

**SITE ADDRESS:** Bristol Zoo Gardens Guthrie Road Bristol BS8 3HA

**DEADLINE:**

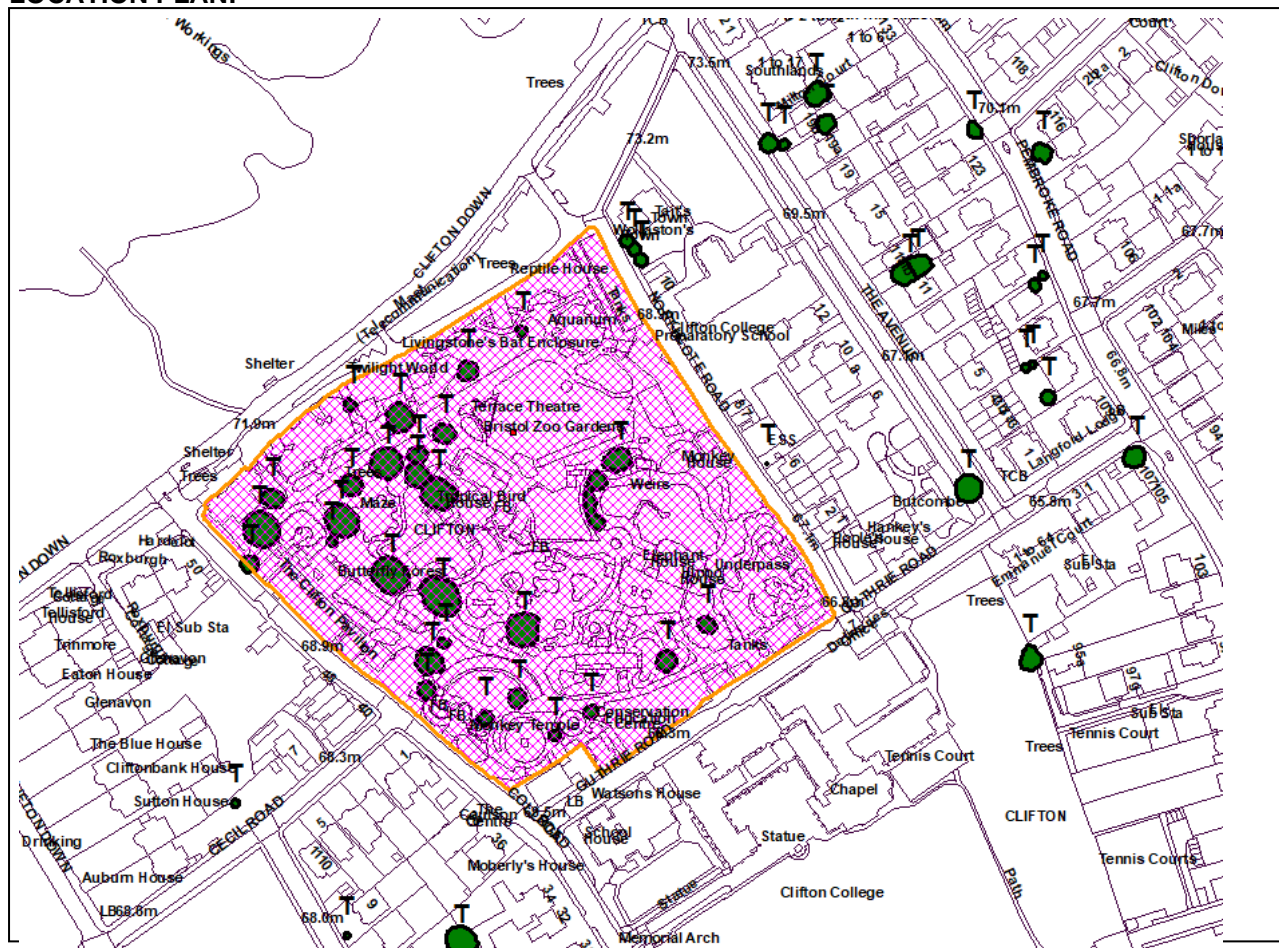
**REDEVELOPMENT of site to include 196 residential units (Class C3), the provision of community floorspace (Class E, F1 and F2), and open space with associated landscaping, play space, parking, accesses (pedestrian, cycle and vehicular), infrastructure, works to listed buildings, and selective demolition of buildings. (Major)**

**RECOMMENDATION:** GRANT subject to Planning Agreement

**APPLICANT:** Bristol, Clifton & West Of England  
Zoological Society Ltd  
Bristol Zoo Gardens  
Guthrie Road  
Bristol  
BS8 3HA

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

**LOCATION PLAN:**



**Development Control Committee A – 26 April 2023****Application No. 22/02737/F : Bristol Zoo Gardens Guthrie Road Bristol BS8 3HA****REASON FOR REFERRAL**

The application is referred to Committee due to the significance of the proposed development and the response the application has received from members of the public.

**SUMMARY**

Bristol, Clifton and West of England Zoological Society (“the Society” or “the Applicant”) has closed Bristol Zoo Gardens (“the site”), meaning a proposal to re-use or redevelop the site is needed. Accordingly, there is a need to secure a future use, or mix of uses, for the site that can provide the long-term management of the open spaces (including the historic buildings within the landscape). The Applicant has applied for full planning permission to redevelop the site. A mixed use, residential-led development is proposed, which includes 196 residential dwellings, 20% of which are proposed to be affordable homes. The existing Grade II Listed Entrance lodge building will be converted to form the mixed-use, community-focussed hub at the site, including Class E (commercial, business and service), F1 (learning and non-residential institutions) and F2 (local community uses) floorspace - the ‘Clifton Conservation Hub’. A significant amount of open space is proposed to be retained and provided at the site, including many features recognisable at the site currently, as well as an enhanced children’s play areas and a re-modelled lake. A comprehensive landscape proposal has been provided, which respects the historic landscape, whilst integrating new development into the site. All listed and historically sensitive buildings are proposed to be retained and repurposed, whilst buildings and enclosures of less significance will be demolished to facilitate the development.

This proposal would facilitate the long-term management of the site, including the provision of free public access to the site for the first time in its history, permitted between 8am-7pm (June – September) and 8am-5pm for the remainder of the year. The proposed residential development is considered to be acceptable at the site, as it would essentially finance the long-term management of the site’s remaining landscape and significant buildings, whilst ensuring free access to members of the public. The development’s housing offer also attracts substantial positive weight given the Council currently cannot demonstrate a five year supply of deliverable housing sites.

The site is designated as Important Open Space in the development plan, where development other than for uses ancillary to the open space are resisted in principle. The proposal will however deliver high quality open spaces, sustained over the longer term, which will be publicly accessible at no charge to members of the public. On balance, the benefits associated with this provision are considered to outweigh the harm resulting from the application’s conflict with open space-related policies BCS9 and DM17. The proposal complies with the paragraph 99b of the NPPF. See Key Issue A ‘Principle of Development’.

The loss of the site as a community facility would be substantially offset by the proposal’s overall offer to the community, given the proposal would enable the site to continue to provide social, recreational and cultural facilities and services to the community. The proposal meets the expectations of policies BCS12 and DM5, and paragraph 93 of the NPPF. See Key Issue A ‘Principle of Development’.

The development poses a less than substantial level of harm to multiple heritage assets including: Grade II listed buildings, the Clifton and Hotwells Conservation Area, the Downs Conservation Area, and various locally listed/non-designated heritage assets. The harm to the designated heritage assets predominantly results from the following aspects of the proposal: the change of use resulting from the loss of the existing, albeit ceased, zoological use; and the quantity of residential development in

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relation to both its location within the more central areas, and its scale and massing at the perimeter of the site. The Applicant has provided clear and convincing justification for this harm. In relation to the loss of the zoological use, the proposal ensures that the site will retain a communal value to Bristol, as whilst the meaning of the place to visitors will change, the site will continue to offer access to members of the public. Concerning the quantum of homes, the Applicant states the number of homes is necessary to enable sufficient recurring income to fund the management and maintenance of the publicly accessible gardens and spaces, and to sustain the heritage assets (including the historic gardens) in the long term. The public benefits that would flow from this development are considered to outweigh the great weight attributed to the less than substantial harm to the affected heritage assets, meaning heritage-related harm is not a reason to refuse this application. See Key Issue B 'Heritage Assessment'.

Whilst the development would provide a high quality, and on balance well-designed environment, the proposal's design is contrary to policies DM26 and DM27, as well as a small element of policy BCS21, due to its scale and massing failing to be appropriately informed by the local context. See Key Issue D 'Urban Design and Residential Amenity'.

The proposal will result in the removal of a significant number of trees but does retain those most significant and includes appropriate mitigation in the form of tree planting. Tree protection and method statements demonstrates the retained trees will be protected during construction, and whilst residential development is proposed close to trees, it will not unacceptably prejudice the trees' long-term viability. The landscape plans will provide a high-quality environment for future residents and members of the public visiting the site, and the proposed Management Plan provides a strong framework to fund the long-term management of the publicly accessible open spaces and gardens. See Key Issue C 'Green Infrastructure and Landscape Design'.

To achieve an optimal density whilst avoiding building on the most sensitive areas of the site, the proposal introduces built form at the edges of the site at a greater scale and mass to the existing situation, often with windows facing neighbouring properties. The absence of built form at the site's edges at a similar scale to that in the vicinity does heighten the impact of the proposal, as many neighbours currently have open vistas across the site. Some neighbours' amenity will be negatively impacted, but the impact is acceptable when considering all relevant considerations. See Key Issue E 'Impact on Neighbouring Properties'.

Concerns have been raised in relation to the proposal's highway safety impact, especially in relation to Clifton College's students. Transport Development Management raise no objection to development in this respect, the application accords with relevant transport and highway safety related planning policies and guidance. See Key Issue G 'Highway Safety and Transportation'.

The proposal will impact habitats, species, and features that contribute to nature conservation at the site, however suitable avoidance, mitigation and compensation measures have been proposed to ensure the conservation status of protected species are maintained. The submitted Shadow HRA provides sufficient evidence to rule out potential adverse effects from the development on the integrity of the habitats at the site. Finally, the submission indicates a net gain for biodiversity, which attracts positive weight in the planning balance. See Key Issue I 'Nature Conservation'.

The proposal and the supporting statements demonstrate compliance with policies BCS13, 14 and 15, and indeed in some cases that the expectations of these policies will be exceeded, such as the

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reduction in CO2 emissions from residual energy use in the development. See Key Issue H 'Sustainability'.

Taking the policies of the development plan as a whole, overall it is concluded that the proposal is not in accordance with the development plan but that, on balance, there are sufficient material considerations to indicate that a decision otherwise than in accordance with the development plan would be warranted. It is concluded that the Council's statutory duties in relation to heritage, nature conservation, and equalities, can be satisfied.

The remaining report sets out that whilst there are adverse impacts associated with this proposal, on balance, they fail to significantly and demonstrably outweigh the proposal's benefits. The application is therefore recommended for approval subject to conditions and a section 106 Agreement, in accordance with Key Issue M.

**SITE DESCRIPTION**

The site has operated as a Zoological Garden since 1836. In addition to the Zoo Gardens use, ancillary uses at the site include a café/restaurant, event space, an education centre and a gift shop. The Zoo closed in 2022. The site is relatively flat and developed with a number of single and two storey buildings and significant landscaping. In addition, there are many animal enclosures and ancillary operational buildings of different sizes and forms, between which are garden areas, pedestrian walkways and a central lake. Elements of this layout remain from the early form of the site, including the Grand Terrace and the lake, although the form of the lake has evolved over the lifetime of the zoo. The site is enclosed by a perimeter wall and buildings that extends around most of the site. Paid public access is controlled through the ticket office at the north west corner of the site, with other points of access limited to servicing.

The site is bound by a car park and the A4176 (Clifton Down) to the north, beyond which is Clifton Down itself (both the car park to the north and the Downs beyond represent Common Land); Guthrie Road is to the south, beyond which is Clifton College; Northcote Road to the east, beyond which are Clifton College Preparatory School, boarding houses and residential dwellings; and College Road to the west, beyond which are residential properties and a former car park which has received planning permission for the erection of 62 dwellings (ref. 21/01999/F). The site is not within a designated town, district or local centre, but the site is accessible, with a well-serviced bus stop immediately to the north. Local services and facilities are found within 1km of the site at Alma Vale Road, Clifton Village and Whiteladies Road.

The Site is designated Important Open Space, but is not designated as 'Local Green Space' as defined by paragraph 101 of the National Planning Policy Framework (2021). In 2021 the site was designated as an Asset of Community Value, and some trees at the site are subject to Tree Preservation Order no. 1438. The Local Plan designated the site as Local Historic Parks and Gardens and the site is within the Clifton and Hotwells Conservation Area. There are six Grade II listed buildings within the site: Bristol Zoo Gardens entrance, Giraffe House, South entrance gates and flanking walls (Guthrie Road), Bear Pit, Monkey Temple, and Eagle Aviary. There are also locally listed buildings on the site, and the development would impact the setting of other non-designated heritage assets in the locality, as well as designated heritage assets, including Clifton College's collection of listed buildings to the south of Guthrie Road and the Downs Conservation Area to the north. The Council has also adopted an Article 4

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Direction for the area, removing the permitted development right to change from Use Class C3 to Use Class C4.

Clifton Down and Durdham Down is designated as a Local Historic Park and Garden, a Site of Nature Conservation Interest (SNCI), and Important Open Space. To the west, separated from the site by roads, houses, and the Zoo's former car park is the Avon Gorge SNCI and Site of Special Scientific Interest, adjacent to which is the River Avon SNCI. On the western side of the Gorge is the Avon Gorge Woodlands SAC and the North Somerset and Mendip Bats SAC.

**APPLICATION**

Full planning permission is sought to redevelop the site to provide 196 residential dwellings (including 20% affordable) alongside approximately 500 sq. m Class E (commercial, business and service), F1 (learning and non-residential institutions) and F2 (local community uses) floorspace, a children's playground, provision of free public access, between 8am-7pm in the summer (June – September) and 8am-5pm for the remainder of the year, restoration of listed buildings, provision of new accesses (pedestrian, cycle and vehicular), associated parking, enhancement of lake, and biodiverse green roofs and photovoltaic solar panels incorporated throughout.

The development will be facilitated through the demolition of most of the non-listed buildings, animal enclosures on the site, the repurposing of some buildings (including all Listed buildings), and the construction of new buildings. Extensive landscaping is proposed.

The design rationale can be simplified to publicly accessible central gardens, with pavilion-like buildings, enclosed by perimeter apartment blocks. The perimeter apartment blocks are generally 4 – 5 storeys, with the exception being the Northern Block, which has a maximum height of 6 storeys. A single terrace of five houses is also proposed on College Rd. The new-build perimeter buildings are all set back from the historic boundary wall. The ground floors of the apartment buildings typically provides front doors to shared cores and other communal facilities, such as bin stores and cycle stores, and undercroft parking is also provided, with the intention of keeping cars out of the landscaped areas. A total of 22no. new-build houses are proposed within the inner gardens, these are referred to as Lakehouses. These houses are four storeys high, albeit two of the storeys are within the roofscape, the houses take design inspiration from general zoo architecture, including the Giraffe House. The former Museum (currently the Activity Centre), Great Aviary or Parrot House, Giraffe House, Clifton Pavilion, and Clock Tower will be converted into residential accommodation. Generally, these buildings will be sensitively restored and converted. The Entrance Lodge Buildings will be converted into a mixed use building (Classes E, F1, and F2), and is referred to as the 'Clifton Conservation Hub' within this report.

The key features of the planning application includes:

- 37no. Houses and 159no. flats, including: 60nos. 1-bedroom units, 71nos. 2-bedroom units, 34nos. 3-bedroom units, 27nos. 4-bedroom units, and 4nos. 5-bedroom units.
- 20% of the homes are proposed to be affordable homes.
- Free access to the public areas between 8am-7pm (June – September) and 8am-5pm for the remainder of the year.
- Retention of existing features, including the Grand Terrace, the Bear Pit, the East and West Lawn, the Theatre, the Monkey Temple, and the Bird Aviary. The provision of a large play area, new garden areas such as the Lakeside Garden, and the provision of a reshaped lake.

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- All historically significant buildings will be converted to residential uses or repurposed as part of the public landscape.
- In total, 80 trees, 31 groups or part of, and 3 hedges are proposed for removal to facilitate the proposal, 470 new trees are proposed, far exceeding the required mitigation. Only a single TPO'd tree will be felled.
- 120 car parking spaces and 535 cycle parking spaces are proposed.
- Photovoltaic Panels are proposed on most roofs to provide electricity, with Air Source Heat Pumps and Ground Source Heat Pumps proposed to provide heat to the development.
- The proposal will achieve a net gain for biodiversity of 36% above the pre-development biodiversity value of the onsite habitat.

There is also an accompanying application for listed building consent for the works proposed that impacts the fabric of the listed buildings at the site, ref. 22/02889/LA.

**APPLICATION EVOLUTION**

As with most major planning applications, amendments have been made to the planning application since it was submitted, and in each case commensurate consultation has occurred.

In October 2022, major amendments were made to the proposal, which had the following affect. In short, the revisions to the proposal reduce the overall number of home proposed by five, included material design changes to the Clock Tower Building, Building S1, Buildings E1 and E2, and North Buildings. Further, the mix of affordable homes were amended to include a greater proportion of 3-bedroom homes, and changes were made to some of the pedestrian accesses to the site. Further, supporting documents were revised or addendums issued to address the revised plans, as well as concerns. 21 days consultation followed.

In January 2023, further supporting information was also provided, including detailed justification for some of the proposal's impacts. Further, revised plans were submitted, most notably to address residential amenity concerns on Northcote Road. 14 days consultation followed.

**RELEVANT PLANNING HISTORY**

Most of the planning history for the site relates to various zoo-related developments and works to trees. Planning permission was also recently granted for a residential development on the Zoo's former car park on College Road (the West Car Park).

An Environmental Impact Assessment screening request (ref: 21/06402/SCR) was submitted to the Council in November 2021 because the proposed development falls within Schedule 2 of the EIA Regulations 2017 (i.e. it comprises an urban development project including more than 150 dwellings). The Council confirmed in a letter dated 06.01.22 that, taking into account the characteristics of the development, its location and nature of the impacts, an Environmental Impact Assessment is not required for the proposed development. The Screening Opinion is still considered sound in light of the knowledge gained as a result of this planning application.

**Development Control Committee A – 26 April 2023****Application No. 22/02737/F : Bristol Zoo Gardens Guthrie Road Bristol BS8 3HA****COMMUNITY INVOLVEMENT**

The Applicant has submitted a statement of community involvement, which details the community engagement programme and summarises feedback from the community. Whilst it is evident that some aspects of the development have responded to community-held concerns, there are many concerns that have not been addressed through changes to the proposal.

**RESPONSE TO PUBLICITY – MEMBERS OF THE PUBLIC**

The application was advertised by site and press notice, and neighbours were notified of the application by letter. In response to the submission of amended plans and further information, additional notification occurred in November 2022 for 21 days. A further period of notification commenced in January 2023 for 14 days in response to the submission of further details, including amended plans. The application was also advertised in February 2023, in accordance with Article 15, Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 given the granting of planning permission would represent a departure from the provisions of the development plan.

In total, 475 objections and 59 support comments have been received (as of 17.04.2023). These comments are summarised below, comments made by key local stakeholders such as interest groups or residents' associations are summarised under their respective group names.

For information, Appendix 1 and 2 to this report includes a record of the representations received in respect of this planning application. Due to the limits of the Council's IT System and the number of representations received, the record of consultation responses included in the appendices is not exhaustive. However, officers have reviewed all the representations and are satisfied that all material matters raised have been adequately summarised in the report itself.

**Objection Comments****i. Principle**

- The Society has not established the case for a change of use, including that the Zoo cannot continue to operate the site as a Zoo, or that another visitor attractions would not be viable from the site. Comments have argued that the Zoo could still provide suitable facilities for keeping animals, and that any reported decline in visitor numbers to the Zoo have been misreported. Many comments have questioned the business case for the Zoo's closure. Further, some comments questioned the Applicant's decision-making in relation to closing the Zoo, suggesting that other options to closure should have been taken. Further criticism of the Applicant's choice to close the Zoo, suggesting that the Applicant's own reports did not suggest significant financial issues, and the main influence of reductions to visitor numbers is a result of the growth of visitor numbers at the Wild Place.
- Some comments also suggested that alternative custodians for the site could take it forward, such as English Heritage, Landmark Trust or National Trust. Some comments acknowledged the Applicant's provided reasoning, including that the existing site could struggle to meet current animal welfare standards.
- The proposal does not justify the loss of the community facility in relation to policies DM5 and BCS12. Unjustified harm to the community through the loss of communal value and space. The Zoo is of national significance, the community/Bristol should be afforded time to determine its future in the public interest.

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- The proposal fails policies, including those that safeguard important open space and community uses. The development will mean the loss of valuable communal and green space, as well as a place of education.
- The Wild Place is not a suitable alternative due to accessibility issues, including that it is difficult to access by public transport.
- The site should be listed, protected and preserved as a public space, where the focus is on wildlife and conservation.
- Many comments highlighted the Zoo's meaning, relating to its communal value to Bristol.
- The loss of the Zoo will harm Bristol's economy.
- The number of dwellings is excessive.
- The removal of the Zoo from the area will reduce the diversity of Clifton's offer to Bristol.
- Development should be prioritise brownfield sites.

## ii. Publicly Accessible Open Space

- Public access to the open spaces will not be retained in future.
- The public benefit associated with free access is undermined due to nearby access to the Downs.
- A sum of money should be put in trust by the developers for the grounds maintenance from the outset.
- Many comments highlighted that the current site provides a safe open space for children to use, and have suggested the development will not.
- Criticism of the introduction of traffic within the site.
- The proposal results in a loss of green space to visitors.
- Alternative models to fund the management of the public gardens should be reviewed.
- Greater details of the management board are needed.

## iii. Heritage and Urban Design

- The proposal will harm the setting of the Conservation Area, listed buildings and the character of the area:
  - The buildings are unsympathetic to, and out of scale and proportion with surrounding buildings. Buildings in the vicinity are largely 4 storeys, rather than 6 storeys.
  - The closure of the Zoo will result in heritage harm, and is not justified.
  - The plans are unclear regarding the demolition of buildings.
  - Numerous trees will be removed and the resultant public green space will be much smaller, which is harmful to the Zoo's listing as a local Historic Park & Garden and an Important Open Space.
  - The design should be modified so that it remains in keeping with Clifton, and its Georgian and Victorian architecture.
  - The design is not sympathetic to the Conservation Area.
  - The development fails paragraph 189 of the NPPF.
  - The proposal's lack architectural merit.
  - Loss of historic boundary features.
  - The harm is substantial in nature.
- The application fails policy DM31i as insufficient information has been provided to demonstrate that 'all reasonable efforts' have been made to sustain the existing use. The gardens will not be of the same public interest when compared to the existing site.
- The proposal will result in the loss of light to roads and pavements



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- The proposal represents the overdevelopment of the site.
- The proposal will overwhelm the streetscape
- Computer generated images produced by the Applicant are misleading
- Many comments highlighted the site's the cultural, historical, architectural and communal significance.
- The development will deliver a gated community.
- A car-free development would have a less-harmful impact on the development.
- The proposal would harm views from the Downs.
- The plans provided fail to given an accurate representation of the development.
- The proposal refers to the major demolition of buildings.

## iv. Landscape and Trees

- The loss of trees is excessive and not adequately justified by mitigation/replacement planting.
- Concerns that the spaces within the site proposed for public access will not be retained for perpetuity
- Underground services would result in the removal of more existing trees than is suggested in the submission
- Concerns that the public areas will not be managed or monitored.
- Translocated trees rarely survive.
- Trees of national importance will be put at risk.
- The gardens warrant botanical special interest.

## v. Transport and Highway Safety

- The number of homes will impact local highway safety due to increased traffic
- The amount of development will overwhelm local infrastructure.
- The amount of car parking proposed is too high. Whereas some comments suggest insufficient car parking has been provided. Other have expressed concerns regarding the loss of on-street parking resulting from the proposed accesses.
- There are pre-existing highway issues due to Clifton College's drop-off and pick-ups, the proposals would make this situation worse.
- The First Bus route may reroute in future.
- The construction phase will result in highway safety issues.
- The Transport Assessments should not rely on the existing use of the site a baseline.

## vi. Nature Conservation

- The development would lead to a loss in biodiversity.
- The proposal will remove mature trees and adversely affect local wildlife.
- The site should be retained for people and nature.

## vii. Sustainability / Climate Change

- Very detailed comments questioned the figures provided within the submitted Sustainability and Energy Statements, suggesting they were incorrect. Including that the outdated carbon factors have been utilised within the Applicant's Energy Statement.
- Criticisms of the proposal in relation to embodied carbon, largely that the proposal includes the demolition too many buildings. Suggestion that the proposal fails the National Model Design Code, the NPPF and policies BCS13, BCS14, and BCS15. The development is inconsistent with the Net Zero Strategy.

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- The proposal will not mitigate or adapt to climate change, many comments suggested the loss of trees at the site represents evidence of this.
- The demolition of the recently built Education Centre is a waste of resources.

## viii. Impact on Neighbours

- The proposal will harm neighbours amenity through negatively their impacting: privacy, light, and outlook. The proposal's daylight and sunlight impact fails BRE guidelines.
- The proposal will have an overbearing impact on neighbours.
- The proposal will result in increased noise, harmful to neighbours' amenity.
- The proposal will overlook the College, resulting in safeguarding issues.
- The construction-phase will be very disruptive to the whole area.

## ix. Housing Offer

- Suggestion that the homes will be luxury housing and unaffordable.
- 20% affordable homes is insufficient, a minimum 40% in accordance with Policy BCS17 should be utilised, rather than applying the Affordable Housing Practice Note.
- The affordable homes proposes are not integrated into the development, rather they are concentrated in Block S1, with first homes within Blocks E2 and 3.
- There is a sufficient number of flats in Clifton.
- The Council's lack of a five year housing land supply should not be used as justification to allow the development. The shortfall may well be met elsewhere through other development, and the growth in construction activity is limited by a shortage in labour, which may hamper delivery.
- There are many vacant homes in Bristol, their re-use should be prioritised over new housing development.

## x. Other Matters

- The development would give rise to air pollution
- A suggestion that it would be corrupt to allow the development.
- The development would allow the site to be given over to private investment, rather than remaining a public resource.
- There is insufficient infrastructure in Clifton to provide for development.
- The development is not in the best interests of the animals kept at the Zoo. Not all animals have been moved to the Wild Place.
- Criticisms of a perceived lack of meaningful community engagement.
- Suggestion that the Society is prioritising financial gain over public good.
- The applications for this site and the West Car Park should be considered as one application.
- The economic benefits of the proposal are misreported within the 'Economic Benefits Assessment' and should not be relied upon.
- The proposal will not generate employment, it will deliver a net loss compared to the existing use.
- The evidence available does not support the argument that conservation and high quality environmental management at a local and national level will be enhanced, and there is little guarantee that there will be wildlife benefits.

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## i. Principle

- Provide much needed housing, including affordable housing.
- The flats would provide for residents of Clifton to downsize.
- Acknowledgement of Bristol's growth and the need to provide housing to continue to facilitate the growth.
- The plans provide free public access to the gardens, representing continued access to the site for the community.
- Suggestion that the Wild Place could "help fill the void left" by the Zoo's closure.
- Retaining such an important site to the people of Bristol and Clifton is of huge importance.

## ii. Heritage and Urban Design

- The development is attractive and allows the central historic gardens to be open to the public for free.
- The development is an opportunity to provide exciting modern and sustainable housing
- Support for retention and conversion of heritage assets.

## iii. Sustainability / Climate Change

- Building at higher densities allows for sustainable modes of transport.
- Support for modern housing designed with the environment in mind.

## iv. Other Matters

- The Zoo's works will continue at the Wild Place.
- Acknowledgement that it is no longer appropriate to keep animals at the Zoo.

**Clifton and Hotwells Improvement Society – Object**Final Comments:

The minor modifications recently made to this Application entirely fail to address the concerns of CHIS who consider it to be clearly contrary to BCS 22. It represents an over-intense and overbearing development which would, without reasonable justification, adversely affect the character of this part of the Clifton Conservation Area and the setting of its listed buildings.

Our views are entirely in line with those of Bristol City Council's Conservation Advisory Panel of which CHIS is a member and whose letter of 20 November 2022 sets out in some detail the architectural poverty of the scheme and its detrimental impact on heritage assets

Second Comments:

CHIS strongly opposes these depressingly unimaginative and potentially destructive proposals which are entirely unacceptable. The scheme includes half a mile of modern blocks of Flats several storeys high adjacent to all the Zoo boundaries which will dominate and overpower the neighbouring streets. This is especially the case along the west perimeter which would face the monolithic block proposed for the West Car Park site, permanently altering the feel, landscape, treescape, and skyscape of the Conservation Area. The scheme takes little, if any, account of the heritage, character and sense of space that makes this historic neighbourhood special, if not unique. Despite strong concerns expressed during various public consultations, it has been the experience of residents that most of their concerns have either been dealt with only at the most basic or cosmetic level or just completely

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ignored. The following points summarise some of the most blatantly pernicious aspects of the proposals :

1. 196 dwellings represents a massively over-dense development of the site.
2. Given the provision of only 100 parking spaces the circular access drive is likely to be permanently littered with cars and so appear even less discreet than the plans suggest.
3. The potential impact on the Conservation Area is poorly considered. In particular, the impact on the surrounding listed buildings and gardens of a development so monolithic in its scale and massing has not been justified. Especially appalling in this respect is the block on the northern boundary,
4. The proposed terracing is not appropriate in this area.
5. The loss of trees will be compounded by the inevitable damage to the root systems of many other trees by infrastructure work.

Initial comments: largely the same as those above so not repeated.

**SAVE Bristol Zoo Gardens Campaign – Object**

Overall Comment: The Campaign to Save Bristol Zoo Gardens (SBZG) started with an investigation into how the Zoological Society had made its decision to close the Clifton site and into the business reasons provided. The Campaign found that these reasons which would support their claim that the Zoo was no longer viable on the Clifton site were unfounded. The following points below specify how the application is in breach of planning law and policy.

Change of Use not justified: The Campaign has enlisted the support of accountants and a former Zoo Director who have confirmed that there is no reason the 186 year old site should not continue in business as a successful visitor attraction. Income, profitability and visitor numbers had all been positive in the decade preceding 2020 and all showed sign of recovery to their pre-Covid levels prior to the Zoo's closure. The picture of the Clifton site as an inevitable failure is false and the decision to sell all their property in Clifton was taken to provide capital funds for their Wild Place Project in Gloucestershire. Both Local Plan policy DM5 and Core Strategy Policy BCS12 make direct reference to the fact that the loss of Community Facilities will not be permitted unless it can be clearly demonstrated that there is no longer a demand for the facility or that the building/s are no longer suitable to accommodate the use and the building cannot be retained or adapted to another community use. Furthermore Policy DM5 goes on to state that the loss of a community facility will only be acceptable if a replacement facility can be provided in 'a suitable alternative location'. The Zoo's own figures indicate that there is still a continuing demand and zoo keepers and zoologists confirm that the site is suitable for certain species of animal. Many alternative community uses have been proposed, ranging from a city farm to an Eden Project style gardens. Sufficient time has not been given to explore these possibilities or their funding. The Wild Place is not a suitable alternative location, requiring car transport, whereas a city zoo is easily accessed by public transport, bicycle or on foot.

Ecology and Sustainability: The Bristol Tree Forum has already challenged the Zoo's claim of a 38% increase in biodiversity as it is based on outdated methodology. They estimate the outcome to be a 22% net loss. The loss of trees is excessive and experts fear for the remainder when surrounded by building works and then by tall buildings. The proposal to plant '2 for 1' is less than the Council's Tree Replacement Standard. Demolition and rebuilding is not the preferred approach by RIBA due to the loss of embodied energy in demolition and the carbon cost on construction materials. A Bristol environment expert supporting the Campaign estimates the carbon cost of the construction proposed

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on the site would be equivalent to running the existing buildings for 2500 years. Adaptation or reuse is to be preferred.

Public amenity: The proposed public access and maintenance of the gardens is to be funded by a levy on the residents. But there is insufficient evidence that this right will be granted in perpetuity as this access is permissive and could be modified or withdrawn. It is the prediction of many objectors to his scheme that the residents will object to funding a public amenity and in time it will become a private space. The scheme provides no long term protection of public access. This could be provided by the dedication of the site for public access in perpetuity under section 16 of the Countryside and Rights of Way Act 2000, which would be binding on subsequent owners. Alternatively, designation as a town or village green. The Zoo could apply for voluntary registration under the Commons Act 2006

Harm to overall historic interest and significance of site: The May 2022 Heritage Statement acknowledged the harm that is caused to the site and Conservation Area through the departure of the Zoo from its historic home, a point echoed by Historic England. The SBZG disagrees that this harm is justified by the current proposal. The significance and irreplaceability of the site as a whole is fundamental to this application. Bristol Zoo Gardens is the oldest one in the UK and the fifth oldest in the world. It has been open for 186 years. NPPF 189 states: 'These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.

Loss of Communal Value: Defined as 'Value deriving from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.' in English Heritage, Conservation Principles, 2008. At the public level, hundreds of thousands of people have visited the Zoo as children, as adults and with their own children for more than 150 years and the loss of this experience is not to be taken lightly. Additionally, the ashes of many people have been scattered within the herbaceous borders - to be lost under a roadway - while others have held weddings and celebrations in the Pavilion, which will be lost to flats.

Harm to listed buildings: The original and particular use of many of the buildings is integral to their historic significance and is cited as a key reason in the listing designations of the four animal houses on the site, justifying their listing at Grade II and their national importance. Harm to an asset of this significance should clearly be only as a last resort. The D&A statement refers to 'Historically significant buildings retained and sensitively converted to unique, environmentally sustainable homes'. But the SBZG finds that such conversion would completely change the presentation and significance of these buildings, meaning the loss of: the Clifton Pavilion, Great Aviary/Parrot House, Giraffe House and the Museum/Activity Centre, all to apartments. It is not considered that the applicant has made the case for the level of harm proposed to the listed buildings within the site.

Justification of harm: It is recognised by the NPPF that new uses are sometimes needed for heritage assets to generate income for their long-term future. In order to do this, it may be necessary to cause some harm, but it is clear that in identifying the 'optimum viable use' for a heritage asset, the optimum viable use is one that causes the least harm to significance. The SBZG argues that the proposed scheme would cause significant and irreversible harm and is not justified.

Alternatives: Other proposals for the site have been put forward either in broad outline or in detail and this suggests that other schemes are possible. Covid has provided a distraction so that disposal of the site is presented as a finished decision. But this is a nationally important site and time could usefully be taken to allow further time for ideas or to run a competition to determine its future. The Campaign's

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preference is that it reopens as 'a Zoo fit for the 21st century' which was the Zoo's strategy up to 2020.

**Design:** Even if there were no alternative to building densely on the site, the proposal is a homogeneous scheme that does not respond to the architectural character and appearance of this part of the Conservation Area, which is predominantly large detached and semi-detached villas alongside imposing educational buildings situated within a verdant landscape and tree-lined avenues. The scale of development within the southern end of the site would be over-intensive with a consequential poor relationship with the adjacent school and its listed buildings. The north building at six storeys is an unrelenting monolithic block that does not respond to the character and appearance of the area. The relationship between the existing listed buildings and the scale and location of proposed development is extremely poor, in particular the Bear Pit would be overly dominated by new development.

**Landscape:** Bristol Zoo Gardens are a locally listed heritage asset designated as a Local Historic Park/Garden and an Important Open Space. The Avon Gardens Trust has voiced concerns around the loss of trees, the viability of translocating other trees and hedges and the general impact on green infrastructure from ground and environmental disturbance during the long phases of works and the eventual overshadowing from tall buildings.

**Cars and Parking:** The Grand Terrace is a defining feature of the gardens and is not worthy of being used as a deliveries and service route. The circular road to access houses needs to be rethought not least as it creates another visual and psychological barrier for free pedestrian access to the green spaces within the site. There is concern that there will be insufficient car parking provision, which will result in the reality of extensive areas of on street parking throughout the site.

**Clifton College – Object**

Clifton College has responded to each round of consultation in response to this planning application, a record of their reported engagement with the Applicant is included below. This represents a summary of Clifton college's final comments, all of their comments can be reviewed in full in Appendix [enter] (on the website). Their comments have also been supported by Highway Technical Note, authored by Highgate Transportation.

As long-standing members and neighbours of BZS, Clifton College are supportive of the BZS in securing its future for the continued conservation of its animals and to support the vital education they provide for the wider community. Clifton College acknowledges that the site will need to be developed however, as an operational school with overall responsibility for the safeguarding of its pupils, the revised proposals continue to raise a number of significant concerns for Clifton College, which this letter addresses. Clifton College has engaged with BZS Team to discuss unresolved concerns, including safeguarding and overlooking into sensitive school buildings and grounds, highway safety, daylight/sunlight and heritage impacts.

With regard to safeguarding and overlooking, Clifton College acknowledges the changes and further information provided by the Applicant to address overlooking, but finds that the changes do not go far enough to reduce the risk of overlooking. Their concerns are summarised below:

- Clifton College advises that to wholly alleviate its safeguarding concerns around overlooking, angled bay window alterations (as made to Block E1) should be made to all windows in Block E1 facing the College's Preparatory School Main Building (Building 4)1 and Mansfield's House (Building 3), particularly those which face into/out of a bedroom.

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- Block E2 is proposed opposite 7- 8 Northcote Road (Building 7) which includes the Director of Safeguarding's office, Prep School Counsellor, Chaplaincy and multi faith room, Prep EAL and learning support department, the Hornby Arts Centre (Building 9) and Bretten Memorial Hall (Building 8). The amendments made are considered to be marginal, and the College still holds concerns around safeguarding and overlooking.
- The proposal introduces new access to the site, including adjacent to the Joseph Cooper Music School. This new pedestrian route would bring pedestrians along a narrow path which has windows immediately onto the path within both the Joseph Cooper Music School and the new Building S1. There is also an overlooking concern with the windows at the eastern end of the Joseph Cooper Music School and the windows at the western end of the new Building S1 looking directly onto each other in addition the overlooking potential and privacy issues arising from the new pedestrian route.

In relation to highway safety and the Clifton College, particularly its students, the College holds concerns around increased vehicle movements and potential risk to the College's pupils, which they suggest the application submission does not been address. Specific concerns:

- Traffic generation: Clifton College considers that concerns around increased vehicle movements and potential risk to the College's pupils have not been addressed. Further information is required to: evidence the transport movements into and out of the site, the volume of movement into and out of the site.
- Guthrie Road access: The Highway Technical Note provided by Highgate Transportation raised concerns that this is currently a gated access and is narrow and not wide enough for vehicles, pedestrians and cycles to access and use alongside each other. As has been set out, this could cause a highway safety issue for pedestrians, including school children as a car would have to wait over the footway if a cycle was exiting the site.
- Northcote Road access: There are concerns around conflicts at drop off and pick up times which will be more noticeable if the gates are allowed to open at 8am as is proposed. The potential conflicts with the new access points are a significant safety concern particularly for some of the school's youngest pupils who are currently dropped off along Northcote Road. The concerns expressed previously have not been overcome and furthermore a Road Safety Audit has not been undertaken of the proposed access.
- College Road Access: The Highway Technical Note previously identified the need for a road safety audit to be undertaken of the proposed access to establish that appropriate visibility splays can be provided. This work is still outstanding accordingly there is no technical evidence that the proposed access will be acceptable from a highway safety perspective when taking into account the various road users and in particular the more vulnerable users, namely pedestrian / school children.
- The Highway Technical Note also raises concerns relating to the proposed parking surveys that have been undertaken as well as concerns which persist about the impact on the existing coach parking and schools drop off and pick up points.

With regard to the proposal's daylight and sunlight impact on Clifton College's buildings, the College advises that their concerns around material impacts on boarding houses and daylight/sunlight have not been addressed and the College request these outstanding queries be addressed ahead of a decision being made on the application.

- No justification as to why the impact on Pooles House and South Town is judged to be acceptable.

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- In relation to Poole's House on Northcote Road, the Daylight and Sunlight Report (April 2022) states that 4 rooms located at lower ground level have the potential to receive a medium to high reduction in daylight levels (under the NSI measurement). These are used throughout the day and evening and therefore impacts on their daylight/sunlight is a material consideration which needs to be addressed.
- In relation to Watson's House it is not clear if further information has been provided to the Council, but to confirm this is boarding accommodation and it is felt will be detrimentally affected by the proposal
- It is also notable that for the South Town building (a house on Guthrie Road) is a pastoral day house and therefore it is sensitive to the loss of light. No evidence has been provided to demonstrate that the building will retain acceptable levels of daylight.
- The Daylight and Sunlight Report does not assess the impact of the proposals on the existing play areas and amenity spaces that surround the site. The impact on these should also be assessed.

**Heritage and Design Concerns:**

- The scheme will have a significant impact on the setting of Heritage Assets. The proposed five storey, flat roofed, perimeter blocks would be a stark juxtaposition against the variety of Clifton College buildings and residential buildings that surround the site. The predominance of 'bold architecture' that does not respond to the context cannot be considered neutral.
- The proposed perimeter buildings fail to conform to Policy DM26: Local Character and Distinctiveness, of the adopted Site Allocations and Development Management Policies Local Plan (2014). In addition the residential elements of the scheme do not align with the principles contained within the Council's adopted Urban Living SPD (November 2018) in particular relating to responding positively to the context. It is considered that the proposals do not respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings, skylines and roofscapes. It is also considered that the proposals fail to reflect locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportions.
- A Visually Verified Montage (VVM) was provided from across the College playing fields, by this does not take into account the taller blocks proposed on the northern or eastern side of the site. Verified Views have also not been taken for other key views within the Conservation Area, including LC24 and L25 from the Conservation Area Appraisal. It is noted that CGI views have been submitted, these are not 'settles CGIs' and cannot be considered as part of the overall determination, the College requests that these additional CGIs are updated and formally submitted for consideration.
- 2D comparisons have been submitted, these do not convey heights, daylight/sunlight, and the orientation and layout of the development.
- The Conservation Education Centre was only recently built, the College questions the sustainability of demolishing a recently developed building and whether it would be more appropriate to retain this in education use which would require minimal works given the existing use of the building.

**Construction Impact and Conditions:**

- Noise and traffic generated by construction operations is a concern. Clifton College requests that it is consulted on any future Construction Management Plans or Method Statements before approval by the Council.



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- The College wishes to see the Applicant involved in the future management of the site for the long term to ensure that the interests of itself and the wider community continue to be considered.

As discussed above, the College instructed Highgate Transportation to review the proposal and provide comments. Their comments are summarised below:

The site is surrounded on at least two sides by Clifton College and the route for new residents and Clifton Village (for example) will increase vehicular movements on College Road and Guthrie Road. Furthermore, the proposed two-way vehicular access at the northern end of Northcote Road funnel new vehicular movements through a busy entrance/exit for around 200 Prep pupils (7-13 year olds); with the residential peak hours coinciding with school drop off in the morning and pick up late afternoon. Further to generally educational uses, the note sets out that College also hosts many events, meaning it operates 52 weeks of the year, with thousands of pedestrian movements daily concentrated in and between Guthrie Road, College Road and Northcote Road in particular.

The transport work has failed to consider the impact of the vehicular trips generated by the redevelopment, with its new access points, on the pupils of Clifton College. Not only were the majority of vehicle movements associated with the BZG confined to the northern side of the site (the A4176) i.e. away from Clifton College pedestrian movements, but the peak hours and peak season i.e. the busiest times for BZG trip attraction (as used for the baseline assessment in the transport work) do not coincide with the daily movement of pupils as would the proposed residential scheme. Given this, the net traffic impact benefit cited in the application is of no significance when considering the increase in vehicular traffic forecast on Northcote Road, Guthrie Road and College Road as a direct result of the redevelopment. This is to the detriment of highway safety of vulnerable road users.

Northcote Rd: In summary, there are a minimum of around 100 pupil movements along Northcote Road hourly, rising to around 200 during the lunchtime period, up to around 400 pupil movements on Wednesday afternoons, and as many as 500 movements between 0745 and 0815 and also between 1600 and 1800 hours i.e. thousands of vulnerable road user movements per day. Given this level of footfall, it is clear that further pedestrian movements on this single footway will result in either adults or children walking in the carriageway, significantly increasing the risk of a serious or even fatal pedestrian/vehicle collision occurring. The proposed pedestrian crossing build-out from the BGZ site centrally on Northcote Road is clearly of no benefit to Clifton College pupils given there is to be no footway on the western side to cross to i.e. this is only a link to the site. It should be noted here that the transport assessment work failed to acknowledge the vulnerable road user personal injury accidents recorded.

Guthrie Rd: In summary, there are a minimum of around 100 pupil movements crossing the carriageway at the junction of Northcote Road and Guthrie Road hourly, the majority of which are unaccompanied (aged 11-13) and accompanied (aged 4-11) pupils travelling between Northcote Road and Guthrie Road (west). This rises to at least 300 pupil movements crossing the carriageway at the junction during the morning and evening peaks. There are further east-west movements of around 100 Upper School pupils at the junction each hour. It is clear that an increase in pedestrian and vehicle traffic across this junction will result in a corresponding increase to risk, particularly to the vulnerable road users - who are the main users of the junction. No improvements to the crossing facilities at this junction are proposed as part of the BZG development.

College Rd: Guthrie Road forms a simple priority junction at its western end with College Road. A raised table covers the area of the junction, which forms an informal shared space between

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pedestrians and vehicular traffic and provides a calming effect to vehicles traversing the junction. Uncontrolled crossings are also provided on each arm, marked by tactile paving. This junction facilitates a high number of pedestrian movements across it – at least 300 hourly throughout the day, with significantly more during the peaks, due in part to the College facilities on both sides of the roads and coach pick-up/drop-off point situated adjacent to the junction. These movements are made over all arms of the junction, and also diagonally across the carriageway. It is understood that this arrangement operates satisfactorily with current levels of traffic. However, an increase in traffic during the peak hours and throughout the day (arising from the new access locations around the BZG site on key roads) is likely to result in serious additional risk to the vulnerable road users crossing at this junction. College Road is a single carriageway road, with footways around 1.9 metres wide on both sides of the carriageway. On-street parking, marked with dashed white lines, is present along much of the length of the road on both sides. College Road, at and south of Guthrie Road is an important thoroughfare for pupil movements to, from and around Clifton College, as college facilities and pupil accommodation buildings are located on this road. Pupils accessing the College from accommodation on the western side of College Road cross the carriageway, and vice-versa. A zebra crossing facilitates some of these movements, however, it is located off the main desire lines. Informal crossing movements are common throughout the day, at around 200 pupil movements per hour.

Access to New Field: pedestrian movements are made via Percival Road or Cecil Road, with up to around 150 pupil movements in an hour cross this junction during the day when accessing New Field, with significant increases on event days, which may see many hundreds of pedestrian movements in a short space of time.

Other vehicles movements, deliveries, coach and mini-bus travel: Porter's Lodge on Guthrie Rd received deliveries to the College on Guthrie Rd opposite the junction with Northcote Rd. Catering deliveries are made on the south side of Guthrie Rd, often the LGVVs and HGVs overhang the footway. Coaches and minibuses are regularly used to transport pupils attending Clifton College to the Sports Ground in Leigh Woods or to other schools for fixtures. There is a coach pick up/drop-off point on the north side of Guthrie Road, close to the junction with College Road. Coaches pick up and drop off pupils here multiple times Monday to Saturday to transfer pupils between sites.

Traffic Generation: Clifton College is not in agreement with the trip rates and distribution from the submitted transport assessment work. The work does also not take Saturdays into account, where high volumes of development trips to/from Clifton Village will use these three important road links, in direct conflict with vulnerable road users.

**Northcote Road Residents' Association – Object**

Various comments have been received from local residents, including from Humphreys and Co Solicitors and Anstey Horne (Daylight/Sunlight) on behalf of the Association. These comments are summarised below and are available in full within Appendix/Supporting Documents to this report.

**Unnecessary and Insufficient Mitigated Harm to Heritage Assets:**

- Harm associated with the loss of a nationally recognised zoological facility and its gardens, reiterating the Conservation Advisory Panel's concerns, especially with regard to the suggested lack of evidence to indicate that the closure and change of use, is economically necessary, or that alternative less harmful uses have been considered. Insufficient evidence to demonstrate that the need for such facilities could not be met in other ways, either in a more appropriate scale, form and design, or on other sites. No evidence to suggest the extra

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housing is necessary nor significant compared with the demands of the Core Strategy. As such, the tests in the NPPF are not met as the loss of the heritage asset is not necessary to achieve those public benefits. The harm to caused is substantial.

- The listed buildings at the site would be lost to residential use, erasing all connection with the history of the site and its former use, as would the loss of the herbaceous border where many people's ashes were spread. Loss of these buildings do not meet the NPPF's tests.
- The public benefits of the proposal's have been overstated, including public access. The public appeal of the Zoo will be reduced, harming the site's value as a historic and community asset. The harm posed by the development to the gardens, the Conservation Area, and the neighbourhood are considered to be far greater than the new benefits. Further, the benefit associated with new housing and community facilities is severely compromised by a design and layout that would grossly overdevelop the site, to the detriment to the character, appearance, significance and setting of the Conservation Area, the zoological facility, its gardens and the listed buildings.
- The size, scale, height, repetitive form, design and massing of the development fails to respond to the character of the area and would dominate the immediate townscape, as well as the gardens. The proposal's mass and design is contrary to the NPPF's expectations for developments to be sympathetic to local character and history, as well as the November 22 Local Plan Review. The submitted CGIs are selective and do not show the full size, scale, height, bulk and massing of the buildings, and nor do they accurately depict trees.
- Inadequate justification for the proposal's harm is provided. The proposal's design and impact on the Conservation Area fails policies BCS20, 21 and 22, and DM26, 27, 28, 29 and 31.

#### Unnecessary and Insufficiently Mitigated Harms to Residential Amenities:

- The proposal will overpower, overbear, and overshadow residents, as well overlook them.
- The development would lead to a significant material loss of light to important habitable room windows in existing neighbouring residential properties. The members of the association are still awaiting additional information from the Zoo's light consultants (Officer note: this was provided to Humphreys and Co on 06.02.2023). The Residents' commissioned Daylight and Sunlight assessment (Anstey Horne) included critical differences to the submitted Daylight and Sunlight assessments, and as such is not considered to be accurate or acceptable.
- The development would harm outlook due to the development's position, scale, height and mass.
- The impact on residents light and outlook would be out-of-character with well-established characteristics in the locality.
- The proposal would fail to safeguard the amenity and ensure appropriate levels of privacy, outlook and daylight for existing development, contrary to policies BCS21 and DM27, and the NPPF.

#### Committee:

- Members are requested to visit the site and surrounding area. The resident would also welcome visitation to some neighbouring properties.

On behalf of the Residents' Association, Anstey Horne submitted a letter objecting to the proposal's daylight and sunlight impact (19.12.22). Principally, the comments advise that the information provided by the Applicant is not complete at this stage and the Council should request the additional information summarised below to be provided to have the full picture of the actual impact on the

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neighbouring properties before determining the application. Upon submission of the additional elements, we would welcome a period of consultation which would allow us to comment on the amended report if needed. These are summarised below:

- General criticism of the Applicant's Daylight and Sunlight Assessment submissions, including suggestions that BRE guidance has not been correctly followed, environmental impact assessment criteria had been relied on, and appeal decisions of representative proposals were referenced.
- Suggestions that the Applicant's submissions incorrectly considers the nos. 1 – 6 Northcote Road to have room depths of 4 metres, when in reality numerous rooms in the most crucial areas on the lower ground and ground floors are around 5.2m deep. The comments suggest that the room depth is crucial to understand the impact on the sky visibility. Daylight distribution contour drawings should be submitted.
- Agreement with the Applicant's use of the following daylight / sunlight tests: Vertical Sky Component (VSC), Daylight Distribution (DD/NSL) and Annual Probable Sunlight Hours (APSH).
- If room depths were accurate, some room would fail the NSL assessments. Daylight distribution drawings were not included in the Applicant's submission.
- Further APSH tests were also requested with regard to the main window in no. 5 (room W1).
- An overshadowing assessment is requested for the front gardens of nos. 1 and 2.

Anstey Horne submitted a further letter (02.03.23) advising that the Applicant's Daylight and Sunlight Assessor's (Delva Patman Redler) response to Anstey Horne's concerns was insufficient, as it failed to report figures regarding the VSC accurately, and thereby skewed the conclusions. Similarly, they suggested that the Applicant incorrectly reported overall impacts on nos, 1 – 6 Northcote Rd, by suggesting improvements to performance, whereas in reality, these improvements were due to discounting non-habitable rooms from the assessment. Finally, the letter advised that the Applicant's assessment should take into account a large existing tree that is within the gap between Blocks E2 and E3, as the tree reduces the amount of light experienced by nos. 1-6 Northcote Rd.

**Bristol Tree Forum – objects**

The Bristol Tree Forum's comments can be reviewed in full within the Appendix/Supporting Documents to this report, this represents summarised comments. This summary largely reflect the initial comments which set out in great detail the Bristol Tree Forum's concerns. The Bristol Tree Forum also submitted meeting minutes and email records from discussions with the Applicant, largely regarding biodiversity and trees. The comments set out the policy and guidance surrounding issues including heritage, green infrastructure, and ecology and biodiversity.

The Site: the Zoo has an international reputation, not only as a Zoo, but for its collection of trees and plants. The collection includes nationally recognised plants, including Champion Trees recorded on the National Tree register, National Conservation Collection of Plants and Gardens/Royal Horticultural Society plant collections e.g., *Caryopteris* and *Hedychiu*. Further, the Zoo has reported that their plant collections are used to help realise appropriate national initiatives such as the UK Plant Diversity Challenge and ISO14001 environmental standard, and they contribute to the work of the UK Plant Network and the Plant Working Group of the British and Irish Association of Zoos and Aquariums. the site is also subject to a tree preservation order. The Zoo Gardens are within the Clifton Conservation Area and immediately adjacent to the Clifton and Durdham Down SNCI (a Site of Nature Conservation Interest), which is also an Important Open Space (DM17), a Town and Village

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Green (TVG) and a Valuable Urban Landscape (DM17). At its nearest point, the Zoo Gardens are within 200 metres the Avon Gorge Special Site of Scientific Interest (SSSI) and the Avon Gorge Woodlands Special Area of Conservation (SAC), and so well within their Impact Risk Zones (IRZ).

Conclusions, the applicant has failed to comply with the minimum requirements of the planning authority:

- The proposals will result in harm and the loss of the significance of this historic garden asset. The loss of the historic garden asset will result in harm to, or loss of, significance to a designated heritage asset. The reduction of the accessibility to the gardens and introduction of cares will destroy the current amenity of the site, and introduce pollution into the gardens and will damage the unique habitat and ecology of the site.
- The BZG is within the impact risk zone of the adjacent SSSI and SAC and the Avon Gorge Ancient Woodlands. It is also immediately adjacent to the Durdham and Clifton Downs SNCI. This has not been addressed even though.
- Of the 381 on-site trees, 162 will be removed. This is 42.5% of the trees growing in BZG, an unacceptable loss that is unlikely ever to be replaced in any meaningful way, not even under the Bristol Tree Replacement Standard (BTRS).
- The plan to translocate 55 trees gives no details of the proposed translocation sites or mitigation proposals in the case of failure. Translocation is fraught with risk. This has not been addressed.
- An unworkable version of the metric for Biodiversity Net Gain (BNG) has been used (BNG 3.0) for calculating Urban tree habitat. BNG 3.1 fixes this and should be used instead. This shows that the trees growing on the site account for over 70% of its biodiversity.
- The calculation of baseline and newly created Urban tree habitat is given without explanation.
- There is an assumption that only half the urban trees planted will reach full maturity. No explanation is given for this.
- The wrong Strategic Importance parameter has been used. The location and importance of the site means it has medium strategic importance, not the low importance that the applicant has given it.
- The BNG calculation fails to account for the likely delay in creating new habitat. In our calculation we have allowed for a three-year gap between the development starting and the new habitats being created.
- The applicant's proposals will result in a net 22% loss of biodiversity rather than the 38.6% gain they have stated.
- BNG submissions should include an inclusive management plan with a guarantee covering a period of thirty years including a financial budget and ecological monitoring.

The comments also requested that the Council makes a TPO covering all trees at the Zoo, as not all trees that offer significant public amenity have been recognised. This will protect those trees in the meantime.

In their final comments, dated 31.03.23, the Bristol Tree Forum provided a Biodiversity Net Gain Assessment using Metric 4.0 (BNG 4.0). These comments are summarised below.

- The Council should require applicant to adopt BNG 4.0, if not for the whole development, at least for Individual Urban Trees.
- The site should be considered to have a strategic significance of Medium for all habitat types, rather than a Low strategic significance. Whilst the site is not formally identified in the Local

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Plan, it is nonetheless of significant ecological importance, both of itself and because it is in a conservation area, is adjacent to the Clifton and Durdham Downs SNCI, is part of the wildlife corridor that connects the Downs with Avon Gorge; and it is within the IRZs of an SSSI and an SAC and within some 400 metres of Clifton Down Wood, an ancient woodland.

- The use of BNG 3.0 methodology for individual trees is infeasible because it is both error strewn and flawed. Having set the RPA radius (r) multiplier to DBH x 15 for the veteran tree T083, we have adopted the new BNG 4.0 methodology and, using the applicant's AIA tree survey data, we calculate that the baseline habitat area of the Individual trees – Urban tree on site is 6.0086 hectares, of which 2.0901 hectares will be removed and 3.9185 hectares retained. We have assumed that the DBH of each of the trees in a group is as reported for that group in the AIA. This represents a loss of 42.5% of the trees and 34.8% of their habitat from the site. We have adopted (though we do not agree) the applicant's Moderate/Poor - 87.7% / 12.3% - condition proportions and calculate that these Individual trees – Urban tree habitats combined generate 49.62 baseline Habitat units (HUs), which is nearly 88.5% of the 56.09 on-site baseline biodiversity HUs.
- Even planting all the 451 trees proposed in publicly accessible locations will not replace the urban tree habitat lost and achieve the 10% net gain which we understand the applicant aspires to. We calculate that a further 923 BNG 3.0 trees (classified as Small category trees in BNG 3.1 & 4.0) would have to be planted to achieve a Moderate condition and provide the 3.76 hectares of new Individual trees – Urban tree habitat needed to generate the minimum 10% biodiversity net gain that will also be required when the Environment Act 2021 takes effect in late 2023.
- Without these extra trees, the applicant's proposals will result in a net loss of biodiversity of 12.52%, not the net gain of 36.00% that they have calculated. We accept that a 376.35% net gain of Hedgerow units will be achieved by this proposal.

**Mall Gardens Residents Association – Objection**

- Loss of Heritage - loss of a major public amenity for Bristolians which has enriched the lives of generations for over 150 years. The retention of the area as a public amenity in perpetuity is at risk.
- Scale - large blocks of flats some as high as six stories are entirely out of keeping with the character of the area, which is a key conservation area. They are over intrusive and of poor architectural merit.
- Aesthetics - high density accommodation which threaten the heritage asset of the gardens. More time is needed for the development of ideas and broader thinking on the future of the site (eg Eden Centre, RHS)

**The Avenue Residents Association**

- The density of the proposed development is far too high. It is clear that the Zoo's only interest is to maximise profit without any regard to the legacy it will leave.
- The height of the buildings will significantly impact light on adjacent properties and will be an eyesore.
- The design of the proposed is out of keeping with existing properties, looks awful and will age in a very short period of time.
- The comments on parking are naive and frankly ridiculous. The Avenue will be clogged with residents and their visitors.

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- The traffic access onto Guthrie Road will cause severe congestion and will be a safety hazard especially during busy hours at the school. Even at the moment it can take 10 minutes to access Pembroke Road from The Avenue during school drop off. There have been several near misses with school children already. There has been no consideration of vulnerable road users.

**Downs For People**

Downs for People (DfP) co-ordinated objections to the zoo using the Downs off Ladies Mile as its main car park. It challenged the licensing of this use in the High Court in 2020: this led to a court order in 2021 establishing that no part of the Downs can be used for parking for non-Downs activities from the end of 2023. DfP members have unrivalled expertise in the history of zoo parking and examined the zoo's finances in relation to successive planning applications. We are sad the zoo is closing: our objective now is to ensure that the zoo's departure benefits those using the Downs for recreation as much as possible.

**Summary**

Downs for People (DfP) has four comments on these proposals:

I. Strong statutory measures, not just planning conditions, will be needed to secure public access to the zoo grounds. If the zoo must close, Downs for People supports this application insofar as it may create public open space to complement what is available on the Downs. Recreational use in perpetuity cannot be secured by a planning condition or section 106 agreement. Something stronger, like dedication under section 16 of the Countryside and Rights of Way Act 2000 and/or designation as a town or village green under the Commons Act 2006, is required. In addition, the zoo should establish an endowment fund for future maintenance.

II. Parking history has been mis-represented as a reason for closure. In particular:

1) Visitor numbers have never been constrained by lack of parking: in its annual accounts the zoo has identified this only as a possible future risk.

2) DfP's successful High Court challenge did not result in the zoo being left with no parking. It still had its surface West car park. The zoo has decided to build housing on this. (A modest multi-storey car park there could have made up for the spaces lost elsewhere.) There is anyway still significant on-road parking in the streets around the zoo and on the Downs.

3) In 2019, before COVID struck, the zoo published a strategy to develop the Wild Place as its main site and to keep the Clifton site as a local attraction. Parking for the Clifton site was not seen as a problem.

III. The zoo has exaggerated the fall in pre-COVID visitor numbers and its financial difficulties. The zoo's finances appear healthy in its annual accounts, with profits in the three years before COVID. It described itself as 'flourishing' when it last applied for planning permission in 2016/17. Visitor numbers may be lower than in the 1960s but have not fallen dramatically in recent years. The zoo's insurers have covered most of its COVID losses. There seems no compelling financial reason to close the Clifton site other than to make money to develop Wild Place.

IV. The constraints on the use of the Downs north of the zoo – and the potential of the land - need clarification. All the land between the zoo's north boundary and the main road, including the land outside the zoo's main entrance, is part of Clifton Down. Under the 1861 Downs Act, this land must be

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used for the public resort and recreation of Bristolians. It is also common land, to which there is a right of access on foot. The pedestrian route along the zoo boundary wall probably qualifies as a public right of way through long use.

The recreational value of this land should be maximised. The creation of a grand entrance to the proposed conservation hub and the retention of a large car park (that could only be used by visitors to the Downs) would not achieve this. The construction of large buildings on the boundary of the land would reduce the recreational value of this part of the Downs.

**RESPONSE TO PUBLICITY – STATUTORY AND NON-STATUTORY CONTRIBUTORS**

This section includes comments from statutory and non-statutory contributors. In the interests of brevity, these comments have been summarised below.

For information, Appendix 1 and 2 to this report includes a record of the representations received in respect of this planning application. Due to the limits of the Council's IT System and the number of representations received, the record of consultation responses included in the appendices is not exhaustive. However, officers have reviewed all the representations and are satisfied that all material matters raised have been adequately summarised in the report itself

i. **Urban Design Team (BCC) - no objection**

Summary:

- Bristol Zoo is one of the earliest provincial zoos in the world and is consequently a highly significant heritage site.
- The relocation of the zoo to enable greater focus on its valuable conservation work is recognised.
- The proposals include heritage gains including improvements to the site boundaries and adaptive reuse of designated and non-designated heritage assets.
- However, the proposed new residential units within the site and the scale and massing of apartment blocks around the perimeter of the site lead to less than substantial harm (NPPF, paragraph 202) to the significance of the Clifton and Hotwells Conservation Area and setting of listed buildings within and around the site.
- Clear and convincing justification for any harm to the significance of heritage assets is required in accordance with paragraph 200 of the NPPF. The applicant has stated that the level of harm caused by the scale, massing and general quantum of the proposed development is required to ensure the delivery of the heritage gains and public benefits of the scheme.
- Revised plans and documents were submitted in late October/early November 2022, the Planning Statement and Design and Access Statement explains the key changes made. These comments respond to those submissions. A Vu.City model has also been provided, any views that have been relied upon when making these comments are included within the document.

Heritage assessment:

The site and its contents are subject to a number of local and national designations with regard to historical and cultural significance, including:

- Local Historic Park and Garden – the site
- Clifton and Hotwells Conservation Area (within)



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- The Downs Conservation Area (immediately to the north)
- Listed buildings:
  - Bristol Zoological Gardens entrance (Grade II), north west corner of site
  - Giraffe House (Grade II), south eastern side
  - South entrance gates and flanking walls, Gurthrie Road
  - Clifton College, various Grade II and Grade II\* listed buildings (to the south)
  - Bear Pit (Grade II), within the site
  - Monkey Temple (Grade II), within the site
  - Eagle Aviary (Grade II), within the site
- Locally listed building:
  - The Clifton Pavilion (west side of site, facing College Road)
  - Clifton Music School (southern tip at junction of College Road and Guthrie Road)
  - Clifton College Preparatory School (north east)
  - Houses on Clifton Down (to the west)

Significance (NPPF, paragraph 194/5)

Bristol Zoological Gardens opened in 1836 and is predated only by Paris, London and Dublin zoos. Features from the original design of the zoo survive including the entrance lodges (listed grade II), the former bear pit (listed grade II) and terrace promenade.

Later features of the zoo landscape are also surviving nationally important heritage assets such as the former giraffe house (listed grade II), monkey temple (listed grade II), Guthrie Road entrance gates (listed grade II) and eagle aviary (listed grade II).

The zoo and its landscape make a positive contribution to the character and appearance of the Clifton and Hotwells Conservation Area, it is a locally designated historic park and garden and contains the locally listed Clifton Pavilion. The zoological gardens have been an important cultural asset for the city for nearly 200 years with multiple generations enjoying visits to both the animals and high-quality planted landscape. Consequently, the site has immense communal value in addition to the demonstrable architectural, aesthetic and historic values.

This significance is recognised by the applicant in their heritage assessment and has informed aspects of the proposals such as the reuse of the entrance lodges, bear pit, monkey temple, eagle aviary, Clifton Pavilion.

Assessment of impact (NPPF, paragraphs 199-204):

The relocation of the zoo poses many challenges particularly where there are so many important aspects to the site as summarised above. The proposal offers opportunities particularly where the practical necessities of running a zoological garden in a residential neighbourhood have led to parts of the site making a neutral or negative contribution to the character and appearance of the conservation area.

The boundaries to the site, particular along Northcote Road on the east side of the site and in the middle section of the College Road boundary are proposed to be improved through this development offering an enhancement to these aspects of the conservation area.

The retention and reuse of numerous assets within the site; entrance lodges, bearpit, monkey temple, eagle aviary, giraffe house, Clifton Pavilion and the approach to the listed Guthrie Road entrance are

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welcomed as heritage gains. Similarly, the free public access proposed to the gardens between the hours of 8am and 5pm represents a heritage benefit, given it will increase public interaction with a number of heritage assets within the site.

Despite these gains the proposals will cause a degree of less than substantial harm to the character and appearance of the conservation area and setting of heritage assets within and around the site.

This harm will be caused by the scale and massing of the perimeter residential blocks and the introduction of residential dwellings within the historic landscape.

This part of the Clifton and Hotwells Conservation Area is predominantly characterised by large Victorian residential villas that front Clifton and Durdham Downs and surrounding streets as recognised by Panoramic View 21 in the Character Appraisal. The type of large residential apartment blocks proposed for the zoo (as demonstrated in view 1 of the appendices) will consequently differ from this character and not preserve or enhance the character and appearance of the conservation area as required by the Act (Town and Country Planning (Listed Buildings and Conservation Areas) Act, 1990).

The block on the northern boundary also harms the setting of the listed entrance lodges as demonstrated in view 2 of the appendices where the current significance of the entrance lodges includes their visual dominance in the landscape despite their low architectural form.

The applicant has introduced some design changes to the scheme in light of previous comments. These have helped reduce the impact, however, introducing greater void (windows) to solid (wall) ratios and/or greater (deeper) recesses in the areas of the circulation cores particularly with the block on the northern boundary would help to break down the massing and create a more villa type appearance thereby reducing the level of harm.

The scale and massing of the other blocks around the site also causes less than substantial harm to the character and appearance of the conservation area and setting of listed buildings such as the listed Clifton College buildings on Guthrie Road as demonstrated in views at the junction of Northcote Road looking towards College Road (Local Views 26, Character Appraisal and view 3 of the appendices).

The impact on the setting of the Clifton College heritage assets is reduced in views from the south, such as from the cricket pitch, where only a slight if any impact is visible in views such as view 4 of the appendices (Long View 25, Character Appraisal).

The proposed 'lake house' villas within the zoo landscape are architecturally interesting buildings that complement the design aesthetic of the retained zoo buildings. However, by introducing private residential dwellings to what is currently a quality landscape that is perceived as public will cause cumulative harm to the conservation area and local historic park and garden. This harm will be caused by the introduction of vehicular movement and car parking to what is currently a largely vehicle free landscape. These private dwellings and their associated aspects will change the perception from being a public to a private landscape impacting the communal value of the site as well as the landscape qualities. This will be particularly evident when looking into the site from College Road (view 5 of the appendices, also identified as Local View 21 in the Character Appraisal) where the landscape will appear to be a private residential street as opposed to a public historic landscape.

The proposed northern block will not materially harm the significance of the Downs Conservation Area due to the topography of Downs and the screening provided by the existing trees.

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The height, scale and massing of the development has been assessed in relation to heritage assets and the character of the area, the harm associated with this has been discussed contrary to policy DM26 and 27. The layout directs the majority of the development to the site's edges reinforcing the 'walled' character of the site. With regard to policy DM28, the development will create a safe, attractive, high quality, inclusive and eligible public realm, both within and outside of the site. As distinct new part of Clifton, the new buildings as proposed will introduce high quality materials to the townscape in accordance with policy DM29.

Conclusion:

Clear and convincing justification for any harm to the significance of heritage assets is required in accordance with paragraph 200 of the NPPF. The applicant has stated that the level of harm caused by the scale, massing and general quantum of the proposed development is required to ensure the delivery of the heritage gains and public benefits of the scheme. These heritage gains include the retention and reuse of the various heritage assets (designated and non-designated) and enhancement to aspects of the conservation area as detailed above.

Public benefits provided by this scheme that can contribute to the planning balance as defined by paragraph 202 of the NPPF include; free public access to the gardens and a cultural strategy that will encourage greater community use of the assets. Planning conditions and agreements will be required to secure these benefits should this proposed development receive consent.

Archaeological conditions to secure the recording of the heritage assets prior to and during the development works will also be required in accordance with paragraph 205 of the NPPF and Supplementary Planning Document 7. This should include the pre-commencement condition to secure an archaeological programme of works and historic building recording and watching brief conditions.

ii. **Flood Risk Management / Lead Local Flood Authority (BCC) - no objection**

This is a good SuDS strategy for the site. I would recommend that the SuDS condition be applied to cover the detailed design once prepared and ready. There are still drainage surveys to be conducted and details to be confirmed but it does show that this development can be drained in a sustainable way and provide wider sustainability benefits. It also demonstrates that flooding occurring from the extreme future case rainfall event could be controlled in a suitable way. The only minor point standing out is the relatively small orifice diameter proposed for the online control at 64mm which could more readily lead to blockages and consequently cause flooding problems. This should be manageable with appropriate controls such as filtration devices put in place to help prevent this though. A maintenance schedule with routine checks would also help enable this.

iii. **Nature Conservation (BCC) – no objection**

The Bristol Zoo Gardens Site is located in a semi-urban area adjacent to the Clifton and Durdham Downs Site of Nature Conservation interest (SNCI), though is not considered this proposed development will have a direct impact to this site. The site is not within a wildlife corridor (part of the Bristol Wildlife Network).

The Ecological Appraisal (EA) (The Landmark Practice, October 2022) sufficiently addresses the ecological features of the site by providing the results of extensive surveys, and outlines appropriate

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protection, enhancement, and mitigation measures required for this proposed development.

The proposed scheme will likely disturb, damage or destroy up to 14-day bat roosts. All roosts identified are summer day roosts used by common species in low numbers. In order to proceed with the proposed development legally, a licence from Natural England will be required. An outline mitigation strategy and method statement (MSMS) has been included in the EA by The Landmark Practice (TLP). Conditions below regarding works affecting bats and/or their roosts do not conflict with the outline MSMS. The proposal would not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range. Justification has been provided by the applicant to demonstrate how the three tests required to be met by the Local Planning Authority to comply with the legal protection afforded to European protected species (in this case bats) are considered to be met, and it is anticipated that a license from Natural England will be granted. The license application will conclude how the three tests are met in detail. This is for the planning officer to make final judgement.

The submitted Biodiversity Net Gain Report (BNGR) (The Landmark Practice, October 2022) shows that a 39.86% gain in habitat units and 376.35% gain in hedgerow units will be achieved through the proposed landscaping scheme (11585-LD-PLN-300 REV B, Land Use Consultants). The proposed urban trees within the BNG metric represent half of the proposed urban trees on site, assuming that only half of all proposed trees will reach full maturity to factor in the various risks to the longevity of trees within the site, including those within private gardens. For transparency Bristol City Council (BCC) and (TLP) agreed that the BNG metric was re-run, removing retained and proposed trees in private gardens as their maintenance to desired condition cannot be guaranteed for 30-years (as required by the Environment Act 2021, schedule 7A, Part 1, paragraph 9). TLP provided re-run BNG calculations removing these trees which resulted in a drop from 39.86% to 36% gain in habitat units. BCC accepts the cautionary approach to inputting urban tree habitat into the BNG metric and acknowledges the minor reduction in the BNG calculation.

The first BNG report submitted with this application (dated on planning portal May 2022) states the BNG assessment commenced in July 2021 when metric 3.0 was the most recent version of the metric. The Natural England publication page for BNG metric 3.1 (published on 21st April 2022, link) states:

*“Users of the previous Biodiversity Metric 3.0 should continue to use that metric (unless requested to do otherwise by their client or consenting body) for the duration of the project it is being used for as they may find that certain biodiversity unit values metric 3.1 generates will differ from those generated by Biodiversity Metric 3.0.”*

The Natural England guidance on the latest BNG metric (4.0) publication page states: “Projects currently using biodiversity metric 2.0, 3.0 or 3.1, as well as those using the beta test version of the Small Sites Metric, are advised to continue to do so unless requested otherwise by their client or consenting body as the biodiversity units values generated by these metrics can differ from each other and may differ from the more current version 4.0 of the metric.”. It is acknowledged that it is for the consenting body, in this case Bristol City Council, to make judgement on this. The BNG metric submitted with this application (metric 3.0) was the most recently published metric by Natural England at the time it was completed, and was completed using user guidance provided by Natural England at that time for that metric. This is consistent with the guidance in place at the time. BCC therefore finds it to be a disproportionate response to require a BNG assessment that was completed in line with the current metric and guidance of its time to be re-assessed at a later stage. Furthermore, the ‘summary of changes’ documents on the 3.1 and 4.0 publication pages state that the changes between the metrics are “unlikely to have a significant impact on the range of overall outputs generated” therefore it would not be considered an appropriate response to request that developers change metrics part way through a project considering the Natural England guidance provided, the professional judgement made, and the fact that the BNG metrics published to date are not yet regulatory requirement until November 2023..

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TLP provided a shadow Habitats Regulations Assessment (HRA) which considered the likely significant effects (LSE) of the proposed development on National Site Network Sites within 10 kilometres (stage one screening) and Appropriate Assessment (AA). The shadow HRA concluded that no LSE are anticipated via noise, visual or hydrological/drainage to the Severn Estuary European Marine Sites, and no LSE are anticipated on the qualifying features of the North Somerset and Mendip Bats Special Area of Conservation (SAC). In the absence of mitigation, the proposed development has the potential to result in LSE upon the Avon Gorge Woodlands SAC as a result of potential air quality impacts from increased dust generated from the movement of lorries to and from the proposed development site, known as “track-out routes” during the construction phase. The Air Quality Assessment produced for this proposed development (Hydrock Consultants Limited, 2022) concludes that: *“Overall, the Proposed Development is considered to be Medium Risk for nuisance dust soiling effects, Low Risk for PM10 health effects and to be Medium Risk for ecological impacts, in the absence of mitigation.”*

The AA considers whether a plan or project could result in an Adverse Effect on Integrity (AEol) of one or more National Site Network sites, either alone or in combination with other projects. Mitigation measures to reduce the risk of impacts to the Avon Gorge SAC during construction are outlined in appendix A of the Air Quality Assessment (Hydrock Consultants Limited, 2022) and are recommended to be conditioned within a Construction Environmental Management Plan below. With the specified mitigation in place to protect the Avon Gorge SAC, there would be no anticipated AEol on a National Site Network site within 10 kilometres of the proposed development and the AA concludes that there is unlikely to be an AEol to the Avon Gorge Woodlands SAC from in-combination effects between the proposed development and three other large-scale proposed developments in the surrounding area.

Natural England’s feedback on the shadow HRA also states that: *“We consider that the proposals include mitigation to ensure that the proposal will not result in an increase in recreational pressure on the SAC, the proposals provide onsite greenspace which exceeds BCC’s open space quantity standards.”*

The shadow HRA/AA is adopted by BCC as competent authority.

If this application is deemed to be approved, conditions are recommended.

iv. **Arboriculture Team (BCC) – No major objections**

Summary: The supporting documentation for the revised scheme has answered most of my concerns. No major objections are made, but concerns are held regarding:

- The juxtaposition between the shading from the proposed new dwellings of the lake houses, the museum and parrot house on important retained trees. The shade analysis demonstrates the rear gardens will not receive the minimum of 2 hours direct sunlight recommended by BRE during the winter months. This is outside of my field of expertise, and I can only recommend this is assessed prior to determination (*this is assessed within Key Issue C.v*). To remedy my concerns, I propose a further tree preservation order is placed on the trees in and around the rear gardens prior to occupation following an amenity assessment.
- Further detail or clarification on the location of street lighting columns and the underground water management/ water attenuation systems proposed, albeit these details can be secured by condition.

The site: Bristol Zoo gardens is a historic destination site with a rich history of landscape planting that has a diverse population of native and oriental species with an uneven age range from young to over

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mature providing a high-quality landscape. This has resulted in 19 trees recorded on the national tree register of champion trees. During the initial pre-application 21/04914/PREAPP; an amenity assessment of the site was conducted to identify the highest quality trees; that in the current context should be protected by a tree preservation order to secure them into the future. Tree Preservation order 1438 was confirmed on 20th October 2021. Many of the trees on site are rare and unusual species that, although they are not climax landscape trees are an important and intrinsic part of the character of Bristol Zoo Gardens and the wider Clifton and Downs conservation areas.

Tree Survey: The supporting Arboricultural Report is an assessment of the 218 trees & 45 tree groups on site. The details presented within the Arboricultural Implications Assessment and Method statement are reasonable. A number of conditions should be applied to secure the working methodologies through the development process.

Tree Preservation Order: Tree Preservation order 1438 was an initial amenity assessment of the landscape trees within the current context of the zoo gardens prior to any planning applications being made to ensure the highest quality landscape trees were a material consideration during the planning process. Following the completion of the development a further amenity assessment should be undertaken to assess the changing public amenity of the remaining trees, the re-development of the site will allow public access during the day and the addition of new homes, pedestrian paths and the remodelling of the lake may increase the amenity value of trees. Additional pressures from the new dwellings on adjacent trees with a high amenity value should be further protected. T15 Loquat (*Eriobotrya japonica*) has been proposed for removal to facilitate the development of the perimeter apartments on the northern boundary of the site. The tree is located within very close proximity to the western elevation of the Twilight World building. Translocation of the tree would be very hard to achieve and therefore its loss is regrettably necessary if the proposed is consented. Within the landscape plans 3 replacement *Eriobotrya* have been proposed to secure this species longevity within the development.

Veteran Tree: T83 Hawthorn is the only veteran tree on site. There are other large trees but they do not have sufficient stem diameters or veteran characteristics to be considered veteran trees in accord with NPPF 180. Having reviewed the proposed design details which include 'no dig' measures within the Root Protection Area (provided 23.03.23), no objections are raised in relation to this tree. This solution needs to be implemented at every location where a tree root protection areas extend into the highway and a 'no dig' solution has been proposed within the supporting arboricultural method statement and not just adjacent to T83. Full design details can be secured by condition. Following the receipt of this design detail and provided the supporting arboricultural method statement is followed, no detrimental impacts on T83 are envisaged in accord with NPPF 180c.

A full list of registered trees and those trees subject to the TPO is included within the Arboricultural Team's comments.

Tree Register trees: The site is fortunate to have 19 registered trees, 5 National Champions, 11 County Champions and 4 remarkable trees. Although these are recognised trees of note many of them are in a declining condition or located in less-than-ideal landscape locations. Two county champions *Malus florentina* & *Metasequoia glyptostroboides* have been removed historically prior to any application being made. The Tree Register trees enhance the character of the proposed development and maintain a link to the historic land use as a zoological garden. The loss of the *Malus florentina* & *Metasequoia glyptostroboides* prior to the application process and the further loss of trees

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T17 *Zelcova serratta* 'Village Green' & T180 *Photinia serratifolia* are a significant loss. Within the landscape plans 1 *Zelcova serrata* 'Village Green' & 3 *Photinia serratifolia* have been proposed to secure this species longevity within the development.

Translocation of trees: 2 trees protected by TPO 1438 have been identified for translocation: T72 *Paulownia fargesii* & T87 *Liquidambar styraciflua* 'variegata'. This is a complex process of moving semi mature trees that does not guarantee successful establishment. Within the landscape plan 4 (South) *Paulownia fargesii* & 1 *Liquidambar styraciflua* 'variegata' have been proposed to secure this species longevity within the development. 44 trees have been identified for translocation these are made up of *Dickinsonia antarctica*, *Trachycarpus fortune* & *Cordyline australis*. The Soft Landscape – Key Plan has suggested 58 trees of a combination of these species will be planted and that 44 will be through translocating trees currently present on site; there locations have been presented on the 4 landscape planting plans. The translocation of these species is more feasible than broadleaf trees due to their root morphology, as such there is no objection in principle.

Shading and Fenestration: Due to the dense population of trees on site the shading by trees has been a concern through the pre-application process. The revised scheme has provided a BRE sunlight assessment for the rear gardens with consideration with regards the impact of existing mature trees. The main areas of concern are the rear garden of the lakeshore houses and the former museum, The Parrot house & the grand terrace.

The lake shore houses have been designed in a semicircle which hugs the southern bank of the lake. These dwellings consist of 3 & 4 storey town houses with large trees in close proximity to the rear gardens and the lake. The large trees are imposing features within a new residential setting that have the potential of causing a perceived risk of harm as well as the loss of light to gardens. The shade analysis shows none of the rear gardens will receive at least 2 hours of direct sunlight during the winter months whilst the sun tracks close to it nadir; whether this is acceptable in planning terms is outside of my field of expertise but needs to be addressed prior to determination of the application. The BRE guidance does not consider that trees present a significant contribution to shading of dwellings. I would propose that the remaining trees located in the rear gardens are protected by a tree preservation order following a condition and amenity assessment to ensure the local planning authority are able to manage the level of works undertaken following occupation of the Lake houses. The increased access to the site would justify the elevated amenity the trees would provide, I consider it is expedient to apply an additional tree preservation order due to the potential threat of over management due to the available light levels within the rear gardens. The application of a tree preservation order prior to occupation would provide clear guidance to purchasers of the dwellings that the trees are features within the garden and can not be managed or removed without significant justification.

The overshadowing analysis in December indicates that none of the garden will receive at least 2 hours of direct sunlight. As mentioned above this is due to the sun being low in the sky and the tree will only cause marginal additional shadow over the winter months. The shade analysis again shows that the none of the rear gardens will receive at least 2 hours of direct sunlight during the winter months. This needs to be addressed prior to determination. A majority of landscape trees to the north of the gardens are already protected by TPO 1438; however I would consider further assessment of trees T38, T41, T43, T45, T63, T64 T138 & T139 prudent to establish whether further protection should be afforded to these trees prior to occupation.

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Tree Loss: 80 trees, 31 groups or part of and 3 hedges are proposed for removal to facilitate the proposed re-development. A detailed assessment in accordance with the Council's tree compensation standards set out in Policy DM17 and the Planning Obligations SPD has been presented; 192 replacement trees are necessary to mitigate the loss. The landscape plan proposes 461 replacement trees with the translocation of a further 44 trees to maintain the mature character of the landscape. The landscape proposal fully mitigated the Council's tree compensation requirements. The landscape plans should be revised to show the final locations for the 44 translocated trees. I acknowledge that a large number of trees will be lost as a result of the proposal, but in general most of these trees are of average quality. Further, the retained trees are generally those of highest amenity value and quality.

Arboricultural Methodologies:

Tree protection - a phased tree protection programme has been proposed. Whilst phasing tree protection is not ideal due to complexity, given the size of the site and high number of retained trees there does not appear to be a more simplified way of approaching the tree protection. Arboricultural supervision will be necessary and should be conditioned.

Ground protection - the report recommends a ground protection plan to present the access routes and weight of vehicles over root protection areas during the different phases of construction. This plan can be conditioned as a pre-commencement condition to secure the information.

Cellular Confinement - the installation guidance for Cellweb has been provided within the Arboricultural Method Statement. Further information should be presented that identifies the expected weight of vehicles on these areas, specifically the road network in relation to rubbish collection vehicles and emergency services so that the correct thickness of cells can be installed to distribute the weight of heavy vehicles across the road network.

Services and Underground Utilities - A Combined proposed services and RPA Plan has been provided that shows the location of all of the major services. 9 precautionary areas have been identified within the Root protection areas (RPA) of trees T6, T26, T27, T38, T56, T57, T138 & T139. None of the encroaching services are to an extent that could significantly affect the condition of the retained trees and working methodologies have been provided within the arboricultural method statement. I have not been able to identify the locations of street lighting columns which have the potential to adversely affect the future management of retained trees and the landscape plan. 7 red dots with FH next to them are present which may represent the street lighting columns; if so the column adjacent to T138 is likely to cause a future conflict with the trees canopy depending on orientation. The Landscape Strategy recommends extensive rainwater harvesting, Suds and water attenuation systems. All of which are below ground systems that have the potential to adversely affect the root protection areas of retained trees. The drainage plans (Price and Myers) generally suggest that drainage will avoid the RPAs of retained trees, but there are some locations where conflict with RPAs is possible, and hence a revised arboricultural method statement is needed and can be secured by condition. Further, the Landscape Statement indicates rainwater harvesting will be implemented but full detailed plans have not been provided. As a precaution, a revised arboricultural method statement should include details of any rainwater harvesting systems to support the landscape trees. The plan shows the northern lawn covered in circles; can you request clarification of what these are. These locations have the potential of affecting trees T125, T126, T127, T142 & T147.



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Landscape: The Landscape Strategy is a detailed document that discusses the history of the landscape since the inception of the zoo gardens through to the present day. The design concepts of tree lined streets and deep planting beds with a mixed vertical planting structure will increase the species diversity and provide enhanced habitats for wildlife. Any landscape proposal needs to form part of a well-balanced public realm scheme which is outside of my field of expertise and therefore I cannot comment on how the proposed landscape addresses any public realm comments. I'm unsure whether street lighting has been identified within the services plan; in my experience street lighting is one of the major conflicts with new tree planting due to canopy sizes and street lighting requires relating to column heights and light throw from each column. A street lighting plan needs to be undertaken that compliments the landscape proposals. The planting plans 1-4 and soft landscape key present a well-balanced tree planting scheme with a diversity of tree families, genus and species that assists in future proofing the site from the effects of climate change and genus specific tree pathogens. Replacement planting for the lost Tree Register trees and translocated TPO trees have been included which maintains the species presence on site which is well received.

Relevant policies and guidance: NPPF paras: 131, 174, and 180. Policies BCS9, DM15, and DM17.

No ancient or veteran trees will be adversely affected by the proposed.

The proposed seeks to improve the existing management of green infrastructure across the site with additional tree and herbaceous planting which is supported in part by Suds, water attenuation and rainwater harvesting solutions. A strong framework of street trees is proposed.

The landscape plan fully mitigates tree loss in accordance with the planning obligations SPD. The most important trees on site, those on the Tree Register and those protected by TPO 1438 have been retained or translocated (Except T15).

Conclusion: The proposed scheme, as a whole, provides a well-balanced assessment of the existing trees and how the addition of new planting can complement the future development of the site.

The supporting Arboricultural Report provides a detailed assessment of the scheme as well as working methodologies where development could adversely affect the retained trees.

The re-development of the zoo gardens will require the installation of substantial services, utilities and water management systems that all require excavation to industry specific depths and distances from other systems. The Combined proposed services and RPA Plan has addressed the locations of a majority of services; I have to question whether the street lighting has been presented. I also wish further detail on the water management system and its locations; this could be a pre-commencement condition, however.

The shade analysis has confirmed that the rear gardens of both the lake houses, the museum and parrot house do not get 2 hours of direct sunlight during the winter months which you would have to address because this is outside of my field of expertise. I still consider that the trees in the rear gardens and in close proximity to the rear gardens are at risk of increased pressure to prune or remove following occupation and therefore I have proposed to undertake a further amenity assessment considering their location post development and decide whether a further tree preservation order in these areas would be expedient.

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I would still like further evidence on the location of street light columns and the water management system across the site. These are however potentially pre-commencement conditions if you are minded to take the application to committee as it is.

Bristol zoo are unlikely to be the developer of the site and it is my understanding that the site will be sold with full planning consent in place. Due to the change from pro-active design and aspiration for the site there is uncertainty whether the purchasing developer will have the same aspirational concerns. Below is a list of condition I would apply to any decision notice if you are minded to recommend granting permission at committee; full conditions will be provided prior to committee.

**Additional Information Required:**

Street lighting plan – Location of lighting and how these effects proposed landscaping

Water management plan – underground location of services within the root protection of retained trees.

This can however be secured by condition.

v. **Sustainability Team (BCC) – No objection**

The Team's final (third) comments outline that the recently submitted information addresses the concerns raised in the Sustainable City Team's previous comments.

The Team's initial and second comments are summarised below:

BCS13 – Climate Change: Overheating modelling shows overall a good level of resilience to overheating under future weather scenarios. Though some risk is identified in 2050 and 2080 this can be mitigated with increased window opening. Cycle parking, EV charging, and car club provision are all proposed in line with policy to support more sustainable transport options. Extensive green infrastructure is proposed to improve biodiversity of the site, alongside a range natural water management features. There is a strong focus on multi-functional benefits of landscaping.

BCS14 – Energy: Very good U-values and air tightness are proposed with high efficiency LED lighting and MVHR with summer bypass throughout. Fabric improvements and connection to the local heat network are proposed for all existing buildings that are to be refurbished for dwellings. The overall heat strategy is well considered and the use of different heat pump sources to feed a local low temperature network offers a low carbon approach that is supported. In response to concerns regarding the use of electric boilers, further information has been provided, explaining that increasing the number and/or size of the heat pumps to meet the peak demand would add significant building mass and mean the loss of PV and green roof area. The peak demand figure has been calculated using CIBSE heat network code of practice methodology. This is considered acceptable, there are no further objections to the use of electric boilers in this instance given the small proportion of demand and the usage as part of a low carbon site wide heat network. Though heat networks are treated as an energy efficiency measure for the purpose of BCS14, heat pumps are considered a renewable technology. Therefore, although in the energy calculations only PV is counted towards the carbon reduction from renewables, in fact the renewable energy generation on site is greater than is illustrated by this figure. Extensive photovoltaic panels are proposed across the site to further reduce carbon dioxide emissions from residual energy use.

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BCS15 – Sustainable design and construction: A BREEAM communities scoping assessment has been undertaken as required, and all BCC recommended credits and some additional credits deemed to be relevant. The development meets the principles set out for the relevant credits. This demonstrates that wider sustainability principles are being considered across the project. We are pleased to see that a structural embodied carbon assessment has been undertaken to inform early design choices. A target 'grade E' SCORS rating has been set and not all areas are anticipated to meet the target based on current plans. Whilst we welcome the embodied carbon assessment provided, we reiterate our previous point that the targets set are not stretching and do not align with established industry good practice. BCC's new draft local plan policies have now been published for consultation and, if adopted, new development will be expected to achieve them. We note that further efforts will be taken at detailed design stage to reduce embodied carbon and strongly recommend that the development aims towards the targets highlighted above. However, as no embodied carbon targets are set in adopted policy, we do not consider this to be a compliance issue. The requirements of BCS15 are met in other areas including good practice targets for water efficiency, an extensive sustainable drainage plan, provision of biodiverse green roofs, and specific targets in relation to waste and responsible sourcing of materials.

Recommended Conditions: conditions are recommended to secure: energy and sustainability statements, photovoltaic panels, heat pumps, and air tightness.

vi. **Air Quality Team (BCC) – no objection**

Final Comments: I have reviewed the revised air quality assessment. There is no predicted significant adverse impact on air quality arising from the development. I therefore have no objections or comments.

Initial Comments: The air quality assessment concludes that, as the development will result in a net reduction in traffic movements, and that no new exposure will be introduced, the impact of the development on air quality is insignificant. I therefore have no objections to the development in terms of air quality.

vii. **Land Contamination (BCC) – no objection.**

Overall, no objection to the proposed scheme on the grounds of contaminated land as long as conditions are secured for further site investigation and risk assessment in the event planning permission is granted.

viii. **Transport Development Management (BCC) – No objection subject to conditions and planning obligations.**

The information provided by the applicant is sufficient to secure support from TDM subject to obligations and conditions

TDM support the application because:

- The proposed development is consistent with national and local transport policy.
- The location of the site is accessible to pedestrians, cyclists, and public transport users.
- Site permeability to pedestrians also integrates the site with the surrounding pedestrian routes.
- Access to services, education and employment areas are within walking and cycling distance of the site, which is in line with local and national policies

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- Satisfactory vehicular access can be achieved from College Road, Guthrie Road and Northcote Road. The provision of three vehicle access points distributes vehicles both around the site and local road network to minimise traffic impact. The details of which will be subject to S278 agreement.
- The internal site layout is able cater for all road users including service vehicles as shown by swept path analysis.
- The level of car parking proposed is suitable for the location of the site given that local facilities are accessible by foot, cycle, and public transport, and that on-street parking is controlled by a residents parking zone for which new residents would not be able to purchase permits.
- The sustainable travel measures proposed including secure cycle parking in excess of the minimum standards, car club car, and the implementation of a Travel Plan at the site further would encourage the use of alternative modes of transport to the private car, reducing car parking demand.
- Comparing average traffic generation, the proposed traffic generation of the development would be less than the existing BZG traffic generation therefore there is a net traffic benefit of the scheme compared to the existing use of the site. This would also be the case when considering the cumulative impact of both the residential schemes at West Car Park and BZG.
- The proposed scheme would generate substantially lower levels of traffic than from the BZG use on peak BZG visitor days.
- There are no road safety concern on the local road network and there is no reason to suggest that that proposal would affect this situation.

- ix. **Housing Enabling Team (BCC)** – No objection. The final comments do raise some queries concerning M4(3) units and parking arrangements for the affordable housing units.

**Affordable Housing Requirement**

The Council's planning policies for affordable housing in Bristol are set out in Policy BCS17: Affordable Housing Provision in the Core Strategy Local Plan (Adopted June 2011), and Policy DM3: Affordable Housing Provision: Smaller Sites in the Site Allocations and Development Management Policies Local Plan (Adopted July 2014). Further guidance on the practical application of the Council's affordable housing policies is set out in the Affordable Housing Practice Note 2018 (AHPN).

The site falls within Clifton ward, which is in Inner West Bristol. In accordance with policy BCS17 the site is required to deliver 40% affordable housing, which is 78.4 units out of the 196 units being delivered. However, the site is eligible to make use of the 'Threshold' approach to BCS17 added by the AHPN that applies to the Inner East and West areas. This would require the site to deliver a minimum of 20% 39.2 (40) affordable housing providing the applicant agrees to certain criteria.

In order to take this 'Fast Track' route the applicant will agree to:

- Commence the development of the scheme within 18 months of the permission being granted;
- A viability testing process if no confirmation of commencement of the development of the scheme has been received within 18 months of the date the planning permission was granted.

The applicant has suggested that they will take this option and offered 40 units as affordable housing which is compliant with the 'Affordable Housing Practice Note' fast track option.

**Tenure**

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The applicant has currently offered the Council's requirement is 75% Social Rent and 25% 'First Homes' which is acceptable. Ordinarily we would wish to see a mix of property types, however to remain within the £250k cap on First Homes, due to house prices in the area, it is understood why 1 bedroom properties have been selected, to remain within the cap.

As the application stands there is a proposed 10 First Homes which are located in Block E and 30 Social Rent units in Block S.

The City Council seeks to secure affordable housing that is well integrated within a mixed tenure development. Where high density flatted developments occur, the Council has needed to offer some flexibility to Registered Providers where they have found it easier to ensure affordability by having control of common areas in one block and the minimisation of service charges. That said, where opportunities exist and where a development comprises of flats and houses it remains the Council's preference to see a range of different size, type of dwellings, integrated across the whole development.

The Council acknowledge that due to the many constraints including heritage matters relating to the former Bristol Zoo site that the resultant design has fewer opportunities to incorporate family homes as the Council would have wished. On this occasion for the reasons indicated, the Council is willing to accept the provision of family apartments and given the layout of the development, accept on this occasion, (as with high density developments) that the affordable housing is spread between three blocks.

Unit size and type

There is little affordable housing in Clifton ward and while this contribution does not provide the ideal range of dwelling types, the development goes some way in providing much needed affordable housing in the area.

The affordable housing at the site is split across three separate blocks. The S1 block contains 30 units comprising 75% of the scheme. The remaining 25% of affordable units in the form of First Homes are distributed across separate blocks within E2 and E3 and are mixed with private tenure.

We welcome and can confirm the applicants present application does meet Nationally Described Space Standards across the affordable units.

There is a high demand in the City for affordable housing for people with disabilities. The 2018 Urban Living SPD recommends that 90 per cent of new build housing meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation M4(3) 'wheelchair user dwellings'. Whilst the applicant has not reached the Urban Living SPD recommendations for accessible dwellings, they have met Policy DM4 which requires 2% of new housing with over 50 units to be designed as wheelchair user dwellings. We note that two of the M4(3) units are on the first and second floor, we would like to see confirmation that the pathway to these flats is fully accessible for a wheelchair. This should include automatic doors throughout the pathway from the entrance of the block to the front doors of the M4(3) flats. We would also like these plans to be reviewed by our Accessible Homes Team to confirm that the dwellings will meet a lettable standard to a wheelchair user.

Under the present proposal, one of the 4 proposed M4(3) units is for private sale. Unless the applicant is actively intending to market to someone with adaptable needs, we'd recommend this is amended to become an affordable housing unit where we are confident we would be able to find someone who requires an accessible home.

Car Parking

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At present it appears that the only parking offered for the affordable housing is for the accessible units. As the site is in a central location and there are a good range of transport options this will minimise some of the need for private parking, however there will still be a requirement for provision beyond those spaces provided for the 'accessible units'. We would expect an approved plan to be provided and to be agreed with the Council, with the inclusion of further parking spaces for the affordable units. We would recommend that 10% of the parking spaces are allocated to the Registered Provider who can either independently or in conjunction with the landowner, devise a fair scheme for their allocation to 'affordable housing' residents. We would wish to see this secured in the S106 Agreement.

Approved Housing Provider

The developer is expected to provide affordable homes on site without any public subsidy. The affordable units should be transferred to a Registered Provider who is a member of the Homes West Partnership.

Rents & Service Charges

Rents for Social Rented units should be set according to the relevant government formula, further information is here.

The service charge is the amount payable on an affordable housing unit in addition to the rent/mortgage due. It should include all estate management charges, ground rents, services, repairs, regular maintenance items such as cleaning and grounds keeping, and the insurance of the building. Sinking funds may be charged additionally to service charges. Sinking Charges should only be set to recover the replacement costs of items or areas of the building at their expected end of 'life' as part of programmed repairs for the building.

To ensure the relative affordability of units, total service charge costs should not exceed £650 for an affordable unit. This figure is benchmarked to 2018 and can be inflated by CPI annually. The total costs of rent + service charges for all affordable units must not exceed the current Local housing Allowance rates, this may mean that the services charges cannot be raised in certain years.

Early consultation is recommended, as good design can overcome the need for high service charges.

Where schemes are facing particular difficulties remaining within the cap, such as, but not limited to, needing additional requirements through the planning process, or delivering a complex site with additional costs, exemptions can be requested via the Strategy and Enabling team to raise the cap level. These will be reviewed on a case-by-case basis and should be requested at the earliest possible date in the development process.

Developers/ development management companies must not make profit on service charges and can only charge costs that are reasonable to the services they deliver.

Enabling Fee

An Enabling Fee will be payable when each affordable home is substantially completed. These fees are designed to maximise affordable housing delivery in the city by assisting registered providers with support on planning, property and highway issues.

A fee of £570 per affordable home index linked from 1 October 2017 will apply.

The fee is paid to the Council on substantial completion of each of the affordable homes and applies to Social Rent, Affordable Rent, Intermediate Rent and other Intermediate affordable housing tenures

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procured through s106 negotiations and delivered without public subsidy or through re-provision/remodelling, extra care housing and 100% affordable housing schemes

x. **Public Art Team (BCC) – no objection**

General support for the updated cultural strategy and approach as submitted by Gingko in line with the altered proposals:

- In support of extension of public opening times from 8am - 5pm, with opportunity for curated events in the evening
- In support of the enhancement of the public experience through increasing the permeability of the edges (more entrances) - culture and public art could play a strong role here in welcoming public into the site.

A condition to secure the full public art plan in accordance with the submitted Outline Public Art and Culture Strategy is recommended.

xi. **Pollution Control (BCC) – no objection**

Second Comments: Following the submission of further documents regarding this application, including a noise assessment and comments in the planning statement regarding Clifton College Music School I would comment further on noise as follows: I am happy with the noise assessment and would agree that if 'the mitigation measures and design requirements outlined in this report are implemented, the development will meet the requirements of National and Local Policy'. The noise assessment does not however make any assessment of noise from Clifton College Music School. Noise from the school is mentioned in the planning statement which finds that based on a number of assumptions finds that noise from the school should not be an issue or can be suitably mitigated against. I would agree with this but as this is largely based on assumptions and probabilities, I do feel that further information will be required by condition. I would therefore ask for the conditions requiring an assessment of noise from the Music School, together with the implementation of any mitigation measures deemed necessary, as well as a requirement for sound insulation of the residential properties in accordance with the Noise Assessment.

Initial Comments: No objection, conditions are required to ensure the redevelopment does not pose harm to existing neighbours through construction activities, and harm is not caused by the community/commercial uses.

xii. **Building Bristol, Employment and Skills – no objection**

Building Bristol acknowledge the Employment and Skills statement submitted by the applicant committing to the use of a local employment and skills plan. Should permission be granted please ensure the following Pre-Commencement condition is included in the decision and that the £2000 Section 106 obligation fee is collected.

xiii. **Economic Development (BCC)**

Final comments: The resubmitted Economic Benefits Assessment document represents a reasonable estimate of the potential economic benefits of the proposal.

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Initial comments: While the applicants have largely addressed our comments made at pre-application stage, and while they have outlined the benefits to the city's wider economy, the proposal could be strengthened by being more explicit about the benefits to designated centres in the more immediate vicinity of the site.

- xiv. **Natural England (statutory consultee)** – no objection subject to the appropriate mitigation being secured.

## Final Comments:

Thank you for consulting Natural England on the revised Shadow HRA (The Landmark Practice, February 2023) for 22/02737/F.

The addition of the development of 62 dwellings at Former Car Park, College Road, Clifton does not change the justifications the applicant has made regarding recreational pressure from the application and our previous comments on the Shadow HRA still apply.

However, this addition results in the overall development being higher density and will result in more pressure on local services including local greenspace. This may justify a more significant contribution to management of greenspaces in the vicinity but outside of the red line boundary.

## Second Comments:

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

## Avon Gorge Woodlands SAC

The Shadow HRA screens in a likely significant effect to the Avon Gorge Woodlands SAC due to dust generated from construction vehicles moving to and from the application site on roads within 50m of the SAC. We concur that the mitigation measures in Section 12 of the Shadow HRA will be sufficient for construction vehicle dust to not result in an adverse effect on the integrity of the SAC.

Regarding recreational pressures on the Avon Gorge Woodlands SAC, Natural England have advised Bristol City Council in our recent response to their draft local plan that recreational pressures at the SAC must be assessed and is likely to result in a Likely Significant Effect on the SAC. This is consistent with the conclusions of the HRA Scoping Report produced for the WECA Spatial Development Strategy. We consider that the proposals include mitigation to ensure that the proposal will not result in an increase in recreational pressure on the SAC, the proposals provide onsite greenspace which exceeds BCC's open space quantity standards.

## Other Designated Sites

Natural England concur with the conclusions of the Shadow HRA regarding the North Somerset and Mendip Bats SAC and the Severn Estuary SPA/SAC/Ramsar.

All of Natural England's comments can be reviewed within the Appendix/Supporting Documents to this report.

- xv. **Historic England (statutory consultee)** – no objection



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Third Comment: The additional information and minor amendments have no material bearing on the advice which we have previously given (“Second Comments”). I therefore refer you to our previous letter of 23 November 2022 (our reference L01508753), the comments of which still stand.

Second Comments:

While the proposals are found to be a sensitive response to their historic context, a considerable aspect of the site’s significance is bound up in its continued use as a Zoo since the early 19th century. The closure will have a pronounced harmful impact on the significance of the site. The loss of the Zoo from the site is partially mitigated through good design, retention of much of the historic planting and landscape, and allowances made for future public access. There are some heritage benefits to the proposals, especially the removal of later accretions to the listed structures, and the restoration of those buildings.

In response to the initial proposal, Historic England advised that the upward extension to the Clock Tower building and façade of Block S2 on Guthrie Road could be improved, in order to preserve and enhance the character and appearance of the Conservation Area. The submitted amendments proposals addresses these concerns, and these buildings suitably address the Conservation Area and context. Amendments to the northern block represent an improvement, and the new openings introduced within the walled perimeter strike an appropriate balance the preservation of the walled perimeter with the desire to invite users to enter the site. Overall, the amendments made are not opposed.

The Planning Balance

The proposals will cause harm to the character and appearance of the Hotwells and Clifton Conservation Area. A significant part of that harm is derived from the loss of the Zoo from the site, which it appears cannot be avoided as the site is no longer compatible with modern standards of animal welfare.

The introduction of vehicular traffic into the site will have marked adverse impact on its character and appearance. As we have noted previously, the traffic-free nature of the gardens contributes to their tranquillity and sense of “otherworldliness”. You will need to be satisfied that vehicle movements have been kept to the absolute minimum necessary to service the proposed accommodation.

The site is not allocated in the statutory local plan, and as such your authority will need to carefully consider both the principle of residential development and the quantum of new homes. If you consider both the principle and quantum acceptable, our view is that the harm has been mitigated as far as possible through good design.

This allows you to proceed to the “planning balance” of weighing the less than substantial harm to the character and appearance of the conservation area against any wider public benefit offered by the proposals, in accordance with NPPF paragraph 202.

There are a number of heritage benefits associated with the proposals which should be considered alongside any wider public benefits. These include the retention and restoration of all the listed structures within the site, and the provision of free public access to the retained garden areas. We continue to encourage your authority to secure this public access through legal agreement, should you be minded to recommend approval of these applications.

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As per our previous advice, we also recommend that details of a strategy to interpret and understand the history of the site should be subject to an appropriately worded planning condition, if approved.

**Recommendation**

No objection to the applications on heritage grounds.

Initial Comments: please see the Appendix/Supporting Documents to this report.

xvi. **Avon Gardens Trust** – objection

**Final Comments:**

The revised proposals include minor changes to Blocks E1 – E3 to deal with complaints about potential overlooking. These appear to comprise changes to the locations of windows and internal layouts, but no mention is made of any overall reduction in height of the Blocks. A revised landscape masterplan has been submitted but the only change we have noted relates to the landscape of the terrace to Block E3, which is increased in width by 1m to reduce overlooking from the garden to Pooles House. Additional pedestrian accesses are provided, shown on a Revised Site Access Strategy, at the north east corner of the site onto Northcote Road (which had already been submitted), and also now additional pedestrian accesses from College Road, Guthrie Road, and the southern end of Northcote Road. Perhaps you could advise if there are any further changes to the landscape masterplan, or the overall height and massing of the development, which we have not gleaned from the submitted drawings and information.

The Trust remains concerned at the impact of the proposed development on this Local Historic Park/Garden and on the character of this part of the Clifton and Hotwells Conservation Area.

The Trust is still strongly of the opinion that the proposed extent and scale of development, and the site layout, would result in the Zoo Gardens being enclosed by extensive and overbearing blocks of development. The essential character and quality of the Zoo Gardens would be lost, with resultant impact to the character of this part of the Clifton and Hotwells Conservation Area. Although the gardens would be open to the public, the massing of development and introduction of vehicles to the site would reduce the quality of visitor experience.

The Trust also remains concerned at the impact on trees, in particular TPO trees. The development would result in the loss of 80 trees and 31 groups or part groups of trees. The translocation of 17 trees and 11 part groups (41 total trees), and 2 hedges is proposed as part of the proposals, but the Trust is concerned as to whether such translocations would be successful. Whilst the Arboricultural Report includes a drainage plan overlay showing root protection areas, there will be a need for other below ground services and the location of these may result in further trees needing to be removed, and difficulty in accommodating new planting. The proximity of some trees to proposed buildings, and the need for working areas and construction compounds, may also result in difficulties during the construction period leading to the loss of further trees. Future residents of the development may also call for trees to be removed where they are considered to be too close to windows, and block views out, even where daylight and sun lighting requirements are met.

**Summary:** - The Trust maintains its objection to the proposed development as it considers that the proposed development would be in contravention of the Bristol Development Framework Core Strategy Policy BCS22. The proposed development would fail to 'safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance', namely the Local Historic Park / Garden of Bristol Zoo Gardens.

**Development Control Committee A – 26 April 2023****Application No. 22/02737/F : Bristol Zoo Gardens Guthrie Road Bristol BS8 3HA**Second Comments:

The Trust maintains its objection to the proposed development as it considers that the proposed development would be in contravention of the Bristol Development Framework Core Strategy Policy BCS22. The proposed development would fail to 'safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance', namely the Local Historic Park / Garden of Bristol Zoo Gardens.

The Trust remains concerned at the impact of the proposed development on this Local Historic Park/Garden and on the character of this part of the Clifton and Hotwells Conservation Area. The Trust is still strongly of the opinion that the proposed extent and scale of development, and the site layout, would result in the Zoo Gardens being enclosed by extensive and overbearing blocks of development. The essential character and quality of the Zoo Gardens would be lost, with resultant impact to the character of this part of the Clifton and Hotwells Conservation Area. Although the gardens would be open to the public, the massing of development and introduction of vehicles to the site would reduce the quality of visitor experience.

The Trust also remains concerned at the impact on trees, in particular TPO trees. The development would result in the loss of 80 trees and 31 groups or part groups of trees. The translocation of 17 trees and 11 part groups (41 total trees), and 2 hedges is proposed as part of the proposals, but the Trust is concerned as to whether such translocations would be successful. Whilst the Arboricultural Report includes a drainage plan overlay showing root protection areas, there will be a need for other below ground services and the location of these may result in further trees needing to be removed, and difficulty in accommodating new planting. The proximity of some trees to proposed buildings, and the need for working areas and construction compounds, may also result in difficulties during the construction period leading to the loss of further trees. Future residents of the development may also call for trees to be removed where they are considered to be too close to windows, and block views out, even where daylight and sun lighting requirements are met.

Initial Comments: please see the Appendix/Supporting Documents to this report.

xvii. **The Twentieth Century Society (statutory consultee) – no objection**

The Society has no objections to the majority of the work proposed to the 20th-century buildings and enclosures on the site. We do not take issue with the proposed reuse of the Grade II Birds of Prey Aviary as a seating area, and we support plans to restore the Grade II Monkey Temple as a garden folly. We are pleased that the Terrace Theatre (2003) will be retained as a community facility. When we first reviewed the application, we were concerned about the proposed two-storey zinc tile-clad rooftop extension to the 1930s Clock Tower Building which we felt would have a detrimental impact on the building. The architects have now revised and improved the design and, as such, we do not wish to comment on this aspect of the scheme.

These comments are summarised, please see the Appendix/Supporting Documents to this report for full comments.

xviii. **The Victorian Society (statutory consultee)– objection**

Final Comments:

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Thank you for consulting the Victorian Society on amendments to the original proposals for the redevelopment of Bristol Zoological Gardens. However, having reviewed the latest documentation our objection remains.

In our previous objection we drew attention to the site's high significance as one of Europe's earliest zoological gardens, and one which continues in this use. Furthermore, we highlighted the important role it plays in contributing to the significance of the Clifton Conservation Area and the setting of nearby designated and non-designated heritage assets.

The proposals which would see the site adapted to a new use, with a quantum of development alien to the character of the site and the Conservation Area, would cause serious harm to significance as outlined in our previous consultation response.

The amendments which comprise of minor design changes do not address these concerns and the proposals remain substantially as first presented. Our serious concerns about the harm the scheme would cause to the significance of the site, Conservation Area and nearby designated and non-designated assets remain.

The NPPF is clear that it is desirable to '*sustain and enhance*' the significance of heritage assets (para 190a), and that '*great weight should be given to the asset's conservation*' (para 199). Furthermore, that '*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.*' (para 206). The amended proposals do not ensure this, and the Victorian Society maintains its objection to the proposals.

Initial Comments:

Bristol Zoological Gardens is a site of high architectural and historical significance. The fifth zoo to open in Europe, it is one of only three remaining 1830s zoological gardens in the British Isles. Its rarity as an early example of this type of landscape, its surviving historic zoological buildings, and continued use for its original purpose make it extremely significant. Furthermore, its place within the Clifton Conservation Area and relationship to nearby listed buildings mean that the Gardens are very sensitive and significant alteration is likely to cause a degree of harm not just to the Gardens themselves, but to the Conservation Area and nearby heritage assets.

The Victorian Society understands Bristol Zoological Society's desire to vacate the Gardens and we acknowledge that the principle of some degree of residential development could be acceptable. Irrespective of any future redevelopment, however, the departure of the zoo from the site will seriously harm the historic significance of the Gardens. We are also concerned by aspects of the design of the proposals.

Bristol Zoological Gardens is characterised by its low density, small scale, historic (listed) buildings, situated within a mature landscape, contained within a perimeter wall. This means that although the Gardens retain a discreet character of their own, distinct from the surrounding Conservation Area, they nonetheless make a positive contribution as an oasis within the surrounding built environment. The zoo does not compete with the neighbouring buildings for prominence, and it succeeds in preserving an openness towards the Downs. Importantly, despite alteration since opening in 1836, the site remains legible as a historic 19th century Zoological Gardens within a wider 19th century locality, something, as noted above, which is exceptionally unusual and significant.

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The proposed development would seriously harm the significance and character of the site and the Conservation Area. The density and height of the new buildings would represent a gross overdevelopment and erode the character and legibility of the historic landscape. The height of the buildings around the perimeter of the site mean that the gardens would be cut off completely from the surrounding Conservation Area, effectively turning them into gardens for the benefit of the new development, rather than the wider locality. The height of the buildings would also harm the Conservation Area and nearby listed buildings by introducing a scale, form and architectural idiom at odds with the Conservation Area. The new buildings would compete with the listed Clifton College and the nearby 19th century housing, diminishing their prominence. They would also destroy any impression of openness linking the site to the Downs. These effects would be heightened by the lack of significant gaps between the proposed buildings, especially those to the north west and north east. Any acceptable proposal would be of a lower scale and density, better preserving the Garden's character and positive contribution to the Conservation Area.

Ultimately, this gives rise to the concern that the proposed development is not informed by a full understanding of the history and character of the site. Surviving zoological gardens of the 1830s are very rare and it is important that proper study of the site is undertaken to identify which parts of the original design survive. Any proposals must be based on these findings and seek to enhance and sustain this significance, ensuring that the gardens remain a heritage asset which can be fully appreciated by the public.

The NPPF is clear that it is desirable to '*sustain and enhance*' the significance of heritage assets (para 190a), and that '*great weight should be given to the asset's conservation*' (para 199). Furthermore, that '*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.*' (para 206). This proposal would not enhance or better reveal the significance of the site and nearby heritage assets. The Victorian Society **objects** to the proposal in its current form.

xix. **Historic Buildings and Places (previously known as the Ancient Monuments Society) (statutory consultee) – objection**

While the departure of the Zoo from this site will harm the overall historic and communal value of the Gardens, HB&P acknowledges that an element of residential development is acceptable to secure the future of the site. However, we do have concerns with some aspects of the application.

We welcome the proposals to retain the 'parkland' setting around the central lake as well as the removal of later unsympathetic accretions to the designated and local heritage assets, and their refurbishment as parkland follies and dwellings. We agree that the location of the new apartment buildings is best located to the perimeter of the site, as proposed, however, their height and scale is excessive and harmful to the setting of the listed Zoo buildings and to the character of the conservation area. The existing buildings to be demolished are small scale and of different heights with spaces between each building, whereas the proposed buildings present a solid built form extending along each frontage, with little permeability beyond the formal entrances. The design and massing of these new buildings, particularly those on Guthrie Street opposite the listed Clifton College buildings, don't appear to fit well within the streetscapes of the conservation area, and at up to 6

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stories, are too tall for the area. While not a listed building, the Art Deco clock building contributes to the story and development of the zoo over time. The roof extension is clumsy and doesn't respect the elongated proportions of the building, harming its appearance. Retaining it in its existing form would be preferable, and would provide a needed gap between the taller new buildings to either side.

While we don't oppose a modern architectural design, the design of the perimeter buildings should be reconsidered to better reflect the modulation, scale and rhythm of the neighbouring development to ensure the new development will contribute to and enhance the historic interest and significance of the conservation area.

Paragraphs 195, 199, and 200 of the NPPF (2021) are relevant.

Chapter 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 establish the requirements to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. I would be grateful if we could be informed of the outcome when this becomes available.

xx. **Bristol Civic Society** - objection

The Society is not convinced by the plans to redevelop the site for housing given the public open space designation, suggesting the proposal is neither open space or a housing development.

The Society questions who will wish to visit the site when it is surrounded and dominated by private housing. There will be the challenge of maintaining such a significant area of open space, presumably paid for by service charges on future residents. There will be inevitable pressure to create a gated community at some point in the future.

The special character of the existing Gardens will be further eroded with vehicles accessing an area where no vehicles have previously been permitted, both passing through the open space and parking there on a permanent basis. The verdant nature of the area will inevitably be completely transformed.

The site is of such special environmental and historical importance they should be retained as a fully accessible public asset.

Nevertheless, if the development in something like its current housing plus open space form is accepted, we have the following comments:

In our response to the earlier consultation we welcomed the principles published to guide the future of the Bristol Zoo site. The Society has considered whether the proposals match the aspiration of these principles. In particular, the aim to create an inspiring and sustainable development that celebrates the sites natural and built heritage. We will create space for communities to thrive and the wider public to enjoy a legacy to make us and Bristol proud.

The retention of open space for future public access (even if used less than if it was completely open space), and the reuse of historic buildings, are positive proposals. The proposed Conservation Hub is welcome. However, in the Societys view the current proposals fall short of the stated aspirations in a number of ways. Aspects of the proposals also cut across adopted development plan policies, in particular DM17 in the Bristol Local Plan Site Allocations and Development Management Policies

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which states, Development on part, or all, of an Important Open Space as designated on the Policies Map will not be permitted unless the development is ancillary to the open space use.

The Society has reservations over the heights of several of the proposed residential blocks and considers that further detailed assessment will be required. The Society also has reservations about the quality of the architecture, and notes that others have also expressed the view that this site deserves building design proposals which make a much more positive contribution to the appearance of the Conservation Area and to the setting of Listed Buildings. This particular issue remains a critical aspect when making an overall assessment of the case to change the main use of the site. The Society is disappointed by the lack of ambition with respect to the eco credentials of the project, particularly with such a high level of car provision in such an accessible location.

**Height of buildings:** The Society has significant reservations about the heights of several of the proposed residential blocks and considers that further detailed assessment will be required. These reservations concern the impact of the heights of the perimeter blocks on the wider conservation area and on the internal character of the gardens themselves. The latter concern also applies to the town houses arcing around the lake, albeit to a lesser extent. Further assessment is required with respect to the proposed residential blocks to the north and northeast. At 7 storeys the corner block may well have adverse impacts both on the general appearance of the Conservation Area and on the specific amenities of neighbouring properties. Whilst the heights on the northern edge reduce gradually from 6, 5 and 4 storeys there is a need to carefully assess their visual impact. The Society is not convinced that the planning application demonstrates the potential impact of the proposed buildings by means of verified views. It has proved difficult to identify which views are being demonstrated and to assess in detail the potential future impact, particularly on neighbouring residents.

**Clifton Conservation Hub:** The Society welcomes the proposal to repurpose the iconic entrance building to provide for a range of conservation related activities. This seems an appropriate future for this historic part of the site.

**Vehicle access, circulation, and parking:** The Society is disappointed by the lack of ambition with respect to future car ownership and parking. Surely this well-located site has the potential to become an exemplar for a car-free development. The developers own plan showing resident routes to key local facilities provides very real evidence that key local facilities are all within easy walking distance. The need to provide circulation routes and undercroft parking areas makes the development much more invasive in terms of its impacts on the gardens than would be necessary with a car-free scheme. Details are required to demonstrate how the proposed vehicle access off Northcote Road will actually operate in practice. The Guthrie Road access exists and is more straightforward in terms of future operation.

**Retention of public access:** As noted above, there is clearly a challenge in retaining public access to the open spaces when they will be bounded by private residential areas. The juxtaposition of private and public outside areas will need very careful design and planning to ensure satisfying experiences for all parties. There is lack of clarity about the future of the water body is it really to be utilised for wind surfing and boating or for more conservation related purposes? As the illustrations demonstrate, and notwithstanding the efforts made to avoid significant incursions into the gardens, the Society fears that much of the essential character of the gardens will be lost. This is because of the likely visual dominance of the apartment blocks and the resulting sense of overbearing the gardens. Currently the gardens offer oases of tranquillity and privacy from urban bustle, with a minimal sense of intrusion from the outside world. There is a very real risk these will be lost, in part because of the dominance of

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the proposed buildings but also because of the manner in which the service roads dissect the site and will bring vehicular movement deep into the gardens.

It is absolutely fundamental that if the BZS truly want to deliver a legacy consistent with the principles it published, then it should commit to binding any future developer to the proposals

xxi. **Conservation Advisory Panel** – objection

Second Comments:

## Overall

It is acknowledged that the re-use and re-development of a facility, which was originally developed for a specific use and evolved over many years, is challenging. However, that does not mean that the scheme as proposed is acceptable. There is significant concern with the proposed quantum and scale of development, the poor quality of the architecture, the site layout and the substantial harm that would be caused to the character and appearance of this part of the Clifton and Hotwells Conservation Area and the setting of the listed buildings. Not to mention the effective loss of an established, nationally recognised zoological facility and gardens.

## Harm to overall historic interest and significance of site

The May 2022 Heritage Statement acknowledged the harm that is caused to the site and Conservation Area through the departure of the Zoo from its historic home, a point echoed by Historic England. The CAP disagrees that this harm is justified by the current proposal, and there is no evidence presented by the applicant that they have looked at alternative uses for the site, neither have BCC nor HE so far examined the business case that concludes that closure of the Zoo site and the change of use is necessary or inevitable. The significance and irreplaceability of the site as a whole is fundamental to this application. Bristol Zoo Gardens is the oldest one in the UK and the fifth oldest in the world. It has been open for 150 years. NPPF 189 states: 'These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.

## Loss of Communal Value

Defined as 'Value deriving from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.' in English Heritage, Conservation Principles, 2008. At the public level, hundreds of thousands of people have visited the Zoo as children, as adults and with their own children for more than 150 years and the loss of this experience is not to be taken lightly. Additionally, the ashes of many people have been scattered within the herbaceous borders - to be lost under a roadway - while others have held weddings and celebrations in the Pavilion, which will be lost to flats. These memories and experiences - communal value – are engraved in the psyche of thousands and will be lost or unavailable under this scheme. The communal value of this site cannot be underestimated and once lost will be gone forever.

## Harm to listed buildings

The original and particular use of many of the buildings is integral to their historic significance and is cited as a key reason in the listing designations of the four animal houses on the site, justifying their listing at Grade II and their national importance. Harm to an asset of this significance should clearly be only as a last resort. The D&A statement refers to 'Historically significant buildings retained and



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sensitively converted to unique, environmentally sustainable homes'. But the CAP finds that such conversion would completely change the presentation and significance of these buildings, meaning the loss of: the Clifton Pavilion, Great Aviary/Parrot House, Giraffe House and the Museum/Activity Centre, all to apartments. It is not considered that the applicant has made the case for the level of harm proposed to the listed buildings within the site.

#### Justification of harm

It is recognised by the NPPF that new uses are sometimes needed for heritage assets to generate income for their long-term future. In order to do this, it may be necessary to cause some harm, but it is clear that in identifying the 'optimum viable use' for a heritage asset, the optimum viable use is one that causes the least harm to significance. The CAP argues that the proposed scheme would cause significant and irreversible harm and is not justified.

#### Alternatives

Other proposals for the site have been put forward either in broad outline or in detail and this suggests that other schemes are possible. Covid has provided a distraction so that disposal of the site is presented as a finished decision. But this is a nationally important site and time could usefully be taken to allow further time for ideas or to run a competition to determine its future. While the governance of the Zoo is that of a limited company, it is also a charity with long-standing public responsibility. While it is acknowledged that the Trustees have fiduciary duty, the Objects of the Charity itself are to promote the public understanding and the conservation of wildlife and the natural environment and the scientific study of plants and animals. This housing estate proposal does not deliver either of these, while an alternative, perhaps in association with a body such as the Eden Project or the RHS, would do so.

#### Public amenity

The proposed public access and maintenance of the gardens is to be funded by a levy on the residents. But there is insufficient evidence that this right will be granted in perpetuity as this access is permissive and could be modified or withdrawn. It is the prediction of many objectors to his scheme that the diverse, spontaneous visitors imagined in the D&A statement will not materialise; residents will object to funding a public amenity and in time it will become a private space. As presented, while pedestrian access is marginally improved, it is still tightly controlled and timed. The general perception and experience of the site will be as a gated community, not welcoming and few will cross town to go there.

#### Design

Even if there were no alternative to building densely on the site, the proposal is a homogeneous scheme that does not respond to the architectural character and appearance of this part of the Conservation Area, which is predominantly large detached and semi-detached villas alongside imposing educational buildings situated within a verdant landscape and tree-lined avenues. The scale of development within the southern end of the site would be over-intensive with a consequential poor relationship with the adjacent school and its listed buildings. The north building at six storeys is an unrelenting monolithic block that does not respond to the character and appearance of the area. The relationship between the existing listed buildings and the scale and location of proposed development is extremely poor, in particular the Bear Pit would be overly dominated by new development.

#### Landscape

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Bristol Zoo Gardens are a locally listed heritage asset designated as a Local Historic Park/Garden and an Important Open Space. The Avon Gardens Trust has voiced concerns around the loss of trees, the viability of translocating other trees and hedges and the general impact on green infrastructure from ground and environmental disturbance during the long phases of works and the eventual overshadowing from tall buildings.

**Cars and Parking**

The Grand Terrace is a defining feature of the gardens and is not worthy of being used as a deliveries and service route. The circular road to access houses needs to be rethought not least as it creates another visual and psychological barrier for free pedestrian access to the green spaces within the site. There is concern that there will be insufficient car parking provision, which will result in the reality of extensive areas of on street parking throughout the site.

**Conclusion**

As set out within Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has a legal duty to have special regard to the desirability of protecting listed buildings and their settings, and also to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. This means that decision makers must give 'considerable importance and weight' to heritage issues when assessing an application. This has not been done in this instance.

The NPPF requires great weight to be given to the conservation of heritage assets. If there is substantial harm to or total loss of significance of a designated heritage asset, then permission should be refused unless the public benefits outweigh this level of harm, or the applicant can demonstrate that there are no other viable uses.

It is considered that the proposal would neither sustain nor enhance the significance of relevant heritage assets including the Conservation Area and listed buildings within and without the site. It would provide insufficient substantial public benefit to outweigh the substantial harm caused by the impact of such a poor scheme on the relevant heritage assets. It is not considered that this scale of development can be justified in a heritage context and the loss of the site as a public amenity is unacceptable. Furthermore, the applicant has not demonstrated that there are no other viable uses for the site. Consequently, the application does not accord with the applicable legislation, relevant Local Plan heritage policies nor the requirements of the NPPF and cannot be supported.

**xxii. Bristol Waste – no objection.**

As the applicant has included comments and calculations from the recent Bristol Waste Company response to 22/02737/F in their design and access statement and the numbers of proposed units is very similar Bristol Waste has no additional comments. We would welcome dialogue with the applicant as the scheme develops.

**xxiii. Wessex Water**

The proposed foul water connections are acceptable in principle. We note the on-site SuDs arrangements. The applicant is proposing an overflow connection from the lake to the existing public foul sewer in Northcote Road (Manhole ST57740002 ). Surface water connections to public foul sewers are not normally allowed and only considered where there are existing proven connections and no other method of disposal. If the surface water cannot be discharge to the surface water

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sewer to the north of the site and a connection to the existing public foul sewer is pursued we will require confirmation:

1. Of the drainage areas served by the Lake and the split between residential areas and highway.
2. That the Lake will not contain any groundwater or overland flows
3. Of the existing proven surface water connections to the public foul sewers
4. Of the predicted overflow use, flows and volumes.

xxiv. **Crime Reduction Unit (Avon and Somerset Constabulary) –**

The comments noted the security measures included within the Design and Access Statement. The comments suggested that undercroft parking can be vulnerable, advises standards of security for external cycle storage and communal mailboxes. Further, it was advised that the management of the site outside of daylight hours should be secured as part of the management plan. Finally, the comments advised that the affordable housing will need to meet the Council's Affordable Housing Guidance, and advised that Secured by Design certification should be obtained wherever possible.

xxv. **Avon Fire and Rescue** - no objection subject to the Applicant committing to meeting the costs of the installation of nine fire hydrants to serve the proposed development. This should be secured by s106 Agreement.

xxvi. **National Highways** - no objection.

The proposal is likely to result in a net reduction in traffic generation over the existing BZG use. The TA has also undertaken an assessment of the cumulative traffic impact of the site including the consented residential development for 62 dwellings on the BZG West Car Park (21/01999/F). The cumulative impact of both developments is forecast to be lower than the existing BZG site, resulting in a reduction of 29 two-way trips in the AM peak hour and 82 trips in the PM peak hour.

On the basis the proposal is forecast to result in a net decrease to the traffic currently generated by the site, National Highways is satisfied the development is unlikely to result in an unacceptable impact on the safe operation of the strategic road network, as defined by NPPF.

xxvii. **Health and Safety Executive, Building Safety and Construction Division** – no comment. As the case is under 18 metres we will not be providing comments on this case.

xxviii. **Design West** – comments in response to original plans

### Main Discussion Points

The principle of the proposals remained but they have been developed further in technical detail since the last review and some amendments have been made.

The panel welcomed the clearer narrative 'Bringing people together' and 'Connect people and wildlife' but felt that the vision and actual design response have not been fully aligned yet. It needs to be absolutely clear how the site is to be managed and controlled and how residents are going to be

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interacting with visitors to the park. Potential phasing, buildability and provision of sufficient working space should also be considered at this stage.

FUTURE READY – Zero carbon strategies are developed early on seizing opportunities to generate clean energy, reuse structures, support behaviour change and reduce whole life carbon

The panel recommended aligning the proposal's sustainability, carbon reduction and energy targets with BCC's ambition to achieve carbon neutrality by 2030 which includes that there should be no net carbon emissions from any new development. The panel felt that by not pursuing a third-party accreditation, the Bristol Zoological Society (BZS) does not have a mechanism in place that will guarantee a highly sustainable scheme. The panel noted the embodied carbon targets were not ambitious enough. Whilst the panel welcomed the overheating assessments for the new build, they highlighted the need for conversions to be assessed as well.

CONNECTED – Places grow and develop efficiently, bringing land use and movement together - making connected sociable places with good active travel and public transport accessibility

The perimeter blocks follow the boundary walls, and the idea of garden pavilions which sit in the landscape has been retained. There is a tension between creating a welcoming park for the whole community and a walled housing development, and the pedestrian experience needs to be considered further to ensure all access points and routes appear inviting. Greater permeability was encouraged, as well as further consideration of the out of hours access.

HEALTHY & BIODIVERSE – All scales of development contribute positively to nature recovery, bringing people into contact with trees and greenspaces and supporting health and well-being

It is important to give the community as much access as possible to enjoy the gardens. A clear separation between public and private is useful, possibly even with clearer boundaries as currently shown to define the boundaries and have less reliance on informal defensible space. Balconies as private amenity space work well, albeit planting was questioned on them. The significant biodiversity net gain was praised.

CHARACTERFUL – The character of different places in the West of England is understood and reflected. Distinctive high-quality places contribute culturally, socially and physically

Identity and placemaking - We encourage the project team again to challenge the extent of 'the wall' and break it up further as we are concerned about the impact it has on its context as a residential development. The walls certainly are part of the character of the site, but it will be more important what visitors see when they look beyond the wall and through the gates. Certain entrances, especially at the north-east corner still do not appear welcoming and dominated by barriers to the development. The view from College Road appears to be of a private lake house rather than an inviting vista to the community garden and the lake which needs to be addressed.

Visual impact and massing - the current perimeter block proposals still appear unfriendly and not sufficiently modulated so they reinforce the sense of a physical perimeter barrier, impacting on the surrounding scale of buildings in the conservation area. The panel was very concerned that the scheme might be watered down once a developer/contractor comes on board. The panel strongly recommended to include further detail in the planning application such as 1:20 sections of the façade build up, depth of reveals, details of brick etc. to make this part of the approved planning application pack.

**INCLUSIVE – Communities are involved creatively in the development of proposals and their needs considered**

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The panel is concerned the site will not appear welcoming. The panel was pleased to hear that a process will be put in place where a management board including representatives from BCC, BZS, residents, an arts consultant etc. will be involved in future decisions. The panel also heard that there will be a charge for residents to pay towards the upkeep of the park. We felt that there needs to be clarity on the level of influence that future residents can and will have in order to be able to retain the public access model for the future.

**RELEVANT POLICIES AND GUIDANCE**

- National Planning Policy Framework, 2021 - referred to hereafter as “**NPPF**”
- Planning Practice Guidance - referred to hereafter as “**PPG**”
- Bristol Core Strategy (Adopted June 2011) – referred to hereafter as “**CS**”, policies starting with “BCS” are from this plan
- Site Allocations and Development Management Policies (Adopted July 2014) – referred to hereafter as “**SADMP**”, policies starting with “DM” are from this plan
- SPD – Planning Obligations (Adopted September 2012)
- SPD – Urban Living (Adopted November 2018) – referred to as “**UL SPD**”
- SPD7 – Archaeology and Development (Adopted March 2006)
- PAN15 – Responding to Local Character – A Design Guide
- Affordable Housing Practice Note (July 2022)
- Climate Change and Sustainability Practice Note (July 2020)
- Broadband Connectivity Practice Note (March 2022)
- Planning a Healthier Bristol, Assessing the health impacts of development (February 2013)
- Waste and Recycling Storage and Collection Facilities (Adopted 2010, Updated March 2022)
- Space Standards Practice Note (March 2021)
- Travel Plan Guide for New Developments (February 2023)
- Off-Street Residential Parking in Conservation Areas Note, Bristol Local Plan Policy Advice Note 6
- Conservation Area 5, Clifton and Hotwells, Character Appraisal and Management Proposals – referred to as “**the Appraisal**”
- Local Plan Review Emerging Policy - Limited weight should be attributed to the Local Plan Review at this stage, given its relatively early stage of progression. The Council’s Local Plan Review includes policies and designations relating to Local Green Space and Reserved Open Space, predominantly in a document titled ‘Bristol Local Plan Review: New Protection for Open Space – consultation (March 2019). Appendix 2 of this document includes the designations, and the site is not included as either a Local or Reserved Green Space.

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

**EQUALITY ASSESSMENT**

The Public Sector Equality Duty is a material planning consideration as the duty is engaged through the public body decision making process. Section 149 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

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- 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 consideration of this application due regard has been given to the impact of this scheme in relation to the Public Sector Equality Duty in terms of its impact upon the groups with protected characteristics as set out in the Equality Act 2010. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The development would appropriately provide for those who are mobility impaired, for example due to age or disability. In conjunction with the Landscape Design Statement, the Design and Access Statement confirms that level access is proposed throughout the gardens. The Hard Landscape Plan also demonstrates that accessibility has been considered, with appropriate hard surfaces being proposed to allow access throughout the site. Further, the Management Plan indicates that all points of access will provide safe and equal access, with sufficient widths to allow access, to for example wheelchair users. As Key Issue G (Transport and Highway Safety) explains, the development incorporates appropriate parking for disabled residents and visitors. Specifically, the proposal includes three parking spaces available for disabled residents adjacent to Block S1, one within the undercroft parking area for Block N, and two near the Clifton Conservation Hub available for visitors. Visitor parking is also provided within the street, in a similar manner to how some of the Zoo's parking demand was met. Visitors would not be unduly deterred from parking outside of the site in the surrounding roads, as they are well-lit, and the development would increase surveillance of these spaces.

The Bear Pit is proposed to be restored to its original built form and incorporated into the landscape as a raised viewing platform. There is only access to the platform via steps, other means of access such as through a lift or a ramp would harm this Grade II listed building's significance, and hence there is justification for this element of the development not being accessible for those who cannot use steps. Specifically, the countervailing factor concerns the need to allocate great weight to the designated heritage asset's conservation. Key Issue D.ix (Urban Design and Residential Amenity for Future Occupiers) assesses the proposal's urban living qualities, including how it provides for those with impaired mobility, and concludes that proposal meets the relevant planning policy expectations for wheelchair accessible housing.

Some representations have suggested that the closure of the Zoo would prejudice those with impaired mobility, as alternative similar zoo uses, such as the Wild Place, are not accessible. Key Issue A.ii (Principle, Loss of Community Use) addresses this matter, including the extent to which this is a relevant material consideration. Nevertheless, Key Issue A.ii (Principle, Loss of Community Use) concludes that in reaching the decision that there is alternative provision of animal focussed visitor attractions within the region, due regard has been taken in relation to the Public Sector Equality Duty in terms of its impact upon the groups with protected characteristics, including those with impaired mobility.

Whilst the open spaces are proposed to only be publicly accessible during daylight hours, there is a need to consider external lighting for future visitors and residents. For example, it is important for the development's pedestrian routes to feel safe and be desirable even when for example it is dark, otherwise the proposal could discriminate against groups with protected characteristics. The submitted External Lighting Assessment does so, providing an illustrative light strategy for the whole site, which demonstrates that the main pedestrian routes within the site will be appropriately lit to ensure safety, security and wayfinding. A condition is also recommended to ensure the final external

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lighting scheme is appropriate. In-keeping with this assessment, the Crime Reduction Unit has also advised that the crime prevention through environmental design and Secure by Design Principles have been applied to the whole development, including the layout of roads, footpaths, parking, lighting, communal areas, boundary treatments, the layout and orientation of dwellings. Further, the Crime Reduction Unit advises that the proposal's communal areas, playgrounds and seating areas have been designed to allow supervision from nearby dwellings with safe routes for users to come and go. The proposal is therefore not expected to detrimentally effects groups with protected characteristics, by nature of its public realm either being, or being perceived as unsafe.

The LPA has had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 when making the assessment set out in this report. The approval of this application would not have any adverse impact upon any protected group, save for the development not including step-free access to the raised viewing platform within the Bear Pit, albeit the great weight given to the conservation of the Grade II listed building outweighs the failure of the development to allow access to the viewing platform for all. Therefore, the requirements of section 149 of the Equality Act 2010 have been fully considered.

**BACKGROUND**

It is necessary to understand why the Society closed the Zoo at the site and has moved its wildlife activities to the Wild Place. The Planning Statement explains that visitor numbers have reduced since the 1960s, placing a financial strain on the Charity where it has been making a loss in the years immediately preceding the COVID-19 Pandemic. This is reported to be primarily a result of the constrained scale of the site compared to other zoo attractions and the loss of car parking provisions that service the Zoo. Indeed, officers do not challenge the Statement's assertions that since the Zoo's inception, standards and expectations for the keeping of animals at zoos has changed, largely insofar as larger enclosures are now expected, which the Statement suggests cannot be facilitated at the site. Further, the Statement highlights that the parking available to visitors has decreased in recent years, and due to a High Court legal ruling, from 2024 visitors will not be able to park at the North Car Park and Ladies Mile. The Society is also in the process of disposing of the West Car Park, where planning permission for a residential development was recently permitted (ref. 21/01999/F). Members of the public have challenged the reasoning for why the Society has closed the Zoo, generally these comments suggest the Zoo was viable economically, from an animal welfare perspective, and as a visitor attraction. These representations allege the Zoo's closure was therefore a commercial choice to generate finances for the development of the Wild Place. In relation to the reduction in visitor numbers, representations suggest this was influenced by a growth in visitor numbers at the Wild Place, and the rate of decline in visitors was not precipitous, and that additional forms of income generation and changes to the visitor experience could have positively addressed the falling number of visitors. Comments have also suggested that visitor numbers have not been constrained by a lack of car parking, and greater parking could have been achieved through using the West Car Park more effectively, such as through the provision of a multi-storey car park. Representations also allege that the closure of the Zoo was planned prior to the effect of the COVID-19 Pandemic being known.

Officers understand the criticisms relating to the choice to close the Zoo and acknowledge that there may well have been other options than the closure of the Zoo. However, the reasons provided by the Society for closing the Zoo are compelling, namely the difficulties in the current facilities meeting animal welfare standards, which have significantly changed since the Zoo's inception; declining visitor numbers; and reductions to available visitor parking spaces. Officers therefore consider the Society's decision to close the Zoo was not unreasonable. As the Zoo has closed, the key planning question is what happens to the site in future and how are its social and environmental assets/values appropriately assured over the longer term.

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Unless another zoo operator is minded to operate from the site, a form of re-use or redevelopment is inevitable and needed to avoid a vacant and underused site that will quickly depreciate in landscape value if left unmanaged. The site could be re-used without the need for development, and some representations have suggested time should be allowed for alternative uses to be considered. The application does not seek to reincorporate the zoological use, meaning the principal use will be lost. Whilst the site has not been marketed, either as a going concern or as a vacant site, its availability was advertised for a short period as part of the Asset of Community Value process (this is discussed later, within Key Issue A, ii 'Loss of Community Use') and there has been widespread publicity, both locally and nationally, of the Zoo's closure. Notwithstanding this, the Council is not aware of any interest being expressed by other zoo operators (and modern animal welfare requirements would apply to all operators). Nor have any other re-use proposals come forward. This suggests the re-use of the site is unlikely to occur in any ascertainable timescale, with risks of the site's landscape and heritage values deteriorating whilst it remains vacant, and hence it is necessary to consider the redevelopment of the site. The proposed residential-led redevelopment of the site is a response to the need to redevelop the site, the principle of which must be considered in this context.

The proposal's impact on the site's social and environmental values must be considered. Whilst the site was only ever accessible to the public through payment, many of Bristol's residents highly value the site, which is reinforced by the site's nomination to the Council's Assets of Community Value List and the significant reaction to the planning application from members of the public, as well as key stakeholders in the local area. The site's use as a zoological garden provided value to the community through providing recreation, leisure, and educational facilities. Further, the physical features of the site support the quality of life within and around Bristol through its townscape and landscape quality, historical significance, and visual amenity. The Zoo's wider economic benefits to Bristol as a tourist attraction are also recognised, albeit no development plan policies address this consideration. Finally, as is clear from the response to the planning application, much of the Zoo's heritage is in its communal value, as for many residents, the Zoo forms part of their lived experience of Bristol, occupying important memories. The majority of these values are material to the required planning assessment in relation to the loss of the use as zoological gardens and the proposed development, this report considers these values in relation to the relevant planning policies.

**KEY ISSUES****Key Issue A. Principle of Development**

The application does not seek to reincorporate the zoological use, meaning the principal use will be lost. The principle of the proposal must therefore be considered.

**i. Important Open Space**

The site is designated as Important Open Space within the development plan. The key 'in principle' policies concern the site's designation as Important Open Space are policies BCS9 'Green Infrastructure' and DM17 'Development Involving Existing Green Infrastructure'. The site's designation as a Local Historic Park and Garden under policy BCS22 is better considered as part of Key Issue B but this also concerns 'in principle' issues.

Policy BCS9 aims to protect, provide, enhance and expand the green infrastructure assets which contribute to the quality of life within and around Bristol. Loss of individual green infrastructure assets (outside of a development plan document) is only acceptable where it is necessary, on balance, to achieve the policy aims of the CS. Policy BCS9 protects open spaces that are important for:



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recreation, leisure, community use, townscape and landscape quality and visual amenity. The policy therefore protects this site in terms of its characteristics that provide recreation, leisure and community use; and its physical features that contribute positively to the townscape, landscape, or biodiversity. Policy DM17 further outlines how the Local Plan ‘protects’ Important Open Spaces, stating that *“Development on part, or all, of an Important Open Space as designated on the Policies Map will not be permitted unless the development is ancillary to the open space use”*.

Whilst policies BCS9 and DM17 are, in some respects, stricter in relation to the protection of open space than the national policy on open space in place at the time they were adopted (the 2002 PPG17 in the case of BCS9 and the 2012 version of the NPPF in the case of DM17), both policies were found sound by their respective examining Inspectors. It is not therefore considered that these policies should carry reduced weight even if they are not fully consistent with national policy now in the NPPF.

However, the NPPF is also a material consideration, and amongst other things, Section 8 of the NPPF concerns open space and recreation. Open Space is defined by the NPPF as “All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity”. Paragraph 99 of the NPPF states:

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

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”*.

The proposal includes many aspects that are consistent with policies BCS9 and DM17, including the integrated gardens, substantial landscaping, play areas, a café, historic follies integrated within the landscape, the theatre, and perhaps most significantly, a securable mechanism to ensure public access to the site and its long-term management. However, the residential proposals are contrary to policies BCS9 and DM17, largely as they are not ancillary to the open space use. Decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. It is therefore necessary to consider if there are material considerations that indicate the residential-led development of the site is acceptable, contrary to policies BCS9 and DM17.

Whilst the site is designated as Important Open Spaces, it is unusual in that it is not free to access by the public, unlike other important open spaces, such as playing fields, parks, cemeteries, woods, as well as vast open spaces like the Clifton and Durdham Downs to the north of the site. In this way the current lawful use of the site is not a typical land use designated as Important Open Space, largely as the Zoo represents a curated visitor attraction that has only been accessible to members of the public who pay a fee. The zoological use of the site has ceased in any active sense (even if in land use terms it has not been abandoned), meaning the use that contributed the most to its Important Open Space value by providing public access has gone, albeit the site’s physical features that contributed to townscape, landscape, and visual amenity in the area are still present. As outlined within the ‘Background’ section, the use has ceased, there is no evidence of any alternative uses coming

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forward in any ascertainable timescale, so risking the site's deterioration if it is left vacant for an extended period, and it is necessary to consider the redevelopment of the site.

Accordingly, there is justification for a new use, as there is a need to secure a future use for the site that can provide the long-term management of the open spaces (including the historic buildings within the landscape). The proposed residential use represents such a use. When considering if there are any material considerations that outweigh the harm associated with being contrary to policies DM17 and BCS9, it is reasonable to attribute weight to this justification. It is also reasonable to consider the features of the development that contribute to the site's open space value credentials. Specifically, Members should consider how well the redevelopment of the site will incorporate open spaces with a role and value for recreation, leisure, community use, townscape, landscape and/or visual amenity. The positive and negative aspects of the development in relation to these open space values are set out below.

The principal benefit of the development is providing free public access to the site and a securable plan for the long-term management of the site's historic and valued landscape and buildings. This will allow access for members of the public to visit the site and enjoy the retained and proposed open spaces and other features of the proposal that will provide opportunity for recreation, leisure, and community use, as well enjoyment of the site's visual amenity. As such, the site would continue to provide a communal value, as members of the public would be able to visit the site, and elements of the development would provide open space. Elements of the site's historic landscape and layout will be retained, such as the Grand Terrace and East Lawn, as will other historically important built structures, meaning the development would deliver ongoing public engagement with these historic features, contributing positively to the site's open space values associated with landscape and visual amenity.

The free public access to the site will be complemented by the increased permeability the proposal would deliver. The site currently has a single public entrance, housed in the listed Entrance Lodge buildings in the northwest corner of the site. All other entrances are used for staff and maintenance access only. The proposal includes a series of new public entrances, introduced using both existing and new openings in the perimeter walls. Accesses will be provided on each side of the site, significantly increasing permeability and better integrating the site with its immediate surroundings, as well as providing routes through the open space. This element of the proposal contributes positively to the site's open space value, given the increased permeability to the site would increase opportunities for recreation, leisure and community use, as well as increasing interaction with the retained aspects of the site that provide townscape, landscape and visual amenity value. It is recommended that public access to the site at no financial charge is secured by s106 Agreement.

The Applicant has prepared a Management Plan to explain how the open space proposed will remain a high-quality space with public access in perpetuity. The Plan sets out the ongoing maintenance, upkeep and management of the publicly accessible open spaces will be primarily funded by an estate service charge payable by residents that live on site (excluding affordable housing residents) and by commercial tenants and will be controlled by a Management Board. The Plan provides a viable framework to ensure long-term public access, as well as management of the open space in the interests of ensuring recreation, leisure, community use, and the up-keep of the landscape. The Plan meets the expectations of policy DM16 (see Key Issue C 'Green Infrastructure and Landscape Design'). Members are advised that should planning permission be granted, public access would be secured for the lifetime of the development by a s106 Agreement, this would also secure an

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appropriate management plan. Interest groups have questioned if a s106 Agreement is a strong enough mechanism to secure free public access to the Zoo, suggesting that future residents may wish to remove or change this obligation. In terms of what can be secured by a planning permission, a s106 agreement is the best tool to secure public access in perpetuity. The LPA (or the Secretary of State) would need to approve the removal or any changes to the obligation in future. Any removal or changes sought using the statutory procedures in s106A or s106B of the 1990 Act would have to show that the planning obligations no longer served a useful purpose or if changed would serve the useful purpose equally well. These are rigorous tests to protect planning obligations that still fulfil useful public purposes. It is hard to envisage circumstances when free public access to the site would not continue to serve a useful purpose during the lifetime of the development. Certainly, the Council is entitled to approach the matter on the basis that it would not allow the removal or limitation of the proposed free public access for as long as that was still of benefit to residents of Bristol. Other legal mechanisms outside of planning have been suggested by interest groups and members of the public, including classification under Countryside and Rights of Way Act or Commons Act or similar, but such controls are beyond what can be required as part of any planning permission decision.

An Outline Public Art and Culture Strategy has been submitted. This sets out at a high level the approach to delivering successful public art provision, including permanent and semi-permanent commissions, as well as a programme of cultural events and performances within the site. Generally, the plan provides a tangible vision for how the redevelopment of the site can continue to be culturally relevant to Bristol, which will contribute positively to the site's open space value, by providing recreation and leisure activities at the site, and engaging with the community. The plan would be secured by condition as part of any planning permission.

The development also integrates many elements that contribute to open space value. The existing pedestrian access to the Zoo via the Grade II listed Entrance Lodge building will be repurposed as the 'Clifton Conservation Hub', providing community floorspace and a café. The building contributes positively to the townscape and the proposal's repurposing of it provides a long-term viable use, that will also provide a space for the community to use, along with a café that will support the open space. The Grand Terrace represents one of the original elements of the zoological gardens' design and will be retained within the redevelopment as part of the public open space. The Grand Terrace connects the Clifton Conservation Hub with the Bear Pit. The Bear Pit is a listed structure that is proposed to be sensitively restored to its historic state, which will ensure its retention as a landscape and townscape feature, contributing to the site's Important Open Space value. The proposals seek to retain the East Lawn and its present-day qualities, including a wide central lawn, open sky views and its use as the key public gathering space. The existing Theatre building will be retained, and additional seating proposed on the East Lawn will complement the Theatre use, which will still be able to provide space for performances. The East Lawn and Theatre will therefore continue to provide opportunity for recreation, leisure and community use, as well retaining a positive impact on the site's landscape and townscape qualities.

A large Play Area is proposed to the south of the East Lawn, which aside from an equipped play zone, includes landscape features. The Play Area provides space for recreation and will contribute positively to the site's open space value, especially given the lack of dedicated children's play equipment in the immediate area. To the south and east of the Play Area is the re-shaped Lake, which retains a large body of water at the site, which will provide improved biodiversity, landscape, and townscape value. A lake-side boardwalk is proposed around the Play Area providing an interesting route for pedestrians. Immediately to the west of the Lake is the Lakeside Garden, which proposes a calm, family-friendly winter garden. To the north west of the Lakeside Garden is the West Lawn, which is positioned to the

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south of the Grand Terrace, with the houses proposed immediately to the south east of the Lawn. The West Lawn is a wetland meadow and integrated SuDS framed by trees, that will contribute positively to the site's open space value by nature of it representing an attractive feature within the landscape. The southern side of the site is predominantly composed of residential uses that do not contribute to the site's Important Open Space values, with the key exceptions being the Monkey Temple, Bird Aviary, and associated landscaping. Like the Bear Pit, these listed structures (Monkey Temple and Bird Aviary) will be restored, better revealing their historic significance, and ensuring their long-term viability as part of the open space/landscape. The Bird Aviary will be a new seating area and the Monkey Temple will remain an historic folly amongst appropriate landscape planting.

Generally, the approach to the landscape proposals delivers open space and supports the retention of the site's historic verdant setting, including improved elements of landscaping. The Arboricultural Team supports the general approach to tree retention, removal, and replacement (see Key Issue C 'Green Infrastructure and Landscape Design'). Further, the Landscape Design Statements includes key principles for ensuring long term management of the landscape post-construction.

The layout minimises potential harm to the open space by proposing the majority of new built form to the edges of the site where there is greater existing built form, this has the benefit of avoiding building on open space within the site. However, the proposal does result in some areas of open space being built on. The submission includes plans and assessments which consider the quantity of open space provided by the development, but there is ambiguity in what is considered as 'open space', nevertheless the quantity of open space is discussed below.

The Area Comparison plans illustrates that the proportion of the site covered by buildings will decrease marginally by 1% (existing 22% and proposed 21%), as will the amount of the site covered by hardstanding (a decrease of 1.6%: existing 27.8% and proposed 26.2%). Whilst these comparisons are helpful in understanding built form and hardstanding, they do not acknowledge the proposed private gardens, which do not count as open space. The Open Space Assessment therefore provides a more accurate representation of proposed open space, which reports that the development would deliver approximately 46% of total site area as open space (21,600 sqm out of 4.66 ha), with the remaining 54% of the site being composed of the proposed homes and gardens, internal access roads, and the Clifton Conservation Hub (see pages vi and vii of the Open Space Assessment). These figures should however be considered in the context of the proposal's landscape-led approach, where the roads in the site are designed to be pedestrian-friendly routes. Further, the Clifton Conservation Hub would contribute positively to the site's open space value, given its uses, such as the café, would support the leisure and community use of the open space. Taking this into account, the amount of the site capable of providing open space is greater than the 46% reported within the Open Space Assessment.

The Open Space Assessment acknowledges that not all the proposed open space is functional public open space. It suggests that if the Lake and wetland, the play areas, and other areas with limited functional value are excluded the functional public open space is 14,400 sqm (31%) of the site. However, this assessment does not acknowledge that areas such as the Lake would contribute positively to the site's open space value through its landscape quality and visual amenity, and the play areas would contribute to the public value of the open space at the site through providing opportunities for recreation, leisure, and community use. The Area Comparison plans suggests the proposal will result in a minor reduction in the proportion of the site covered by waterbodies/wetland (approximately 1.7%: existing 6.4% and proposed 4.7%). This is largely due to the proposal's rationalisation of the waterbodies at the site, which represents an improvement to the landscape

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quality of the site's open space. The Area Comparison plans indicates the proposal will deliver a slight increase in children's play areas (existing 3% and proposed 3.3%), and officers also realise the proposal represents an opportunity to improve the quality of play areas at the site, the final design of the play areas is recommended to be secured by condition.

The Area Comparison Plan of the extent of the existing site where visitors access is denied or restricted is a better indicator of the development's provision for useable and accessible open space, which suggests the proposal will deliver a greater proportion of areas accessible to the public (albeit that some areas are shared use access routes) than the site currently does (existing public space 51%, proposed 56%). Officers do however recognise that many of the areas where the Zoo restricted access were enclosures, some of which contributed positively to the site's recreation, leisure, and community value. It is therefore difficult to conclude that the proposal will result in an increased quantity of open space when compared to the existing site using this indicator, but the development will allow for increased public access to open space at the site, both in terms of permitting free public access to the site and allowing greater unrestricted public access to a larger proportion of the site.

The impact the residential development will have on the site's open spaces and the visitor's experience must be acknowledged, including that if fewer homes were proposed, there would be less of an impact on the open space and more opportunities to provide open space. For example, within the south eastern quarter of the site, the balance of development is skewed in the favour of homes, which would impact the experience of visitors, and some accesses could provide greater visual and physical link to the elements of the site that contribute positively to the site's open space values. Further, as Key Issue B concludes, the development will have a harmful impact on the site's townscape and visual amenity value. These factors weigh against the proposal in relation to its impact on the site's open space, but there is justification for the introduction of residential development to the site, and the proposed quantum (as is explained in full in Key issue B.v). The residential development will generate income from future residents to pay for the long-term management of the open spaces within the site, and in turn to ensure free public access. In this way, the proposed residential dwellings are necessary to finance the long-term management of the site's remaining landscape and significant buildings.

The development would deliver significant public benefits by delivering freely accessible open space that will enable the site to continue to be a destination where members of the public can visit for recreation and leisure, meet as a community, and enjoy the landscape and townscape value the site provides. This represents an enhancement to the quality of open space provided at the site and a significant benefit, which outweighs the elements of the proposal that do not contribute positively to the provision of open space. The key test in paragraph 99b of the NPPF is whether any loss of open space will be replaced by "equivalent or better provision" looking at both the "quantity and the quality" of the re-provision. Here, whilst it is questionable whether in overall terms the development will lead to an increase (or even a maintenance) in the amount of existing open space, it is considered that the end result will be better provision of open space at the site because there will be a range of different high quality open spaces, managed and maintained for the longer term, with secured free public access, and increased permeability, so resulting in a marked qualitative enhancement in the nature of open space provision. It is therefore concluded that the application accords with paragraph 99b of the NPPF.

In summary, it must be recognised that the current use of the site as a zoo has ceased, and hence a new use is now being proposed, which does provide a route to secure publicly accessible and well managed open space at the site in perpetuity. Officers acknowledge comments received from

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interested parties suggesting there may well be other viable uses of this site, but it would be unreasonable and disproportionate to expect the Applicant to provide evidence of such alternative uses, including how these uses would impact the site in relation to its Important Open Space designation. Whilst the proposal will deliver a materially different open space offering compared to the existing Zoo, the development will nevertheless deliver high quality open spaces that will be activated through free public access, and the proposal complies with paragraph 99b of the NPPF. These cumulative benefits are material considerations that attract such a significant amount of positive weight, they outweigh the negative weight associated with policies BCS9 and DM17, meaning the residential-led development is acceptable in principle. It is recognised that this does represent a departure from the development plan, but there are material considerations that indicate these development plan policies should not be followed.

ii. Loss of a Community Use

The key 'in principle' policies concerning the proposal's impact on, and provision of community facilities are BCS12 'Community Facilities' and DM5 'Protection of Community Facilities'. The use of the site meets the definitions for community facilities included in the explanatory texts to policy BCS12 (4.12.2) and policy DM5 (2.5.2 and 2.5.3), as the Zoo provided a social and community role, predominantly through the provision of education facilities. As the Planning Statement acknowledges, the zoological use of the site was operated by the Society, a conservation and education charity, meaning it was not community led. The Statement also advises that the community generally would not have free access to the Zoo. In this way it is reasonable to consider that the Zoo was not a 'typical' community facility, like for example a use where the sole or primary function is to serve the community, and the Zoo did not serve the day-to-day needs of community. Officers acknowledge that the existing use does not fit neatly under the umbrella of uses safeguarded by policies BCS12 and DM5, such as a place of worship or community centre, but nevertheless advise that as the site represents a community facility, it is necessary to consider the proposal against policies BCS12 and DM5.

Policy BCS12 states: "...existing community facilities should be retained, unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made". Policy DM5 provides further criteria to determine the importance of the facility, in terms of this application, the policy states that *"...the loss of the community facility should not be permitted unless it is demonstrated that:*

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

The explanatory text to policy DM5 (paragraph 2.5.3) advises that the importance of community facilities should be considered, and paragraph 2.5.4 advises that *"when making an assessment of the importance of the community facility consideration should be given to:*

- Local need and demand for the existing community facility or other community facilities that are willing and able to make use of the building(s) or land;*

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- *The extent and quality of local provision of the existing community facility;*
- *The nature, pattern and frequency of activities taking place at the site;*
- *Its contribution to the diversity of community facilities in the locality;*
- *The accessibility of the site and other local community facilities by walking, cycling and public transport;*
- *In the case of commercial community facilities, whether the use is no longer viable (applicants will need to submit evidence to demonstrate that the site is no longer viable for that use and has been adequately marketed. The latter should be undertaken in accordance with the guidelines on the carrying out of marketing which are available to view on the council's website under planning advice and guidance.);*
- *Whether the site or building has been listed as an asset of community value”.*

As a number of the bullet points above are relevant to the consideration of policy DM5's criteria, it is helpful to understand the application in terms of these considerations.

The Planning Statement advises that the majority of visitors come from Bristol and the wider South West, with 60% of visitors coming from outside of Bristol according to the 'Response to Case Officer's Note' received in January 2023. This indicates that whilst local residents would visit the Zoo, it was a regional attraction, rather than providing for need and demand for the local community. The Planning Statement also outlines that alternative provision for the existing use is provided within the region. Officers agree with this statement and find the regional-level to represent a suitable catchment to consider whether there is alternative provision for the Zoo. There is alternative provision of animal focussed visitor attractions within the region, for example the Wild Place Project where the Zoo is relocating, and Noah's Ark Zoo Farm. Comments have suggested that the Wild Place is not a suitable alternative for reasons of location, equality and access. The location of the Wild Place at Blackhorse Hill near Cribb's Causeway is also within the South West region, and from visiting their website, it does appear from their Accessibility Statement that whilst some areas will not be accessible to all, for example wheelchair users, the Wild Place does have procedures in place to ensure equality of access. From Bristol, the Wild Place is not as easily accessed by sustainable modes of transport as the Zoo is, however the Wild Place's website indicates that it is possible to travel by bus from Bristol to stops only a short walk to the Wild Place. Similarly, Noah's Ark Zoo Farm is also accessible from Bristol by bus, and their website explains that most areas are wheelchair accessible, their Accessibility Guide also explains how the venue caters for those with hearing and visual related disabilities. Accordingly, in reaching the decision that there is alternative provision of animal focussed visitor attractions within the region, officers have had taken due regard in relation to the Public Sector Equality Duty in terms of its impact upon the groups with protected characteristics, including those with impaired mobility.

The use performs other community roles, including the site's value as a place for the community to spend time within the gardens and a venue to host events. The proposal includes free public access to the site and provides open spaces that would be valuable to the local community. Further, the proposed Conservation Hub includes an exhibition space, an education room, a small office attached to the education space, a meeting room, and a café that could also host meetings or other events, the relevant details will be secured by condition. The submitted Public Art and Culture Strategy sets out the approach to delivering successful public art provision, including permanent and semi-permanent commissions, as well as a programme of cultural events and performances within the site. As a result of these features, the proposal ensures that the site will still provide for the local community, and in part will be enhanced due to the proposed free public access.

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The site is not within the most accessible part of Bristol for walking, cycling and public transport, which is reflected in the applicant's 'Response to Case Officer's Note', where it is reported that 85% of the Zoo visitors arrived by car (this data is from the 2021 High Court Case). However, it is accepted that the site is accessible by public transport given it is on a main bus route and is within less than 1km walk to Clifton Village and Whiteladies Road.

Whilst operated by a charity, the use of the site was commercial in nature. The Planning Statement suggests the existing use cannot be retained due to viability reasons relating to falling visitor numbers, a lack of car parking, and expectations for animal welfare. The Zoo has closed, this may well have been a result of a commercial decision as many stakeholders have suggested, but as per the 'Background' section, the reasons for closing the Zoo provided by the Applicant indicates that this decision was not unreasonable, and there is a need to reuse or redevelop the site.

The site is listed as an Asset of Community Value, which suggests the site provides an important community facility. The Society has served notice of the intent to dispose of the site, to which no responses were received from community groups seeking to register an interest to purchase the site. In accordance with the relevant legislation, this means the Society is free to sell the site. This evidences that within the 6 weeks' notice period, no eligible community groups registered an interest to buy the site, which does suggest a lack of interest from community groups to reuse the site for community purposes but falls short of evidencing that there is no need or demand for any other suitable community facility that is willing or able to make use of the site, given the short notice period.

Concerning policy BCS12, the application includes sufficient information to demonstrate that there is already alternative provision for the zoological use of the site within the region and the other community attributes of the use are being re-provided as part of the proposals, meaning the loss of the community use is not resisted in relation to policy BCS12. In relation to policy DM5, only one of the five criteria listed needs to be met to enable the loss of community facilities land or buildings.

Criterion i of DM5 has two limbs, depending on whether the community use is still ongoing or has ceased. This is a case under the second limb. In relation to the second limb of criterion i, whilst evidence has been provided to suggest that within a short notice period associated with the Asset of Community Value, no interest from community groups to make use of the facility was received, this falls short of the expected marketed period to meet the threshold of the second limb of criterion i. In response to criterion ii, the Applicant's case is the site is no longer suitable to accommodate the current use. Limited evidence has been provided to suggest another community facility could not operate from the site, meaning criterion ii of policy DM5 is not met. However, officers do acknowledge that the nature of the site may not lend itself to many other community uses. Criterion iii is not satisfied because, whilst some aspects of the community use are being re-provided, it is not being fully retained enhanced or reinstated because the principal zoo use will not be included. With regard to criterion iv, there is a need to consider whether there is appropriate replacement provision of the community facilities. As already noted, the zoo use has been re-provided for at the Wild Place Project but there are other community aspects to that use. Those more local aspects, as an open space, events venue, and meeting place for the community, are being re-provided at the site in an enhanced form. Similarly, the Planning Statement provides evidence of alternative zoological uses in the wider region, which is considered to represent a suitable alternative location for that element, meaning that taken overall the proposal meets policy DM5, criterion iv.

It also necessary to consider Section 8 of the NPPF, paragraph 93 is most relevant and states:



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

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.*

The development meets the expectations of paragraph 93 a and b, by integrating proposals that will provide for the community, including the provision of open spaces, a play area, and community-focussed floorspace. As has been established, the site provides valued facilities and services, but it is fair to conclude that the loss of the zoological use would not reduce the community’s ability to meet its day-to-day needs, meaning the proposal meets the expectations of paragraph 93 c. For example, where members of the public have suggested they visit the site regularly, they explain this is to allow children to play in a safe environment, the proposal would still provide for this community use. The established zoological facilities will be lost at the site, but as discussed, the proposal retains and provides community facilities, such as open spaces and dedicated floorspace within the Clifton Conservation Hub, that will support the local community, in accordance with paragraph 93 d and e.

Overall, officers recommend that the proposal meets the expectations of policies BCS12 and DM5, and paragraph 93 of the NPPF. Many comments received made by interest groups and members of the public strongly object to the loss of the zoo as a community facility, suggesting the site represents a viable zoo or that an alternative community-focussed use could operate from the site. Further, comments have also argued that other zoological uses in the region should not represent ‘alternative replacement community facilities’, on the grounds of location and the nature of the uses. Officers disagree with this argument, but for the avoidance of doubt, even if the proposal failed the expectations of policies BCS12 and DM5 as some suggest, officers would still recommend that the loss of the existing community facility should not represent a reason to refuse the development. The proposal’s overall offer to the community would continue to provide the social, recreational and cultural facilities and services the community needs, in a different but comparable manner to the existing value of the Zoo’s facilities, predominantly due to the free public access proposed.

### iii. Community Floorspace (Class E, F1 and F2)

The existing Grade II listed Entrance Lodge building will be converted into a mixed-use building known as the Clifton Conservation Hub building, which includes a café, exhibition area, education and meeting room, and WCs (Classes E, F1 and F2). The submission suggests this building will be community-focussed, and this is needed to help activate the publicly accessible gardens and retain community floorspace at the site. For example, the café use would support functioning of the public open space through providing visitors with a place to buy food and drink, shelter from inclement weather, and use WCs. The café use, whilst not strictly a typical community floorspace as per the definitions included in policies BCS12 and DM5, will nevertheless provide space for the community to meet, and will complement the open space. In accordance with policy BCS12, the community floorspace is in a location with a range of travel options and it is suitably accessible to all members of the community.

The Use Classes proposed include:

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- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
  - E(c)(i) Financial services,
  - E(c)(ii) Professional services (other than health or medical services), or
  - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
  - E(g)(i) Offices to carry out any operational or administrative functions,
  - E(g)(ii) Research and development of products or processes
  - E(g)(iii) Industrial processes
- F1 Learning and non-residential institutions – Use (not including residential use) defined in 7 parts:
  - F1(a) Provision of education
  - F1(b) Display of works of art (otherwise than for sale or hire)
  - F1(c) Museums
  - F1(d) Public libraries or public reading rooms
  - F1(e) Public halls or exhibition halls
  - F1(f) Public worship or religious instruction (or in connection with such use)
  - F1(g) Law courts
- F2 Local community – Use as defined in 4 parts:
  - F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
  - F2(b) Halls or meeting places for the principal use of the local community
  - F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
  - F2(d) Indoor or outdoor swimming pools or skating rinks

Of these uses, the following are considered main town centre uses (as defined by policy DM7 and the NPPF's Glossary): Class E(a),(b),(c),(d), and (g); Class F1(b), (c), and (e) exhibition halls only; and Class F2 (a) and (d). The development plan primarily directs main town centre uses to centres, as policies BCS7 and DM7 generally do not support such uses outside of designated centres. Policy DM7 however, permits main town centre uses outside of centres in limited circumstances, one being where "The proposal is of a small scale and aimed at providing for local needs" (policy DM7 ii). Paragraph 2.7.7 of policy DM7 identifies 'small-scale' as having a floorspace no greater than 200 sq.m. The floorspace of the Clifton Conservation Hub exceeds 200 sq.m, and given the mix of uses proposed, if permitted without restriction, the total main town centre uses could exceed 200 sq.m, meaning a sequential test is required to address the first criterion of policy DM7 i. However, the Applicant contends that the extent of main town centre uses proposed could be limited by condition, to ensure that the total floorspace used by main town centre uses do not exceed 200sq.m, and hence a sequential test is not required.

Specifically, the Applicant advises that they are willing to accept a condition that restricts the use of the building so the only main town centre uses permitted would be classes E(a) 'Display or retail sale of goods, other than hot food' and E(b) 'Sale of food and drink for consumption (mostly) on the premises', and Class F1(e) 'Public halls or exhibition halls'. The Applicant has submitted a plan (ref. BZG-PPA-CCH-ZZ-SK-A-1101 PL1) showing the extent of floorspace within building that they suggest would be used for the main town centre uses, this helps to demonstrate how the building would

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operate with a restrictive condition imposed. By visually demonstrating the extent of the total main town centre floorspace (200 sq.m) within the building, the plan can also be subject to a restrictive condition, which would aid potential enforcement of the condition should more than 200 sq.m be used by main town centre uses. Such a condition would not unduly compromise the viability of the building, which must be ensured given its listed status. This is because the floor area leftover after the main town centre uses (the café and exhibition space) is not contrived by nature of the building's shape or remaining floorspace. Rather, the extent indicated on the plan for the main town centre use leaves required circulation space, the WCs, and a more contained series of connected rooms, primarily centred around the 'education room' as labelled on plan. These rooms could be used for permitted non-main town centre uses, including for the provision of education and as a meeting space for the community. A restrictive condition would not prevent the flexible use of the building as envisaged in the submission, for example the area labelled as a café on plan could still provide a meeting place for the local community.

Officers are therefore confident that a condition can successfully restrict the main town centre uses so the proposal of such uses can be considered 'small scale', as required by policy DM7, criterion ii. To be acceptable out of centre, criterion ii also requires the main town centre proposals to be aimed at providing for local needs. The Applicant has explained how the proposed café floorspace (classes E(a) and (b)) and exhibition space (class F1(e)) would provide for a local need. Amongst other things, Classes E(a) and (b) allows for the sale of food and drinks to either be consumed on the premises, or be taken away. As such, the Applicant suggests that the café use will support and encourage the public use of the open spaces proposed at the site, as well through providing a meeting space for the local community. Officers agree that the uses permitted by Class E(a) and (b) would support the open space at the site, through providing members of the public with a place to purchase food and drink to compliment the experience of visiting the site, as well as by providing a place for rest or to shelter when visiting the development. Class F1(e) provides a space use as a public hall or exhibition hall, the submission suggests the room labelled on plan as 'exhibition space' will likely mainly operate in an ancillary manner to the community uses of the building, such as the education use. Further, the Community and Public Benefits document (Jan 2023) authored by the Society, suggests the building could provide exhibition space showcasing the site's heritage, as well as the Society's ongoing conservation work. Justification has therefore been provided to demonstrate how these uses are aimed at local needs. The restrictive condition will need to also limit the allowed main town centre uses to only Classes E(a) and (b), and F1(e).

In summary, subject to a condition to restrict main town centre uses, the proposed main town centre uses are acceptable in this location, as they comply with policy DM7's requirement for them to be of a small scale and aimed at providing for local needs. A sequential test is not required by the NPPF, as in accordance with paragraph 87, the planning application is in accordance with the development plan. The restrictive condition is advised, and will have the following key restrictions:

- In accordance with plan ref. ref. BZG-PPA-CCH-ZZ-SK-A-1101 PL1 the extent of floorspace occupied by main town centre uses within the Clifton Conservation Hub building shall be limited to no more than 200 sq.m, and shall only be used for the following purposes as defined by Classes E(a) and (b), and F1(e).
- Main town centre uses are those defined by the Policy DM7 (para 2.7.6) and the Glossary to the NPPF.

Conditions are recommended to ensure the building fulfils the intent of the submission as a primarily community-focused mix of uses, this includes restricting how the building could be used in future, and to ensure the WCs are publicly accessible when the building is open.

The proposed café represents a food and drink use, meaning policy DM10 applies. The proposed café use will not harm the character of the area, residential amenity and/or public safety, either

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through its individual or cumulative impact. A condition is recommended with regard to its management, to ensure it will not materially harm the amenity of the area. The proposal is not a takeaway, hence in relation to nearby students (e.g. Clifton College), the café is unlikely to influence the behaviour harmful to health or the promotion of healthy lifestyles. The café could operate ancillary takeaways to the café use, but given the likely scale this operation would represent, it is unlikely that it would influence behaviour harmful to health or the promotion of healthy lifestyles.

The principle of the proposed uses within the Clifton Conservation Hub are considered to be acceptable and represents a public benefit to the local community.

#### iv. Residential Development

Subsection i and ii of this Key Issue established that policies relating to the protection of open space and community facilities are not a reason to resist the residential-led redevelopment of this site. Therefore, it is necessary to consider policies concerning housing delivery.

Policy BCS5 'Housing Provision' sets out the CS's aim '...to deliver new homes within the built up area to contribute towards accommodating a growing number of people and households in the city', and highlights that the '...minimum target will be 26,400 homes between 2006 and 2026'. Further, policy BCS5 identifies that the '...development of new homes will primarily be on previously developed sites across the city', and goes on to advise that 'some new homes will be developed on open space which does not need to be retained as part of the city's green infrastructure provision'. The development would contribute to the minimum new homes target discussed in policy BCS5 and would provide housing in a built-up area, as envisaged by the policy. The site includes many permanent built structures but cannot be considered as previously developed land due to the definition provided by Annex 2 of the NPPF. Whilst the policy expects new homes to primarily be delivered on previously developed sites, it does not preclude the provision of housing on open spaces. Specifically, policy BCS5 allows new homes on open spaces which do not need to be retained as part of the city's green infrastructure provision. The site does not form part of Bristol's Strategic Green Infrastructure, as illustrated by Diagram 4.9.1 of the CS. As Subsection i of this Key Issue 'Important Open Space' explains, the site does not need to be retained in its current form to provide valuable open space as part of the city's green infrastructure provision. Therefore, the residential-led redevelopment of the site complies with policy BCS5.

Policy BCS20 'Effective and Efficient Use of Land' seeks to ensure that all developments maximise the use of previously developed land, but importantly does not prevent the development of undeveloped land. Applicable to this site is the key expectation of the policy, that development uses land efficiently, achieving densities appropriate for the respective site. The policy expects appropriate densities for sites to be informed by the characteristics of the site, the local context, the site's accessibility, the opportunities for a mix of uses across the site, the need to provide an appropriate mix of housing to meet the community's needs and demands, and the need to achieve high quality, well designed environments.

In common with policy BCS5 and BCS20, the NPPF promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119). Further, paragraph 120d of the NPPF expects planning decisions to amongst other things, 'promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...'. The site is under-utilised given the Zoo has closed, and the residential-led development will help to meet the identified need for housing in Bristol. The Council cannot demonstrate a five year supply of deliverable housing sites (the Council identified a housing land supply of 2.45 years for the purposes of a recent Appeal at Brislington Meadows) and has failed its most recent Housing Delivery Test. These indicators highlight the

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significant need for new housing developments in Bristol, a need which this application would help to address. The principle of the residential-led redevelopment of the site is considered to be acceptable.

As the Council cannot demonstrate a five year supply of deliverable housing sites and has failed the recent Housing Delivery Test, paragraph 11(d) of the NPPF is engaged. In accordance with paragraph 11d.i, if the proposal is found to be contrary to policies in the NPPF concerning designated heritage assets or habitat sites (as listed in paragraph 181), this would represent a clear reason for refusing the development. Those issues are addressed in Key Issues B 'Heritage Assessment' and I 'Nature Conservation' of this report and the conclusion is reached that, subject to appropriate conditions and the securing of benefits in a s.106 agreement, they would not justify a refusal of permission. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11(d) of the NPPF is engaged. This indicates that the planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (11d.ii). Together with this Key Issue, the remaining report assesses the development against the development plan, along with other material considerations, including the NPPF, culminating in a consideration of the planning balance, where any adverse impacts of the granting planning permission are weighed against its benefits, when assessed against the policies in the NPPF when taken as a whole (see Key Issue L 'Planning Balance and Conclusion').

v. Summary

Officers acknowledge the harm associated with the residential use of land designated as Important Open Space, but for the reasons discussed in subsection i, advise that there are material considerations that indicate the residential use is acceptable. Largely as the development will enhance the site's open space value, through providing high quality open spaces that will be freely accessible to members of the public. The residential use is necessary to fund the long-term management of these spaces at no cost to members of the public. The proposal meets the expectations of policies BCS12 and DM5, and paragraph 93 of the NPPF. The proposal's overall offer to the community would continue to provide social, recreational and cultural facilities and services to the community, in an equitable manner to the existing value of the Zoo. The principle of the development is therefore acceptable with regard to its impact on the existing community facilities at the site. The proposal's significant housing offer attracts substantial weight, especially given the Council's housing supply issues. Overall, the principle of the development is acceptable.

### **Key Issue B. Heritage Assessment**

This section considers the proposal's impact on heritage assets, through initially setting out the relevant policy and guidance, and then assessing the development's impact on heritage assets in accordance with discussed policy and guidance. The assessment also considers the cumulative impact of the proposal and the approved residential development of the West Car Park.

i. Relevant Policy and Guidance

As advised by Historic England's comments, any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the NPPF and the Local Plan.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its

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setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Where there is harm to a listed building or a conservation area the decision maker must give that harm considerable importance and weight.

Section 16 of the NPPF sets out the expectations for the role planning decisions should play in conserving and enhancing the historic environment. A 'heritage asset' is defined in the NPPF (Annex 2) as: *"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."* 'Significance' is defined (also in Annex 2) as *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

Paragraph 189 of the NPPF states: *"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value [FN66]. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations [FN67]"*. The thrust of this paragraph is embodied within the further paragraph of the NPPF that advise on how to assess proposals impact on heritage assets.

When considering the current proposals, in line with paragraph 194 of the NPPF, the significance of the asset's setting requires consideration.

Paragraph 195 states: *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

Paragraph 199 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be.

Paragraph 200 states: *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- i. *grade II listed buildings, or grade II registered parks or gardens, should be exceptional.*
- ii. *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*

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Therefore, clear and convincing justification is needed if there is loss of or harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting).

Paragraph 201 provides advice where there would be substantial harm to a heritage asset and, essentially, requires it to be necessary to cause that harm to deliver substantial public benefits outweighing the harm or the nature of the heritage asset makes this the only practical option. As explained below, it is not considered that this is a 'substantial harm' case.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As explained below, it is considered that this is a 'less than substantial harm' case.

Paragraph 203 advises where a proposal will impact the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 206 states that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting, that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 207 states: *"Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole".*

In addition, policy BCS22 states that: *"Development will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including historic buildings both nationally and locally listed... and conservation areas."* Policy DM31 requires that *"proposals affecting locally important heritage assets should ensure they are conserved having regard to their significance and the degree of harm or loss of significance"*. In relation to conserving heritage assets, the policy goes on to state that:

*"Where a proposal would affect the significance of a heritage asset, including a locally listed heritage asset, or its wider historic setting, the applicant will be expected to:*

- *Demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and*
- *Demonstrate that the works proposed are the minimum required to secure the long term use of the asset; and*
- *Demonstrate how those features of a heritage asset that contribute to its historical, archaeological, social, artistic or architectural interest will be retained; and*
- *Demonstrate how the local character of the area will be respected."*

Further to these heritage-related policies, policy DM26 is also highly relevant as it helps to express the aims of policy BCS22 in a series of key urban design objectives for new development. There are

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also a range of more urban design-related policies relevant to this development that all seek to achieve a high standard of urban design – Policies BCS20, BCS21, DM27, DM28, DM29, and DM30. In addition to these policies, is the UL SPD that includes relevant urban design-related guidance. Whilst the assessment of the proposal's impact on heritage assets is a key element of urban design, officers consider it necessary to focus only on the proposal's impact on heritage assets within this Key Issue, remaining urban design considerations will be assessed in the Key Issue D. Finally, the Council has published a Character Appraisal and Management Proposals for the Clifton and Hotwells Conservation Area (dated June 2010), this document is referred to hereafter as 'the Character Appraisal'.

ii. The Heritage Assets

The application has the potential to impact the following heritage assets:

- Clifton and Hotwells Conservation Area (within)
- The Downs Conservation Area (immediately to the north)
- Listed buildings:
  - Bristol Zoological Gardens entrance (Grade II), north west corner of site
  - Giraffe House (Grade II), south eastern side
  - South entrance gates and flanking walls, Gurthrie Road
  - Bear Pit (Grade II), within the site
  - Monkey Temple (Grade II), within the site
  - Eagle Aviary (Grade II), within the site
  - Clifton College, various Grade II and Grade II\* listed buildings on the southern side of Guthrie Road, including Warden's Office, North East Wing, Percival Buildings and Wilson Tower, Big School building, and School House.
- Locally listings:
  - The site, as a historic park and garden;
  - The Clifton Pavilion (west side of site, facing College Road)
  - Clifton Music School (southern tip at junction of College Road and Guthrie Road)
  - Clifton College Preparatory School (north east)
  - Houses on Clifton Down (to the west)

Bristol Zoo Gardens is the earliest provincial Zoo in England, having opened in 1836. The site is designated as a locally listed historic park and garden, which is a non-designated heritage asset. As Historic England identifies, the gardens have been continually upgraded and adapted since opening but retain key features of the original design principles in a legible manner, including: a long terrace walk at the north side of the site, a large water feature in the centre, verdant planting, and landscaping, and exhibits in contained areas around the site perimeter. The site is of considerable heritage significance and contributes positively to the significance of the Clifton and Hotwells Conservation Area.

The site is located within centre of the very northern section of the Clifton and Hotwells Conservation Area. The Character Appraisal identifies the site as being within Character Area 2, titled 'The Zoo and College'. This area is considered to be distinct from much of the Conservation Area, given it is dominated by institutions, namely the Zoo and Clifton College. The Character Appraisal notes the Zoo and Clifton College are at the heart of the more formal grid pattern the streets follow in the north of the Conservation Area. Map 3 of the Character Appraisal identifies Northcote Road as an 'intimate route', as well as the route abutting the northern site boundary, whereas Guthrie Road and College Road are



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considered to be ‘secondary routes’. Map 4 of the Character Appraisal identifies the important views in the Conservation Area, of most relevance to this development are views P21, L25, LC21, and LC26. The Character Appraisal also identifies the site as a crucial landmark, containing landmark buildings, and Map 5 identifies a number of perimeter buildings on the north, east and south side of the site as ‘neutral buildings’, as well as buildings of merit and character buildings, including the Clifton Pavilion (locally listed) on College Road and Clifton College’s Music School (locally listed) on the northern side of Guthrie Road. There are also character buildings on Northcote Road and College Road that contribute positively to the significance of the Conservation Area. Since the Character Appraisal was published, a number of buildings within the site have been listed by Historic England, these are listed above. Generally, the site includes listed and unlisted structures that contribute positively to the site’s significance.

The Character Appraisal states the following concerning the site: *“The Bristol Zoo Gardens opened in 1836 by the Bristol, Clifton and West of England Zoological Society. It was set up as a scientific institution devoted to popular culture and is one of the oldest zoos in Europe. By the 1920s the Zoo’s popularity declined and the gardens were improved and modernised; by the 1930s the Zoo formed links with the University of Bristol, which forged its reputation as a centre for breeding endangered species. The Zoo, which occupies a 12 acre site, is now one of Bristol’s main attractions which has over 600,000 visitors each year”*.

At paragraph 7.1.2, the Character Appraisal explains the predominant characteristics of the area, but largely explains the architectural features of the Victorian villas in the area, which reflects the distinct character of the Zoo itself, given it is contained behind large boundary walls. The Character Appraisal identifies the Zoo and Clifton College as being set amongst large villas, and being characterised by well maintained landscaped space responding to their late Victorian period. Indeed, the Character Appraisal highlights the contribution the Zoo’s collection of trees makes to the Conservation Area at paragraph 7.6.10. In discussing the typical land uses and issues in the Conservation Area, the Character Appraisal identifies the main issues affecting residential areas, institutions and churches, open spaces and community gardens, and commercial uses.

The site’s significance is provided by physical characteristics of the Zoo, which includes the legible features evident from the original design principles, its historic planting and landscaping, diverse architecture and high boundary walls, and the listed and locally listed structures within the site. As identified by the Character Appraisal, the Zoo is an institution, and a great part of the site’s significance is in its communal value; as Historic England explains in their initial comments, this is the “...meaning of the place for the people who relate to it, or for whom it figures in their collective experience or memory”. From this perspective, the significance is therefore more in relation to the use of site as a Zoo, than the site’s physical features. These features are integral to the site’s local listing as an historic park and garden and contributes positively to the historic and architectural character of the Conservation Area, as well as other heritage assets both within the site and in the local area.

There is scope to enhance and better reveal a number of the heritage assets discussed above, most notably the site itself as a locally listed park and garden; the listed and locally listed buildings within the site; and the Conservation Area.

### iii. Application Proposals

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The proposal can be summarised into three main categories of development. Firstly, there are the residential buildings consisting of new-build and converted buildings at the site's perimeter. The northern block spans the northern side of the site, rising from 3 storeys adjacent to the Entrance Lodge building, to 4 storeys for a short section, progressing to 5 storeys until the building's mid-point, where it increases to 6 storeys for the majority of the remaining elevation, dropping at the north eastern corner to 3-4 storeys. The Entrance Lodge buildings will be converted into a community and café use. On the eastern side of the site facing Northcote Road, three new buildings ranging from 3 to 5 storeys are proposed, and the existing Clock Tower building will be retained and extended upwards by 2 storeys. On Guthrie Road, a new 5 storey building is proposed, which will turn the corner from Northcote Road and terminates adjacent to the listed gates. A new 4 storey apartment block is proposed on the other side of the listed Guthrie Road gates, terminating adjacent to Clifton College's music building. Adjacent to College Road, the major intervention proposed consists of the new vehicular access and 5, 4 -storey terraced houses, further development includes the sensitive conversion of the Clifton Pavilion building to a residential use. Secondly, the development includes new homes within the centre of the site in the form of 3-4 storey semi-detached and short terraces, adjacent to the southern side of the new Lake and Parrot House. The Parrot House and Museum buildings are proposed to be sensitively converted into residential dwellings. Finally, the third element of the development consists of the comprehensive landscape-orientated proposals that contribute to the site's open space and historic landscape, including the retention of significant buildings and features such as the Grand Terrace, Bear Pit, Bird Aviary, and Monkey Temple; the provision of open space such as the Lawns, the reshaped Lake, and play areas; and new site entrances increasing permeability to the site.

Aside from the motivations of the Applicant, the proposal is guided by detailed arboricultural and landscape surveys, a heritage assessment, a consultation process with Historic England, engagement with the Council, and community involvement. The Heritage Statement accurately identifies the historic significance of the key structures and features within the site, and this understanding is evident in the approach to the masterplan, which retains buildings of historic significance, including the listed buildings within the site, as well as other buildings that are non-designated heritage assets. The layout of the development retains key landscape features such as the Grand Terrace and appropriately reinterprets the Lake, which has been re-shaped over the course of the site's history. The location of the series of new residential buildings around the perimeter of the site, largely in the position of where existing animal enclosures and other buildings are located, is a sound approach to the development of the site and respects its significance. The Heritage Statement suggests the perimeter block typology takes its cues from over a century of an enclosed, walled site, pierced by openings around historically important features. Through locating the majority of the built form at the perimeter of the site, it also provides openness of the inner site, save for the Lakehouses. However, the scale and massing of these perimeter blocks has been questioned by the Council's Urban Design Team, in response to which amendments have been made to some blocks, most notably the northern block.

The design of the Lakehouses within the centre of the site is of high quality, and officers agree with Historic England's assessment that the Lakehouses suitably interprets the Zoo's otherworldliness. Further, officers acknowledge that there is justification for locating buildings within the inner site, largely as historically there has been buildings within the centre areas. However, the number of Lakehouses within the central areas, as opposed to at the site's edges is criticised, as in addition to detracting from the site's perception of the open spaces as a public place, their location necessitates vehicular movements within the site, which materially detracts from the site's landscape value and

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runs contrary to the historic nature of the gardens that have always been largely free from traffic. The harm resulting from vehicular movements is minimised by the development's layout and the position of access points, which the Applicant suggests will suitably distribute vehicular movements reducing their impact on the visitors using the site's open spaces. Further, the surface treatment detailed within the Landscape Design Statement suggests the internal roads will be finished in materials to form shared surfaces for pedestrians, cyclists, and cars, which is suggested to create routes, rather than roads.

The Grade II listed Entrance Lodge is proposed to be converted to form a community focussed building, including a community meeting room, offices for a local charity (please note the end-user cannot be controlled as part of any planning permission), and a café. The conversion is sensitive to the building's historic and architectural significance. The Grade II listed Giraffe House within the centre of the site will be converted into a single-family home. The proposal enhances the significance of the building through removing large glazed and steel-framed enclosures from north and east elevations, and the interventions to facilitate the residential use of the building are appropriate. The Grade II listed Aquarium, which was originally the Bear Pit, is proposed to be refurbished to better reveal the original form of the building as a bear pit and will be integrated into the landscape as a feature accessible to the public. The Grade II listed Monkey Temple currently functions as a garden folly, rather than an animal enclosure. The proposal seeks to reopen access up the steps to the Monkey Temple and reinstate the historic Buddha statue. The proposal will introduce planted landscaping around the structure, and it will be integrated into the proposal's open space offering. Adjacent to the Monkey Temple building is the Grade II listed Birds of Prey Aviary, which will be converted from an animal enclosure to a seating area, as with the other garden follies, the proposal provides for re-use of the structure in future and sensitively enhances its significance. The more recent extension to the locally listed Clifton Pavilion will be removed, and the original building subdivided to provide residential accommodation in a sensitive manner. The elevation facing College road will be returned to its former appearance through unblocking windows, which will enhance both the locally listed building and the Conservation Area.

As has been discussed within the Open Space sub-section to Key Issue A, the retention of open spaces and landscaping within the site positively addresses the significance of the site. The proposal enhances the Grand Terrace by replacing tarmac with a more historically appropriate treatment. Similarly, the East Lawn will be retained and improved with the proposed seating. The West Lawn will also be retained, albeit in an altered form, as it is proposed to be a landscape and SuDS feature. The site has historically had a lake/waterbody, which has changed form in response to changes introduced by the Zoo. In keeping with this historical precedent, the proposal reconfigures the shape of the Lake, forming a central landscape feature, with much improved biodiversity credentials. Unfortunately, the herbaceous border will be removed, this is partially mitigated by the proposed herbaceous planting in the Lakeside Garden. Officers realise people have spread relatives' ashes at the herbaceous border, meaning its removal will be upsetting, officers accept there is limited mitigation for this harm. The Lakeside Garden is a new feature to the site and will contribute to the character of the locally listed park and garden. The Play Area proposed is sensitively designed and will support the site's relevance to the wider community. As per the Arboricultural Officer's comments, whilst a significant number of trees are to be felled to facilitate the development, generally these trees are of average quality, whereas the trees most important to the site's significance will be retained. Proposed tree planting around individual features reflects the character of the existing zoo and the features of the related structures: for instance, the planting in and around the Monkey Temple is to be Tibetan/North Indian

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in character and designed as a place of contemplation, drawing on the character of the opportunity of the space.

Except for the Guthrie Road gates and their flanking walls, and the flanking walls to the North Entrance Lodge, the perimeter walls are not individually designated, or considered as part of the curtilage listing of other listed buildings at the site. Nonetheless, they have been considered throughout the design process to be incorporated into the local listing of the site and have been treated as non-designated heritage assets. An appropriate balance has been struck between puncturing the boundaries of the site that contribute towards its significance, and creating a permeable site that will allow the site to be perceived as a public place. The Urban Design Team considers the proposal's impact on Northcote Road to represent an enhancement to the Conservation Area, similarly the Team suggest the proposal will improve the middle section of the College Road boundary. The Grade II listed Guthrie Road entrance gates will be mechanised with a power and hydraulic supply system to enable access. The proposal also includes the refurbishment of the gates.

iv. Is there harm posed by the development?

*Bristol Zoological Gardens, Locally Listed Park and Garden – Less than substantial harm*

As per the advice of Historic England, the Victorian Society, the Urban Design Team, and many members of the public and interest groups, a considerable aspect of the site's significance is bound up in its use as a Zoo since the early 19th century. The Zoo has closed, which represents a harmful impact to the significance of the site. The proposal is not the reason for the Zoo's closure, but nevertheless if planning permission is granted, it will change the use of the site, which would represent a harmful impact to the significance of the site. The loss of the Zoo from the site is partially mitigated through good design, the preservation of historic legible features, the retention of much of the historic planting and landscape, the reuse and restoration of listed and locally listed structures within the site, and allowances made for future public access.

The Urban Design Team's comments are in part consistent with the assessment provided by the Avon Gardens Trust, who suggests the extent and scale of development, and the site layout, would result in the Zoo Gardens being enclosed by extensive and overbearing blocks of development, which in turn would harm the character and quality of the site and impact the character of the Clifton and Hotwells Conservation Area. The Trust also criticises the introduction of vehicles to the site in relation to the quality of visitor experience and questions the long-term viability of trees on the site. The loss of elements of the landscaping would also pose harm to the asset.

It has also been suggested by the Victorian Society, including other statutory consultees, that the scale and massing of the perimeter blocks will cut the gardens off from the surrounding Conservation Area, and hence harm the significance of the site and Conservation Area. Officers disagree with this assessment, as it does not take sufficient account of the existing boundaries of the site, which are currently demarcated by high boundary walls and/or buildings. The proposal will increase permeability to the site, through its new accesses. Officers do however recognise criticisms of the amount of residential development proposed, as it would negatively impact the setting of the open spaces within the site, in part due to the proposal's residential use adjacent to the open spaces, as well as the scale and massing of the apartments blocks, particularly the northern blocks. This would therefore harm the significance of the site as a historic park and garden, and in turn the setting of the Conservation Area.

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It is however important to recognise how the proposal reduces potential harm through framing open space with significant existing and proposed landscaping, and the amount of the site that would be dedicated to open space uses. Many comments concerning the impact of the proposal on the site's significance do not recognise the benefits associated with incorporation of the listed buildings at the site into the proposals, whether that be from introducing new uses or incorporating them into the landscape proposals. Further, whilst the proposal no doubt changes the character of the site, it ensures the site will retain important historical features such as the Grand Terrace, the East and West lawns, a lake, historic structures, areas of open space, significant landscaping and historic planting, and a walled character. Further, the proposal also removes many existing ancillary buildings and other unattractive enclosures that do not contribute positively to the character and legibility of the site.

The proposal introduces private residential dwellings to what is currently a quality landscape that is perceived as 'public space', which will cause cumulative harm to the Conservation Area and local historic park and garden (for example, Local View 21 from the Character Appraisal). Further, harm will be caused by the introduction of vehicular movements and car parking to what is currently a largely vehicle free landscape. These private dwellings and their associated aspects will change the perception from being a public to a private landscape in these areas, impacting the communal value of the site as well as the landscape qualities. This element of the proposal will therefore result in a less than substantial level of harm to the locally listed park and garden, as well as the Conservation Area. Nevertheless, the proposals do minimise the harm. Specifically, the Lakehouses within the inner site are architecturally interesting buildings that complement the design aesthetic of the retained zoo buildings and are consistent with the 'otherworldliness' character of the site. Further justification for the location of these buildings is provided by the fact that they are in similar locations to buildings or enclosures previously located within the inner of the site. Their design quality also represents justification for their location, as does their layout and well-conceived relationship with private and public spaces. On balance, the car parking associated with these houses is minimised, and the design intent for the car parking spaces appropriately screens and minimises their visual presence within the site. The service roads will also appear as shared space routes within the site through the careful landscape proposal. In addition, the proposed management approach to restrict car parking to designated areas will also reduce the impact of vehicular traffic within the site. Generally, the layout for car parking across the whole site is considered, and through locating parking areas near access points the presence of moving traffic within the site is minimised.

Some comments from interested parties have suggested the proposals will result in the loss of the site's essential character. Whilst officers recognise the harmful elements of the development, these are not so great that the site would lose its essential character to the detriment of its status as a locally listed park and garden, and the Conservation Area. The redevelopment proportionately retains the historic planting and landscape, as well as key features that have historically contributed to the site's significance (as well as the Conservation Area). The development's approach retains the 'walled' character, and the open space provision and public access will ensure that the site will continue to provide a communal value to Bristol, albeit a different one to the current use.

*Clifton and Hotwells Conservation Area – Less than substantial harm*

The proposed apartment buildings at the edge of the site do reinforce the walled garden character, that has contributed positively to the site being a verdant oasis within the Conservation Area. The Urban Design Team also considers the perimeter blocks to enhance the Conservation Area in certain locations given the existing quality of boundary treatments and buildings. However, officers agree with

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the comments of many statutory consultees in their criticism of the scale, height, and massing of the perimeter buildings due to its impact on the setting of the Conservation Area. Generally, this part of the Conservation Area is characterised by large Victorian residential villas that front Clifton and Durdham Downs and the surrounding streets, albeit there are also terraced townhouses and Clifton College school buildings. The large residential northern block differs from the established character of the Conservation Area, and will therefore not preserve or enhance it (as recognised from Panoramic View 21 in the Character Appraisal). Over the course of the application amendments have been made, most notably to the northern block where changes have successfully reduced the building's overall massing. The Urban Design Team confirms these amendments have reduced the proposal's impact but suggests further amendments could break down the massing and create a more villa type appearance, thereby reducing the level of harm. These amendments would likely further reduce the number of homes proposed and hence have not been pursued any further given the quantity of development is justified. The scale and massing of the other perimeter blocks around the site also causes less than substantial harm to the character and appearance of the Conservation Area and the setting of listed buildings such as the listed Clifton College buildings on Guthrie Road as demonstrated in views at the junction of Guthrie Road and Northcote Road looking towards College Road (Local View 26, as defined by the Character Appraisal).

The Character Appraisal recognises the distinct character of the site being contained within large boundary walls, compared to nearby Victorian Villas set within a grid layout. In this way, there is justification for the proposal's distinct urban design response. It would be highly challenging, and at worst inappropriate, for the site to replicate a Victorian Villa-type of architecture following a grid layout at the site. Rather, the proposal's layout responds to the character of the site, and the perimeter blocks reinforce the enclosed wall character, and allows for open space to be provided within the inner site. The scale and mass of the northern block also represents a desired urban design response to the A4176 (Clifton Down) and the Downs, as generally larger buildings are used to address open settings. Generally, the proposal will introduce high quality materials to the townscape.

The proposal's cumulative impact with the approved development as the West Car Park has been considered with the development's proposals; including the proposed works to the Clifton Pavilion building, the West Houses, and the proposed access from College Road; and is considered to be acceptable.

Overall, the scale and massing of the apartment blocks around the perimeter of the site will result in a less than substantial level of harm to the Clifton and Hotwells Conservation Area. The assessment of the proposal's impact on the Conservation Area is not limited to this section, given many of the other heritage assets discussed contribute to its significance.

*Bristol Zoological Gardens Entrance Lodges (Grade II) – Less than substantial harm*

The proposal ensures the long-term viability of the listed building through its proposals to convert it to a community focussed use (with a café), to which positive weight should be attributed in the planning balance. The physical works to the listed building are sensitive to its significance, and are limited to: breaking through an inner wall of the building that once formed the outer rear wall of the west pavilion, and adding a white-coloured vent to the 1933 rear gable of the eastern pavilion. The breaking through of the original fabric is restricted to a single doorway width which is necessary to allow a fully wheelchair-accessible toilet within the unisex toilet facilities, which are to occupy the existing ladies' toilets. Officers agree this represents a very low degree of harm that is justified, given the works are

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the minimum necessary to bring forward the proposed use, and is clearly outweighed by public benefit associated with the re-use of the building, including its provision of accessible toilets. This harm is therefore not a reason to resist the application, generally these proposed works would preserve the features of special architectural and historical interest the listed building possess.

The scale and mass of the northern block adjacent to this listed building results in a level of less than substantial harm, given the current significance of the entrance lodges includes their visual dominance in the landscape despite their low architectural form. This harm has in part been minimised by the stepping down of the northern block's scale adjacent to the entrance lodge, and by allowing separation between the respective buildings.

*Clifton College Listed Buildings – Less than substantial harm to the Grade II listed buildings immediately to the south of Guthrie Road, no harm to the Grade II\* listed buildings*

Clifton College benefits from various Grade II and Grade II\* listed buildings on the southern side of Guthrie Road, including the Warden's Office, North East Wing, Percival Buildings and Wilson Tower, Big School building, and School House. The Conservation Advisory Panel suggests the development within the southern end of the site would be over-intensive with consequential poor relationship with the nearby listed Clifton College buildings. As has been discussed, the proposed scale and mass of the building proposed at the junction of Northcote Rd and Guthrie Road will cause less than substantial harm to the Grade II listed Warden's Office and the Conservation Area. This is largely in relation to views from the junction of Northcote Road and Guthrie Road looking toward College Road (Local View 26 in the Character Appraisal). Generally, the comparative increased scale and mass of the proposed buildings on Guthrie Road will negatively impact Clifton College's listed buildings immediately to the south of Guthrie Road, all of which are Grade II listed. The proposed S1 Block on Guthrie Road has an appropriate design, and as per the advice of Historic England the proposal successfully references the character of surrounding properties and strikes the balance between a building which is clearly part of the family of new buildings on the Zoo site, but also integrates with the conservation area context of surrounding streets. The only concern is the Block's greater height than neighbouring buildings, however the harm to the nearby Grade II listed Clifton College buildings is at the lower end of less than substantial.

The Grade II\* listed buildings within the College's campus and adjacent to the cricket pitch will not be harmed by the development. Generally, views from the south, such as from Clifton College's cricket pitch will not be harmfully impacted by the development. The Urban Design Team advises, the proposal's impact on the setting of the Clifton College heritage assets is reduced in views from the south, such as from the cricket pitch, where only a slight if any impact is visible in views such as from Long View 25 (as identified in the Character Appraisal). There are also a Grade II listed lamp posts on Guthrie Road, they will not be detrimentally impacted by the scale and mass of the proposed buildings on Guthrie Road given they are lampposts, where their significance is mostly owing to their ornate design.

*Giraffe House (Grade II) – No harm*

The proposal includes the conversion of the building to form a single dwelling, the removal of various extensions to the listed building, and the retention of original/significant elements. In this way the proposal will enhance the significance of this listed building and the setting of the site as a locally listed park and garden. The proposal includes new buildings (Lakehouses) either side of the Giraffe House, albeit the new buildings are suitable distances from the Giraffe House, meaning the setting of

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the listed building is respected. The proposed new use for the Giraffe House represents an optimal viable use for the building, given the closure of the Zoo removed an active use from the building.

*Bear Pit (Grade II) - Less than substantial harm*

The closing of the Zoo removed the active use of the former Bear Pit as an aquarium. The proposal appropriately addresses this cessation of use through incorporating it into the public open space and landscape proposal as an active feature, providing an optimal viable use. More recent extensions and works to the Bear Pit will be removed to better reveal its significance and provide increased landscaping and separation from built form. Contrary to these benefits, the proposal will introduce a large buildings to the north and east of the Bear Pit, which due to their scale and massing will negatively impact the setting of this listed building. This harm is minimised through the distance between the Bear Pit and these new buildings, as well as the discussed re-use of the building and removal of more recent built form associated with the aquarium use. The harm is a less than substantial scale.

*Monkey Temple (Grade II) – No harm*

The plans to restore the Monkey Temple and reuse the building as a garden folly within a publicly accessible landscape. The plans are supported by the Twentieth Century Society, and Historic England and the Council's Urban Design Team raises no objection to the proposal in relation to this listed building. The landscape in the setting of the listed building will be altered, but due to the distance of the apartment buildings from the listed building, the significance of this heritage asset will not be harmed.

*Eagle Aviary (Grade II) – Less than substantial harm*

The Eagle Aviary will be converted into a seating area and sensitively restored, as with the Monkey Temple the Twentieth Century Society, Historic England and the Council's Urban Design Team raises no objection. The much larger Block S1 apartment building is proposed to the south east, which will impact the listed building's setting, but this harm is minimised through the proposed landscaping and the removal of built form in close proximity to the north and east.

*South entrance gates and flanking walls (Grade II) on Guthrie Road – No harm*

The proposed mechanisation of the gates and refurbishment will bring them back into use and ensure their long-term viability as an element of the site that must be operational to allow access to residents and members of the public. The proposal does not pose harm to this heritage asset, but does result in an enhancement to which positive weight should be attributed in the planning balance.

*Clifton Pavilion – No harm*

The proposal will remove the existing side extension and restore blocked up windows, which will better reveal the significance of the Clifton Pavilion building, and will also enhance the setting of the Conservation Area. The proposed works to facilitate the conversion of the building to a residential use is sensitive and will not materially harm the building's significance. The proposed use also represents an optimal viable use of the building. The West Houses are a 3.5 – 4 storey building proposed adjacent to the Clifton Pavilion. Whilst the building has a greater scale and mass than the Clifton Pavilion building, it is set back from the College Road and does has a fairly simple design, meaning it will not compete with the primacy of the Clifton Pavilion in a manner that would detract from its significance.



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The harm posed by the initial proposals to the non-designated heritage asset has been reduced through the amended proposals, and now gains the support from Historic England, the Twentieth Century Society also raises no objection to the revised design. The proposal's adjacent to the Clock Tower will impact its significance, but not detrimentally.

*Theatre – No Harm*

The Twentieth Century Society considers the Theatre on the East Lawn to be a non-designated heritage asset, and their comments do not suggest the proposal will pose harm to this building. Officers agree the proposal will not harm the significance of this building.

*Clifton College Preparatory School – Less than substantial harm*

This locally listed building is situated on the north eastern side of Northcote Road. The buildings introduced on Northcote Road will enhance the setting of the Conservation Area, but will result in a low degree of harm to the setting of this locally listed building due to the proposed buildings greater scale and massing.

*Clifton Music School – Less than substantial harm*

This locally listed building is located on Guthrie Road adjacent to the junction with College Road. The proposed S1 Block is adjacent to this building, which due to its greater scale will impact the locally listed building's setting, albeit the harm will be of a low degree.

*Collection of Houses on Clifton Down Road (Grade II listed) – No Harm*

These buildings are to the west of the site and are separated from the site by such a distance (including the Zoo's former west car park and other buildings) that the proposal will not detrimentally impact their significance.

*The Downs Conservation Area – Less than substantial harm*

The Urban Design Team suggest the proposal will not materially harm the significance of this designated heritage asset due to the topography of the Downs and the screening provided by existing trees. Similarly, the proposal will not materially harm the setting of the Downs as to undermine its status as a valuable urban landscape, as labelled by policy DM17.

*General Considerations*

The Conservation Advisory Panel suggests the reuse of a number of the listed and locally listed buildings within the site for residential homes represents harm to the significance of these assets. The communal value the Zoo contributes to the significance of the Conservation Area and site is acknowledged, but loss of the zoological use from the historic structures at the site has largely been addressed positively through the proposed conversion to residential uses, which represents an

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optimal viable use, and all remaining listed structures have been incorporated into the public grounds as historic follies, also representing an optimal viable use.

Various internal works have been proposed to the listed buildings, which requires listed building consent and are considered within ref. 22/02889/LA, which accompanies this report. There are no objections to the proposed works to the listed buildings' built fabric, given they are sensitive and contribute positively to the listed buildings' respective significance.

Generally, there is much to praise in relation to the proposal's approach to heritage assets. However, the fundamental harm that officers advise will result from this development stems from the change of use of the site from a zoological use, to a mixed use residential-led development; the scale and massing of the blocks at the perimeter of the site; and the development within more central areas of the site that will harm the significance of the site through their location and associated vehicular movements.

The Table below summarises the proposal's impact on heritage assets, with the remaining subsection explaining how the proposal poses harm.

<b>Table 1 – Assessment of Harm to Heritage Assets</b>	
<b>Heritage Asset</b>	<b>Degree of Harm Posed by the Development</b>
Clifton and Hotwells Conservation Area	Less than substantial harm
The Downs Conservation Area	Less than substantial harm
Bristol Zoological Gardens entrance (Grade II)	Less than substantial harm
Giraffe House (Grade II)	No harm
South entrance gates and flanking walls, Guthrie Road (Grade II)	No harm
Bear Pit (Grade II)	Less than substantial harm
Monkey Temple (Grade II)	No harm
Eagle Aviary (Grade II)	Less than substantial harm
Clifton College, various Grade II and Grade II* listed buildings on the southern side of Guthrie Road, including Warden's Office, North East Wing, Percival Buildings and Wilson Tower, Big School building, and School House.	Less than substantial harm to the Grade II listed buildings immediately to the south of Guthrie Road.  No harm to the Grade II* listed buildings
The site, as a historic park and garden (local listing)	Less than substantial harm
The Clifton Pavilion (local listing)	No harm
Clifton Music School (local listing)	Less than substantial harm

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Clifton College Preparatory School (local listing)	Less than substantial harm
Houses on Clifton Down (Grade II listed), to the west	No harm
Clock Tower (non-designated heritage asset)	Less than substantial harm

## v. Has clear and convincing justification been given for the harm?

The Local Authority are required to take a balanced approach in assessing applications brought before it. Whilst development that poses no heritage harm are most desirable, where development would pose harm the NPPF sets tests, to ensure the degree of harm is justified and whether it would be offset in the overall planning balance by public benefits.

The development poses a less than substantial level of harm to multiple heritage assets including: Grade II listed buildings, two Conservation Areas, and various locally listed/non-designated heritage assets. Paragraph 200 of the NPPF sets out the expectation that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. In terms of paragraph 200 of the NPPF, Historic England recommends that if the LPA considers both the principle and quantum of residential development is acceptable, their view is that the harm has been mitigated as far as possible through good design, and the LPA can proceed to the planning balance in accordance with paragraph 202 of the NPPF. Historic England also advises the LPA of the need to ensure that vehicle movements have been kept to the absolute minimum necessary to service the proposed accommodation. The LPA and Historic England's respective assessments have considered non-designated and designated heritage assets, whilst the LPA considers there to be higher degree of harm to heritage assets than Historic England, their advice remains relevant.

The harm to the designated heritage assets predominantly results from the following aspects of the proposal: the change of use resulting in the loss of the existing, albeit ceased, zoological use; and the quantity of residential development in relation to both its location within the more central areas, and its scale and massing at the perimeter of the site.

The Zoo has closed for reasons discussed within the early sections of this report. Members of the public and some amenity groups, such as the Bristol Civic Society and the Conservation Advisory Panel, have challenged the reasons for the Zoo's closure and relocation to the sister zoo at the Wild Place. In short, they suggest that the applicant must demonstrate that there are no other viable uses for the site, before accepting the current proposal. Officers disagree with this expectation, as the 'Background' section of this report establishes, the Applicant's decision to close the Zoo was reasonable, and there is a need to redevelop the site. This is in part acknowledged by Historic England, who accept that the loss of Zoo from the site appears to be unavoidable. In respect of the proposed redevelopment, the LPA should consider the change of use this represents. The proposal suitably addresses the significance of the site's use as zoological gardens, through including a significant amount of open space that is proposed to be publicly accessible and free from financial charge. Further historic elements of the site are proposed to be retained and sensitively altered to still reflect the former zoological use. These elements of the proposal will ensure the site retains a

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communal value to Bristol, as whilst the meaning of the place to visitors will change, the site will continue to offer access to members of the public. The proposal will also allow for increased public interaction with a number of heritage assets.

As per the 'Background' section of this report, the zoological use of the site has now ceased, and unless another zoological operator is minded to operate from the site, a form of re-use or redevelopment is inevitable and needed to avoid a vacant site that will quickly depreciate in landscape value if left unmanaged. There is no evidence of another zoo operator wanting or able to take on the site. Ultimately, there is a need for a new use, or a collection of uses that will generate suitable funding to manage the site's extensive historic landscapes and buildings. The proposal represents such a form of development. As will be discussed, the residential element of the development is necessary to fund the management of the open space and to allow for it to be publicly accessible without charge. The residential elements also deliver long term uses for all the historically and architecturally significant buildings at the site, as either much needed new homes, a community/café use, or historic follies integrated within a managed landscape. There is therefore clear and convincing justification for the harm associated with the proposal's failure to retain the zoological use, and the principle of the residential development is accepted with regard to its impact on the significance of heritage assets, most notably the Conservation Area and the site itself as a locally designated park and garden.

Officers have identified the proposal's harmful impact on heritage assets, which is largely due to the quantum of residential development. The Applicant states that the quantum of development has been limited to that required to sustain the future of the site for the medium/long term. Specifically, the Applicant states that the quantum of development is necessary to enable sufficient recurring income to fund the management and maintenance of the publicly accessible gardens and spaces, and to sustain the heritage assets (including the historic gardens) in the long term. In this way the quantum of units is critical to the viability of managing the open spaces (and landscape) within the site at no financial cost to the public. Based on the Society's experience of managing the existing site, and the proposed development, it is expected that managing the open and publicly accessible spaces within the site will cost £200,000 per annum, which the Applicant suggests to equate to £1,275 per unit per annum. The Management Plan explains that an Estate Service Charge will be levied on all non-affordable homes (156 units) and the Clifton Conservation Hub, and that the charge has been commercially tested, and deemed acceptable. Officers have challenged this justification, through asking if the number of units proposed could not be reduced through increasing the Estate Service Charge payable by each open market home. In response, the Applicant provided a document titled 'Assessment of estate and services charges'.

The Assessment of estate and services charges document considers the total Estate Service Charge and Service Charge future owners/occupiers of the market homes will be required to pay. Whilst all market homes will be liable to pay the Estate Service Charge, the document advises that homes within the flatted blocks will also have to pay a Service Charge to cover the day-to-day running costs of respective blocks and their associated private external areas, including items such as buildings insurance, maintenance, repairs, communal facilities and often a sinking fund. The owners/occupier of the houses within the site will not have to pay a Service Charge, as they will be directly responsible for their own service costs associated with their homes, separate to the wider Estate Service Charge. However, as the Estate Service Charge will be commensurate with the floor area of the respective home, it is expected that the houses will have to pay a higher Estate Service Charge than the flatted accommodation, as the houses are generally larger than the flats. The Applicant's case is that Estate

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Service Charge cannot be increased any further, as it would result in charges that would be unaffordable and not acceptable to the market. To evidence this, the Assessment of estate and services charges document builds on the examples included within the Management Plan of other developments. Specifically, the document investigates the level of service charges levied on other Bristol-based developments. To do so, the document focuses on 1 and 2 bed properties, and provides an average service charge for developments including communal grounds and those without:

- With communal grounds: 1 bed flat average service charge of £641 - £1,831 per annum (average £1,350), 2 bed flat average service charge of £928 - £3,277 per annum (average £1,823); and
- Without communal grounds: 1 bed flat average service charge of £641 - £1,831 per annum (£1,105), 2 bed flat average service charge of £1,300 - £3,000 per annum (average £1,705).

The Applicant advises that site and development specific factors means that the likely Estate Service Charge and Service Charge for this development will be higher than other developments in Bristol. The justification for higher service charges at this development is well-founded due to various factors, including: the scale and nature of the gardens, the management of the public open spaces (and historic structures), managing publicly accessible open spaces, insurance and maintenance of the lake, and necessary design-features of the flatted blocks. The Assessment of estate and service charges document states that the average Service Charge for the development will be in the region of £2,000 - £3,150 for a 2 bed property, so between £3,275 - £4,425 per annum, once the £1,275 Estate Service Charge has been added. With this in mind, the Applicant advises that the flatted elements of the development would be subject to some of the highest combined service charges in Bristol, with the highest example being £3,277. As such, the document advises that the *“...likely charges are considered at the limit of what can be achieved in the Bristol market, and anything in excess of those charges are unlikely to be accepted by purchasers; either significantly impact sales rates or preventing sales”* (para 19). The Applicant therefore concludes that *“...to reduce the number of properties would increase the amount each property would need to pay for an Estate Charge, resulting in charges that would be unaffordable and not acceptable to the market”* (para 20).

Through using a 2 bed flat as an average, the document adequately justifies that the cumulative service charges the flatted units will likely be subject to, will be of a level that cannot be increased further without being unaffordable and not acceptable to the market. Whilst the proposed houses will only be subject to an Estate Service Charge, they will have to pay their own associated service charge costs individually, for example building insurance and maintenance costs. Further, their respective Estate Service Charge would likely be greater than average £1,275 figure per unit, per annum, given the charge is suggested to be commensurate to the size of the unit. Taking this all into account, the Applicant has provided sufficient evidence to demonstrate that decreasing the number of units any further would undermine the development commercially, given a higher Estate Service Charge would have to be levied on each unit. Further, decreasing the Estate Service Charge to enable fewer units to be delivered is not an option, given this is the required funding to: manage the gardens, sustain free public access, and secure the wider benefits of the development. Accordingly, there is clear and convincing justification for the harm the residential development will introduce, namely that the quantum of development is required to facilitate the heritage gains and public benefits of the scheme.

The scale and massing of the development is driven by the quantum of development, which is justified. The harm resulting from this has been minimised to a degree through its elevational treatment, for example revisions have been made to Block S1 to better reflect the locality and the massing of the northern block's elevational treatment has been broken up with recesses and other

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features. Historic England also advises that in their view, the harm has been minimised as far as possible through good design.

The harm associated with locating houses within the inner site has been discussed in subsection iv, as has the justification, but there is further justification associated with their location in achieving the quantum of development. Namely, there being limited scope to relocate the quantum from the Lakehouses to other areas of the site, other than perimeter blocks, where any further increase in the number of homes would cause a greater level of harm to the Conservation Area and nearby listed buildings. Further, policy BCS18 expects developments to provide an appropriate mix of housing types, meaning there is an expectation for the residential development to deliver houses, rather than solely flats.

Historic England advises the LPA of the need to be satisfied that vehicle movements within the site have been kept to an absolute minimum necessary to serve the accommodation. The principle of residential development has been accepted, meaning the introduction of vehicular traffic within the site is necessary to service the dwellings, largely in terms of traffic resulting from residents' parking, refuse vehicles, and deliveries. The location of the proposed vehicular accesses combined with the ability to control the entrances/exits, will limit vehicular movements within the site to those required to adequately service the proposed units. Further, with reference to the Transport Statement, the Applicant highlights the relatively low frequency of vehicle movements within the site, and explains the design intent set out within the Landscape Design Statement, where roads within the site feel more like routes, than roads. Although the site is sustainably located, the Transport Statement and Transport Development Management do not recommend a car-free development. Car parking provision has generally been kept to a minimum, there may be some potential to further reduce parking associated with the Lakehouses, but officers acknowledge that the overall ratio of 0.6 parking spaces per unit is below the maximum car parking standards set out in Appendix 2 of the Local Plan's Site Allocations and Development Management Policies (1 bed unit = 1 space per unit, 2 bed unit = 1.25 spaces per unit, 3+ bed unit = 1.5 spaces per unit). Car parking spaces are generally well-integrated and will be managed to prevent car parking outside of allocated areas. Accordingly, given the quantum of residential development is justified, officers have no evidence to demonstrate that vehicle movements within the site have not been kept to a minimum.

In summary, clear and convincing justification has been provided for the identified harm to the significance of the designated (and non-designated) heritage assets discussed within subsection iv. In accordance with Historic England's advice, the LPA can proceed to the "planning balance" of weighing the less than substantial harm to the heritage assets discussed in subsection iv against any wider benefits offered by the proposals, in accordance with paragraph 202 of the NPPF.

vi. What are the purported public benefits?

The NPPF requires public benefits to be tangible, resulting directly from the development and be genuinely of a public nature. Benefits must conform with the criteria of being social, environmental, or economic.

*Environmental Benefits*

The continued conservation of a heritage asset is a public benefit, even if its historic interest is contested in some way. In explaining the proposals, this report acknowledges how the development

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assures the long-term conservation of all the designated and non-designated heritage assets within the site. Further, in accordance with paragraph 206 of the NPPF, the proposal better reveals the significance of a number of these listed buildings by removing more recent or modern accretions, representing a further heritage-benefit of the application. A planning condition is recommended to require a phasing plan that ensures these benefits are realised. As well as this, the proposed landscaping scheme ensures that most of the listed buildings are within publicly accessible areas, which together with the free public access to the site, means people visiting the site will have the opportunity to gain a better appreciation of these historic structures. The heritage benefit associated with free public access and the retention and restoration of the listed structures is also recognised by Historic England. Other heritage-gains associated with the development includes the enhancement of Northcote Road and the middle section of College Road.

Public access as a public benefit has been challenged by contributors, suggesting long term public access could be removed or reduced by future residents, who will be responsible to pay for the management of the public areas. This is a concern that has been raised by officers with the applicant throughout the process. As is discussed in Key Issue C, the Management Plan provides an appropriate framework to suitably manage the site in future, and the submission provides confidence that the management fee will be commercially acceptable to future residents. Officers recommend that the s106 Agreement include obligations to ensure future public access for the lifetime of the development, along with appropriate management. Through the planning process this is the limit to the controls available, and officers recommend they are appropriate to secure this public benefit. Some have suggested the free access to the public gardens as a benefit should be given little weight given the availability of open space nearby, however officers disagree, as the proposed publicly accessible areas of the site are distinct to the offer currently provided within the area.

The proposal will have an acceptable impact on the site's nature conservation value, and the Biodiversity Net Gain Assessment suggests the proposal will deliver a significant net gain for biodiversity, and in excess of the 10% expectation outlined in the Environment Act 2021. It is recommended that this environmental benefit is secured by condition to ensure it is realised.

Positive weight should also be attributed to the environmental benefits of locating a mixed-use, residential-led development in proximity of designated centres. Further, the development meets the relevant sustainable building measures expected by policies BCS13, 14, and 15 (as discussed in Key Issue H), meaning the development appropriately addresses expectations regarding mitigating and adapting to climate change, including moving to a low carbon economy.

*Social Benefits*

This proposal will contribute to the well-established unmet need for homes, including affordable homes, within the city. The commitment to 20% affordable homes on the site increases the supply of homes to those most in need, and within an area with low social housing provision (as per Key Issue F). The affordable M4(3) unit also provides an opportunity for a person/household in need of an accessible home to be supported in the locality.

The public access to the site has been discussed, but positive weight should be attributed to the high-quality open space provided by the development, including the children's play areas, which will help support the communities' health, social and cultural well-being. Further positive weight should be attributed to the Public Art and Cultural Strategy, which provides a tangible vision for how the

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redevelopment of the site can continue to be culturally relevant to Bristol, which will contribute positively to the site's open space and heritage value, by providing recreation and leisure activities at the site, and engaging with the community. It is recommended that this plan is secured by condition as part of any planning permission.

The proposed Clifton Conservation Hub includes dedicated community floorspace, as well as a café, which will provide a social benefit to the local community, and represents a public benefit of the development that can be secured as part of planning permission.

*Economic Benefits*

There is permanent economic benefit recognised in the increased spending by new residents on local businesses and services. The proposal will also generate employment opportunities, for example in the café and the general management of the site (the Management Plan estimates the equivalent of 6 full time jobs). Officers do recognise the Zoo also provided economic benefits to the area, but it has now closed. The economic benefit to the construction industry during development should also be considered.

## vii. Do public benefits outweigh harm where that harm has clear and convincing justification?

The proposal results in a less than substantial level of harm to multiple heritage assets, in each case considerable importance weight must be attributed, in accordance with respective importance of the asset, as set out in legislation and the NPPF. The NPPF requires the Local Authority to place "great weight" in conservation of the historic environment, defining the historic environment as an irreplaceable resource (paragraph 199). Further, the Planning (Listed Buildings and Conservation Areas) Act 1990 Statute places a duty on decision makers to have special regard to the desirability of preserving heritage assets, meaning there is a strong presumption against granting planning permission that would result in harm to heritage assets. This additional weighting in comparison to other planning considerations means it is of fundamental importance in determining development proposals that would affect it.

In this circumstance, officers consider this to be an exceptional case, where the presumption against planning permission being granted has been overridden in favour of the development which is desirable on the ground of the discussed public benefits. As such, and as required by paragraph 202 of the NPPF, the public benefits that would flow from this development are considered to materially outweigh the significant harm that this development would represent to the affected heritage assets.

## viii. Summary

Officers advise that the public benefits that would flow from this development, would act to outweigh the less than substantial harm the proposal would represent to the identified designated heritage assets. The positive weight associated with this development, would also act to outweigh the great weight associated with the identified less than substantial harm and the elements of the proposal that fail to meet the expectations of policies BCS22, DM26, and DM31.

**Key Issue C. Green Infrastructure and Landscape Design**



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This section considers the proposal's impact on existing green infrastructure, as well as the quality of the landscape design, including the needs and practicalities of servicing and long-term management.

The Arboricultural Team recognises the historic nature of the site and its rich history of landscape planting, which is reported to include a diverse population of native and oriental species within high quality landscape. Many of the trees at the site are subject to a Tree Preservation Order (no. 1438), and 19 of the trees are recorded on the national tree register as champion trees. The Team highlights that many species of trees are rare and unusual, which contributes positively to the character of the site and the wider Conservation Area. The quality of the landscape is also recognised within the Urban Design Team's comments, as well as many other contributor comments.

The supporting Arboricultural Report is an assessment of the 218 trees and 45 tree groups on site. The Arboricultural Team's comments considers the details presented within the Arboricultural Implications Assessment and Method Statement to be reasonable. The application is supported by Landscape Design Statements and a number of detailed plans, mostly authored by LUC. The Statement recognises the site's existing significant features, including valuable trees and planting, historical buildings, and the evolution of the site's historic landscape (with reference to the 1836 guidebook plan). When discussing trees, their 'T' number is taken from the provided Arboricultural Assessments.

To help mitigate associated harm to the site's significance from the introduction of residential development to the site, the landscape proposals (including tree protection and retention) must adequately soften and integrate the built form into the landscape. In this way, the quality of the proposal's landscape design is integral to the success of the development. Many aspects of the proposal's landscape design approach have been discussed within the Open Space subsection of this report, so will not be repeated here (see Key Issue A). The Landscape Design Statement is commensurate in detail and quality to the importance of the landscape proposal.

**ii Relevant Policies and Guidance**

Policy BCS9 concerns green infrastructure, as well as open space which has been discussed. In relation to green infrastructure, the policy states:

*"The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken.*

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

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

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The policy also expects national and local sites of biological and geological conservation importance, and where development would impact on the Bristol Wildlife Network it should ensure that the integrity of the network is maintained or strengthened.

Policy DM15 'Green Infrastructure Provision' expects *"The provision of additional and/or improved management of existing trees...as part of the landscape treatment of new development"*. Further, policy DM17 'Development Involving Existing Green Infrastructure' expects new development to *"...integrate important existing trees"*. It does however allow for *"...tree loss or damage [where it] is essential to allow for appropriate development"*, provided replacement trees of an appropriate species are provided.

Policy DM27 expects development to deliver high quality landscape design, which contributes to a sense of place with safe and useable outdoor spaces that are planned as an integral part of the development and respond to and reinforce the character of the context within which it is to be set. The policy also sets out the expectations for developments to be designed to take into account the needs and practicalities of servicing and long term management of public or shared private spaces and facilities, including landscapes areas.

The proposal's impact on the existing landscape is also a relevant heritage consideration, albeit this has been considered within the Heritage Key Issue.

Paragraph 131 of the NPPF highlights the importance of developments retaining and including trees, in a similar manner to the thrust of policies BCS9 and DM17. Paragraphs 174 and 180 of the NPPF are also relevant to the assessment of green infrastructure, but as these paragraphs mostly relate to biodiversity they are considered in Key Issue I, Nature Conservation. Nevertheless, paragraph 180 c is relevant as there is a single veteran tree at the site, to meet this policy the proposal must not result in the loss or deterioration of this tree. Paragraph 180c is consistent with policy DM17 with regard to the protection of Veteran trees. Policy DM27 is consistent with paragraph 130 of the NPPF, which also expects development to include effective landscaping.

The application is supported by a range of documents concerning arboriculture and landscape design, which adequately surveys the existing trees at the site, and accurately explains how trees will be impacted by the development. The Heritage Statement also considers the importance of green infrastructure to the site's significance.

### iii Tree Loss and Mitigation

The proposals will require the removal of 80 individual trees, 31 groups/part-groups and 3 hedges and of these, 44 trees, including 2 mature trees, will be translocated elsewhere on site.

T15 Loquat (*Eriobotrya japonica*) has been proposed for removal to facilitate the development of the perimeter apartments on the northern boundary of the site. The tree is subject to a TPO and is registered as a County champion tree. It is located within very close proximity to the western elevation of the Twilight World building. Translocation of the tree would be very hard to achieve and therefore its loss is justified. Within the landscape plans 3 replacement *Eriobotrya* have been proposed to secure this species longevity within the development.

The Tree Register trees enhance the character of the proposed development and maintain a link to the historic land use as a zoological garden. The loss of the *Malus florentina* and *Metasequoia glyptostroboides* prior to the application process and the further loss of trees T17 *Zelcova serrata* 'Village Green' and T180 *Photinia serratifolia* are a significant loss. Within the landscape plans a

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single *Zelcova serrata* 'Village Green' and 3 *Photinia serratifolia* have been proposed to secure this species longevity within the development, which does minimise the harm associated with the loss of the existing trees.

Two trees protected by TPO 1438 have been identified for translocation: T72 *Paulownia fargesii* and T87 *Liquidambar styraciflua* 'variegata'. This is a complex process of moving semi mature trees that does not guarantee successful establishment. Within the landscape plan 4 (South) *Paulownia fargesii* and a single *Liquidambar styraciflua* 'variegata' have been proposed to secure this species longevity within the development. 44 trees have been identified for translocation these are made up of *Dickinsonia antarctica*, *Trachycarpus fortunei*, and *Cordyline australis*. The Soft Landscape suggests 58 trees of a combination of these species will be planted, and 44 trees will be through translocating trees currently present on site; their locations have been presented on the submitted landscape planting plans. The translocation of these species is more feasible than broadleaf trees due to their root morphology, as such there is no objection in principle.

The Arboricultural Officer has reviewed the trees on site, as well the submitted documents and confirms that tree T38 (Eastern hawthorn - *Crataegus laevigata*) is the only veteran tree on site, and whilst there are other large trees at the site, they do not have sufficient stem diameters or veteran characteristics to be considered veteran trees. Further, the site does not include ancient woodland or ancient trees. Tree T38 will be retained in situ, the development's impact on this tree is considered thoroughly within the next subsection.

In total, 80 trees, 31 groups or part of, and 3 hedges are proposed for removal to facilitate the proposal. The Arboricultural Team acknowledges this is a significant number of trees, but advises that in general, most of these trees are of average quality, whereas the retained trees are largely those of the highest amenity value and quality. In accordance with policies BCS9 and DM17, the trees loss is essential to allow for the development, and on balance the loss of these trees is necessary to achieve the policy aims of the development plan. Further, the harm associated with the loss of green infrastructure has been minimised by retaining trees of high quality and/or significance, translocating trees where appropriate, and including proposals for similar species of trees where loss is unavoidable. As per the expectations of the tree compensation standard set out in policy DM17 and the Planning Obligations SPD, 192 replacement trees are necessary to mitigate the trees proposed to be felled. The landscape plan proposes 470 replacement trees with the translocation of a further 44 trees to maintain the mature character of the landscape. On balance, the proposed tree loss is therefore accepted.

#### iv Tree protection

The Arboricultural Team has reviewed the submitted arboricultural method statement, which is wide ranging considering all key relevant aspects of the construction phase. Specifically, Section 7 of the Arboricultural Report sets out a detailed arboricultural method statement including measures such as: protective fencing, ground protection during construction, root protection measures where proposed hard surfaces will impact root protection areas (cellular confinement systems), restrictions on ground level changes near retained trees, the impact of services and utilities, and recommendations concerning arboricultural supervision through the construction phase. The Arboricultural Team are mostly supportive of the proposed working methodology to protect trees but has expressed concern in relation to a number of measures or potential development impacts. Specifically, the Team has requested that further details of ground protection are provided or secured by condition. Similarly, further details of cellular confinement systems are recommended to be secured by condition to ensure the systems reflect the expected weight from traffic they will need to accommodate.

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The veteran tree (T83) is located near the herbaceous border. The tree is proposed to be retained adjacent to the Monkey Temple and its associated landscaping. The Hard Landscaping plan identifies a resin-bound gravel road to the north of the tree which is currently a lawned area associated with the Herbaceous Border, and a natural pennant stone footpath is proposed to the east of the tree where there is currently a hard landscaped footpath. The Arboricultural Report indicates that the road construction is proposed within the root protection area, amounting to 9% of the total root protection area. No-dig construction and protective fencing is proposed within the Arboricultural Report. Section 7.12.1 of the Arboricultural Report sets out that proposed hard surfaces within root protection areas will require specialist footpath and roadway construction, using no-dig construction and systems, such as a Cellweb tree root protection, where loads are dissipated rather than transferring weight to the soil and roots below. Further information of the system is advised to be secured by condition, in order to ensure that the system is of a suitable specification to distribute the weight of future users, vehicles or otherwise. Draft design details of kerb edging together with a short list of the required works have been provided and reviewed by the Arboricultural Officer, who has confirmed that the details to be appropriate. A programme of arboricultural supervision will also be secured, to ensure that any works within the root protection area are undertaken in accordance with arboricultural methodologies. The Arboricultural Report also proposes soil amelioration to address signs of canopy dieback. Accordingly, subject to conditions to secure arboricultural supervision and method statements, details of road construction within the root protection area (including kerb edging), and general tree protection measures, officers advise that the veteran tree will not be adversely impacted by the development. This conclusion follows advice from the Arboricultural Officer, who has confirmed that subject to the aforementioned measures they do not consider that the veteran tree will be adversely impacted by the development in accordance with paragraph 180c of the NPPF.

One of the greatest concerns raised by the Team regards the location of associated underground services and utilities. A combined services and root protection area plan has been provided in response to raised concerns, which has demonstrated that such services can be safely accommodated having regard to root protection area. The drainage plans (Price and Myers) generally suggest that drainage will avoid the root protection areas of retained trees, but there are some locations where conflict with root protection areas is possible. Further, the Landscape Statement indicates rainwater harvesting will be implemented but full detailed plans have not been provided. The ground source heat pump loops proposed below the eastern lawn also have the potential to impact T125, T126, T127, T142, and T147. Officers consider that the application is supported by sufficient evidence to indicate that in principle, the development's underground services and utilities will not materially harm retained trees. In accordance with the Arboricultural Team's advice, it is recommended that a revised arboricultural method statement is secured by condition to address all underground services and utilities.

#### v Longevity of Trees Post-Construction

Elements of the development are proposed near existing trees. The impact of the development during construction has been found to be acceptable, subject to conditions. Residential development close to existing, large, and well-established trees can result in pressure from future residents to severely prune or worse fell such trees in the interests of securing better outlook or levels of daylight/sunlight within gardens and homes. This has been a key consideration for officers and is one that the Council's Arboricultural Team has investigated and advised on within their comments. The Arboricultural Team were particularly concerned with the trees close to the Lake Houses and The Museum and Parrot House. Illustrative overshadowing assessments have been provided for these gardens (see Delva Patman Redler's letter to Savills dated 18.10.22), these provide a helpful

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indication of the overshadowing from the existing trees. In winter (December) the overshadowing assessment suggests these gardens will receive limited direct sunlight, officers agree with Delva Patman Redler's conclusions, that trees will have a minor impact on levels of direct sunlight within the winter months, given the key driving factors relate to the position of the proposed buildings and the low height of the sun in relation to the gardens. In the summer (June), the results show that one of the trees starts to overshadow the rear of the Parrot House from around 2pm, with the other gardens not receiving additional overshadowing until around 5pm as the trees are generally located to the north and west of the buildings. The results suggest that the gardens associated with the Parrot House and Museum will receive sufficient direct sunlight in the summer. Turning to the Lakehouses, the results indicate that of the 13 gardens considered, 11 will comfortably receive 2 hours of direct sunlight on 21 June, with only garden areas A8, which receives 2 hours of direct sunlight to 48% of its area and A11 which receives at least 2 hours of direct sunlight to 38% of its area, falling below that standard. Overall, the overshadowing assessments suggests the existing trees will not detrimentally impact the gardens of the aforementioned dwellings through overshadowing.

In terms of outlook, the existing trees are all suitably distanced from rear elevations of the Museum and Parrot house, as well as the Lakehouses to the west. There are at least four Lakehouses to the south of the lake, where trees are in rear gardens, fairly close to rear elevations in a manner that will negatively impact outlook. In each case, officers consider that the respective homes will experience sufficient levels of outlook despite these trees. There are also a number of trees to the south of the Northern Block of accommodation, a series of section plans have been provided to demonstrate how the houses will relate to these existing trees. These trees are in public areas, rather than private gardens. The trees will cast a shadow on the northern blocks southern elevations, and will also reduce outlook and levels of light to multiple flats within the northern blocks. This however is not a reason to resist the development, as the layout of the northern blocks provides a high proportion of dual aspect flats, which helps to mitigate any negative impacts on light from external features, such as trees. Further, the southern elevation of the northern blocks includes a large amount of glazing, which will help to maximise levels of outlook and light. The impact of these trees is also limited to a small proportion of homes, largely located on the ground and first floors due to the height of the respective trees. The impacted homes will also benefit from these trees reducing overheating impacts in the summer months to the southern elevations (in accordance with policy BCS13's expectations), further the trees will also provide screening, which positively benefits levels of privacy within the flats.

Whilst officers advise that the proposal's location of homes close to trees is acceptable, there is of course a risk that future residents will wish to heavily prune or fell trees where they perceive that the trees are negatively impacting their amenity. The risk is minimised, as the majority of trees close to homes are not within private gardens, meaning their management will not be the immediate responsibility of residents. Further, the Arboricultural Team has suggested that a further or amended tree preservation order for the trees close to homes is made, officers agree this would contribute positively to the long-term protection of these trees, but this cannot be secured as part of planning permission. Nonetheless, it would be an option for the Council to consider once the development (if approved) is underway and prior to any residential occupiers moving in. It also material to consider that future residents will be aware of the impact the existing trees have on their potential properties in advance of deciding to live in them. Overall, officers advise that the proposal will not unreasonably prejudice the long-term viability of existing trees.

## vi Landscape Design

Policy DM27 expects proposals for the landscape design and planting of development to:

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- i. *Take account of the function, circulation and servicing of places and site constraints including underground services; and*
- ii. *Use trees and other plants appropriate to the character of the site and its context, including native trees; and*
- iii. *Allow sufficient space for safeguarding valuable existing vegetation and the healthy establishment of trees and other planting; and*
- iv. *Integrate sustainable urban drainage systems; and*
- v. *Incorporate hard detailing and materials and planting appropriate to context and fit for purpose, for all elements including surfacing, change of level, boundary treatments, and site furniture; and*
- vi. *Accommodate capacity for local food growing where possible.*

As has been discussed within the Tree Protection subsection, the proposal has taken account of the function of the redevelopment of the site, including how it will be serviced and circulation of all future users of the site. Underground services have also been adequately considered for this stage, and further details are advised to be secured by condition. Details of street lighting, which the Team suggest has the potential to conflict with tree planting, are recommended to be secured by condition to ensure they are adequately incorporated into the landscape proposals in a manner that will not prejudice existing or proposed trees. An approach to incorporating sustainable urban drainage systems has been set out within the Landscape Design Statement and the Flood Risk Assessment and Drainage Report, further details are advised to be secured by condition, which is not unusual for largescale developments. The development does not provide specific proposals for local food growing, albeit the majority of homes have access to private/semi-private amenity areas where small scale food growing could occur. The proposal therefore meets the expectations of policy DM27 with regard to local food growing, but cannot be found to meet the more prescriptive expectations of policy DM15 which expects *“All new residential development should be designed and located to facilitate opportunities for local food growing”*. There is justification for the absence of specific opportunities for local food growing at the site. For example, allotments would not be suitable for much of the open space at the site due to its historic significance and would also reduce the amount of open space available to public access. Accordingly, whilst the proposal's private/semi-private external amenity spaces will provide opportunity for small-scale local food growing, the proposal includes no specific proposals for local food growing, meaning the development fails this limited part of policy DM15.

The Arboricultural Team advises that the proposals seek to improve the existing management of green infrastructure across the site, with additional tree and herbaceous planting, supported in part by sustainable urban drainage systems, water attenuation, and rainwater harvesting solutions. They advise that the landscape plans fully mitigate tree loss associated with the development, and the trees most important to the site are retained or translocated, save for T15 where the loss is justified. No ancient or veteran trees will be adversely affected by the proposal. The Team advises that the landscape design will provide tree lined streets and deep planting beds with a mixed vertical planting structure, which will increase the species diversity and provide enhanced habitats for wildlife. Further, the Team praises the well-balanced planting scheme, which they suggest is suitably future proofed from the effect of climate change and genus specific tree pathogens. Accordingly, officers consider that the landscape proposals suitably integrate trees and other plants appropriate to the character of the site and its context, whilst retaining much of the historic planting and landscape.

The approach to hard landscaping outlined in the Landscape Design Statement is appropriate for its context, taking inspiration from the local vernacular and benefiting from not being proposed for future adoption as part of the highway. A hierarchy of complementary materials, including natural stone slabs and setts, resin-bound gravel, and concrete blocks, are distributed strategically to ensure that

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the most suitable materials are provided for each location. The introduction of roads within the site is a key challenge to the site's historic significance. Harm posed by the roads within the site has been minimised through the proposal's use of hardstanding and arrangement to provide a 'shared' space, with more typical pavement/road arrangements being utilised at key vehicular access points to the site. Proposed planting buffers providing defensible space are the principal tool to delineate public and private spaces, and where more typical boundary treatments are proposed, they are appropriate to the landscape in terms of quality, height, and appearance.

Overall, it is acknowledged that the extent of the residential development negatively impacts the setting of the site. However, the proposed landscape design is high quality and appropriate to the character of the site, and hence minimises the harm posed to the site's significance as a historic park and garden. Further, as the proposal includes no specific proposals for local food growing, the development fails this limited part of policy DM15.

vii Servicing and Management

Policy DM27 expects proposals to *"be designed taking into account the needs and practicalities of servicing and long term management of public or shared private spaces and facilities including communal and landscaped areas and deliver a secure, supportive, safe environment for users that helps to foster a sense of community and minimise the opportunities for crime"*. Further, the policy expects developments that create new public or shared private spaces and facilities to be managed in accordance with an agreed ownership and management plan, which should include the upkeep and the long-term maintenance of those spaces, including landscaped areas.

As the development will deliver new open space for recreation, policy DM16 applies and expects the new open space to:

- i. *Be of an appropriate minimum size and quality; and*
- ii. *Be publicly accessible; and*
- iii. *Be appropriately designed to be safe, usable, integrated into the development site and maximise green infrastructure benefits and functions; and*
- iv. *Take opportunities to connect to the Strategic Green Infrastructure Network; and*
- v. *Include a suitable long-term maintenance programme.*

The Management Plan (authored by Savills) provides a suitable long-term management programme that meets the expectations of policies DM16 and DM27. The Plan aims to provide guidance for the continued management of the public areas of the site, setting out the structure of the approach, with approval of further detail to be secured post granting planning consent once a developer has been selected. The Plan proposes a Bristol Zoo Gardens Estate Management Board is established to oversee the maintenance of the gardens, the management of the public realm and the delivery of a programme of educational and cultural activities. Private gardens are not included, and it is envisaged a separate Management Company will be responsible for this. The Plan proposed the gardens to be open for public access between 8am-7pm in the summer (June – September) and 8am-5pm for the remainder of the year. The 7pm closure in summer is to facilitate the transition between full public access and managed / curated evening events. These opening hours are longer than the Zoo's previous opening hours (10am-5pm), so constitutes an increase in accessibility and with no charge for entry. Officers agree with the Plan, the opening hours strike the right balance between public access and minimising the risk of security or privacy issues during the evening/night-time.

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The Plan evidences that consideration has been given to the future cost of maintenance and the securing of sustainable funding model to ensure public access can be maintained and the gardens can remain at the highest quality. An estate service charge model to privately fund the public realm, with a Management Board to be established to govern the estate, is proposed within the Management Plan. This approach provides certainty that the significant costs will continue to be met, and a Management Board will ensure that the site remains a high quality, public open space and represents a wide variety of key interests. The Management Board will appoint a Maintenance Team to carry out maintenance of the public areas of the site, including the hard and soft landscaping components. The team will follow the Landscape Environmental Management Plan, which will be agreed by the Management Board. The Plan includes details of the structure of the Management Board, as well their responsibilities, which includes:

- Public access in perpetuity, during daytime (8am – 7pm between June and September and 8am – 5pm in the remainder of the year).
- Ongoing development and implementation of the landscape strategy and service level agreements.
- The restoration and management of the site's listed buildings.
- The children's play areas.
- The establishment and continued growth of trees, shrubs, hedgerows and amenity grassland.
- Proactive management of the lake and wetlands.
- Ensuring all publicly accessible areas are maintained in a healthy, weed and litter free condition.
- Ensuring viable cost management of funding and service charge.
- Advocacy and representation on behalf of residents, users and visitors to the site in strategic discussion with local community and city stakeholders.
- Programming of educational and cultural events within the Gardens.
- Wayfinding, Security and Health and Safety of the communal areas.
- Definition and operational management of bylaws and regulations for the use of the site.
- Oversight of leaseholder obligations in relation to respectful behaviours and use of communal areas.
- Promotion and coordination of volunteering activities and other outreach and community engagement activities.

The Management Plan sets out the mechanism proposed to secure the long-term management of the gardens. Whilst pre-development costs will be borne by the developer, it is proposed for maintenance costs to be covered by all occupiers of the site (commercial and residential) via management fees, under a category entitled 'Estate Service Charge'. This will form the primary funding mechanism. As such, the quantum of units is critical to viability as most of the cost of upkeep will be borne by the private residents in perpetuity. The Plan reports that the Estate Service Charge has been deemed an acceptable level of charge through commercial testing: to test viability, input on cost has been sought from the Society's internal management team as well as landscape consultants, management, and development surveyors. The estimated costs for running the existing gardens have been assessed against the proposed enhancement of the space, along with benchmarking of other local and national residential schemes. These costs estimates have been assessed against the likely level of service charge receipts to be gained from the private residents without compromising affordability or marketability of the units.



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A key concerns has been the potential conflict between residents and those visiting the open spaces provided within the site. The Landscape Design Statement explains the approach to dividing private and public areas of the site to help avoid conflict. The main approach appears to be the use of existing and proposed buffer planting to provide a screen between public and private spaces, which is of a sufficient scale to provide sufficient defensible space for future residents. This approach also contributes to the character of the site, unlike more typical approaches, such as the use of high boundary treatments like fences or walls. The open space is of an appropriate size and quality, with public access proposed. The landscaping proposed and green roofs represents an appropriate response to the Strategic Green Infrastructure Network.

The Management Plan allocates the responsibility for security and health and safety to the Management Board, which further evidences that the open space meets the expectations set out by policy DM16. The Lake and play area are both areas of the site where public safety must be considered, the Landscape Design Statement considers public safety at a high level proportionate to the stage the development is at. It is recommended that further details of safety measures to be implemented within the open space are secured by condition. The approach to lighting development is suitably outlined in the External Lighting Layout plan (ref. MXF-ZZ-00-DR-E-31100, Max Fordham), which predominantly lights the pedestrian and vehicular routes within the site, rather than the soft landscaping or amenity areas, which represents an appropriate response. Full details of external lighting are recommended to be secured by condition as part of a revised landscape statement/plan. The open space will be closed to the public overnight, which is necessary to reduce the likelihood of antisocial behaviour and conflict between the private interests of the residents and the public use of the site. This also explains the rationale for the external lighting proposal.

It is recommended that free public access and management of those areas is secured as part of any planning permission by s106 Agreement. Whilst it is envisaged that the specific terms of the s106 Agreement will be drafted and agreed under Delegated Powers, it is envisaged that the s106 Agreement would secure the following:

- Entry to the areas of the site identified for public access on Page 66 of the DAS, will be provided at no expense to members of the public in perpetuity, between 8am-7pm (June – September) and 8am-5pm for the remainder of the year.
- The ongoing maintenance, upkeep and management of the publicly accessible spaces shall be the responsibility of the Management Board, primarily funded by the residents of the approved development with the exception of those residing in affordable housing.
- The structure of the Management Board, its responsibilities and commitments shall be defined by a Detailed Management Plan.
- The Detailed Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved, and shall be in accordance with the structure and responsibilities outlined in Chapters 4, 5, and 6 of the approved Management Plan (authored by Savills).

Overall, the development will deliver high quality publicly accessible open space, that has been appropriately designed to be safe and usable.

#### viii Summary

In summary, whilst the proposal does include the removal of a significant number of trees, the proposal retains those most significant and includes mitigation in the form of tree planting. Further, adequate tree protection and method statements have been provided for this stage of the proposal to

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demonstrate that retained trees will be protected during construction. Officers note the potential risks associated with proposing residential development adjacent to trees but find that the proposal will not unacceptably prejudice their long-term viability. The landscape plans are appropriately designed and will provide a high-quality environment for future residents and members of the public visiting the site. The Management Plan provides a strong framework to fund the long-term management of the publicly accessible open spaces and gardens, and provides free public access to the site for the first time in its history. Officers raise no objection in relation to policies concerning green infrastructure and landscape design and management. Planning conditions are recommended to secure tree protection and landscape planting. Further, as discussed, it is recommended that by s106 Agreement, public access to the site is secured, along with long term management.

As the proposal includes no specific proposals for local food growing, the development fails this limited part of policy DM15. This weighs against approving this application and must be considered in the planning balance. This is considered fully in Key Issue L.

**Key Issue D. Urban Design and Residential Amenity for Future Occupiers**

## i. Relevant Policy, Guidance and Material Considerations

Relevant planning urban design policies include: BCS18 'Mix and Balance', BCS20 'Effective and Efficient Use of Land', BCS21 'Quality Urban Design', BCS22 'Conservation and the Historic Environment', BCS23 'Noise / Pollution', DM26 'Local Character and Distinctiveness', DM27 'Layout and Form', DM28 'Public Realm', DM29 'Design of New Buildings', DM30 'Alterations to Existing Buildings', DM31 'Heritage Assets', DM35 'Noise / Pollution', and the UL SPD.

Section 12 of the NPPF highlights the importance of good design, advising it is a key aspect of sustainable development (paragraph 126), and directing development that is not well-designed to be refused (paragraph 134). The Council is yet to publish a design guide or code as envisaged by the paragraphs 128 and 129 of the NPPF, but has adopted the UL SPD that provides further guidance to mainly design-related policies and has published a character appraisal for the Conservation Area. policies BCS20, BCS21, DM26, DM27, DM28, DM29 and DM30 are broadly consistent with the criteria set out in paragraph 134 of the NPPF.

Policy BCS18 is consistent with policy 130f of the NPPF in expecting high standards of amenity for future users, including meeting appropriate space standards.

## ii. UL SPD

The UL SPD includes questions regarding development quality that are designed for applicants, local authority planners and other stakeholders to use throughout the design development of a scheme. Accordingly, the UL SPD represents guidance as to how to assess developments against Development plan policies. Officers will therefore consider the guidance (and questions) included within the UL SPD within this section as an aid to assess the quality of the development regarding relevant design policies.

## iii. UL SPD Assessment – Part 1: Guidance for all major developments - City

Question 1.1 asks if the scheme adopts an approach to urban intensification which is broadly consistent with its setting.

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The UL SPD does not set upper limits to densities but does categorise Bristol into three areas and suggest optimal densities for those areas, based on the evidential base for the UL SPD. The site is within the 'Inner Urban Area', where optimal densities in new development are suggested to be 120 units/ha. The more traditional method for working out density is to rely on the gross density, which includes the whole site, including roads and green spaces. The gross density of this development is 42 units/ha, which is less than the typical gross densities in Clifton, which are reported in the UL SPD as being over 90 units/ha. Notwithstanding this, net density calculations are also encouraged by the UL SPD, net site density only includes those areas that will be developed for housing, and hence excludes site areas such as open spaces serving a wider area and significant landscape buffer strips. The net density of the development is 115 units/ha, which is still under the 120 units/ha 'optimal density' for the Inner Urban Area. The density of development is therefore in keeping with the UL SPD's expectation for this area, within the site the quantum of development is distributed so the site's edges, allowing the centre of the site to be undeveloped, save for the Lakehouses.

Figure 3 of the UL SPD identifies the site as being within an area of dominant townscape character and high intensity usage, where there is modest potential for infill on small sites through new build, infill development, conversions, demolition and redevelopment or extension of existing buildings. The site is however distinct to the immediate area, it is a large zoological garden in an area where the predominant character is Victorian villas. This distinction, together with the existing site's characteristics, such as the 'walled' character, does provide justification for the proposal to take a different approach to the typical Victorian villas in the area, or the historic buildings of Clifton College. Further, as per the UL SPD's guidance, larger development sites (greater than 2ha) can provide more potential for new development to define their own setting, the total site area is 4.66ha.

Generally, the approach to pushing most of the development to the site's edges, with smaller scale and less intrusive development within the inner site is an appropriate response to its setting. The density of the development is consistent with the area and the proposal makes an efficient use of the land, considering the residential development it would deliver, as well as the open spaces. The development is largely consistent with policy BCS20. However, as per Key Issue B, there are concerns as to how the development's scale and mass responds to the local context, which is largely a result of the quantum of development proposed.

iv. UL SPD Assessment – Part 1: Guidance for all major developments - Neighbourhood

Question 1.2 considers a development's impacts on the neighbourhood and asks if a development would contribute positively towards creating a vibrant and equitable neighbourhood.

The proposal's housing offer will help to address deficits in identified housing needs, and the Clifton Conservation Hub will provide community floorspace. The development also delivers children's play space, where there is a limited amount in the immediate area. The proposal will also strengthen the neighbourhood's green and blue infrastructure network, with high quality green walking routes being provided within the site, including the provision of publicly accessible open space. The development will contribute positively towards creating a vibrant and equitable neighbourhood.

Question 1.3 asks if the scheme responds positively to either the existing context, or in areas undergoing significant change, an emerging context.

As has been discussed, there is scope for the development to be distinct from the existing context, but there is still an expectation for the development to respect and respond to elements of it. The design

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rationale can be grossly simplified to publicly accessible central gardens, with limited pavilion-like buildings, enclosed by perimeter apartment blocks. The perimeter apartment blocks would allow the site to continue to retain a distinct character to its surroundings. The central gardens include different character areas, and areas that are planted generously with sinuous curving paths and areas of more open space (the lawns and the lake), which to varying degrees maintains both the current and historic characters of the site. Whilst there is criticism of the number of houses within the central areas, they are all well-designed and officers accept there is precedent for buildings within a curated garden landscape. The proposal also responds well to the context of the site through reusing the historic structures.

The appearance of the perimeter blocks have been criticised. Whilst officers agree with concerns over their height, scale and mass, each perimeter block would provide visual interest. For example, varying brick depths are utilised to echo the seemingly randomised stratification of the existing rubblestone walls. Further, the sense of playfulness and unique location of former zoo is to be signalled by the inclusion of animal silhouettes within the brickwork of these building ends and, for the northern blocks, similar animal silhouettes within the railings of the projecting balconies. Elements of the elevations are recessed to add texture and break up the massing. Balconies are also proposed, and green infrastructure is incorporated into the elevations and roofs.

The development would provide a high quality and well-designed environment, that responds positively to many aspects of the existing site and elements of the surrounding area. However, as per the assessment in Key Issue B, the scale and massing of the perimeter blocks are not appropriately informed by the local context and would negatively impact some internal parts of the site.

v. UL SPD Assessment – Part 1: Guidance for all major developments - Block and Street

Question 1.4 concerns how buildings relate to streets, asking if a scheme would provide people-friendly streets and spaces. The proposal's inner gardens and open space will provide people friendly streets and spaces. The proposal will introduce vehicular traffic into the site, which is harmful, albeit the harm is minimised. The Design and Access Statement sets out the approach to vehicle movements. The under-croft car parking spaces for the Northern Block are accessed from the northern side of the apartment blocks via Northcote Road meaning the traffic will kept to very edge of the site and not allowed in the gardens. The existing Guthrie Road gates will serve as a one-way entrance to the site, and the new access from College Road will be two-way, between these accesses and the proposed car parking at the edge of the site, car traffic will be kept to minimum and away from the main areas of open space and the Grand Terrace. Delivery and servicing vehicles will be allowed to circulate one-way anti-clockwise around the whole site, the two, two-way access will limit their movements within the site to only what is necessary. The approach to movements should limit any traffic on the Grand Terrace to an occasional basis. Emergency vehicles will be able to access the site sufficiently. An access plan to indicate full details of vehicular movements will be controlled and limited is recommended to be secured by condition.

Question 1.5 asks if proposal would deliver a comfortable micro-climate for its occupants, neighbours and passers-by.

The proposal's layout is primarily motivated by the site's characteristics, but does suitably take into account the site's orientation. The proposal's daylight and sunlight impact on existing residents is considered in Key Issue E, however the proposal will provide acceptable levels of daylight and sunlight for future residents, and the open spaces. The impact of the Northern Block on the Downs

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and the area immediately to the north has been questioned, however the proposal will not materially harm their amenity values. An overheating assessment has been undertaken, and the existing and proposed green infrastructure is utilised to limit overheating. Given the site's location, there is limited opportunity for active ground floor uses such as cafes, but the Clifton Conservation Hub is appropriately located. Generally, less sensitive land uses such as car parking areas are located where there is less sunlight available. Whilst the proposal does focus large buildings to the site's edges, the proposal is not expected to materially harm the amenity for passers-by.

- vi. UL SPD Assessment – Part 2: Guidance for all major developments - Shared Access and Internal Spaces

Question 2.1 concerns how attractive and welcoming development's accesses. Question 2.2 asks whether schemes will provide internal spaces that are convivial, comfortable and user-friendly.

The majority of the new build apartment buildings have legible and well-lit shared accesses, with direct access to ground floor homes where possible. Access cores generally serve no more than four dwellings on each floor, and where they serve more than four, they are naturally lit and provide dwell space. Accesses are tenure blind. Generally, the proposal will deliver an attractive and welcoming accommodation that encourages conviviality.

- vii. UL SPD Assessment – Part 2: Guidance for all major developments - Outdoor Spaces

Questions 2.3 and 2.4 concern outdoor space, and whether it's sufficient in size and quality.

The UL SPD recommends a minimum of 5sq.m of private outdoor space for a 1-2 person dwelling and an extra 1sqm should be provided per occupant. This can be provided in private balconies or gardens, or in communal gardens. In total, the development provides 4,404.5sq.m of private/communal outdoor floorspace, far exceeding the UL SPD's expectation (see Table 13 of the Private Open Space Assessment document). Most of the proposed homes have direct access to private amenity spaces (95.9%), apart from eight units. Of those units, four are in Block E3, where balconies that extend from the principal elevation have not been provided in the interests of appearance and neighbouring amenity. The remaining four units are within the Clock Tower, where due to constraints associated with the historic building, balconies would not be appropriate. The external private amenity space for seven units is below the recommended amount within the UL SPD, but not by a significant margin. With regard to the units where either no or insufficient private outdoor amenity space is proposed to meet the UL SPD's guidance for individual homes, the development still complies with the UL SPD, which does state that "where sufficient private open space cannot be accommodate on site, due to identified constraints, proximity to existing open space may be considered" (page 62). In this case, the development proposes high quality open spaces on site that will be open to both the public and residents, meaning those living in the aforementioned homes will still benefit from easily accessible and high quality outdoor amenity spaces. Overall, the proposal's provision of private outdoor space is of sufficient size and quality, and whilst a minority of units will not have access to private amenity space, they will still be adequately provided for through the open spaces proposed.

Question 2.5 concerns children's play. The submitted Open Space assessment indicates that the proposal will exceed UL SPD's target of 10sq.m per child, providing a total of 31.86sq.m of children's play space per child. This is provided via the two play areas at the site, and complimented by communal and private amenity spaces that a high proportion of the proposed homes would enjoy.

The development provides sufficient outdoor space.

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## ix. UL SPD Assessment – Part 2: Guidance for all major developments - Individual Homes

Policy BCS18 expects residential development to provide sufficient space for everyday activities and enable flexibility and adaptability by meeting appropriate space standards. Policy BCS21 expects development to create a high quality environment for future occupiers while safeguarding existing surrounding development.

The Urban Living SPD sets out requirements for achieving good quality residential developments at higher densities. The questions associated with 'Individual Homes' in the UL SPD concerns:

- Question 2.6 - Whether the proposal's internal layouts are ergonomic and adaptable.
- Question 2.7 – Does the scheme safeguard privacy and minimise noise transfer between homes?
- Question 2.8 – Does the scheme maximise opportunities for natural illumination of internal spaces avoiding single aspect homes?

Generally, the internal layouts of the new buildings meets the recommendations set out by Q2.6, and all the converted buildings are ergonomic and adaptable, albeit their layouts are constrained by the existing building. All the new build apartments blocks includes lifts to each floor. The development includes four wheelchair accessible units (M4(3) wheelchair accessible), meaning the development complies with policy DM4, which sets the principle development plan requirements for accessibility. Three of the units are proposed within the S1 Block, with the remaining wheelchair accessible unit in the Northern Block. Question 2.6 of the UL SPD recommends that 90 per cent of new build housing meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation M4(3) 'wheelchair user dwellings'. 2% of the homes will be M4(3) compliant, albeit the applicant has confirmed that all remaining homes has been designed to be in accordance with the principles of M4(2). The new builds have been designed to accommodate M4(2) requirements, apart from the need for canopies over doors, and whilst there are limitations when converting historic buildings, the converted dwellings can still achieve compliance with M4(2), apart from level access requirements. The proposal meets the principal policy requirement (Policy DM4), and only falls short of the guidance within the UL SPD in relation to M4(3) provision, which in this case is not a reason to resist the application.

Key Issue E assesses the proposal's impact on neighbours, but all proposed accommodation will benefit from acceptable standards of privacy. The majority of the layouts also place similar rooms next to each other to minimise noise transmission, as expected by the UL SPD.

The proposal maximises opportunities for natural illumination of internal spaces and avoids single aspect homes. Specifically, the new apartment buildings are designed to ensure that most (84%) of dwellings are dual aspect, with no single aspect north facing dwellings. Dwellings are orientated towards the Gardens to maximise visual amenity. Where deck access is proposed in Building S1, the access is physically separated from the dwellings to retain privacy and allow for dual aspect living. The majority of homes proposed to be within converted buildings will also be dual aspect.

Overall, the proposal will provide a good quality of amenity for future residents.

## viii. UL SPD Assessment – Part 3: Guidance for tall buildings – Visual Quality

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The proposal does not represent a tall building when considering the UL SPD's guidance, as they are less than 30 metres in height, and whilst taller than neighbouring buildings, are considered to represent 'amplified heights' rather than a tall buildings.

## ix. Clifton College Music Venue

Planning policy is explicit in expecting development to deliver high-quality environments for future occupiers (BCS21, DM27, and DM29). The development plan also expects the location and design of new developments to consider existing sources of noise, including the impact of new development on the viability of existing uses by reason of its sensitivity to noise or other pollution (policy BCS23). Policy DM33 reinforces policy BCS23, stating that developments proposed near noise or pollution generating uses should not be permitted where they could threaten the ongoing viability of existing uses that are considered desirable for reasons of economic or wider social need. Policy DM35 adds further expectations for noise-sensitive development, highlighting the need for such developments to provide an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers of the proposed development where they are likely to be affected by existing sources of noise. Finally, policy DM35 advises that proposals should not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design. National planning guidance in the form of the NPPF and PPG are consistent with the policy expectations set out above (paragraph 187 of the NPPF, PPG, paragraphs: 009 (ref. ID: 30-009-20190722), 010 (ref. ID: 30-010-20190722), and 011 (ref. ID: 30-011-20190722). In accordance with the Pollution Control Team's advice, the proposal is not expected to prejudice the Joseph Cooper Music School's operation as a music school by nature of future residents raising complaints in respect of noise from the school. Similarly, the noise from the school is not expected to unreasonably prejudice the amenity of future occupiers of Block S1. In line with the Pollution Control Team's advice, conditions are recommended requiring an assessment of noise from the Music School, together with the implementation of any mitigation measures deemed necessary.

## x. Crime and Anti-social Behaviour

The Design and Access Statement and Management Plan both includes measures to reduce the likelihood of crime and anti-social behaviour. The Crime Prevention Advisor's comments provides advice as to potential areas of the development that would benefit from certain security standard being met. In the interests of crime prevention and the amenity of residents and its neighbours, a condition is recommended to secure details of measures to prevent and dissuade crime and anti-social behaviour at the site.

## xi. Policy Assessment

Generally, the development responds well to the recommendations and guidance included within the UL SPD. It is evident that future residents will benefit from an excellent standard of accommodation, and the proposal will respond well to and provide for the neighbourhood, for example through the proposed open spaces and increased permeability. However, the proposal's height, scale and massing are not considered to respond well to the area's dominant townscape character, which does represent negative aspect to the proposal and a reason why the application is contrary to certain design-related policies.

The proposal meets many of the expectations of policy BCS21: the layout responds appropriately to the character of the site; the proposal is legible and promotes accessibility and permeability that better connects with the local area than the current site; the development represents an efficient built form that defines public and private space; the development will provide a safe, healthy, attractive, usable, durable and well-managed built environment, which integrates green infrastructure; the mix of uses

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and spaces proposed will create a multi-functional, lively and well-maintained public realm, which will be complimented by a high quality public art and cultural programme; the development will provide a high quality living environment for future residents; and as Key Issue E demonstrates the proposal largely safeguards the amenity of existing development. The development therefore meets most of policy BCS21's expectations, save for its scale and massing that does not respond well to the local context. The application is therefore inconsistent with this policy.

Policy DM26 is also design-minded but focuses on how the design of developments contribute towards local character and distinctiveness, whereas policy BCS21 is much more holistic. Policy DM26 sets out a number of expectations, the proposal responds well to much of them. For example, it appropriately incorporates existing landscaping, site features, and heritage assets into its design and provides a mechanism to ensure long-term management and use. Positively, the proposal retains existing buildings and structures that contribute positively to local character and distinctiveness, and removes many enclosures and ancillary buildings that are not characterful. Given there is justification for the layout to differ from the local pattern and grain of development, the proposal appropriately interprets the site through its layout and approach. Further, the proposal would better connect the site with the adjacent streets and area and would enhance the edges of the site on Northcote Road and College Road. As per Key Issue B, the proposal's scale and mass would harm some important views within the locality. Some views into the site, such as from Cecil Road via the College Road access would benefit from a reduction in built form within the inner gardens, but the proposed accesses generally reinforce the 'secret garden' character of the site. As discussed in Key Issue B, where the proposal is contrary to policy DM26, is in relation to the proposal's height, scale, and massing failure to respond appropriately to the local character, including designated heritage assets.

Policy DM27 concerns the layout and form of development. The proposal's layout has generally been praised. Whilst the introduction of traffic into the site is a negative of the development, justification has been provided. The layout would create simple, well-defined and inter-connected network of streets and spaces. The development's increased permeability and internal pathways and roads would provide attractive routes for residents and those visiting the site, and details of wayfinding would also be provided as part of the landscape proposals. The hard landscaping proposals, access arrangement and signage would on balance prioritise the pedestrian, and the approach to traffic movements largely keeps historic features such as the Grand Terrace free from traffic. The routes and spaces are all appropriately tree lined, incorporating existing and new green infrastructure. The layout of the block and plots suitably defines public and private spaces, and increase natural surveillance of all neighbouring streets, as well as providing it for the open spaces proposed within the development. The proposal incorporates sufficient private and semi-private amenity space for future residents, and will enable existing and proposed development to achieve appropriate levels of privacy. As per Key Issue C, the proposal will provide a high quality of landscape design, with appropriate servicing and management. The layout also appropriately responds to local climatic conditions. Generally, the proposal responds well to policy DM27's expectations given the layout integrates built form and open spaces well. However, policy DM27 expects the height, scale, and massing of developments to be appropriate to the character of the area, meaning the proposal fails this element of the policy. Hence, whilst the proposal's layout is acceptable, the expression of the built form at the proposed scale and mass is not.

Policy DM28 concerns proposals impact on the public realm. The development will create a safe, attractive, high quality, inclusive and eligible public realm, both within and outside of the site, in accordance with policy DM28.



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Policy DM29 expects new buildings to be designed to a high standard of quality, responding appropriately to their importance and reflecting their function and role in relation to the public realm. Many of the policy's expectations have been discussed and found acceptable. For example, the new buildings suitably address the public realm, and will provide appropriate nature surveillance of the external spaces. The buildings incorporate green infrastructure and will provide visual interest, as distinct new part of Clifton, the new buildings as proposed will introduce high quality materials to the townscape. The development responds appropriately to solar orientation, and as per Key Issue H (Sustainability), the new buildings incorporate an energy efficient design. The internal layouts of the buildings will also provide high quality residential environments, compliant with the majority of the UL SPD's guidance. The proposal is consistent with policy DM29.

Extensions and alterations are proposed to many existing buildings at the site, meaning policy DM30's expectations are relevant. Officers advise that generally the works to the existing buildings respect and better reveal their significance. Earlier concerns regarding the proposed works to the Clock Tower have been addressed, as per Historic England's comments. The proposal is consistent with policy DM30.

xii. Summary

Overall, the development would provide a high quality, and on balance well-designed environment in many respects. However, the proposal's design is contrary to policies DM26 and DM27, as well as a small element of policy BCS21, due to its scale and massing failing to be appropriately informed by the local context. This weighs against approving this development and must be considered in the planning balance (see Key Issue L 'Planning Balance and Conclusion').

### **Key Issue E. Impact on Neighbouring Properties**

This Key Issue considers the proposal's impact on neighbouring properties in accordance with development plan policies, which require consideration to matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space (see policies BCS20, BCS21, DM27, and DM29). These policy expectations concerning existing neighbour's amenity are consistent with the NPPF, for example paragraph 130 of the NPPF which expects planning decisions to ensure new developments create places with a high standard of amenity for existing and future users.

The absence of development within the southern half of the site at the boundary with Northcote Rd of a similar height, scale and mass to the existing buildings on the eastern side of Northcote Rd, means the existing properties within this part of Northcote Rd currently enjoy high levels of outlook across the Zoo, uninterrupted privacy, and good levels of light. The exception to this assessment is the presence of the Zoo's high boundary wall for the majority of the site, and the existing buildings toward the northern half of the Northcote Road, which do currently impact neighbours' amenity. Any development within the site at the boundary with Northcote Road will likely reduce the quality of amenity experienced by neighbours, which is not necessarily a reason to resist the development. This is clear in policy DM29's criteria, where the key test is whether the proposed buildings will ensure that existing development achieves appropriate levels of privacy, outlook and daylight. This assessment is applicable across the site, including with regards to neighbouring properties on Guthrie Road and College Road.

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Clifton College has also expressed concerns regarding privacy, largely in relation to safeguarding, which the College suggest would be prejudiced by the proposal, as it introduces residential accommodation with windows looking towards its buildings.

i. Privacy and Outlook

Tait's House (Clifton College) – there is an acceptable impact due to the distance from the proposed buildings.

10 Northcote Rd/Mansfield's House (Clifton College) – revised plans have been submitted that introduces angled bay windows with obscure glazed windows to 1.7 metres above finished floor level for the windows facing no. 10. This is sufficient to avoid unacceptable overlooking to no. 10. Conditions are recommended to secure this. The existing situation combined with the internal layout of the Mansfield House, which includes dual aspect rooms, means the outlook for this building will not be materially harmed by the development. A first floor office is the exception to this, given it is not dual aspect, its outlook will largely be of the Block E1, which will be overbearing, but the impact is deemed acceptable given its use as an office.

Preparatory School Main Building (Clifton College) – the submitted section plan suggests there is approximately 19.5 metres between Block E1's eastern elevation and the Preparatory School's western elevation. The intervening distance and the nature of the Preparatory School's windows suggests there will be an acceptable impact with regard to privacy. The Preparatory School's fronting gable does extend closer to the development, but the proposal's windows facing the gable section are not to primary rooms, hence privacy will be ensured. Outlook will not be materially harmed due to the intervening distance between the building and the proposal.

Outdoor Sports Courts (Clifton College) – the proposal will overlook these courts, but this is not considered a privacy or safeguarding issue given the courts are already in public view from Northcote Rd, and the new residential apartments are proposed on the opposite side of Northcote Rd.

7 – 8 Northcote Road (Clifton College) – in response to concerns, the internal layouts of the flats on the first and second floors in Block E2 have been amended, so bathroom windows have a direct line of sight to no. 7 Northcote Road, rather bedroom windows as previously proposed – a condition is recommended to secure these windows as obscure glazed. From the proposed bedrooms windows, the window-to-window lines of sight will be suitably oblique to prevent harmful overlooking. Harmful overlooking from the third floor of Block E2 will not occur due to the available angle of views. Plan no. 2605 rev. PL1 indicates that whilst there is only a short separation distance of approximately 11 metres, the angle of the view however means the degree of overlooking is limited to an acceptable amount from the Clock Tower. The outlook currently experienced from the ground floor of these buildings is dominated by the Zoo's existing boundary wall and part of the Clock Tower, meaning the proposal will have a very limited impact. At first floor and second floor, the buildings currently experience uninterrupted outlook due to the break in the buildings within the Zoo at this location. Proposed Block E2 will reduce the amount of outlook available, albeit there is a gap between proposed Block E2 and the Clock Tower that will benefit outlook for no. 8 Northcote Road. Whilst this is a negative aspect of the development, it is material that the existing building is not set back from Northcote Road and currently benefits from a greater than expected level of outlook for an urban location, which is due to the break in building form and the openness within the Zoo itself. Taking this into account, the impact on outlook is acceptable.

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Hornby Arts Centre (Clifton College) – the majority of windows facing this building from Block E2 are secondary windows meaning materially harmful overlooking is not expected. There are first and second floor bedroom windows facing east, where angled views toward the first floor windows (and rooflights) will be possible, however due to the angle, materially harmful overlooking is not expected. From the third floor, material overlooking will not be achieved due to the intervening distance and angle of the line of sight, as evidenced in submitted section plans.

The Hornby Arts Centre has no ground floor windows facing the site but does have three first floor windows facing proposed Block E2. The gable end window is a landing window, hence its quality of outlook is less sensitive to change than the remaining two first floor windows that are into the classroom area. The distance between these two windows and proposed Block E2 is approximately 16 metres, meaning their outlook will be reduced as a result of the development, but not to such an extent that the development's impact on the classroom would be considered unacceptable due to the proposal appearing unduly intrusive or oppressive.

Nos. 1 – 6 (inclusive) Northcote Road – the intervening window-to-window distances between the closest proposed blocks (E2 and E3) are in excess of 21 metres, meaning material overlooking will not occur. Similarly, Block E3's balconies will also not result in material overlooking. Block E3 does have a raised podium garden, however the proposed planting strip will increase the distance to a suitable amount to prevent material overlooking from the podium, this is also true for the podium's relationship with Poole's House.

Whilst officers understand the concerns of the residents of nos. 1 – 6 Northcote Road, the height, scale, mass, and position of the development in relation to these properties is broadly consistent with this section of Northcote Road, which is characterised by three to four storey buildings. With regard to building heights, this is acknowledged within the Design and Access Statement, where it presents the heights of all existing and proposed buildings in the area. There is a break in proposed built form between Blocks E2 and E3, which will provide uninterrupted outlook from built form into the site for nos. 3 and 4 Northcote Rd, and will benefit the adjacent properties. However, the southern section of Block E2 will be directly in front of no. 6 and part of no. 5. The proposal ensures these existing properties will continue to experience acceptable levels of outlook due to the intervening distances, the height of the proposed block itself, and by stepping down the height of the building opposite no. 5 (and part of no. 6), from a setback fourth storey to two storeys. The northern section of Block E3 will impact nos. 1 and 2 Northcote Rd, but the Block is designed so the bulk of the building is set back into the site, meaning above ground floor level, there are intervening distances of approximately 25 metres. The height, mass and design of Block E2 combined with the intervening distances with nos. 1 and 2 Northcote Rd will ensure these existing residential properties will continue to benefit from acceptable levels of outlook.

Poole's House (Clifton College) – the intervening distances between Poole's House's facing windows and Block E3's windows and balconies are sufficient to avoid material overlooking. As with nos. 1 and 2 Northcote Rd, the proposed Block E3 will not unacceptably harm the outlook experienced by residents of Poole's House, largely as the first floor of accommodation is set back from the boundary, meaning there is approximately 25 metres distance between the bulk of Block E3 and Poole's House.

Sports Centre (Clifton College) – privacy and outlook will not be materially harmed.

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Main Reception Area (Ground Floor), Synagogue and Prichard Room (First Floor) - privacy and outlook will not be materially harmed.

South Town Building (Clifton College) – The South Town building is a Day House, open from 07:30 – 20:00 term time, Monday to Saturday inclusive, pupils use the building before, between and after lessons, as well as free periods, to study, relax and change.

Block S1 is proposed to the north of this building and has windows and decked access on its southern side, facing the South Town Building with Guthrie Road in between. The South Town Building has five large bays composed of multi-pane windows, with approximately six windowpanes per room. The nature of these windows will reduce the amount of possible overlooking due to their size and intervening mullions and transoms. The existing situation is material to considerations, currently the Zoo's Conservation Education Centre has recessed ground floor windows and first floor windows nearly flush with Guthrie Road. Between the first floor windows and the South Town Building's northern elevation is approximately 12 metres. Potential overlooking could occur from three floors of Block S1, which equates to approximately nine flats facing the South Town building. From the decked access some overlooking will occur but given views would be gained from an access-way, the severity of the overlooking is minimised to an acceptable level, which does not constitute a reason to refuse the development. It is also material to note that the existing situation would likely result in similar, if not greater levels of overlooking, given the closer proximity of the Conservation Education Centre's windows. Further, the ground floor windows in the South Town building face directly onto the pavement, meaning views into the ground floor already occur. The windows in the homes within the Block S1 are approximately 18 metres from the South Town's northern elevation (and windows). Section plan 2606 PL1 demonstrates that such lines of sight from the windows and the South Town would be partially interrupted by a balustrade, but materially harmful overlooking will not occur due to the distance combined with the nature of the South Town Building's windows.

The proposal will not reduce outlook gained from the South Town Building's ground floor windows any further than the existing situation, given the presence of existing Conservation Education Centre. Where currently the outlook from the first floor is predominantly the first floor and roof of the Conservation Education Centre, and then the sky, the proposal would introduce a further two floors of accommodation, removing views of the sky. This represents a material reduction in the quality of outlook experienced by the South Town building. The proposal would not however appear unduly intrusive and oppressive, given proposed Block S1 has an interesting southern elevation, which was praised by Historic England. There is also justification for the scale and height of Block S1, given it is similar to other buildings in the immediate area, such as Watson's House. Taking these factors into account, including how the building is used, the proposal's impact on outlook is considered to be acceptable.

Watson's House, Coulson House, 1 Cecil Road (Clifton College) - plan no. 2603 PL1 indicates no overlooking from Block S1 due to the angle and distance of window-to-window lines of sight. Similarly, the proposal would not unacceptably harm the outlook experienced from Watson's House.

Joseph Cooper Music School (Clifton College) - Clifton College's comments suggest the proposal will result in a loss of privacy and potential safeguarding issues through the location of the proposed new pedestrian access adjacent to the Joseph Cooper Music School and from windows within the West elevation of Block S1. The new access would not materially harm the privacy of the Music School, given the only possible overlooking would be from a pedestrian using the new access and looking up toward the Music School's first floor windows. It is also relevant to consider that this relationship

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already exists, albeit not as an access but a yard area. Final detail of the boundary treatment between the Music School and the new access is also recommended to be secured by condition in the interests of privacy. As with the existing building adjacent to the Music School, proposed Block S1 will have side elevation windows facing the Music School, to avoid overlooking a condition is recommended to ensure those windows are obscure glazed and non-opening below 1.7 metres (when measured from finished floor level).

The proposal will obstruct the outlook from the Music School's side elevation first floor windows in a similar manner to the existing Conservation Education Centre, albeit Block S1 has a greater height. The impact on outlook is not considered to constitute an unacceptable impact.

40 – 48 College Road – the intervening distances between the West House's western-facing windows and the facing windows within 40 – 48 College Road means material overlooking will not occur. Similarly, the proposal will not unacceptably reduce the outlook of these properties.

Approved West Car Park Development – the proposal will not prejudice this approved development through harming its outlook, light or privacy.

Summary – the proposal is generally distanced far enough from neighbours to avoid material overlooking harmful to residential amenity, and where intervening distances are closer, evidence has been provided to demonstrate an acceptable relationship. Further, although the proposal will change the outlook experienced by many neighbours, the impact is not deemed to be unacceptable or harmfully overbearing.

## ii. Daylight and Sunlight Impact

The Development plan policy and the UL SPD, both seek to ensure that existing and future occupiers are not prejudiced, while encouraging developments to make an efficient use of land. When considering daylight and sunlight, the PPG advises consideration as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers (Para 006 ref. ID: 66-006-20190722). Further, the PPG recommends that proposals should maintain acceptable living standards, clarifying that in practice, this assessment “...will depend to some extent on the context for the development as well as its detailed design” (Para 007 ref. ID: 66-007-20190722). Paragraph 125(c) of the NPPF is material to the assessment of the proposal's daylight and sunlight impacts given the Council has an existing shortage of land for meeting its housing supply, paragraph 125(c) states:

*“Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:*

*c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.*

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With the above in mind, it is important to ensure the application of daylight and sunlight assessments does not prejudice the development's ability to make an efficient use of the site to deliver housing, whilst also ensuring the development does not result in unreasonable impacts on neighbours, including unacceptable living standards for residential uses. It is therefore material to acknowledge that the site is very constrained in terms of where residential development can be successfully located. As such, to make an efficient use of the site and achieve optimum densities, the majority of the development has been focussed on its edges, which does increase the chances of conflict with neighbouring properties. Accordingly, as expected by paragraph 125(c) of the NPPF, a flexible approach is required when applying policies and guidance relating to daylight and sunlight, in order to not inhibit making an efficient use of the site, whilst ensuring the proposal does not result in unreasonable impacts on neighbours.

A Daylight and Sunlight Assessment has been prepared by Delva Patman Redler on behalf of the Applicant, who also provided an addendum letter to address concerns raised by the officers. On behalf of the residents of nos. 1 – 6 Northcote Rd, Antstey Horne submitted a letter concerning the proposal's impact on those residents, in response to which the Applicant provided a short statement as part of the 'Response to Case Officer Note', further comments from Delva Patman Redler (within an email from the Applicant), daylight distribution plans for 1-6 Northcote Rd, and sun on the ground studies for 1-2 Northcote Rd have also been provided by the Applicant. Other neighbours have also expressed concerns, including Clifton College.

In accordance with BRE Guidance, detailed daylight tests are required for neighbouring building where the new development subtends an angle of more than 25 degrees measured from the centre of the lowest affected window in an existing neighbouring building. Detailed daylight tests are:

- vertical sky component (VSC) at the centre of each main window, which measures the total amount of skylight available; and
- no-sky line (NSL) on the working plane inside a room, where room layouts are known, which measures the area that can receive direct skylight and assesses the distribution of daylight around the room.

A loss of daylight resulting from the development will be noticeable if either:

- the VSC at the centre of the window will be reduced to both less than 27% and less than 0.8 times its former value, or
- the area of the working plane in a room that is enclosed by the no-sky line (NSL) and can receive direct skylight will be reduced to less than 0.8 times its former value.

The submitted report is correct to state that these tests are designed for kitchens, living rooms, and bedrooms, with living rooms, dining rooms and kitchen having a greater requirement for daylight than bedrooms. It is suggested that tests for bathrooms and stairwells for example are not required.

The amount of sunlight reaching a room is measured by calculating the percentage of annual probable sunlight hours (APSH) at the centre of windows. If, following development, the APSH will be greater than 25%, including at least 5% of APSH in the winter months between 21 September and 21 March, then the room should still receive enough sunlight. Sunlight will be adversely affected if the centre of the window will:

- receive less than 25% APSH or less than 5% APSH during the winter months (21 September to 21 March); and
- less than 0.8 times its former sunlight hours during either period; and
- the reduction in sunlight over the whole year will be greater than 4% APSH.

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Each affected neighbouring property is assessed below.

Tait's House (Clifton College) - The report suggests the proposals will not materially reduce levels of daylight or sunlight.

10 Northcote Road / Mansfield's House (Clifton College) - There are five window openings within this Day House facing proposed building E1, two of which are adjacent to a door and do not light primary rooms. Of the three openings serving primary rooms to the building, they all fail the VSC test and two fail the NSL test, suggesting a noticeable loss of daylight will occur. The ground floor common room opening (F00W7) fails both the VSC suggesting a high adverse impact, albeit it already does not benefit from high levels of daylight. F00W7 also fails the NSL and APSH test, although it does not fail the winter sunlight test. As this room benefits from an east-facing window and will borrow light from the north-facing extension, the proposal's impact on the common room is acceptable. The first floor window F07W3 serves a class room / prep room that benefits from additional side windows, hence the proposal's daylight impact is considered acceptable. The other first floor opening (F01W4) serves a Matron's Office that fails both the VSC and NSL, suggesting a major adverse impact on daylight to this office. As this is an office space and the rest of the building will benefit from acceptable daylight levels, officers do not suggest this is a reason to refuse the application. Officers are also aware it would pass the sunlight hours test.

Overall, there will be noticeable reduction in daylight and sunlight to some rooms, but for the reasons given, the impact is acceptable. Further, officers also recognise the building is built up to the highway boundary, which means any impact of nearby development is exaggerated.

Preparatory School Main Building (Clifton College) - This Clifton College building includes classrooms, offices and the headmaster's office. All the ground floor windows in Room 2 facing the development (F0W9-18) would fail the VSC test by a small degree, which is considered to represent a low adverse impact as the loss is between 7.2 and 8.4%. Further, these windows would likely pass the NSL test, given window F0W18 does, which is representative of all windows in R2, which together with the NSL results suggests an acceptable impact. The ground floor entrance would suffer a low adverse impact to daylight according to the VSC test, but would pass the NSL suggesting an acceptable impact, especially as it is an entrance, and not a class room. Room 4 on the ground floor is dual aspect, the windows facing the development (F00W24-27) would suffer a low adverse impact to daylight according to the VSC test, but would likely pass the NSL and sunlight tests given the results for windows F00W23. Further, given the surveyed windows facing the sports courts all pass the daylight and sunlight tests, it is considered that room 4 would not be unacceptably impacted by the development. The tests results suggest the development will have an acceptable impact on daylight and sunlight for the first floor, including the second floor window. Overall, the development will have an acceptable impact on the daylight and sunlight results experienced by this building.

Outdoor Sports Courts (Clifton College) - Officers do not expect the proposal to have a harmful impact on the daylight and sunlight experienced by the Avenue building at the back of the Sports Courts. Further, the Daylight and Sunlight Report Addendum confirms that Clifton College's sports courts on Northcote Rd will pass the BRE test (results suggests that 99% of the courts will receive at least 2 hours of direct sunlight on the 21st March).

7 and 8 Northcote Road (Clifton College) - These buildings are understood to provide administrative and support functions for Clifton College, including counselling services for the prep school, a chaplaincy and multi-faith school, and EAL and Learning Support services.

The development would have an acceptable impact on No. 8's ground floor rooms, apart from the front office facing the site (F00W5). The results suggest the development would result in a medium adverse impact to amount of daylight received in this room, but an acceptable impact on sunlight. The room above the ground floor office (F01W4) would fail the VSC, suggesting a medium adverse impact

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on daylight, but pass the NSL and sunlight tests, suggesting a permissible impact. Finally, the tests results suggests the impact on the second floor window (F02W1) is acceptable.

Turning to no. 7's ground and first floor rooms facing the development (F00W2, F01W1), the development would have a medium adverse impact on daylight according to the VSC test, and a significant negative impact on the distribution of daylight within the room (NSL), albeit both windows do pass the relevant sunlight tests. Similarly, the second floor small window (F02W1) would experience a reduction in the distribution of daylight within the corresponding room (NSL), but would pass the VSC and sunlight test. The only justification provided within the Daylight and Sunlight Report Addendum is that no. 7 is an office, and that offices are less important in daylight and sunlight terms and should not be considered as part of the planning process. Whilst officers do agree that offices are less sensitive to a loss of daylight and sunlight than for example residential uses, they nevertheless require daylight, and hence the impact is a negative aspect of the development that weighs against the proposal, and suggests the position, scale and mass of the northern section of block E2 is problematic. The impact is however accepted on balance, as it is not considered to be unreasonable given: the building is not in a residential use or a classroom, but a less sensitive administrative/supportive uses to the functioning of the College; acceptable levels of sunlight will remain; and the requirement in paragraph 125(c) of the NPPF to not inhibit the efficient use of the site.

Hornby Arts Centre (Clifton College) - This Clifton College building has an innovative design where roof-glazing provides the majority of the light the building enjoys, apart from some first floor windows. The two main glazing panels for the ground floor (FOOW1-2) pass the relevant daylight and sunlight tests. The first floor gets light from windows facing Northcote Road and the roof glazing. Windows F01W1-2 fails the VSC test, but the room passes the NSL and sunlight tests. Roof glazing windows F01W5-6 light the first floor and passes the daylight and sunlight tests. First floor window F01W3 will suffer a reduction in daylight, but given this a landing to a stair core this is acceptable. Although the amount of daylight and sunlight the building currently enjoys will reduce, the assessments suggests the building will still benefit from adequate levels of daylight and sunlight.

1 – 6 Northcote Road – following the Residents' Association's submission of a daylight and sunlight rebuttal (Anstey Horne), the Applicant provided a response including using updated room sizes and layouts as provided by Anstey Horne, generally the Applicant suggests this further information does not change their initial conclusions presented in the Daylight and Sunlight Assessment. Anstey Horne then provided another letter to reply to further information provided by the Applicant, which in short suggests that the Applicant's daylight and sunlight assessment is misleading due to inaccurate figures concerning tests such as the VSC, and that the Applicant's figures do not account for an existing tree that is to be retained within the site (14 metre high Lawson Cypress (T119)). The Applicant has responded, reiterating that their assessments are robust and the figures correct, which officers agree with following a review.

Anstey Horne argue that the existing tree within the site should be considered when assessing the proposal's impact, as it would demonstrate that the level of daylight and sunlight enjoyed by nos. 1 – 6 Northcote Rd is worse than is indicated within the Applicant's Daylight and Sunlight assessments. Officers acknowledge that the tree may well impact the Daylight and Sunlight assessment provided by the Applicant. However, the BRE Guidance should be followed when considering daylight and sunlight assessments. Their guidance has been quoted by both the Applicant and Anstey Horne, in the Applicant's case to justify why the tree should not be considered and in Anstey Horne's case to justify why it should be. Officers have reviewed the guidance, the advice is clear within paragraph G1.2, that it is usual to ignore the effect of existing trees on new buildings, although the supporting reasoning refers to most trees not being in leaf during the winter. Whilst this would not be the case for T119 (being a Lawson Cypress), it is apparent from site inspection that the branch structure and form of T119 means that it does not preclude all daylight/sunlight passing through its canopy. Also, paragraph G1.2 does not qualify its guidance to suggest that only existing deciduous trees can be disregarded. Accordingly, it is therefore a reasonable conclusion to not require the existing tree to be considered when assessing a new development's impact on neighbours. However, Anstey Horne relies on



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paragraph G2.1, which suggests there will be circumstances where existing trees should be taken into account, and gives the example of where a new dwelling is proposed near a large tree, as there may be a concern that future occupants would want to fell the tree in future if it blocked too much skylight or sunlight. Clearly this example is not applicable to this application, where the concern relates to a new development's impact on existing residential accommodation, rather than the longevity of a tree in relation to a new development. The key determining factor in this disagreement is the characteristics of the tree itself, which will no doubt currently impact the levels of light experienced by nos. 1 – 6 Northcote Rd and continue to if the development is approved and built out. The tree is not deciduous, but its canopy formation will allow light to penetrate through from the west to the east (nos. 1 – 6 Northcote Rd). This is evident through inspecting the tree on site and from Northcote Rd, but also from the picture provided Anstey Horne. Further, it is a standalone tree, it does not form part of a wider group or belt that together would be impenetrable. It also will not block the whole width of the gap between Blocks E2 and E3, meaning light will penetrate either side of the tree, and as suggested earlier through gaps in the canopy. Taking these factors into account, it is reasonable to follow the guidance provided by paragraph G1.2 of the BRE, and to not require a Daylight and Sunlight assessment that takes account of the tree.

6 Northcote Road

**Basement Flat:** The results suggest the entrance windows will not be unacceptably impacted. The front-facing bedroom has two windows (B01W2-3), one passes the relevant daylight test, whilst the other fails the VSC and NSL by a small margin, which suggests the proposal would have an acceptable impact on daylight levels. The bedroom would receive acceptable levels of summer sunlight, but would as a result of the development fail to receive the BRE target level of winter sunlight by 1%, which is not a reason to refuse the development given the room is a bedroom and the degree of loss is not overly significant.

**Ground Floor Flat:** The assessment suggests an acceptable impact on daylight and sunlight.

**First and Second Floor Flat:** The side flank window (F01W1) will experience a loss of daylight and sunlight, but does pass the relevant daylight and sunlight tests. The tests results for the remaining windows (F01W2-4 and F02W1-4) suggests the proposal will have an acceptable impact.

5 Northcote Road

**Basement and Ground Floor Flat:** The affected basement windows/room meet relevant tests for daylight and sunlight. The ground floor entrance window (FOOW1) will suffer a reduction in daylight and sunlight, but as this is not a reasonable ground to resist the development as it is not a primary room. The adjacent windows (F00W2-3) pass the relevant tests suggesting the proposal will have an acceptable impact on daylight and sunlight.

**First Floor Flat and Second Floor Flat:** the results suggest a minor decrease in daylight to some of the windows, but all of them pass the daylight and sunlight tests.

4 Northcote Road

No. 4 includes three flats, the exact configuration is unknown, but this has not hindered officers' assessment. At basement level, the two windows (B01W1-2) would experience a reduction of daylight and sunlight, but would nevertheless pass the relevant tests according to the submitted report. The same is true of the ground floor windows (F00W1-2). The window above the door (F00W3) would experience a noticeable reduction in daylight and sunlight, which is deemed permissible given the entrance halls are not primary/habitable rooms, and the nature of the window itself contributes heavily to the results. The proposal would result in some very limited reductions in daylight and sunlight on the first and second floors, but all the windows pass the daylight and sunlight tests (F01W1-3 and F02W1-3).

3 Northcote Road

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Basement flat: these windows (B01W1-3) would experience a loss of daylight and sunlight, but the test results suggest this loss would be limited and acceptable.

Ground floor flat: the three principal windows pass the daylight and sunlight tests (F00W1-3). The flank window (F00W4) above the entrance door will experience a reduction in daylight and sunlight, but this is understandable given the layout of the existing building and permissible due to the nature of the room the window lights.

First and Second floor flat: all the windows on the principal elevation would pass the daylight and sunlight tests (F01W1-4 and F02W1-3).

2 Northcote Road

All the basement windows fails the VSC and NSL tests by a minor margin suggesting a low adverse impact on daylight levels reaching the windows, but the rooms pass the sunlight tests, overall the impact is acceptable. At ground floor level, the entrance door window that currently enjoys limited levels of light, will suffer a further reduction, this is not a reason to resist the proposals as it is not a primary room. Further, the three bay windows (F00W3-5) will suffer low adverse impact to the amount of daylight received (VSC), but the NSL results suggests an acceptable dispersal of daylight will remain, as will adequate levels of sunlight (F00W3-5). At first and second floor levels, the results suggest the impact on daylight and sunlight will be acceptable (F01W1-4 and F02W1-3). The 'Two Hours Sun-on-Ground Study;' suggests an acceptable impact with regard to overshadowing from the development.

1 Northcote Road

The VSC and NSL tests suggests the basement windows will experience a low adverse impact to daylight, which is considered permissible due to the scale of the impact, officers are also aware the basement passes the sunlight test (B01W1-3). On the ground floor, the VSC and NSL results suggests the development will have a low adverse impact on the levels of daylight received, the proposal's impact on the room passes the sunlight test. At first floor level the assessment suggests an acceptable impact on daylight and sunlight, as do the results for the second floor. The 'Two Hours Sun-on-Ground Study;' suggests an acceptable impact with regard to overshadowing from the development.

Poole's House (Clifton College)

This Clifton College building is a dormitory, to aid the assessment officers reviewed plans on the Planning Register.

Lower Ground floor: Window F00W1 will suffer a minor reduction in daylight and sunlight from an existing poor position, hence the window fails the VSC and NSL. Windows F00W2-3 will provide acceptable levels of light, and laundry room windows F00W4-5 will experience a low adverse impact to daylight levels, which is permissible given the nature of the room. The ground floor sitting room (F00W6-7) will also suffer from a low adverse impact to the amount of VSC and a high adverse impact to NSL but will not experience a detrimental impact to levels of sunlight. Although the impact is negative, it is not a reason to refuse the application, especially as the sitting room has a south-facing window that will not be impacted by this development.

Upper Ground floor: the windows (F01W7-11) to a day room will experience a medium adverse impact to the level of daylight entering the room (VCS), and a low impact to the amount of skylight within the room (NSL), which is downside of the proposal, albeit the room will continue to enjoy acceptable levels of sunlight. The kitchen windows (F01W12-14) fail the VSC tests and the impact is on the cusp between a low and medium adverse impact, but the windows do pass the NSL test, which suggests an overall acceptable impact, the room would also continue to experience adequate levels of sunlight. The sitting room is dual aspect and would continue to benefit from acceptable levels of daylight and sunlight (F01W15-21).

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First Floor: the results suggest the two dormitory rooms facing Northcote Rd windows (F02W5-12) would suffer a low adverse impact to daylight (VSC). Given the low scale of impact and the fact the room would pass the NSL and sunlight test, the impact on these dormitories is acceptable. The dual aspect bedroom (F02W13-18) would not suffer a noticeable reduction in daylight or sunlight.

Second Floor: all of the rooms pass the relevant daylight and sunlight tests.

The proposal is not expected to unacceptably impact the garden area to Poole's House.

Whilst three of the rooms within the building would suffer a loss of daylight, the overall impact on the building's quality of daylight is acceptable, and not a reason to refuse the application or require the scale and mass of the proposal to be reduced.

Sports Centre (Clifton College)

This building includes a ground floor class room (ceramics) with PE rooms above it, and the rest of the building is a sports centre with a chapel adjacent to the North Quad.

The glazed door to the Sports Centre (F00W8) will experience a reduction in daylight, but given it is a door to reception area, this is not a reason to resist the development. The 16 pane window (F00W9-16) will experience a medium/high adverse impact to daylight (VSC) and also fails the NSL test, given it is used as an office to the Sports Centre, this does not suggest the application should be refused. The report has also surveyed a number of port-hole type features on the first floor facing Guthrie Road (F00W17-21), these appear to be vents, hence the results are not relevant. Further, the space behind the vents is understood to get its light from the large roof lantern (F00W23-24), which is not materially impacted by the proposal. The majority of the first floor windows (F01W3-7) pass the relevant daylight tests, apart from two that would receive a low adverse impact (VSC) to daylight, this is acceptable given the nature and the overall results for the room.

Main Reception Area (Ground Floor), Synagogue and Prichard Room (First Floor)

The multi-pane window facing Guthrie Road which lights the main reception area would suffer a low adverse impact (VSC), however all of the west-facing windows (into the North Quad) pass the daylight and sunlight assessments. The ground floor would pass the NSL test. The first floor has similar results, suggesting that it would not be unacceptably impacted by the development.

South Town Building (Clifton College)

This is a day house, the use of which has been discussed above. The building is sensitive to light impacts, albeit less than a classroom or residential use. It has twelve window openings facing Guthrie Road across the ground and first floor serving respective rooms. The dual aspect ground and first floor rooms facing the North Quad and Guthrie Road will continue to experience acceptable levels of light. A similar assessment is made for the rooms at the opposite end of the building, which are dual aspect. The remaining eight rooms across the ground and first floor will experience a medium adverse impact to daylight according to the VSC results and a high adverse impact according to the NSL results. They will therefore experience an adverse impact to the level of daylight they currently enjoy as a result of this development. Officers agree with the Applicant, where they suggest the nature of how the building is used means it is less sensitive to a loss of daylight, and that the impacted rooms are already likely to be reliant on artificial light as they are single aspect and north-facing, meaning they will benefit from limited levels of sunlight. Paragraph 125(c) of the NPPF is also relevant. Whilst a finely balanced judgement, in this case the impact on daylight is not deemed unreasonable.

Watson's House, Coulson House, 1 Cecil Road (Clifton College)

The report suggest an acceptable impact on daylight and sunlight.

Joseph Cooper Music School (Clifton College)

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Although the windows facing Block S1 will experience a loss of daylight, these rooms benefit from additional rooflights/windows meaning that they will continue to experience good levels of daylight, and hence officers consider the proposal's impact to be acceptable.

40 - 48 College Road

All daylight and sunlight tests are passed for all of the windows surveyed in these dwellings, apart from for a single basement window within nos. 42-48 College Road. The windows in question are single windows to each respective basement, and pass the VSC test but fail the NSL test. As there are additional windows within each basement that passes all the daylight tests, officers are confident that these basements will not be unacceptably impacted.

Summary

The proposal generally has an acceptable impact on the levels of daylight and sunlight received by neighbouring properties. There are however a minority of neighbouring buildings where the impact on their daylight and/or sunlight is harmful, but for the reasons provided their impact is deemed acceptable.

## iii. Clifton Conservation Hub

This proposed building includes a café, noise from which has the potential to impact neighbours, for example from extraction equipment and the collection of refuse. Appropriate conditions are recommended.

## iv. Open Space

The proposal secures public access to the site, and includes some features that could give rise to prejudicial impact to neighbours (including future occupiers) through their use, for example from noise from the play area or theatre. Given the layout, these impacts will not materially harm the amenity of existing neighbours outside of the site, and also will not prejudice the amenity of future residents, as the management plan can secure appropriate procedures to reduce the chances of conflict between visitors to the site and future residents.

## v. Construction Phase

The construction phase of this development would have the potential to impact neighbours' amenity, including Clifton College that will be particularly susceptible to noise impacts. In accordance with the Pollution Control Team's advice, a construction management plan is recommended to be secured by condition.

## vi. Summary

In order to achieve an optimal density whilst avoiding building on the most sensitive areas of the site, the proposal introduces built form at the edges of the site at a greater scale and mass to the existing situation, often with windows facing neighbouring properties. The absence of built form at the site's edges, does heighten the impact of the proposal, as many neighbours currently have open vistas across the site. The proposal's impact on neighbour's amenity, both existing and future, has been assessed with regard to privacy, outlook, natural lighting, ventilation, and indoor and outdoor space, and is found to be acceptable in accordance with planning policy and relevant guidance. This

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assessment has considered guidance within the PPG that highlights the needs for local authorities to consider whether children's best interests are relevant to any planning issue under consideration (para: 028 Reference ID: 21b-028-20150901). Specifically, whilst the amenity value of some of Clifton College's buildings will be negatively impacted by the proposal, the impact is not considered to be unacceptable, and hence does not conflict with the best interests of the pupils who attend Clifton College. Overall, the proposal is considered to have an acceptable impact on neighbouring amenity.

**Key Issue F. Mixed and Balanced Communities (including Affordable Housing)****i. Relevant Policies**

Policy BCS17 'Affordable Housing Provision' expects affordable housing to be sought from residential developments of 15 dwellings or more through negotiation. At this Site, the percentage target for affordable housing provisions is 40%. The policy highlights that where this target is not met, "...developers will be expected to provide full development appraisals to demonstrate an alternative affordable housing provision". Material to the application of policy BCS17 is the Council's Affordable Housing Practice Note, July 2022, (AHPN), which helps to explain how policy BCS17 is implemented. The AHPN outlines a 'Threshold' approach, where to encourage the early provision of affordable housing above the level currently being delivered, the Council will operate a threshold approach to policy BCS17 applied within the Bristol Inner West and Inner East zones. In these two zones applications meeting or exceeding 20% affordable housing can follow a 'Fast track' route. However, this is principally subject to the applicant/developer agreeing to both commence development of the scheme within 18 months of the permission being granted, and a viability testing process if no confirmation of commencement of the development of the scheme has been received within 18 months of the date of the grant of planning permission. Where such arrangements are agreed, the benefit of achieving early delivery of the development and its affordable housing is treated, when applying policy BCS17, as a material consideration which is capable of outweighing the need for compliance with the full requirements of the policy, with a safeguard to require viability testing and potentially increased affordable housing if the development is not commenced within the 18 months period.

Policy BCS18 requires that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The policy goes on to include a number of aims for development to meet the requirements of policy BCS18. These relate to affordable housing need; housing demand; diversity and imbalance of housing in a local area; requirements of a changing population; and the employment of imaginative design solutions.

**ii. Affordable Housing**

The proposal offers 40 units as affordable housing, which whilst not meeting policy BCS17's expectation, it does exceed the 20% target introduced by the AHPN. As per the Housing Enabling Team's comments, the applicant has confirmed they will use the 'Fast Track' route, the terms of which will be secured via the s106 agreement in accordance with the AHPN. Although the proposed affordable housing contribution does not meet policy BCS17's expectation, it does accord with the approach set out within the AHPN, which attracts weight when considering policy BCS17. Officers recommend the number of affordable homes proposed to be secured by this development is

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sufficient, provided that there is a commitment to secure early delivery and a default mechanism for viability testing if this does not occur.

In terms of tenure, the applicant has offered a mix of 75% (30no.) Social Rent and 25% (10no.) 'First Homes' which is in accordance with Section 3.5 of the AHPN. Officers realise the AHPN prefers Shared Ownership rather than First Homes, but as per the AHPN, other tenures including First Homes are acceptable. All of the First Homes will be 1-bedroom homes, ordinarily a more diverse mix of housing types would be expected. However, as per the Housing Enabling Team's advice, to remain in within the £250,000 price cap that First Homes are subject to, it is understood why the 1-bedroom home are proposed, as larger First Homes house types would likely exceed the price cap. The Housing Enabling Team do not raise issues with the housing types for the Social Rent homes, which are composed of a more diverse housing mix, including 19nos. 1-bedroom homes, 6nos. 2-bedrooms homes, and 5nos. 3-bedroom homes. Whilst the Housing Enabling Team highlights the mix of units does not present the ideal range of dwelling types, they nevertheless acknowledge the positive contribution the proposal's affordable housing offer will make in area where there is limited affordable housing at present. In total, 4 nos. M4(3) 'wheelchair user dwellings' are proposed, which meets the expectation of policy DM4. Three of these wheelchair user dwellings are proposed to be allocated as Social Rent homes in Block S1, which will help meet the high demand in Bristol for affordable housing for people with disabilities. The Housing Enabling Team has asked if the final wheelchair user dwelling could also be allocated for affordable housing, but in this case, officers advise there is no policy need for the development to do so, given 3nos. wheelchair user dwellings are already proposed to be affordable homes. A condition is recommended to ensure the units proposed to be wheelchair accessible meet the full requirements of Building Regulation M4(3).

The First Homes are proposed to be in Block E2 (2nos.) and Block E3 (8nos.), four of which do not have access to private external amenity space, but are nevertheless provided for by the open spaces within the development. The Social Rent homes are all located in Block S1, all have access to private external amenity space. Within the Housing Enabling Team's second comments, concerns were expressed regarding the concentration of affordable homes, particularly within Block S1, which is proposed includes 30no. Social Rent homes only. In response to this criticism, the Applicant responded with justification, including examples of other approved developments with similar arrangements in Bristol. It is also material to consider the Registered Provider's needs, who generally prefer to have affordable homes located in a single block of accommodation, as they find it easier to manage the common areas and service charges can be less. Within the Housing Enabling Team's latest comments, they raise no objection to the development in respect of the concentration of affordable homes, acknowledging the nature of the scheme and the fact that the accommodation is spread across three blocks. Block S1 has car parking for the 3nos. wheelchair user dwellings, but no car parking spaces for the remaining 27nos. homes. Whilst officers acknowledge the sustainable nature of the site, the Housing Enabling Team suggests a minimum of 10% of the total car parking provision should be allocated for residents of the affordable homes. An appropriate proportion of allocated car parking spaces for the affordable homes will be secured within the s106 agreement.

In accordance with policy BCS17, the AHPN, and the Planning Obligations SPD, the affordable housing proposed would be secured by s106 Agreement. Matters such as the Approved Housing Provider, Rent and Service Charges, and Enabling Fees will be addressed within the S106 Agreement.

### iii. Mixed and Balanced Communities

Policy BCS18 requires that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. As has been discussed, 156nos. (80%) are proposed as private/open market homes,

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with the remaining 40nos. (20%) being proposed as affordable homes. In addition to policy BCS17 and the AHPN, positive weight in accordance with policy BCS18 should be attributed to the 40 nos. affordable homes, given their contribution to the mix of housing types in the Clifton Ward.

The proposal includes 37no. (18.9%) houses and 159nos. (81.1%) flats, meaning the proposal will maintain the housing mix in this regard, given the 2021 Census data recorded the Clifton Ward as being composed of 24.4% houses and 75.6% flats. In terms of bedroom composition, the proposal includes 60nos. (30.6%) 1-bedroom units, 71 (36.2%) 2-bedroom units, 34nos. (17.3%) 3-bedroom units, 27nos. (13.8%) 4-bedroom units, and 4nos. (2%) 5-bedroom units. The 2021 Census data suggests that in the Clifton Ward, 25.5% of homes have a single bedroom, 40.2% are 2-bedroom homes, 16.2% of homes have 3-bedrooms, and the remaining 18.1% homes have 4 or more bedrooms. As such, the proposal will maintain the mix of housing sizes in the Ward. In terms of housing tenure, the submitted Housing Market Assessment suggests that within the BS8 postcode (which officers acknowledge includes a larger area than the Clifton Ward) home ownership is relatively low compared to Bristol due to the high proportion of rental stock (rental stock: 48% in Clifton and 25% in Bristol). Although any planning permission would only be able to control future tenure in relation to the affordable homes, the proposal would nevertheless offer an opportunity for greater home ownership within Clifton.

The proposal meets the expectations of policy BCS18 through appropriately maintaining and contributing to the mix of housing tenures, types and sizes to help support the creation of mixed, balanced, and inclusive communities. Further, all units meet the space standards, will benefit from an acceptable quality of residential amenity.

iv. Summary

Overall, officers advise the mix of development proposed will help meet identified housing needs, in terms of both the proposed affordable and open market homes, to which significant weight should be attributed.

### **Key Issue G. Highway Safety and Transportation**

i. Relevant Planning Policies

Policy BCS10 'Transport and Access Improvements' expects developments to be designed to reflect the transport user priorities listed in the policy, whilst also considering the needs of disabled people. The policy expects developments to be located where sustainable travel patterns can be achieved, minimising the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport. The policy goes on to set out expectations for developments to be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes and noise. Further, the policy requires proposals to create places and streets, where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

Policy DM23 'Transport Development Management' expects developments to not give rise to unacceptable traffic conditions and to provide:

- i. Safe and adequate access for all sections of the community within the development and onto the highway network including designs which secure low vehicle speeds; and*

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- ii. *Adequate access to public transport including, where necessary, provision for public transport improvements; and*
- iii. *For appropriate transport improvements to overcome unsatisfactory transport conditions created or exacerbated by the development; and*
- iv. *For pedestrians and cyclists including, where appropriate, enhancing the pedestrian and cycle network and, for major non-residential schemes, providing adequate changing, shower, storage and drying facilities for cyclists*

In relation to parking and servicing, policy DM23 refers to Appendix 2, and expects developments to:

- i. *Provide an appropriate level of safe, secure, accessible and usable parking provision having regard to the parking standards, the parking management regime and the level of accessibility by walking, cycling and public transport; and*
- ii. *Provide appropriate servicing and loading facilities*

## ii. Access Arrangements

The proposal introduces seven pedestrian accesses and three vehicular accesses. All access points would be level with no steps proposed and would be gated. The majority of the gates would be open during the day but closed at night, with an access control mechanism in place to allow residents and deliveries to continue to enter the site even when the gates are closed.

A new priority junction is proposed from College Road just south of and opposite Cecil Road. The junction is to be in the form of a bellmouth arrangement, with a 6 metre wide access road continuing into the site. Visibility splays of 2.4m x 33m are proposed from the access in each direction along College Road. Gates across the access road would be set back some 15m into the site. During the day the gates would remain open enabling residents and visitors to access the site, but would be closed at night with resident only access permitted by way of fob system or similar. Deliveries would also be permitted access. Signage is also proposed at the site access to limit vehicle access to the site to those travelling to the residential properties only, identifying that public access is not permitted for vehicles except for the Clifton conservation hub disabled parking. Works in the highway will be necessary to facilitate the new access, including the loss of on street parking space and a traffic calming feature. A condition is recommended to secure details of the works in the highway and to ensure they are implemented in a timely and acceptable manner.

The existing entry gates provided on Guthrie Road to the south of the site are proposed to be reused. Cyclists would be permitted to use the central gates two-way, with cars only permitted to enter the site through these gates. In addition the side gates would be available for pedestrians to use. These gates would be open during the day and locked at night, with only access then permitted for residents by way of fob system or similar.

A gated 4.8m wide resident only car and cycle two-way access is proposed in the north east of the site with access from Northcote Road. The vehicle access gates are proposed to be closed at all times and would only be able to be opened by those residents with fob (or similar) access living in the northern part of the site. A pedestrian access is proposed to the north of vehicle entrance via a 'Pocket Park'. As a result of the new access provision some existing on-street parking bays along the northern section of Northcote Road would be lost. On the western side of the road around three



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parking spaces would be lost to allow for the access location and build out, plus three for the visibility splay to the right. In addition around five spaces would be lost on the eastern side of the street.

The movement of vehicles within in the site has been discussed in Key Issue D.

### iii. Highway Safety

Clifton College has expressed concerns regarding the access on Guthrie Road, largely in relation to the volume of traffic the access would result in and the potential of conflict with their pupils. Officers realise that large numbers of pedestrian movements, primarily those of school aged vulnerable users, is generated by the College, which has facilities on both Northcote Rd and Guthrie Rd. This includes pupils being dropped off and picked up on both Northcote Rd and Guthrie Rd. The College's representations argue that the proposals do not mitigate the impact the redevelopment will have on the College's pupils and the associated road safety dangers. With reference to advice from Highgate Transportation, the College requests additional transportation modelling and other relevant transportation research is undertaken by the Applicant to ensure that the College's concerns have been taken fully into account.

Clifton College raises understandable concerns, and whilst proposals impact on highway safety is always a planning concern, it is heightened given the number and vulnerability of school children who use the surrounding highway, not just when going to and from school, but also during the school day when walking to lessons. Transport Development Management's comments suggests the College's concerns in relation to highway safety have been addressed by the Applicant, and as such they raise no objection. The amount of vehicle movements has been considered by the Applicant within their Transport Statement, which reports that between 7am and 7pm, there will be typically 72 car movements via the Guthrie Road access and 98 via the Northcote Rd, with the majority being via College Rd that will be the only access for delivery and other service-related vehicles (Appendix 13.3). A condition securing access arrangements is recommended. With regards to movements in peak times, the Transport Statement advises:

*"Whilst there is proposed to be a small increase in vehicle trips at the Guthrie Road junctions in the peak hours this equates to one additional vehicle every eight minutes in the morning peak hour and every four minutes in the evening peak hour. This is not a material increase in traffic. Over the course of the day there is likely to be a reduction in traffic on Guthrie Road and other local streets surrounding the site as these streets are currently used for parking by visitors of BZG, and these trips are being removed from the network".*

Weight must also be attributed to the site's fallback position, as the Guthrie Rd gates could be used as a vehicular access by the existing use without any need for planning permission. Similarly, the Northcote Road entrance is near an access to the north car park for the Zoo, and both Northcote Road and Guthrie Road have on-street parking bays where visitors to the Zoo could have parked, hence it is reasonable to consider these existing vehicle movements when assessing the proposal's impact on highway safety.

The proposal would introduce pedestrian access either side of the main gates on Guthrie Road, further increasing the awareness of those entering the site via this access for pedestrians. Further, Guthrie Rd already includes many traffic calming measures that encourage motorists to travel at an appropriate speed. Visibility at the access is also acceptable, meaning motorists entering the site

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would be able to clearly see pedestrians and enter accordingly. The majority of those motorists accessing the site will also be aware that they are in an area where Clifton College has many buildings, meaning they will be expecting to see pupils from the school walking on the surrounding pavements, including those near the Guthrie Road entrance.

Clifton College has also expressed concerns in relation to pupils walking on College Road and Cecil Road, for example to access playing fields ('New Field'), particularly in relation to the proposed new access on College Road and the additional traffic they expect the proposal to generate. Transport Development Management has not however objected with regard to these concerns, and hence there is insufficient evidence to indicate that the proposal will have an unacceptable impact on highway safety. The new vehicle accesses on Northcote Rd and College Rd are both designed to comply with Manual for Streets, providing suitable visibility, and hence are not expected to result in road safety concerns. Associated works in the highway will be secured by condition.

Generally, the Transport Statement suggests that whilst in the morning peak hour a comparable level of traffic would be generated by the proposal and the existing use, in the evening peak hour and over course of a 12 hour day (7am and 7pm), there would be a net traffic reduction. Officers agree with the road safety review provided within the Transport Statement, which suggests the development would not have a detrimental impact on local road safety, in line with paragraph 111 of the NPPF. Transport Development Management also raises no objection in this regard. Further, Transport Development Management recommends that the scope of the s278 Agreement (under the Highway Act 1980) that the Applicant is required to enter, is secured by the s106 Agreement. The area the s278 Agreement will address shall include the highway surrounding the site, up to the back of footways on the opposite side of the respective roads to the site, including Northcote Road, Guthrie Road, and College Road. The s106 Agreement shall indicate the extent of the works that should be considered as part of the s278 Agreement, including road safety audits, which will identify any further road safety matters resulting from the development and secure appropriate mitigation works to address them. Any planning permission would secure works in the highway in the interest of road safety by way of a condition to require general arrangement details of highway works.

Comments have questioned the Applicant's Transport Consultant's reference to the site's lawful use as a zoo, and their suggestion that the transport and highway safety impact associated with the active use of the Zoo should be taken into account when considering the proposal's transport and highway safety impacts. Specifically, this has been criticised as for other matters, the Applicant's case has suggested that the active use of the Zoo has ceased. Officers understand the criticism, but advise it is common for transport-related assessments to consider and compare proposals against the lawful use of a site. Further, in this case, the transport-related baseline of the lawful use is helpful and material, as it demonstrates that the development's impact will be reduced compared to the Zoo's impact on the highway when it was operational.

#### iv. Movements within the Site

The internal streets have been designed to provide a liveable neighbourhood taking into account the needs of pedestrians and disabled users moving around the site. The provision of three vehicle access points and vehicle turning areas around the site minimises the vehicular impact on pedestrians making use of the main retained gardens area and Grand Terrace. The design of the streets and surface materials proposed also aims to encourage slow vehicle speeds through the space and encourage free flow of pedestrian and cycle movement. The internal streets around the site would be

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managed by a management company to make sure that no parking takes place outside of the marked parking bays. A condition for a parking management plan is recommended.

v. Car Parking

The proposed new accesses on College Road and Northcote Road will result in the loss of on street car parking spaces, which is considered to be acceptable given the demand associated with zoological use for on street parking in the vicinity will reduce. These spaces are also available to permit holders, but TDM has not objected to this element of the development.

A total of 120 car parking spaces are proposed on-site, 118 allocated for residential use, and two for the conservation hub, this equates to a provision 0.6 spaces per home. Of the allocated car parking spaces 71 are proposed for the apartments, of which 61 would be undercroft within the buildings on the northern and eastern perimeter of the site, plus four surface level parking spaces in the north, and a further six in the south of the site. Four of the car parking spaces would be designed as disabled bays, meeting the expectations of Appendix 2 of the Sites Allocation and Development Management Local Plan. The Transport Assessment suggests that car parking for the apartments would be allocated to specific apartments so residents are aware as to whether they have a car parking space or not prior to moving to the site. All houses would have at least one car parking space, with 10 of the larger properties allocated two spaces, giving a total of 47 car parking spaces allocated to the houses proposed on-site. The parking spaces for the houses are a mix of on plot parking with pergolas over the bays, nearby surface level parking perpendicular to the circulation route around the site, or within a small parking court. All of the houses with on plot car parking are proposed to have an electrical socket to allow for electric car charging. For the parking spaces allocated to the apartments and those for the houses which are not on plot, 20% of the car parking provision would also be provided with electric car charging points. The remaining parking for the apartments would have passive provision, with ducting in place to allow future installation of electric vehicle charging points.

Visitor parking for residential dwellings would be provided in the locality, where on-street pay and display bays are available. Two dedicated disabled parking bays for the Clifton conservation hub are also proposed on-site to the rear of the hub building. In addition, disabled visitors to the hub would be able to make use of the on-street parking on College Road. A car club space is proposed as part of the scheme, and will be provided on public highway so that it would be available to existing local residents as well as residents of the proposed development. The exact location of the car club car is to be agreed by condition.

Generally, the level of car parking proposed is considered appropriate for the development, and has been minimised, as the ratio of 0.6 spaces per dwelling reflects.

vi. Cycle Stores

Cycle parking for each of the apartment buildings is proposed in a series of dedicated secure cycle stores on the ground floor of each of the buildings. This is with the exception of the Clock Tower building on the eastern side of the site which would share the cycle store provided in the apartment building E1 immediately to the north. A total of 384 secure resident cycle parking spaces are proposed for the apartments, with each cycle store containing sufficient parking to provide at least one cycle space per bedroom of the associated apartment building. For the houses secure covered cycle stores are proposed either within parking pergola, or a separate dedicated store adjacent, with three

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cycle parking spaces provided for each house. A total of 40 visitor cycle parking spaces will be provided. Sufficient cycle parking is proposed, a condition is recommended to secure it.

## vii. Refuse and Services

Refuse/recycling collections and deliveries such as supermarket deliveries, couriers, and food deliveries would be permitted to take place within the site, with vehicle access from College Road. The servicing arrangements on-site would be managed by a management company for the site with appropriate signage in place to guide drivers, conditions are recommended to ensure the correct access is used and other servicing arrangements are satisfactorily managed. Adequate refuse storage is proposed, adequate implementation will be secured by condition.

## viii. Sustainable Transport

A residential travel plan has been submitted, and suitable design measures have been incorporated to encourage sustainable transport, including limiting the car parking spaces proposed. The site also has access to public transport.

## ix. Planning Obligations

Transport Development Management advises that the following obligations are: necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development.

- The extent and scope of the S278/ S38
- Contributions of £220 per residential unit for travel plan delivery and management or £5,693 where applicant will do their own delivery

Whilst delegated powers are requested to finalise these planning obligations as part of a s106 Agreement, it is nevertheless important for Members to consider them.

## x. Summary

Subject to conditions and planning obligations being secured, officers (and Transport Development Management) raise no objection to the application with regard transport and highway safety related policies.

**Key Issue H. Sustainability**

The Council's Sustainable City Team raises no objection to the development, concluding that the application complies with all relevant policies. The Team has reviewed the BREEAM Communities Scoping Assessment prepared by Method Consulting; the Energy and Sustainability Statement prepared by Max Fordham; as well responses to the Team's queries from Max Fordham (21.12.22) and Price and Myers (05.01.23).

Policy BCS13 'Climate Change' requires development to take into account the impact of climate change, and specifically requires development to both mitigate and adapt to climate change, and to meet targets to reduce carbon dioxide emissions. Mitigation measures proposed include adopting high standards of energy efficiency, the use of decentralised renewable energy generation, and measures to encourage walking, cycling and the use of public transport. This is evident in the proposal's use of Photovoltaic Panels (PV) on most roofs to provide electricity, Air Source Heat

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Pumps (ASHP), and Ground Source Heat Pumps (GSHP) to provide heat. Back up electric boilers are proposed to provide for peak and back up scenarios, which the Sustainable City Team considers to be acceptable in the context of a site-wide low carbon heat network. The application also includes measures to adapt to climate change, such as measures to minimise the need for active cooling, including: external passive shading, self-shading balcony design, considered glazing specification, and mechanical ventilation with heat recovery (MVHR). This has been evidenced by the submission of overheating risk assessment for homes, which complies with current and future weather files. The proposal is supported by a suitable sustainable urban drainage plans to reduce the risk from surface water flooding as expected by policy BCS16, and extensive green infrastructure is proposed that will minimise and mitigate the heating of the urban environment, including green roofs as well as the landscape proposals.

Policy BCS14 'Sustainable Energy' sets out a requirement for development to minimise its energy requirements and incorporate renewable and low-carbon energy supplies to reduce its carbon dioxide (CO<sub>2</sub>) emissions, expecting the provision of sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. A total 44% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations is expected in line with the energy hierarchy, and the proposal will reduce carbon dioxide emissions below residual emissions by 32% through PV alone. Rather than a centralised system, a distributed ASHPs and GSHP site-wide network is proposed to provide heat to low temperature ambient loop systems to the new and refurbished buildings, which provides heating and hot water to dwellings via water source heat pumps. This meets policy BCS14's expectation for new development to demonstrate that the heating and cooling systems have been selected in accordance with the heat hierarchy, as well paragraph 157a of the NPPF. The site is partially within a Heat Priority Area, albeit a connection to an existing district wide system is not available to the development at this time, or in the near future. Representations have challenged the Applicant's use of SAP2012 carbon factors, suggesting that the more recently published SAP10.2 carbon factors and Part L2021 should have been employed. This issue is addressed in the Sustainable City Team's comments, where they advise that as SAP 2012 carbon factors were in use for Part L 2013 at the time of the initial submission, the use of these carbon factors has been continued for the revised statement (rather than Part L 2021), which for the purpose of policy BCS14 calculations they consider to be acceptable.

It is not uncommon for technical guidance to be updated during the consideration of a large-scale planning application and officers consider it is a matter of planning judgment whether the guidance in place at the time the application was submitted should continue to be used or the application should be tested against the more recent guidance. In this instance, officers do not consider that the updated guidance is so significantly different to its predecessor as to make it unreasonable to continue to apply the SAP2012 carbon factors, and it would be disproportionate to require a fresh exercise to be undertaken. This approach is supported by the guidance set out in the Council's Climate Change and Sustainability Practice Note Addendum (CCSPNA) of January 2023, which gives advice on the evidence needed to satisfy Policy BCS14. The CCSPNA notes the replacement of Part L 2013 by Part L2021 in June 2022. In the FAQs in Appendix 1 of the CCSPNA the guidance states *"For schemes currently in planning using the Part L 2013 methodology this will be retained throughout the planning process for the application (including any relevant planning conditions attached). The new methodology will not be applied retrospectively."* The application was submitted in May 2022 and validated in June 2022 (before the new Part L took effect) and was already in the planning process when the CCSPNA was issued in January 2023. Officers therefore consider the approach adopted for the purposes of Policy BCS14 to be acceptable.

Policy BCS15 'Sustainable Design and Construction' expects developments to consider sustainability throughout the design and construction process, from the materials used to the inclusion of measures that enhance biodiversity. Current planning policies do not set explicit targets for reducing embodied carbon, but policy BCS15 does expect sustainable design measures to include reducing waste and recycling during construction and in operation, and consideration of the life cycle of materials to be used. Similarly, paragraph 152 of the NPPF encourages the reuse of existing resources, including the

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conversion of existing buildings. Paragraphs 135 and 141 of the Government's National Design Guide expects development to reduce embodied energy/carbon, as does the Government's National Model Design Code, which provides guidance on the production of design codes, guides, and policies. Representations have criticised the proposal's design quality, suggesting that the development does not adequately reduce embodied carbon, which is largely due to the proposal demolishing existing buildings, rather than re-using them. There is justification for the demolition of a large proportion of the existing structures at the site, given many of them are enclosures that do not lend themselves re-use for other purposes. One of the exceptions to this is the Conservation Education Centre, which is a modern building proposed to be demolished, this must however be seen in the context of the development converting/re-using approximately nine other existing buildings at the site. Perhaps most relevant to this consideration is the lack of specific targets concerning minimising embodied carbon/energy. The development plan does not include targets for reducing embodied carbon, and nor does the NPPF, or the more recently published National Design Guide and National Model Design Code. The Sustainability Statement outlines the approach to embodied carbon, which includes an aim to reduce upfront embodied carbon and whole life carbon, with further reductions to be explored at detailed design stage. Given the absence of specific targets, officers advise the development suitably addresses the expectations concerning minimising embodied energy/carbon. To refuse or consider the development to be poorly designed along the lines of representations concerning embodied energy/carbon would therefore be unreasonable as the proposal does not fail local design policies and government guidance on design (contained in the National Design Guide and National Model Design Code) in relation to embodied carbon/energy. In accordance with the Sustainability Statement an embodied carbon assessment will be secured by condition.

The development would provide a significant biodiversity net gain for the site, and includes green roofs and a significant landscape scheme (as expected by paragraph 157b of the NPPF). The majority of the residential accommodation will also be flexible, as expected by policy BCS15. The proposal is supported by a BREEAM for Communities Strategy and Scoping Assessment, as is required by policy BCS15 for super major development. No target rating is set in policy for BREEAM Communities for development outside the city centre but development is expected to undertake a scoping assessment and meet the objectives of credits that are relevant to sustainability. The Sustainable City Team supports the BREEAM report, stating that the development meets the principles set out for the relevant credits. The proposal suitably integrates the storage of refuse and recycling, and in accordance with policy BCS15 the Sustainability Statement confirms that new homes should include the provision of high-speed broadband access and enable provision of Next Generation broadband.

The development therefore accords with the key planning policies concerning sustainable construction and design (policies BCS13, BCS14, BCS15, and BCS16) and indeed in some cases the expectations of these policies will be exceeded, such as the reduction in CO2 emissions from residual energy use in the development. The proposal also complies with the sustainable design and climate change measures expected by policies DM27 and DM29 (as per Key Issue D 'Urban Design and Residential Amenity for Future Occupiers'), and policy DM15, save for the incorporation of local food growing opportunities (see Key Issue C 'Green Infrastructure and Landscape Design'). The development complies with paragraph 157 of the NPPF, as it meets the development plan's expectations for decentralised energy generation and suitably takes into account existing landform, layout, building orientation, massing and landscaping to minimise energy consumption. Similarly, in relation to meeting the challenge of climate change, granting permission for this development would be consistent with paragraph 152 of the NPPF, which states that the "...planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change". Specifically, the development's incorporation of sustainable design measures and renewable energy generation will appropriately reduce potential greenhouse gas emissions from the development and the development includes measures to minimise the vulnerability to the effects of climate change. As expected by paragraph 154 of the NPPF, the proposal incorporates suitable adaptation measures and both existing and proposed green infrastructure. Further, the proposal appropriately reduces greenhouse gas emissions, through its design. Representations have suggested the proposal does not comply with the National Design Guide in relation to sustainability,

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climate change and resilience. Officers disagree. Through compliance with development plan policies, the submission has demonstrated it meets the expectations of the Resources Section of the National Design Guide, as it will suitably mitigate climate change (by reducing greenhouse gas emissions) and adapt to climate change (such as rising temperatures).

In summary, the development complies with the development plan and the Government's relevant policies and guidance concerning sustainability, climate change and resilience, and hence in this regard the development is well designed. Conditions are advised in respect of securing: renewable energy generation, building efficiency, embodied carbon/energy, and broadband.

**Key Issue I. Nature Conservation****i. Relevant Planning Policies and Guidance**

The Bristol Zoo Gardens Site is located in a semi-urban area adjacent to the Clifton and Durdham Downs Site of Nature Conservation interest (SNCI), though is not considered this proposed development will have a direct impact to this site. The site is not within a wildlife corridor (part of the Bristol Wildlife Network). To the west, separated from the site by houses and the Zoo's former car park is the Avon Gorge SNCI and Site of Special Scientific Interest, adjacent to which is the River Avon SNCI. On the western side of the Gorge is the Avon Gorge Woodlands SAC and the North Somerset and Mendip Bats SAC.

Policy DM19 'Development and Nature Conservation' seeks to minimise developments' impacts on habitats, species or features that contribute to nature conservation in Bristol, where an impact is likely, proposals are expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and*
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and*
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.*

The policy expects the loss of nature conservation value to be mitigated on-site, and when not possible, to be provided off-site. Development on or adjacent to sites of nature conservation value will be expected to enhance the site's nature conservation value through the design and placement of any green infrastructure provided.

Paragraphs 174, 179, and 180 of the NPPF are also relevant, in they expect planning decisions to contribute and enhance the natural and local environment, including avoiding harm to designated sites and achieving net gains for biodiversity.

**ii. Impact on the site's ecological features**

The Nature Conservation Officer's comments confirm that the Ecological Appraisal (EA) (The Landmark Practice, October 2022) sufficiently addresses the ecological features of the site by providing the results of extensive surveys, and outlines appropriate protection, enhancement, and mitigation measures required for this proposed development.

The proposed scheme will likely disturb, damage or destroy up to 14-day bat roosts. All roosts identified are summer day roosts used by common species in low numbers. In accordance with the

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Natural England's advice (Bats: advice for making planning decisions), before planning permission can be granted, the local authority must:

- *make sure any mitigation or compensation conditions you impose do not conflict with the requirements of a bat mitigation licence, and*
- *be confident that Natural England will issue a licence*

Further, by law (the Conservation of Habitats and Species Regulations 2017) the LPA must apply the three derogation tests to comply with the legal protection afforded to European protected species. Effectively, these three tests relate to the two bullet points above, as if these tests cannot be met the LPA will not be able to 'be confident that Natural England will issue a licence'.

1. There is "no satisfactory alternative"

The Background Section within this report sets out that the Zoo has closed and considers the reasons for the Zoo's closure to be reasonable. Further, it explains that the Council is not aware of any interest being expressed by other zoo operators to use the site, nor of any other re-use proposals that would not entail redevelopment. Hence, it is necessary to consider the redevelopment of the site. To 'do nothing' is not a satisfactory alternative, as a form of redevelopment is required to prevent the gardens and historic buildings being vacant and potentially falling into disrepair. Similarly, if buildings and structures were not occupied or managed through 'doing nothing', eventually the bat roosts within the structures would be lost.

The submission explains that the 14 roosts are summer day roosts used by a small number of individual bats. Where roosts are located in such buildings, proposals aim to retain roosts in-situ. However, some of the roosts were found under fascia boards or bargeboards of animal enclosures, food vending buildings and outdated office buildings, which are not suitable for conversion into residential properties or for public use so there is no alternative other than for these roosts to be lost.

This test has been passed by the development.

2. The proposal would "not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

This test has been met by the outline mitigation strategy and method statement (MSMS), which is included in the EA, and provides a suitable ecological mitigation scheme for the impacted bat roosts. The Nature Conservation Officer has suggested a number of conditions regarding works affecting bats and/or their roosts, including securing full details of the mitigation scheme in accordance with the MSMS, these conditions do not conflict with the requirements of a bat mitigation licence.

3. The proposal is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"

The redevelopment of the site will deliver public benefits that clearly outweigh the public interest benefits associated with retaining the impacted bat roosts.

With regard to the key environmental benefits, the development assures the long-term conservation of all the designated and non-designated heritage assets within the site, and better reveals the significance of a number of the listed buildings by removing more recent or modern accretions, representing a further heritage-benefit of the application. The proposed landscaping scheme ensures that most of the listed buildings are within publicly accessible areas, which together with the free



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public access to the site, means people visiting the site will have the opportunity to gain a better appreciation of these historic structures. The development will also result in a net gain for biodiversity, and meets the expectations of sustainability policies, including locating a mixed-use, residential-led development in proximity of designated centres.

The development will help to address the well-established unmet need for homes, including affordable homes, within the city. A further social benefit is the free public access to the site's high quality open spaces provided by the development, including the children's play areas, which will help support the communities' health, social and cultural well-being. The Public Art and Cultural Strategy provides a tangible vision for how the redevelopment of the site can continue to be culturally relevant to Bristol, representing a social benefit. Finally, the proposed Clifton Conservation Hub includes dedicated community floorspace, as well as a café, which will provide a social benefit to the local community.

Economic benefits would also flow from the development, including spending by future residents in the local economy, employment generated by the development, and the more short term economic benefits associated with the construction phase.

Whilst the scheme has many public benefits (a comprehensive list of the development's public benefits is provided within Key Issue B vi), the long-term conservation of all the heritage assets at the site, free public access to the proposed open spaces, and housing provision represents imperative reasons of overriding public interest. Accordingly, this test has been met.

The Nature Conservation Officer has concluded that it is anticipated that Natural England will grant a licence, further Natural England raise no objection to the proposal. The proposal's impact on bats is therefore considered acceptable and in keeping with national legislation and guidance, and policy DM19.

The proposal will impact habitats, species, and features that contribute to nature conservation at the site. Where impacts are predicted, suitable avoidance, mitigation or compensation measures have been proposed to ensure the conservation status of protected species are maintained. The proposed development can proceed without resulting in significant negative impacts on biodiversity and compliance with policy DM19, as well as legislation for the conservation of the natural environment. Extensive mitigation, compensation and enhancement measures are proposed within section 7.4 of the EA, conditions are recommended to secure them where appropriate.

### iii. Habitats Regulations

As per Natural England's initial comments, the proposal has the potential to have significant effects on the Avon Gorge Woodlands SAC and the North Somerset and Mendip Bats SAC, given the scale and nature of the development and that the site is within the relevant consultation zones. The Applicant has provided a Shadow Habitats Regulations Assessment (HRA) to address these concerns, which in addition to considering the proposal's impact on the aforementioned SACs, also considers the proposal's impact on the Severn Estuary SPA/SAC/Ramsar and the Avon Gorge SSSI.

The Shadow HRA considers the likely significant effects of the proposed development on National Site Network Sites (those identified above and also referred to as 'habitats sites' within the NPPF) within 10 kilometres (stage one screening) and Appropriate Assessment (AA) of the implications for the development on those protected sites, in view of their respective conservation objectives. The Shadow HRA concluded that no likely significant effects are anticipated via noise, visual or hydrological/drainage to the Severn Estuary European Marine Sites, and no likely significant effects are anticipated on the qualifying features of the North Somerset and Mendip Bats SAC. In the

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absence of mitigation, the proposed development has the potential to result in likely significant effects upon the Avon Gorge Woodlands SAC as a result of potential air quality impacts from increased dust generated from the movement of lorries to and from the proposed development site, known as “track-out routes” during the construction phase. The submitted Air Quality Assessment produced for this development concludes that: *“Overall, the Proposed Development is considered to be Medium Risk for nuisance dust soiling effects, Low Risk for PM10 health effects and to be Medium Risk for ecological impacts, in the absence of mitigation”*.

The AA considers whether a plan or project could result in an adverse effect on integrity of one or more National Site Network sites/habitat areas, either alone or in combination with other projects. Mitigation measures to reduce the risk of impacts to the Avon Gorge SAC during construction are outlined in appendix A of the Air Quality Assessment (Hydrock Consultants Limited, 2022) and are recommended to be conditioned within a Construction Environmental Management Plan. With the specified mitigation in place to protect the Avon Gorge SAC, there would be no anticipated adverse effect on integrity on a National Site Network site within 10 kilometres of the proposed development and the AA concludes that there is unlikely to be an adverse effect on integrity to the Avon Gorge Woodlands SAC from in-combination effects between the proposed development and other large-scale proposed developments in the surrounding area.

As the competent authority, the LPA has consulted Natural England for the purposes of the assessment and has had regard to their representations. Natural England has confirmed the mitigation measures outlined in the Shadow HRA are sufficient in respect of construction vehicle dust resulting from the construction phase. They also suggested that increased recreational pressure on the Avon Gorge SAC could result from this development, but the proposal includes sufficient onsite greenspace to adequately mitigate additional recreational pressure resulting from the development. The residential proposals are functionally and physically linked with the open space proposed, hence the mitigation they provide will be secured in perpetuity. As per the submitted Shadow HRA, Natural England considered the proposal's impacts both alone and in combination with other developments, including the planning permission at the West Car Park, concluding that they do not consider that the proposed development would result in an adverse effect on the integrity of the SAC. Natural England also agreed with the conclusions of the Shadow HRA regarding the North Somerset and Mendip Bats SAC and the Severn Estuary SPA/SAC/Ramsar.

The submitted Shadow HRA provides sufficient evidence to rule out potential adverse effects from the development on the integrity of the habitats site, and as such, and in accordance with advice from Natural England and the Nature Conservation Officer, the local authority as the competent authority raises no objection to the proposal's impact on habitat sites, subject to a condition securing mitigation measures required during construction to protect the Avon Gorge SAC outlined in the Air Quality Assessment, via the Shadow HRA. The submitted Shadow HRA/AA is adopted by the local authority. Officers advise that the local authority has appropriately discharged its duty in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Following the submission of the amended Shadow HRA, which considered additional planned development in the locality, namely the planning permission at the West Car Park, Natural England advised that the overall planned development in the area would result in more pressure on local services including local greenspace, which “...may justify a more significant contribution to management of greenspaces in the vicinity but outside of the red line boundary”. Natural England thereafter confirmed that those comments “...were made in reference to increased pressure on

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greenspaces in the vicinity of the development generally rather than specifically about the Avon Gorge and Woodlands SAC”.

Officers have considered if a financial contribution to the management of local greenspaces is required to mitigate any potentially harmful impact this development could have on the ecological value of those greenspaces, both in isolation as well as in combination with others. Firstly, it has not been demonstrated that the development individually, or in combination with others, would result in an adverse impact to the ecological value of nearby greenspaces. Secondly, the proposal itself includes significant open spaces that will provide for future residents of the development as well as existing and planned residential development in the area. For example, the submitted Open Space Assessment demonstrates that the open space delivered on site by the development meets the requirements of policy DM16 and Appendix 2's (of the SADMP) locality quantity standard. Further, the functional public open space provided by the development, would still exceed the overall locality quantity standard if considering the expected population yields of both the proposed development and the approved development at the West Car Park. Further, the Planning Obligations SPD suggests that in the main, improvements to public open spaces will be funded by Community Infrastructure Levy, rather than planning obligations. As such, there is insufficient justification to require the development to contribute to or facilitate the management of nearby greenspaces, as it is not necessary to make the development acceptable in planning terms. Accordingly, the financial contribution to support the management of local greenspaces would not meet the tests set out in paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

iv. Biodiversity net gain assessment

The Bristol Tree Forum suggests the provided Biodiversity Net Gain Assessment is not reliable as it: does not use the correct metric (they originally suggested 3.1, rather than 3.0); there are errors relating to the baseline and urban tree habitats specifically relating to the use of metric 3.0 rather than 3.1; incorrect assumptions made about the maturity of the trees; the site has medium strategic importance, rather than low; and the calculation does not account for delay in creating new habitat. As such, the Bristol Tree Forum suggested in their original comments that a net loss to biodiversity of 22% would occur as a result of the development. These concerns were then addressed by the Applicant's ecologist (The Landmark Practice) within a note dated 24.10.22. In response to each issue raised by the Bristol Tree Forum with the submitted Biodiversity Net Gain Assessment, the Landmark Practice's note addresses each concern, demonstrating that the Biodiversity Net Gain Assessment is suitably robust and in accordance with the relevant guidance. Meeting notes and emails have been submitted by the Bristol Tree Forum following the publication of the Landmark Practice's note, suggesting they still contest the submitted Biodiversity Net Gain Assessment along the same lines as summarised above. Whilst a simplification, the crux of the Bristol Tree Forum's criticism concerns the use of Natural England's Biodiversity Metric 3.0, rather than 3.1 which they suggest is better suited to considering urban trees. Officers have challenged the Applicant on this basis, their response is that the Natural England does not recommend changing metrics mid-project, as this may result in discrepancies between calculations. This is the case for this development, as the planning and preparatory work for this planning application commenced prior to the Biodiversity Metric 3.1 being published, as is explained within paragraphs 3.13-3.15 of the submitted Biodiversity Net Gain Report (Landmark Practice, October 2022).

The Bristol Tree Forum also challenges the Applicant's classification of the site for the purposes of the net gain assessment, where the submitted assessment considers the site to have 'low strategic significance', rather than 'medium strategic significance'. In response, the Applicant's Ecologist has

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referenced Natural England's guidance for assigning significance as part of Metric 3.0, which highlights that strategic significance should be considered separately for each individual habitat, rather than at a site-wide level as argued by the Bristol Tree Forum. Further, the Applicant's Ecologist identifies that the site is not covered by a relevant strategy or policy that would indicate a higher level of significance. Specifically, the site is not designated for its ecological importance, is not part of local nature or biodiversity plan, and is not part of the Strategic Green Infrastructure Network (as identified within Diagram 4.9.1 of the Core Strategy). Whilst the site is adjacent to an SNCI, the Applicant's Ecologist advises that the site *"... is surrounded on three sides by built development and is separated from the SNCI by both the large external wall of the Zoo Gardens and a busy urban road, and therefore its individual habitats do not lie in a strategic location (i.e., one that could improve connectivity between SNCI habitats and those nearby)"*. (para 11, Ecology Response To Consultee Comments). Natural England's guidance states that *"Medium strategic significance can be used where professional judgement is applied and the location is deemed ecologically desirable for a particular habitat type, whether recorded in the site baseline"* (para 5.19, Metric 3.0). In this way it is a matter of professional judgement whether a habitat should be considered as low or medium strategic significance. The Applicant's Ecologist has suitably addressed the Bristol Tree Forum's case in this regard, providing compelling justification with reference to the relevant guidance. Similarly, the Council's Nature Conservation Officer agrees with the strategic significance assigned to habitat within the Applicant's assessment.

In the Bristol Tree Forum's latest comments (March 2023) they reiterate many of their previously stated concerns, including that the development will not achieve a biodiversity net gain, the majority of these concerns are adequately addressed above. However, they also suggest Natural England's latest Metric should be used, which is Metric 4.0 and was published in March 2023. As with Metric 3.1, officers advise it would be unreasonable to require the Applicant to change metrics at this late stage of a planning application for the reasons discussed above. In addition, although Metric 4.0 is substantially updated compared to Metric 3.1, Natural England advises that this is more to do with matters of data presentation than it is to do with the underlying results. In its 'Summary of Changes – The Biodiversity Metric Version 3.1 to 4.0', Natural England advises at paragraph 1.1.1 that *"The Biodiversity Metric 4.0 is a substantial update to previous versions of the metric. However, the majority of changes are focused on providing an enhanced user experience and are unlikely to have significant impact on the range of outputs generated."* Similarly, when Metric 3.1 was introduced the accompanying guidance in Natural England's 'Summary of Changes from Biodiversity Metric 3.0 to Version 3.1' had stated (in its opening summary) *"Metric 3.1 represents a relatively small-scale change from version 3.0, primarily focusing on clarifications to guidance and revisions to the condition assessments. Except for a very small number of select habitats, the metric 3.1 update is unlikely to have a significant impact on the range of overall outputs generated."* Officers consider that in the circumstances it would be disproportionate to require the BNG calculation to be re-assessed using the more recent Metric 4.0. Further, in their latest comments the Bristol Tree Forum suggest that if Metric 4.0 is not adopted, it should at least be adopted for individual urban trees. As has been discussed, metrics should not be used interchangeably, and this is made clear at Table 3-1 of Natural England's 'The Biodiversity Metric 4.0 User Guide', at Rule 2, where it advises that *"Biodiversity unit outputs are unique to this metric. The results of other metrics, including previous versions of this metric, are not comparable to those of this metric"*.

The Nature Conservation Officer raises no objection to the Biodiversity Net Gain Report (October 2022), which advises that the development will achieve a 39.86% gain in habitat units and 376.35% gain in hedgerow units will be achieved through the proposed landscaping scheme. The proposed urban trees within the Biodiversity Net Gain metric represent half of the proposed urban trees on site,

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assuming that only half of all proposed trees will reach full maturity to factor in the various risks to the longevity of trees within the site, including those within private gardens. For transparency the Applicant agreed that the Biodiversity Net Gain metric was re-run, removing retained and proposed trees in private gardens as their maintenance to desired condition cannot be guaranteed for 30-years (as required by the Environment Act 2021, schedule 7A, Part 1, paragraph 9). The Applicant provided re-run Biodiversity Net Gain calculations removing these trees which resulted in a drop from 39.86% to 36% gain in habitat units. The Nature Conservation Officer accepts the cautionary approach to inputting urban tree habitat into the Biodiversity Net Gain metric and acknowledges the minor reduction in the Biodiversity Net Gain calculation. The expected biodiversity net gain is significant, going far beyond any expectation included within the NPPF. The proposal's net gain for biodiversity attracts positive weight in the planning balance.

v. Summary

Whilst the proposal will impact habitats, species, and features that contribute to nature conservation at the site, suitable avoidance, mitigation and compensation measures have been proposed to ensure the conservation status of protected species are maintained. The submitted Shadow HRA provides sufficient evidence to rule out potential adverse effects from the development on the integrity of the habitats site. Finally, the submission indicates a net gain for biodiversity, which attracts positive weight in the planning balance.

**Key Issue J. Other Matters**

- i. Land Contamination – in accordance with the Public Protection Team's (Land Contamination) comments, standard conditions requiring initial contamination investigations and any necessary remediation works together with subsequent verification, and unexploded ordnance are advised.
- ii. Health Impact Assessment – in accordance with policy DM14 a health impact assessment has been provided as the proposal delivers in excess of 100 new homes. The submitted Health Impact Assessment thoroughly considers the development's impact on health, including reducing the causes of ill health, improving health and reducing health inequalities within the city. Officers agree with its conclusions, and do not recommend that any adverse health-related impacts of the development are so significant they need to be mitigated. The proposals meets the expectations of policy DM14.
- iii. Employment skills plan – the Building Bristol (Employment Skills) Team has reviewed the submitted an Employment Skills Plan and finds it acceptable. Given the Applicant is unlikely to be the developer, a condition is recommended to ensure the final employment skills plan relates to the construction-phase. The Council will need to monitor the implementation of the approved employment and skills plan, the cost of which should be met by the developer. This cost is considered to be £2,000, officers recommend that the s106 Agreement secures the payment of this amount to the Council from the developer.
- iv. Fire hydrants – in accordance with Avon Fire and Rescue's comments, nine fire hydrants would be required to ensure that in the case of a fire, firefighters would have adequate access to installed and appropriate-sized water mains. This additional infrastructure is required as a direct result of the developments and so the costs will need to be borne by developer. As such, officers recommend that the s106 Agreement requires the Applicant to meet the costs of installing the required fire hydrants. Avon Fire and Rescue has also indicated potential hydrant locations, all of which are compatible with the proposal and existing green infrastructure.
- v. Air Quality – the Air Quality Team has revised the submitted Air Quality Assessment, accepting its findings and raising no objection in respect of the proposal's air quality impact.

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- vi. Sustainable urban drainage – the Lead Local Flood Authority has confirmed that the submitted sustainable urban drainage is acceptable, albeit a condition is recommended to require full details of the drainage system. Such a condition will also allow the outstanding minor details to be addressed, including the diameter of some pipes and maintenance.

**Key Issue K. Planning Obligations**

Planning obligations must accord with section 122 of the Community Infrastructure Levy Regulations 2010 and paragraphs 55 and 57 of the NPPF, in that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Officers advise that the planning obligations listed below meet the requirements of these tests.

- i. Free Public Access – public access shall be afforded in perpetuity to the areas of the site identified for public access on Page 66 of the DAS (or a standalone plan 11585-LD-SKE-23022 A), at no expense to members of the public in perpetuity, between 8am-7pm (June – September) and 8am-5pm for the remainder of the year.
- ii. Management of Public Areas - the maintenance of the areas of the site identified for public access on Page 66 of the DAS (or a standalone plan 11585-LD-SKE-23022 A), shall be the responsibility of the Management Board in accordance with the Management Plan. The Detailed Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved, and shall be in accordance with the structure and responsibilities outlined in Chapters 4, 5, and 6 of the approved Management Plan (authored by Savills). The structure of the Management Board, its responsibilities and commitments shall be defined by a Detailed Management Plan.
- iii. Affordable housing contribution – in accordance with the Affordable Housing Practice Note (July 2022), the Owner commits to naming a minimum policy compliant provision of 20% affordable homes.
- iv. Fire Hydrants - the contribution in the sum of thirteen thousand five hundred pounds (£13,500.00) Index Linked payable to the Council by the Owner prior to the first occupation of development. This is to pay for the installation of a 9no. fire hydrants as per Avon Fire and Rescue's comments.
- v. Employment Skills - the sum of two thousand pounds (£2,000.00) Index Linked to be used by the Council towards the Council's costs and expenses incurred by the Council in monitoring the implementation of the Employment and Skills Plan.
- vi. Travel Plan - the contribution in the sum of five thousand six hundred and ninety three pounds (£5,693) Index Linked payable to the Council by the Owner prior to the commencement of development for the Council to undertake monitoring and auditing; or the contribution in the sum of four thousand one hundred and twenty pounds (£4,120) Index Linked payable to the Council by the Owner prior to the commencement of development for the Council to undertake the implementation of the Travel Plan on the Owner's behalf
- vii. Highway Works – the extent and scope of the s278 Agreement (under the Highway Act 1980) to ensure it will address the area within the highway surrounding the site, up to the back of footways on the opposite side of the respective roads to the site, including Northcote Road, Guthrie Road,

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and College Road. The extent and scope of the s38 works under the Highway Act 1980 shall also be secured.

The development is liable to pay Community Infrastructure Levy (CIL): The CIL liability for this development is £1,520,875.14, however social housing relief may be claimed on those residential dwellings included in the development that are to be managed by a Housing Association for the provision of affordable housing.

**Key Issue L. Planning Balance and Conclusion**

This Key Issue provides a summary of all the key issues culminating in a recommendation following the planning balance. In doing so, this section explains how the Council has complied with all relevant statutory duties in making the recommendation.

i. Statutory Duties on Heritage

The development affects a number of listed buildings directly through proposing works to their built fabric, and indirectly through proposing development within the setting of listed buildings. Further, the development impacts the setting of two Conservation Areas. Key Issue B 'Heritage Assessment' assesses the impacts of the development on the identified heritage assets, concluding that whilst the proposal will harmfully impact them, there is clear and convincing justification for the harm, and the public benefits associated with approving the development are so significant they outweigh the identified harm. In this circumstance, officers consider this to be an exceptional case, where the presumption against planning permission being granted has been overridden in favour of the development which is desirable on the ground of the discussed public benefits. In reaching this conclusion, both the desirability of conserving heritage assets unharmed and the identified harm to the listed buildings and conservation areas was allocated considerable importance and weight, thereby discharging the statutory duty imposed by section 66 and section 72 of Planning (Listed Buildings and Conservation Areas) Act 1990.

ii. Statutory Duties on Biodiversity

Key Issue I 'Nature Conservation' considers the planning application in respect of its impact on nature conservation, concluding that it would appropriately conserve and enhance biodiversity, discharging the Council's statutory biodiversity duty, as required by the Natural Environment and Rural Communities Act 2006 (as amended by the Environment Act 2021). Further, as the competent authority, the Council has adopted the submitted Shadow HRA, which provides sufficient evidence to rule out potential adverse effects from the development on the integrity of habitats sites, thereby appropriately discharging the requirements of the Conservation of Habitats and Species Regulations 2017. Finally, in accordance with the Conservation of Habitats and Species Regulations 2017, Key Issue I evidences that the proposal passes the three derogation tests to comply with the legal protection afforded to European protected species.

iii. Public Sector Equality Duty

The 'Equality Assessment' section of this report considers the implications of granting planning permission in relation to the Public Sector Equality Duty in terms of its impact upon the groups with protected characteristics as set out in the Equality Act 2010. The approval of this application would not have any adverse impact upon any protected group, save for the development not including step-free access to the raised viewing platform within the Bear Pit, albeit the great weight given to the conservation of the Grade II listed building outweighs the failure of the development to allow access to

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the viewing platform for all. Accordingly, in assessing this planning application and reaching its recommendation, the LPA has had due regard to the Public Sector Equality Duty contained in section 149(1) of the Equality Act 2010 and has therefore discharged this statutory duty.

iv. Does the Planning Application accord with the Development plan?

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 requires and provides that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Accordingly, the first step is to consider if the development accords with the development plan when taken as a whole, and the second step is to consider if there are any material considerations that indicate that the application should not be determined in accordance with the development plan.

The site is designated as Important Open Space. Policies BCS9 seeks to protect open spaces and policy DM17 resists the development of Important Open Space unless it is ancillary to the open space use. As these policies refer to the principle of how the site should be used, they are some of the most important policies for determining the application. Key Issue A i 'Important Open Space' advises that whilst many aspects of the development comply with policies BCS9 and DM17, the residential proposals are contrary to policies BCS9 and DM17, largely as they are not ancillary to the open space use.

Of similar importance are policies BCS12 and DM5, which in short both seek to retain existing community facilities, unless certain circumstances are met. Whilst not the primary focus of the Zoo, it did provide community facilities, meaning policies BCS12 and DM5 apply. Key Issue A ii 'Loss of a Community Use' concluded that the proposal complied with these policies, as the zoo use is re-provided for at the Wild Place Project, and other more local community aspects associated with the zoo use would be re-provided at the site, for example by the open space, events venue, and meeting place for the community.

In terms of the proposed uses, whilst the proposed residential element of the development does not comply with policies BCS9 and DM17, Key Issue A iv 'Residential Development' concludes that the development accords with policy BCS5, which addresses the level of new homes to be developed in Bristol between 2006 and 2026. Further, the proposed Community Floorspace complies with policies BCS7 and DM7 confirming the principle of the use is acceptable in principle.

Key Issue B 'Heritage Assessment' advises that the development fails to meet policies BCS22, DM26 and DM31, as the development poses a less than substantial level of harm to multiple heritage assets including: Grade II listed buildings, two Conservation Areas, and various locally listed/non-designated heritage assets. The site is a locally designated historic park and garden and hosts designated and non-designated heritage assets, as well as being with the setting of numerous designated and non-designated heritage assets. As such, these heritage-related policies are within the basket of most important policies for determining the application.

Key Issue C 'Green Infrastructure and Landscape Design' considered the proposal's impact on existing green infrastructure and quality of landscape design. Whilst the proposal will result in a significant number of trees being felled, this loss is considered to be compliant with policies BCS9 and DM17 and is appropriately mitigated. Further, sufficient tree protection measures have been provided for this stage, with final measures recommended to be secured by condition. The application includes a high quality landscape design that is accompanied by robust servicing and management proposals, compliant with policies DM16 and DM27. Whilst the proposal generally complies with the provisions policy DM15, it includes no specific proposals for local food growing as required by this policy, meaning development does not accord with the policy, albeit the extent of the breach is limited.



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Whilst the development includes many aspects of high quality urban design expected by the development plan, Key Issue D 'Urban Design and Residential Amenity for Future Occupiers' reports that the proposal's design is contrary to policies DM26, DM27, and BCS21, due to its scale and massing failing to be appropriately informed by the local context. Other aspects of the proposals evidence an acceptable quality of urban design, consistent with policies DM28, DM29, and DM30.

Key Issue E 'Impact on Neighbouring Properties' acknowledged that the development will impact neighbour's amenity, sometimes negatively, but concludes that the impact is not unacceptable and complies with relevant expectations contained within policies BCS20, BCS21, DM27 and DM29.

Key Issue F 'Mixed and Balanced Communities (Including Affordable Housing)' advises that the proposal meets the expectations of policy BCS18 through appropriately maintaining and contributing to the mix of housing tenures, types and sizes to help support the creation of mixed, balanced, and inclusive communities. The proposal's also offers an acceptable quantity (20%) of affordable housing, which whilst does not comply with the 40% expectation included within policy BCS17, does comply with expectations of the AHPN, where the benefit of achieving early delivery of the development and its affordable housing is treated as a material consideration which outweighs the need for compliance with the full requirements of the policy BCS17.

Subject to conditions and planning obligations discussed within Key Issue G 'Highway Safety and Transportation', the proposal is considered to be acceptable with regard to transport and highway safety, and is compliant with relevant policies (BCS10 and DM23).

Key Issue H 'Sustainability' concludes that the proposal accords with the key planning policies concerning sustainable construction and design (policies BCS13, BCS14, BCS15, and BCS16) and indeed in some cases the expectations of these policies will be exceeded, such as the reduction in CO2 emissions from residual energy use in the development.

Key Issue I 'Nature Conservation' indicates that the proposal will impact habitats, species, and features that contribute to nature conservation at the site, however in accordance with policy DM19 suitable avoidance, mitigation and compensation measures have been proposed to ensure the conservation status of protected species are maintained – these can be secured by condition. Further, the proposal will enhance the site's nature conservation value, through achieving a net gain for biodiversity.

A thorough review of the development plans policies relevant to this application indicates that the application is not in accordance with the development plan when taken as a whole, as it conflicts with multiple policies as discussed above, including some of those that are most important to the determination of this application, namely: BCS9, BCS17, BCS21, BCS22, DM17, DM26, DM27, and DM31. Because the Council cannot demonstrate a 5 year housing land supply and has failed the most recent Housing Delivery Test, these and other most important policies (such as Policy BCS5) are deemed to be out-of-date but this does not mean that the policies should not carry considerable weight. Weight is a separate question to whether policies are out of date (or are deemed to be out of date) and is a matter for planning judgment. In officers' views all of the policy conflicts relate to matters of legitimate planning concern (for the reasons explained above) and so considerable weight should be given to the non-compliance with the development plan.

v. Other Material Considerations

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In reaching a recommendation it is necessary to consider if there are any material considerations that act to outweigh the identified conflict with the development plan, and hence indicate that a decision other than in accordance with the development plan should be reached. The NPPF represents a key material consideration in this regard, and hence should be considered in the planning balance.

Key Issue A i 'Important Open Space' concludes that the proposal meets the NPPF's expectations regarding open space, as the development will result in marked qualitative enhancement in the nature of the open space provision available at the site, in accordance with paragraph 99b of the NPPF. Free public access to the open spaces proposed will be secured by section 106 Agreement. Key Issue A ii 'Loss of Community Use' assesses the proposal's impact on the provision of community facilities and concludes that the proposal complies with paragraph 93 of the NPPF, which concerns the provision of social, recreational and cultural facilities, including how they serve the community. As discussed in Key Issue A iii 'Community Floorspace', the proposal also delivers community floorspace in accordance with paragraph 92a of the NPPF, and generally the proposal will deliver a healthy, inclusive and safe place, as expected by paragraph 92.

The development would deliver free public access to the proposed high quality open space, which will help support the communities' health, social and cultural well-being, which represent a substantial social benefit to the public, compliant with Section 8 of the NPPF. The proposed Clifton Conservation Hub includes dedicated community floorspace, as well as a café, which will provide a social benefit to the local community that will be secured as part of planning permission.

In accordance with paragraph 120d of the NPPF, Key Issue A vii highlights that the proposal would represent an effective use of a currently under-utilised site, which would help to meet identified needs for housing in Bristol, where land supply is constrained. Indeed, the proposal would help to address the Council's lack of a five year housing land supply, which is currently 2.45 years (as identified at for the purposes of a recent Appeal at Brislington Meadows). Further, in accordance with paragraph 69c of the NPPF, the approval of this development would help deliver a windfall site, which will help to promote the development of a good mix of sites in Bristol. There is also a commitment to early delivery which will be secured by section 106 Agreement as part of the arrangements for affordable housing. Key Issue E 'Mix and Balance of Communities (Including Affordable Housing)' explains that the development includes an appropriate mix of homes to provide for different groups in the community, including the provision of affordable housing (20% of the homes proposed will be secured as affordable housing by section 106 Agreement if there is early delivery and a viability review if there is not), consistent with expectations of Section 5 of the NPPF.

Substantial weight should be attributed to the social benefit that would result from the proposal's significant housing contribution, especially in the context of the current shortfall of housing land supply. Similarly, substantial weight should be allocated to the proposal's affordable housing offer, which will be secured by section 106 agreement.

The proposal will result in less than substantial harm to multiple heritage assets, as are identified in Key Issue B 'Heritage Assessment'. The harm predominantly results from the following aspects of the proposal: the change of use resulting in the loss of the existing, albeit ceased, zoological use; and the quantity of residential development in relation to both its location within the more central areas, and its scale and massing at the perimeter of the site. Whilst the proposal does harm the significance of heritage assets contrary to the general thrust of Section 16 of the NPPF, clear and convincing justification has been provided in accordance with paragraph 200 of the NPPF, and the public benefits associated with approving the development are advised to be so significant they outweigh the identified harm in accordance with paragraph 202 of the NPPF. The application of the NPPF therefore does not suggest that the application should be refused on heritage grounds.

The proposal will also result in heritage-related benefits, most notably by ensuring the long-term conservation of all the designated and non-designated heritage assets within the site, and will better

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reveal the significance of a number of the site's listed buildings by removing more recent or modern accretions. Further, the free public access to the site and incorporation of many of the listed buildings within the accessible areas will also provide the public with the opportunity to gain a better appreciation of the historic structure. These represent environmental benefits of the development that weigh in its favour.

Key Issue C 'Green Infrastructure and Landscape Design' concludes that the development complies with paragraphs 130 and 131 of the NPPF, as it appropriately recognises the importance of trees, incorporating existing and new trees into the development as part of an effective landscape proposal, which will be secured in the long-term. Further, the proposal will not result in the loss or deterioration of the site's veteran tree, as required by paragraph 180c of the NPPF.

As discussed in Key Issue C, the proposal includes a Management Plan that provides an appropriate framework to suitably manage the site in future, which is recommended to be secured by section 106 agreement. This represents an environmental benefit of the development.

Whilst many aspects of the proposal's design conform to the expectations of the NPPF, Key Issue D 'Urban Design and Residential Amenity for Future Occupiers' identifies that the proposal's scale and mass fail to suitably respond to the area's prevailing character, meaning the proposal does not comply with all of the NPPF's expectations, including paragraphs 124d and 130c. The development is generally well-designed as expected by the NPPF, however the proposal's scale and massing means that on balance, the development cannot be considered to be 'well designed' in the context of paragraph 134, which suggests the development should be refused. This weighs against the development and should be considered when taking the NPPF as whole.

Key Issue G 'Highway Safety and Transportation' assesses the development's impacts and subject to relevant conditions and planning obligations, the development is considered to comply with paragraphs 110, 112 and 113 of the NPPF. Importantly, the development is not expected to result in an unacceptable impact on highway safety, and the residual cumulative impacts of the proposal on the road network would not be severe, meaning paragraph 111 of the NPPF does not apply.

Key Issue H 'Sustainability' concludes that the proposal is consistent with paragraphs 152, 154, and 157 of the NPPF, appropriately meeting the challenge of climate change as per the expectations of Section 14 of the NPPF.

The proposal will not result in significant harm to biodiversity, rather it would facilitate a net gain for biodiversity in accordance with paragraphs 174 and 180 of the NPPF. Further, the proposal would not adversely affect habitat sites, and in accordance with paragraph 182 an appropriate assessment has concluded that proposal will not adversely affect the integrity of the identified habitats site. As the assessment in Key Issue I 'Sustainability' explains, generally the development will appropriately protect and enhance biodiversity, in accordance with Section 15 of the NPPF.

vi. The Planning Balance

The adverse impacts of the development relate to open space, heritage, and urban design. Whilst many aspects of the development comply with policies BCS9 and DM17, such as the provision of free public access to high quality open space, the residential proposals are contrary to policies BCS9 and DM17, largely as they are not ancillary to the open space use. The application does however comply with paragraph 99b of the NPPF, which sets out the NPPF's expectations for open space. The development fails to meet policies BCS22, DM26 and DM31, as the development poses a less than substantial level of harm to multiple heritage assets, albeit the application of relevant NPPF policies does not suggest the application should be refused because of heritage-related harm. The proposal's quality of urban design is contrary to policies DM26, DM27, and BCS21, as well the corresponding

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sections of the NPPF. These inconsistencies with the development plan represent adverse impacts of the development, as do the more limited contraventions of the NPPF.

The benefits of the development are set out in full in Key Issue B vi, but principally concern the provision of free public access to the proposed high quality open spaces at the site, including a framework to ensure the long-term management of these open spaces; the delivery of 196 high quality homes, 40no. of which would be affordable; and heritage-related benefits including ensuring the long-term conservation of all the heritage assets within the site.

As reported in Key Issue A iv 'Residential Development', the Council cannot demonstrate a five year supply of deliverable housing sites and has failed the recent Housing Delivery Test, meaning paragraph 11d of the NPPF is engaged. Taking paragraph 11d.i first, Key Issues B and I of this report indicates that, subject to appropriate conditions and the securing of benefits in a s.106 agreement, the proposal conforms with the relevant policies in the NPPF concerning designated heritage assets or habitat sites (as listed in paragraph 181), meaning these NPPF policies do not provide a clear reason for refusing the development. It is therefore necessary to consider if paragraph 11d.ii is satisfied. This indicates that the planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (11d.ii).

In accordance with paragraph 11d.ii of the NPPF, officers have considered the policies in the NPPF taken as a whole, considering those that weigh against the development as well as those that weigh in favour of it. The development will result in adverse impacts, most notably in respect of heritage and urban design, including non-conformity with the development plan. However, when assessed against the policies in the NPPF taken as whole, the substantial weight associated with the proposal's adverse impacts fails to significantly and demonstrably outweigh the benefits of granting permission. Paragraph 11d.ii is therefore not satisfied, meaning the presumption in favour of sustainable development applies and represents a key material consideration in the planning balance required by section 38(6) of the Planning and Compulsory Purchase Act 2004.

Taking the policies of the development plan as a whole, overall, it is concluded that the proposal is not in accordance with the Development plan but that, on balance, there are sufficient material considerations to indicate that a decision otherwise than in accordance with the development plan is warranted. Specifically, the benefits of the development and the established presumption in favour of sustainable development (paragraph 11 of the NPPF) attracts such significant weight they outweigh the harm associated with the development, including its inconsistency with the development plan.

**The application is therefore recommended for approval subject to conditions and a section 106 Agreement, in accordance with Key Issue M.**

In accordance with the Town and Country Planning (Consultation) (England) Direction 2021, should Members resolve to grant planning permission for the application, the Council will need to consult with the Secretary of State prior to taking a decision, to provide them with an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. If the planning application is called in, the decision on whether or not to grant planning permission will be taken by the Secretary of State.

**Key Issue M. Recommendation**

- A. That the Applicant be advised that the Local Planning Authority is disposed to grant planning permission, subject to the completion, within a period of six months from the date of this committee, or any other time as may be reasonably agreed with the Service Director, Planning

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and Sustainable Development and at the Applicant's expense, of a planning agreement made under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended), entered into by the Applicant to cover the following matters:

- i. Free Public Access – public access shall be afforded in perpetuity to the areas of the site identified for public access on Page 66 of the DAS (or a standalone plan 11585-LD-SKE-23022 A), at no expense to members of the public in perpetuity, between 8am-7pm (June – September) and 8am-5pm for the remainder of the year.
  - ii. Management of Public Areas - the maintenance of the areas of the site identified for public access on Page 66 of the DAS (or a standalone plan 11585-LD-SKE-23022 A), shall be the responsibility of the Management Board in accordance with the Management Plan. The Detailed Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved, and shall be in accordance with the structure and responsibilities outlined in Chapters 4, 5, and 6 of the approved Management Plan (authored by Savills). The structure of the Management Board, its responsibilities and commitments shall be defined by a Detailed Management Plan.
  - iii. Affordable housing contribution – in accordance with the Affordable Housing Practice Note (July 2022), the Owner commits to securing a minimum provision of 20% affordable homes and early delivery of the development.
  - iv. Fire Hydrants - the contribution in the sum of thirteen thousand five hundred pounds (£13,500.00) Index Linked payable to the Council by the Owner prior to the first occupation of development. This is to pay for the installation of a 9no. fire hydrants as per Avon Fire and Rescue's comments.
  - v. Employment Skills - the sum of two thousand pounds (£2,000.00) Index Linked to be used by the Council towards the Council's costs and expenses incurred by the Council in monitoring the implementation of the Employment and Skills Plan.
  - vi. Travel Plan - the contribution in the sum of five thousand six hundred and ninety three pounds (£5,693) Index Linked payable to the Council by the Owner prior to the commencement of development for the Council to undertake monitoring and auditing; or the contribution in the sum of four thousand one hundred and twenty pounds (£43,120) Index Linked payable to the Council by the Owner prior to the commencement of development for the Council to undertake the implementation of the Travel Plan on the Owner's behalf
  - vii. Highway Works – the extent and scope of the s278 Agreement (under the Highway Act 1980) to ensure it will address the area within the highway surrounding the site, up to the back of footways on the opposite side of the respective roads to the site, including Northcote Road, Guthrie Road, and College Road. The extent and scope of the s38 works under the Highway Act 1980 shall also be secured.
- B. That the Head of Legal Services be authorised to conclude the Planning Agreement to cover matters in recommendation (A).
- C. That on completion of the Section 106 Agreement, planning permission be granted, subject to conditions, for which delegated authority is sought to prepare the conditions in consultation with

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the Applicant in line with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. A list of expected conditions is included below, albeit the following list is not exhaustive:

*Procedural*

- Requirement to commence development within 18 months of the date of decision. The key reason for departing from the standard (3 years) commencement period relates to the need to avoid deterioration to the landscape and heritage values of the site, which a 3 year commencement period could allow.
- Requirement for the development to be carried and to accord with all approved plans/documents.

*Clifton Conservation Hub*

- A condition to restrict the operation of the building:
  - In accordance with plan ref. BZG-PPA-CCH-ZZ-SK-A-1101 PL1 the extent of floorspace occupied by main town centre uses within the Clifton Conservation Hub building shall be limited to no more than 200 sq.m, and shall only be used for the following purposes as defined by Classes E(a) and (b), and F1(e).
  - Main town centre uses are those defined by the Policy DM7 (para 2.7.6) and the Glossary to the NPPF.
- A condition to restrict the operation of the building in accordance with the uses identified on approved plan ref. BZG-PPA-CCH-ZZ-DR-A-1100-PL1. With the exception of the 'café' floorspace and its ancillary floorspace, all remaining floor space shall be retained as community facilities, as defined by paragraph 4.12.2 of policy BCS12 of the Bristol Local Plan (Adopted) 2021.
- A condition to require that when the Clifton Conservation Hub is open, its WCs/toilets shall be open to members of the public.
- A condition to secure management and mitigations measures for noise and fumes from the café.
- A condition to restrict opening hours to 07:30 to 22:30.
- A condition to restrict the collection of refuse and recyclables to between 08:00 and 20:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

*Heritage and Urban Design*

- A condition to secure a phasing plan to ensure public benefits are realised – i.e. conversion / refurbishment of assets.
- A condition to secure measures in the interest of crime and antisocial behaviour prevention.
- A condition to secure details of the all works to the existing boundary wall, including details or retention, materials, and finish.
- A condition to secure details of external facing materials to be used within the development.
- A condition to secure the submission of a materials sample panel.
- A condition to secure section details of all buildings.
- A condition to require details of the strategy to interpret and understand the history of the site, including its interpretation.
- A condition to ensure that archaeological remains and features are recorded prior to their relevant works.
- A condition to secure the submission of public art plan in accordance with the Outline Public Art and Culture Strategy.
- A condition to secure the implementation of accessible homes i.e. M4(2) and M4(3) compliance.
- A condition to appropriately restrict permitted development rights the proposed uses would benefit from, in the interests of the setting of heritage assets, the character of the area, and securing the design-intent in the long term.

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- A condition to secure a construction environmental management plan to safeguard the amenity of neighbours and the area more generally.
- A condition to ensure the development is carried out in accordance with all recommendation detailed in the Noise Assessment submitted with the application.
- Conditions to secure that noise from the development is limited to 5dB below pre-existing background levels at residential premises.
- A condition to require the submission of an assessment of noise from Clifton College Music School, along with any required mitigation measures required within the development.
- Conditions to secure obscure glazed/non-opening windows in accordance with the approved plans for:
  - Block E1 (in relation to no. 10 Northcote Rd)
- Conditions to secure obscure glazed/non-opening windows not in accordance with the approved plans for:
  - Block E2 – first and second floor bathroom windows within the two flats at the very north of the building.
- Conditions to ensure the top floor area labelled ‘maintenance access only’ in Blocks E1 and E2 shall not be used as external amenity areas.
- Conditions to secure balustrade details for Block S1 to limit potential overlooking from primary rooms.
- Conditions to secure that all windows above ground floor within the western elevation of Block S1 shall be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- Conditions to secure details of the boundary treatment between the Joseph Cooper Music School and the new access adjacent to Block S1 shall be provided to ensure the privacy of the Joseph Cooper Music School is safeguarded.

*Landscape and Arboriculture*

- Conditions to secure various tree protection information, including method statements in relation to underground services.
- Conditions to secure a revised landscape strategy and plans, including:
  - Replacement planting – minimum of 192 replacement trees
  - Require implementation of 44 translocated trees and replanting if failure to take
  - Street lighting – to protect existing trees and proposed trees
  - Boundary treatments
  - Site furniture
  - Wayfinding strategy
  - Details of site-wise safety features, including the Lake and Play Area
  - Details of the children’s play area, including to scale plans

*Sustainable Design*

- A condition to secure compliance with the submitted Energy Statement.
- A condition to secure further details of the propose heat pumps.
- A condition to secure further details of the PV panels.
- A condition to secure further details of broadband connection.
- A condition to secure further details of embodied carbon.
- A condition to secure further details of air tightness within the proposed buildings.
- A condition to secure further details of the sustainable urban drainage system in accordance with the submission (B35A).

*Land Contamination*

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- Standard conditions requiring initial contamination investigations and any necessary remediation works together with subsequent verification, and unexploded ordnance, in accordance with the Public Protection Team's (Land Contamination) comments.

*Transport*

- A vehicular access and movement plan will be secured by condition. In accordance with the submitted details, the plan will provide further details of the controls over vehicles accessing the site, including how parking will be controlled.
- A condition to secure the implementation of satisfactory signage in the interests of minimising vehicular movements within the site.
- A condition to secure a refuse and general servicing management plan.
- A condition to secure general arrangement details of works in the highway (B1B).
- A condition to secure a construction management plan to ensure the effects of traffic during construction are acceptable (B38).
- A condition to secure details of a car club scheme (C35).
- Conditions to secure the implementation of vehicular, pedestrians and cyclists accesses (C7A, C8, and C36)

*Nature Conservation*

- A condition to ensure the construction environmental management plan complies with the recommendations made in the Ecological Impact Assessment (The Landmark Practice, October 2022) and the Shadow HRA (The Landmark Practice, October 2022) i.e. to avoid offences against legally protected and priority species and habitats during construction (including site clearance, pollution prevention, demolition, vehicular movements and lighting impacts), and to avoid any impact on the Avon Gorge Woodlands SAC.
- A condition to secure the submission of a 30 Year Landscape and Ecological Management Plan, along with the a biodiversity net gain as per the submission.
- A condition to secure a method statement for a Precautionary Method of Working in relation to a number of species and their habitats.
- A condition to secure a bat mitigation method statement.
- A condition to secure an ecological mitigation and enhancement strategy.
- A condition to secure a method statement concerning establishing and maintaining the proposed living roofs.
- A condition to ensure vegetation clearance does not detrimentally impact wild birds and their nests.
- A condition to secure details external lighting to ensure it would not harmfully impact protected bats and other nocturnal wildlife, whilst still adequately lighting the site's routes.
- A condition to ensure if the development does not commence within 18 months, an updated ecological survey will be provided.

*Miscellaneous*

- A condition to secure the submission of an employment and skills plan.