L)65**

Scale @A3 drawn by Date Rev  
 1:100 LR 30.04.21 C

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

CGI Montage of revised scheme for 1A-C Colston Yard (Application 21/04208/F)

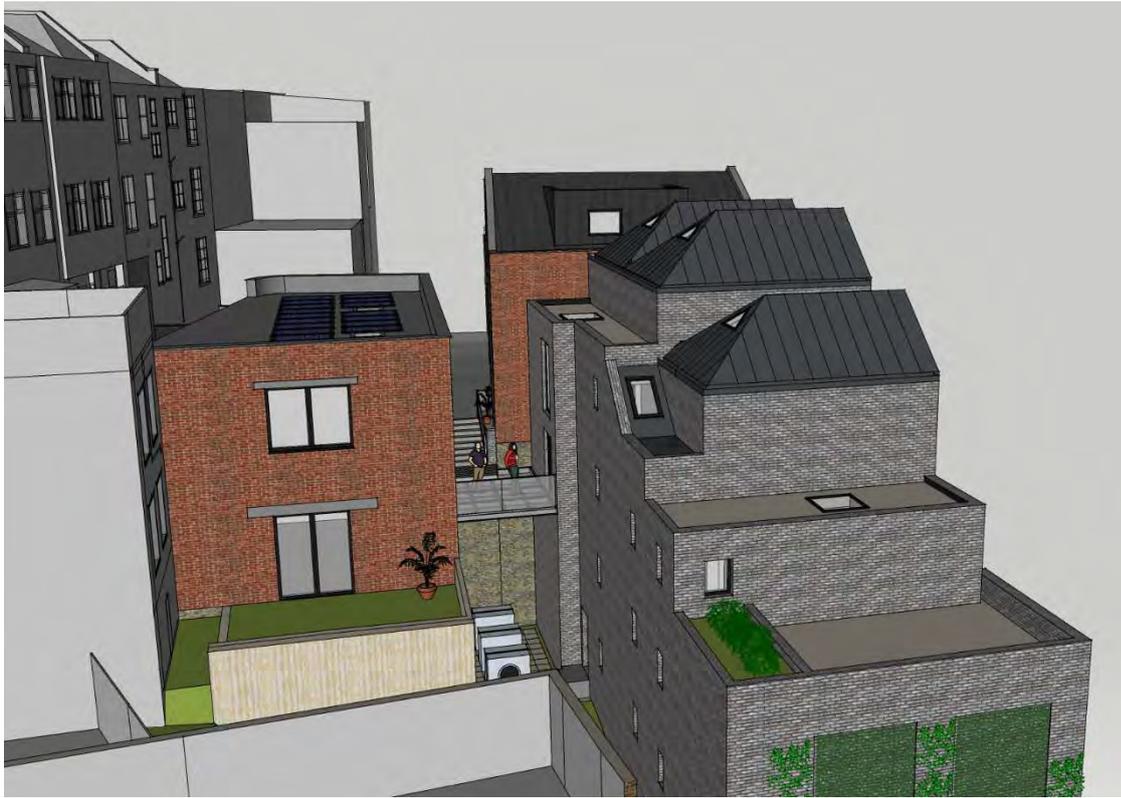
1. Proposed view from Rupert Street



2. Proposed View on Google Maps



3. Proposed arial view from South along the rear of Colston Street properties:



4. Proposed views of East elevation:





5. Proposed Views from various angles:

