

**WARD:** Lawrence Hill

**SITE ADDRESS:** Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX

**APPLICATION NO:** 22/01583/F Full Planning

**DETERMINATION DEADLINE:** 31 January 2024

**Change of use of upper floors to residential use at the Rhubarb Tavern and construction of 6 flats on the land to the rear. 8 dwellings in total.**

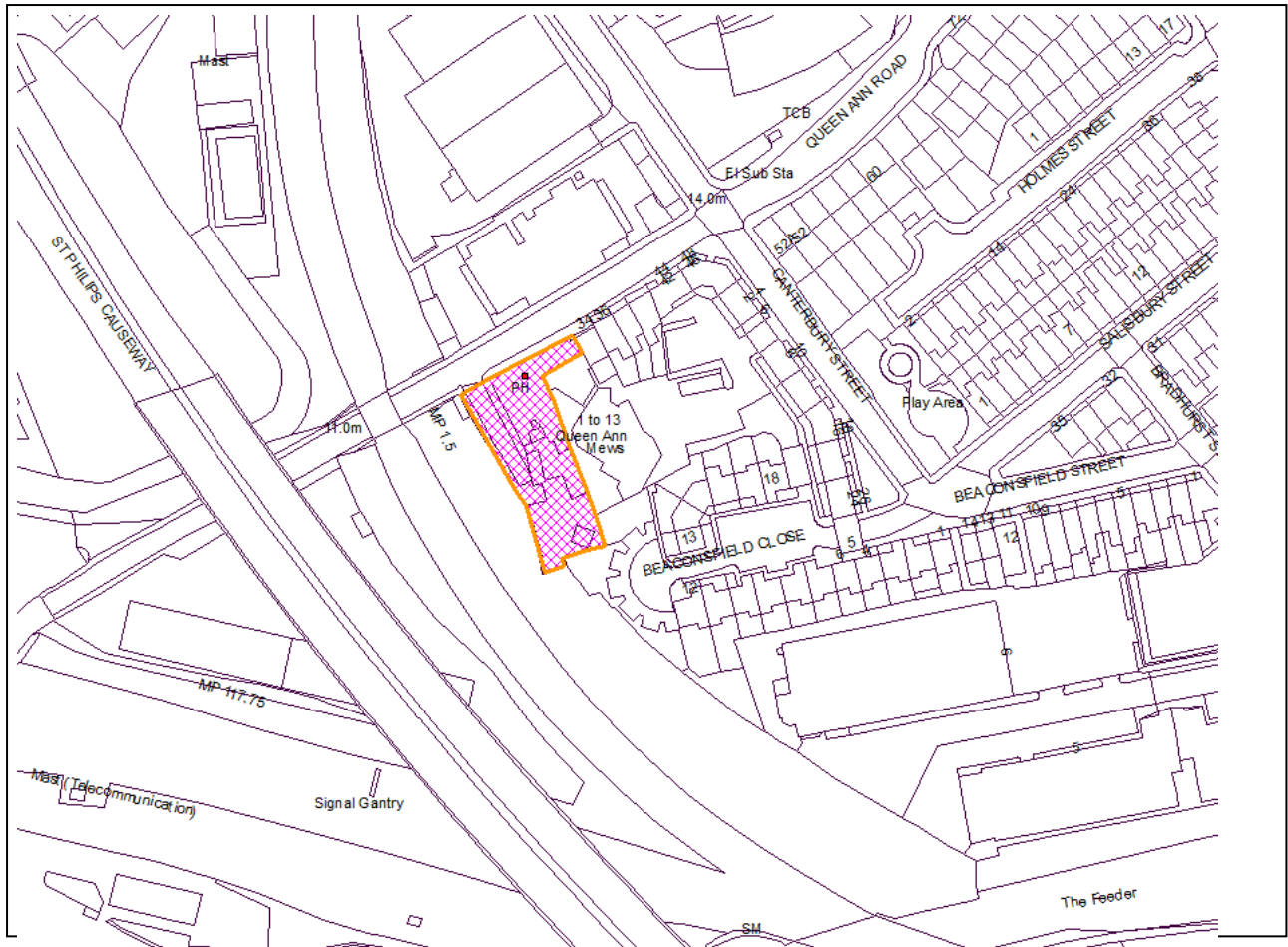
**RECOMMENDATION:** Grant subject to Condition(s)

**AGENT:** Chris Goodsall Architects  
151 Whiteladies Road  
Bristol  
BS8 2RA

**APPLICANT:** Natan Ltd  
14 Holders Hill Gardens  
Hendon  
London  
NW4 1NP

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

**LOCATION PLAN:**



**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX****SUMMARY**

This is a full planning application for the change of use of the upper floors of an existing vacant public house to residential use, the construction of a block of six flats in the rear garden area, restoration of the public house at ground floor with associated basement beer cellar and smaller beer garden.

The application is recommended for approval on the basis that it has been demonstrated that the site in its current form is in such a state that it would not provide a viable offer to any potential business looking to renovate the pub and bring it back into viable use. The proposal would retain the public house, with the building restored through the development of additional residential properties within the grounds. It would also retain the traditional pub frontage and protect the Locally listed building from further harms.

It would also secure improvements to the pavement to the front of the building, add eight dwellings to the city housing stock and the use of the pub would be protected from any potential noise issues through agent of change principles secured by condition.

Given that the proposal would retain and future-proof the Rhubarb Tavern public house and provide the benefits listed above, officers are recommending approval of the application subject to conditions.

Although listed as an Asset of Community Value, there is no transfer of ownership and as such, this is not a barrier to planning permission being granted nor a reason for refusal of the application.

**SITE DESCRIPTION**

The Rhubarb Tavern is a three-storey property located at 30 Queen Ann Road in the Lawrence Hill ward of Bristol. The property was purpose built as a public house and has been in lawful use as a public house since construction, though has been vacant for more than three years and has fallen into a considerable state of disrepair. It is Locally Listed and historic features date back as far as the 17th Century, though the current form of the public house dates back to Victorian times. It retains several features of interest including the historic fireplace within the ground floor.

The site lies adjacent to a three-storey residential development known as Queen Ann Mews to the east and is opposite Barton Hill School which is currently vacant. A railway line lies to the immediate west of the site that is designated as a Wildlife Corridor.

The property benefits from a large rear garden and is situated next to a public right of way which has been closed off for many years. The garden is now overgrown with brambles and weeds up to and above head height and is currently inaccessible.

The site is not within a Conservation Area.

**RELEVANT PLANNING HISTORY**

21/00322/F: Change of use and extension of the Rhubarb Tavern to residential use and construction of 8 flats on the land to the rear. WITHDRAWN on 04.01.2022.

**APPLICATION**

Planning Permission is sought for the change of use of the upper floors of the public house from ancillary (residential) space to independent residential units, the construction of six flats on land to the rear of the public house and retention of the ground floor and associated cellar as a public house.

**Development Control Committee A – 24 January 2024**  
**Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

Please see plans and supporting documents for full details.

**RESPONSE TO PUBLICITY AND CONSULTATION**

Neighbouring properties consulted by letter with a deadline to respond of 09.9.2022.  
 Site notice posted and press advert published with expiry dates of 17.08.2022.

To date, 159 representations have been received, including 3 in support, 1 neutral and 154 objections.

The key reasons for support are:

- Support for the flats built in the garden
- Support for the refurbishment of and reopening of the pub. Would make a good music

The key reasons for objection are:

- Site should be retained as a pub, no others in the vicinity
- The pub is the last remaining pub in Barton Hill and historically important
- Historic nature of the building has been ignored
- The Community Engagement statement is incorrect in stating that no local residents were against the loss of the public house.
- Viability will improve with development at Silverthorne Lane
- The unviability of the pub has not been proven
- Site should be kept in community use
- Loss of garden space would harm biodiversity and viability of the pub
- Proposal would damage viability of the pub
- The garden is a valuable green space for community
- Site is an Asset of Community Value
- Loss of Public Right of Way
- Area already overcrowded with residential development already
- Noise complaints likely from new flats if built
- Area needs a community hub/space
- Local workers are waiting for the pub to reopen
- Additional flats are unnecessary
- The pub in current form would be a profitable local asset with sufficient investment and the right renovation.
- Would create parking issues and traffic problems
- Long term benefits of retaining the pub would be for hundreds of residents
- There are other brownfield sites where flats could be built
- Development is motivated by profit only
- A full archaeological and historic building assessment should be carried out

[Please note that some comments relating to movement of the main entrance to the public house from the street, loss of kitchen space are incorrect. Please see plans for clarification].

The Conservation Advisory Panel has commented as follows:

'The Panel welcomes the retention of the public house use. The Panel profoundly regrets the rejection of the proposed listing by Historic England. For a locally listed building, the heritage statement is inadequate as it should contain a report to the standards set out in English Heritage's Understanding Buildings.

Measures to ensure the recording and survival of the main features of the 17th century are needed, notably of the roof, stairs and ceiling beams above the first floor rooms.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

The proposed design of the new building to the rear is banal and does not sit comfortably with the locally listed building.'

The Campaign for Real Ale Bristol & District Branch commented as follows:

First comments received 22nd June 2022:

#### '1. Introduction

1.1. The Bristol & District CAMRA Pub Group objects to this application.

1.2. Whilst we are pleased the previous application (which did not enjoy officer support) was withdrawn and note that this application purports to retain a public house on the ground floor we believe the proposal as it stands seriously undermines the potential viability of any future pub operation and is therefore unacceptable.

2. The Garden 2.1. It is proposed to build on the garden, the loss of which would be hugely detrimental. Several of the local objectors have commented on this and made a several pertinent points, including:

- 'The proposed plan [would] ruin the garden which is the main draw of the site as there is limited pub garden space within the inner-city area'.

- 'It also was a huge draw for customers and one of the ways that the pub can build revenue as historically the garden was marqueeed and used for functions through the spring and summer'.

- 'this development will significantly reduce the amenity of any pub on the site by removing virtually all the outdoor space'.

2.2. We agree that the loss of the garden would have a major impact on potential viability. In addition to outdoor seating, the space is sufficiently large enough to accommodate a variety of events and thus enhance the pub's value to the local community.

#### 3. First & Second Floor Accommodation

3.1. The loss of the upstairs space would also severely damage potential viability.

3.2. As part of the pub operation, this space would be available for a variety of uses, including (but not limited to) manager/staff accommodation, function space, bed & breakfast offering etc.

3.3. If developed into non-ancillary residential accommodation, the ability of the pub operation to develop and expand the range of its offering will be greatly diminished.

3.4. There is also likely to be a conflict between the pub and any occupants living directly above. 4.

#### Local Development

4.1. Consent has very recently been given by the Secretary of State (APP/Z0116/V/20/3264641 and 3264642) for a major development - including a large number of homes - in the adjacent Silverthorne Lane area.

4.2. The scale of this development negates any argument that the gain in proposed housing on the Rhubarb site outweighs the loss of the pub or any part of it.

4.3. On the contrary, such a large-scale development can only increase the Rhubarb Tavern's potential level of trade and its ability to function as a valuable community asset.

4.4. It is vital that new developments incorporate local amenity: as well as somewhere to live, people need somewhere to go.

4.5. One local objector makes a crucial point about the nature of the Rhubarb: 'Unlike some pubs, this was a genuinely 'all are welcome' establishment and did not belong to one subcommunity or other - it was a 'local' in the truest sense. Young, old, families, the sporty, the artsy, the casual, and people of whose lives decades have been linked to this pub. This was not a problem establishment, nor a nuisance, nor a den of criminal activity - but a proper Public House which all people of Barton Hill could enjoy together'.

4.6. The Rhubarb could become so again, and indeed become so for a much larger community. 5.

#### Statement of Community Involvement

5.1. An updated Statement of Community Involvement has been submitted.

5.2. It includes the following paragraph (which appears identical to the previous application): "The last tenants of the pub ceased to pay the rent in November 2019. On enquiry it was understood that, despite substantial investment and repeated attempts to stimulate new business, the takings continued to decline, and the tenants could not see a way that this could be reversed. An interview



**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

was arranged to see if they might retain any interest in continuing business on the site. They indicated that the demographics of the location had changed considerably, now that a substantial proportion of local residents are Muslim and the industrial area to the West has been re-developed. They were forthcoming in setting out their reasons for giving up the business and agreed to set these out on paper. Their deposition is appended'.

5.3. However, as with the previous application, no details are provided, nor is the deposition referred to appended anywhere in the application documents, so it is not possible to assess the 'attempts to stimulate new business'.

5.4. The robust response from the local community to try and save the Rhubarb shows there remains a substantial customer base. Furthermore, the now approved adjacent major housing development, will completely alter the alleged demographics.

## 6. Conclusions

6.1. CAMRA fully supports the Rhubarb Tavern Campaign Group in its efforts to save the Rhubarb Tavern.

6.2. Whilst we welcome the withdrawal of the previous application and the proposed retention of the pub in this application, we do not believe this will prove sustainable in the longer term if the upper floors and garden are lost to development.

6.3. The eventual loss of the Rhubarb Tavern would be a serious blow to the local community - especially so as it is the last pub in the locality. Bristol City Council's planning policies recognise the importance of pubs in the social fabric of communities and seek to protect them.

6.4. We urge that this application is rejected and that the whole premises are retained as a public house'.

Further comment received on 13 December 2023:

### '1. Introduction

1.1. The Bristol & District CAMRA Pub Group (BPG) has previously objected to this application and all our comments still stand in full.

1.2. This is a supplementary objection submitted in light of the successful Crowdfunder appeal and the revised floor plans published on 17th October.

### 2. The Garden

2.1. The revised 'Proposed Ground Floor Plans' show very clearly just how densely crowded the site would become if approved. It is beyond the bounds of credulity to suppose that there will be no conflict between residents of the proposed flats and pub customers, particularly those using the greatly reduced outdoor space.

2.2. A very large proportion of the objectors have referenced the garden as an important community asset, and it is clear this is an important aspect for local residents. BPG fully support these objections.

2.3. One of the most pertinent points regarding the garden is that it is large enough to function as a venue for community events, be it music, a local fete, or a flower/allotment show: there are almost no similar sized green facilities in the city.

2.4. Bristol City Council's Practice Note, published in October 2022, addresses partial loss indirectly in Appendix 1, the customised version of the CAMRA Viability Test. Under 'Partial Loss' developers are required to show how their proposals would affect the longer-term viability of the pub. We do not believe the applicant has done this.

2.5. Draft policy SSE8 has recognised that DM6 does not satisfactorily address the specific issue of partial loss and has addressed it in its provisions. Although not yet official policy, it has been adopted by elected members and shows that Bristol City Council recognises the danger of partial loss, including that of pub gardens and regards it as a substantive material consideration.

2.6. We wish to reiterate our total objection to the loss of virtually all the pub garden and the loss of part of the upstairs space, as this would also compromise viability and lead to conflict with residents in the flats.

### 3. The Crowdfunder

3.1. In conjunction with the Rhubarb Tavern Community Action Group - and with the active agreement of the applicant - two local musicians started a Crowdfunder on September 3rd which raised over £45,000. This is enough to reopen the pub and commence the development of other facilities.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

3.2. A total of 881 people contributed to the appeal. 295 left comments of support, a great many of them expressing a strong desire to see a local pub reopen in Barton Hill. We believe this is far more compelling evidence of the degree of local support - and thus potential viability - than the rather flimsy evidence of community engagement provided by the applicant.

3.3. We have now learned that the owner, who had previously reached a leasing agreement with the Campaign Group and the musicians, has reneged on the deal. Since this was announced on 10th November, dozens of people have lodged objections to this application - bringing the total (at the time of writing) to 146. This is further evidence of the strength of support for the Rhubarb and completely contradicts the applicant's claims of non-viability.

#### 4. Conclusions

4.1. CAMRA fully supports the Rhubarb Tavern Campaign Group in its efforts to save the Rhubarb Tavern.

4.2. We reiterate our objection to the partial change of use, believing this could fatally undermine future viability.

4.3. We believe the Crowdfunder, and the scale of its success, clearly shows a very high level of local support for the pub, as do the substantial number of objections lodged since 10th November.

4.4. Non-viability has not been demonstrated as required by the Practice Note and there are no other pubs within reasonable walking distance and therefore this application is wholly incompatible with Bristol City Council's planning policies.

4.5. We again urge that this application is rejected and that the whole premises are retained as a public house. We believe that such a refusal would be eminently defensible at appeal, especially in light of recent decisions (in the cases of the Giant Gorum and Merchants Arms) and we would wholeheartedly engage in fighting any such appeal.

#### OTHER COMMENTS:

The Conservation Officer has commented as follows:

'The existing rhubarb Tavern is an important 17th Century building with significant internal features of that date, including the dog-leg stair in the rear tower, fireplace, and exposed floor beams. The Victorian period pub spaces and external features are of high status and add to the overall architectural and historic significance of the building.

The proposal for the refurbishment of the Locally listed pub building seek to retain the main features identified above and would bring the building back into a viable use. The proposed instillation of flats above the ground floor level appears compatible with the existing fabric and there are opportunities here for the revealing and enhancing of the building's significance through development.

We do not consider that there is harm posed to the special interest of the building, subject to a series of conditions that would need to be applied to ensure the protection of the external appearance and the internal features. The archaeological potential of the rear plot should also be recognised with conditions to secure a watching brief during any development works.

The proposed rear development should be subject to comments by the Urban Design officer.

The Urban Design Officer has commented (verbally) as follows:

'Following on from comments from the Conservation Officer, I have no concerns with the design or amenity impacts on neighbouring properties'.

The Transport Development Management Officer has commented as follows:

Final comments dated 4th December 2023:

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

## 'Principle / Property History

The application is for erection of a 3-storey detached block comprising 6x 1-bedroom apartments and the conversion of the existing 3-storey mixed-use public house and residential block to accommodate 1x 2-bedroom and 1x 3-bedroom apartment and an extended public house with external dining area. Several outbuildings to the rear of the property are proposed to be demolished.

The applicant now proposes to provide 1x additional bedspace at the site (total 22x), but the overall number of flats (8x) will remain the same as previously.

TDM requested in its previous comments that the applicant provide:

- a revised ground floor plan featuring:
  - o a 'shared surface' arrangement throughout the main vehicle and pedestrian access to the site from Queen Ann Road;
- a revised layout of car parking spaces;
- a continuous footway with vehicle crossover at the junction of the side-lane with Queen Ann Road;
- drainage provision across the entrance to the side-lane;
- widened access pathways and doors leading to cycle storage;
- clearly identified primary, secondary routes, and level-access routes into the public house;
- a system of private lighting along the side-lane, accounting for the removed streetlight;
- a resurfaced footway at Queen Ann Road reinstated to full kerb height;
- a part-time loading bay on Queen Ann Street; and
- swept path analysis from car parking spaces;
- results of a parking survey undertaken at the site;
- details of EV charging provision;
- details of ownership and future maintenance of the side-lane;
- details of discussions with National Rail regarding the proposed development;
- detailed plans for residential and public cycle parking and storage at the site; and
- revised designs for residential and commercial refuse storage at the site.

## Access

The applicant has submitted a revised proposed ground floor plan (drawing no. MM1-PD11\_Rev\_C), indicating the following changes:

- a block-paved shared-surface accessway;
- a revised car parking layout alongside the railway boundary;
- the primary and secondary access routes to the public house and garden have been clearly identified;
- a number of additional private lights along the shared-surface accessway; and
- acceptable vehicle visibility splays from the accessway.

Following further discussion with the applicant, TDM notes the following:

- new private drainage provision across the point of vehicle access to the highway is not necessary; and
- a scheme of highway works, detailed below, shall be secured by condition.

However, TDM's recommendation to approve the application is subject to submission prior to determination of the following:

- a revised ground floor plan indicating that the doorways and corridor leading to ground-floor cycle storage in Building B will be a minimum of 1.2m-wide;
- a revised ground floor plan indicating that the proposed Sheffield stand for customers will be installed at a minimum distance of 0.6m from the adjacent wall in order to accommodate 2x cycles;
- detailed plans showing the internal dimensions and layout of the proposed cycle store in Building B, ensuring compliance with TDM's Guidance on Cycle Storage.

**Development Control Committee A – 24 January 2024**

**Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

Highway Works

The applicant has agreed to undertake the following highway works:

- create a continuous (at grade) footway across the proposed vehicle crossover;
- resurface the adopted footway along the site frontage and in front of the adjacent no.34 Queen Ann Road;
- pay for and implement a TRO for DYLS across the proposed vehicle accessway and a new loading bay on Queen Ann Road;
- remove the existing street light (ID: 067621) and install a replacement elsewhere on Queen Ann Road.

To undertake the above-described works, the applicant is required to enter into a Section 278 agreement with the Council and pay the appropriate fee.

Car Parking

The revised car parking arrangement is acceptable. Details of appropriate EV charging facilities at the site should be secured by condition.

Waste

There should be secured by condition detailed drawings showing the design and capacity of dedicated, suitably screened, ventilated and secure residential and commercial bin storage that accords with the Council's Waste & Recycling Guidance.

Recommendation

On the basis of the further information provided by the applicant, TDM is satisfied that the proposed plans relating to vehicular access and car parking are acceptable for approval, subject to securing by condition compliance and further details relating to highway works, construction management, cycle storage, refuse storage, EV charging points in order to comply with Policy DM23, TDM 'Designing for Cycling' guidance and Cycle Infrastructure Design (LTN1/20), Policy DM32 and the Council's Waste Management guidance, and Policy BCS13.

TDM recommends approval of the application, subject to the following conditions:

Pre commencement conditions

B1B Approval of road works necessary

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

- create a continuous (at grade) footway across the proposed vehicle crossover;
- resurface the adopted footway along the site frontage and in front of the adjacent no.34 Queen Ann Road;
- pay for and implement a TRO for DYLS across the proposed vehicle accessway and a new loading bay on Queen Ann Road;
- remove the existing street light (ID: 067621) and install a replacement elsewhere on Queen Ann Road.

Where applicable indicating proposals for:

- Existing levels of the finished highway tying into building threshold levels;
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works;
- Signing, street furniture, street trees and pits;
- Structures on or adjacent to the highway;

**Development Control Committee A – 24 January 2024**

**Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement).

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

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

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

**B3A Construction management plan**

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

- A 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Methods of preventing mud being carried onto the highway;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Proposed temporary traffic management arrangements including hoardings and/or footway closures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the Construction and Maintenance Management Plan to staff, visitors and neighbouring residents and businesses; and
- Restrictions on loading or receiving deliveries between the hours of 7-9:30am and 3:30-6pm on weekdays, except during school holidays or where otherwise agreed with the Council.

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

**Pre occupation conditions**

**CX Further details of Refuse Storage and Recycling Facilities before occupation:**

No building or use hereby permitted shall be occupied or use commenced until detailed designs of the following have been submitted to and approved in writing by the Local Planning Authority:

- Dedicated, suitably screened, ventilated and secure storage for refuse and recycling containers for the residential and commercial units that complies with the Council's Waste & Recycling Guidance. The detail thereby approved shall be carried out in accordance with that approval, and thereafter all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

**Development Control Committee A – 24 January 2024**

**Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

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

C7A Completion of Vehicular Access - Shown on Approved Plans

C8 Completion of Pedestrians/Cyclists Access - Shown on Approved Plans

C12A Completion and Maintenance of Car/Vehicle Parking - Shown on Approved Plans

C13 Completion and Maintenance of Cycle Parking Provision - Shown on Approved Plans

C29 Management and Maintenance of Private Streets

C36 Electric Vehicle Charging Points

No building or use hereby permitted shall be commenced until details of Electrical Vehicle Charging infrastructure, management plan and phasing for implementation has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

- Final Layout;
- Number and location of EV parking spaces;
- Number and location of EV charging points;
- Type of EV charging points (fast, rapid);
- Indicative locations for feeder pillars and protective infrastructure;
- Evidence of power supply from WPD (to ensure substation capacity is adequate);
- Indicative location of substation (where required);
- Indicative cable routing;
- Management plan outlining proposed management of spaces, charging network and infrastructure;
- Electrical Layout and Schematic Design; and
- Feeder Pillar Design/Electrical Layout/Schematic Layout Designs.

The Electric Vehicle Charging Points and management plan as approved shall be implemented prior to occupation / as per the agreed phasing plan and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, help reduce air pollution levels and mitigate climate change.

Car parking, access and highway safety

D19 Restriction of Parking Level on site

D21 Retention of Garage/Car Parking Space(s)

Advices

I024A) Works on the Public Highway

I026A) Traffic Regulation Order (TRO)

I027A) Highway to be Adopted

I043A) Impact on the highway network during construction

I045A) Restriction of Parking Permits - Future Controlled Parking Zone/Residents Parking Scheme

I055) Street Name and Numbering

I056) Stopping Up/Diversion of Adopted Highway

I057) Stopping or Diverting a Public Right Of Way

The Public Rights of Way Team has commented as follows:

'It is noted that PROW/408 runs through the development site and that the application confirms a requirement to apply to divert or extinguish the PROW, although no further details on this were found within the application documents.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

This PROW is currently obstructed by a locked gate and a wall and if an application to divert or extinguish the PROW by means of a Town & Country Planning Act (T&CPA) Public Path Order is not made as part of the application, or if the application is not successful, the landowner would be required to ensure that the current alignment of the PROW is unobstructed so that the public can pass and repass along its route.

As the route of PROW BCC/408 is also adopted highway, any legal order to stop-up the higher adopted highway rights would also extinguish the PROW rights along the route, in which case a separate legal order to divert or extinguish the PROW would not be required. Given that the PROW is a dead-end, BCC PROW Team would not object to any application to extinguish it, though there may be objections from the public and amenity groups which would need to be considered within the legal process.

As the proposal materially affects PROW BCC/408 then this fact needs to be advertised as such as part of the planning process.

Early contact with the PROW Team is recommended to discuss these issues.

Consideration would also need to be given to public access and safety for users of the PROW during construction work (see section 3.5 Bristol City Council Highways planning conditions, 1028 below). If construction works are likely to require the temporary closure or diversion of the PROW, a Temporary Traffic Regulation Order (TTRO) will be required for the duration of the works on the grounds of safety of the public'.

Network Rail has commented as follows:

'Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

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

The site is located within an area of historic mining for coal. Network Rail wish to be consulted on any site investigation and/or remediation works for historic/ abandoned mining hazards, alongside Network Rail's infrastructure. Please contact [nationalminingengineer@networkrail.co.uk](mailto:nationalminingengineer@networkrail.co.uk) and [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk)

## DRAINAGE

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

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX****ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

**FENCING**

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

**GROUND LEVELS**

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

**FOUNDATIONS**

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

**GROUND DISTURBANCE**

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

**SITE LAYOUT**

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

**PILING**

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



**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

accordance with the approved method statement.

**EXCAVATIONS/EARTHWORKS**

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

The Pollution Control Officer has commented as follows:

'I've looked at this application and the acoustic report submitted with it and have no objection to it. From a noise point of view the application is not significantly different from the previous one where I remember we had concerns whether some windows would be non-openable as the noise assessment states in 6.2.5. that 'The windows on all elevations could be openable; however, should be sealed airtight in the blue and yellow zones to control external noise, with alternative means of ventilation provided'. My interpretation of this is that the windows on the blue and yellow zones are openable but have to be able to be sealed airtight when shut and another form of ventilation provided. Perhaps this can be confirmed by the applicant?

I would need to see, by condition, that the recommendations made in the acoustic report are carried out and a construction management plan. I would therefore ask for the following conditions if the application is approved:

**1. Construction Management Plan**

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

**Advice**

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

- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- o Procedures for emergency deviation of the agreed working hours.
- o Control measures for dust and other air-borne pollutants .
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

**2. Noise Mitigation Measures**

No development (excluding demolition and enabling works) shall commence until full details of the noise mitigation measures for the residential accommodation hereby approved have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall take into

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

account the approved Noise Impact Assessment (dated 15.03.22, Rev. A, authored by Acoustic Consultants Ltd). The mitigation measures shall fully detail the required façade insulation and means of mechanical ventilation. The mitigation measures shall then be installed and maintained thereafter in strict accordance with approved noise mitigation measures.

In addition, the noise mitigation measures shall include details of the information to be provided to prospective purchasers or occupants that indicates the existence of nearby licensed premises, the installed noise mitigation measures, and how an occupant would use/interact with those noise mitigation measures to ensure their effectiveness.

Such details shall then be provided to prospective purchasers or occupants for the lifetime of the approved development.

The residential accommodation hereby approved shall not be occupied until an assessment to demonstrate the effectiveness of the approved noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, to be effective, the noise mitigation measures must provide acceptable internal living environments for the residential accommodation in accordance with the Noise Impact Assessment (dated 15.03.22, Rev. A, authored by Acoustic Consultants Ltd).

Reason: In the interests of ensuring that internal noise levels within the residential accommodation hereby approved will be acceptable and not harmed by noise from nearby commercial venues, including the Rhubarb Tavern. Further, to ensure that the ongoing viability of nearby venues, such as the Rhubarb Tavern, will not be prejudiced by the approval of residential accommodation in their vicinity.

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

'The planning application has been reviewed in relation to land contamination

The applicants are referred to the following

- o Bristol Core Strategy - BCS23 Pollution
- o Local Plan - DM34 Contaminated Land
- o National Planning Policy Framework (2019) Paragraphs 118, 170, 178, 179, 180
- o Planning Practice Guidance Note <https://www.gov.uk/guidance/land-affected-by-contamination>
- o <https://www.bristol.gov.uk/planning-and-building-regulations-for-business/land-contamination-for-developers>

The proposed development is sensitive to contamination and is situated on or adjacent to land which has been subject to land uses which could be a potential source of contamination.

The submitted Desk Study is generally acceptable and recommends intrusive investigation which we do agree with. Looking at reports held for the former pottery site adjacent contamination was encountered in the soils above current residential screening criteria.

We have no objection to the proposed development as long as the following conditions are applied to any future planning consent:

**1. Further site investigation**

A site specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of any site contamination and whether or not it originates from the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The results of this investigation shall be considered along with the reports submitted with the original application. The written report of the findings shall be submitted to an approved in writing by the Local Planning Authority prior to any works (except demolition) in

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

connection with the development, hereby approved, commencing on site. This must be conducted in accordance with the Environment Agency's 'Land Contamination: risk management' and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice.'

**RELEVANT POLICIES**

National Planning Policy Framework – September 2023

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

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

**KEY ISSUES:****A: IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE?**

Policy BCS5 in the Core Strategy (2011) sets out that the Core Strategy aims to deliver new homes within Bristol's existing built-up areas to contribute towards accommodating a growing number of people and households in the city. Between 2006 and 2026, 30,600 new homes will be provided in Bristol. The policy further states that the development of new homes will primarily be on previously developed sites across the city.

This is supported by BCS20 which states that new development will maximise opportunities to re-use previously developed land to make the most effective use of this piece of urban land. Therefore, the principle of residential development is supported in this instance, but this must be balanced against other material considerations and policy requirements as detailed below.

The development of private gardens is assessed against policy DM21 of the Site Allocations and Development Management Policies (2014), which states that development will not be permitted unless:

- (i) the proposal would represent a more efficient use of land where higher densities are more appropriate; or
- (ii) the development will result in a significant improvement to the urban design of the area; or
- (iii) the proposal is an extension to an existing dwelling.

The policy also states that in all cases any development of garden land should not result in harm to the character and appearance of the area.

On 19th January 2021, the government published the results of its 2020 Housing Delivery Test, which aims to measure how effectively each local authority is delivering housing against NPPF requirement to demonstrate a five-year supply of deliverable housing sites plus five per cent land supply buffer.

Section 5 (Delivering a sufficient supply of homes) of the NPPF outlines that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". In relation to maintaining sufficient supply and delivery of homes, paragraph 75 of the NPPF outlines: "Strategic policies should include a trajectory illustrating the expected rate of

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites."

Bristol has a positive approach to boosting the supply of homes. Policy H1 of the emerging Bristol Local Plan (Publication Version November 2023) proposes an ambitious housing requirement of 1,925 homes per year, substantially higher than that of the current Core Strategy (June 2011). The emerging plan offers a large range of potential development sites, areas of growth and regeneration and a variety of policy interventions that will help to ensure that the housing requirement is delivered and preferably exceeded. In doing so the emerging plan seeks to meet as much of the identified housing need as possible, consistent with paragraph 60 of the National Planning Policy Framework (NPPF).

Until the new local plan is adopted, the council is expected to identify and update annually a supply of specific deliverable sites to meet its local housing need for the next few years. If it cannot do this, the presumption in favour of sustainable development applies. For Bristol, only a four year supply must be demonstrated, as the emerging local plan has reached the Publication (Regulation 19) stage (NPPF paragraph 226).

The Government's standard method sets Bristol's local housing need at a very high level due to the inclusion of an additional 35% uplift for the largest cities and urban centres. Consequently, despite a substantial stock of planning permissions and a positive approach, Bristol is currently unable to demonstrate a four year supply of housing land. As a result paragraph 11(d) of the NPPF is engaged and the tilted balance applies.

There are two aspects to understanding whether planning permission as prescribed by Paragraph 11(d) should be granted and whether policies which are most important to determining the application are out of date. The first is where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Amongst the areas of particular importance that may be relevant to Bristol, the footnote to paragraph 11d includes habitats sites including those designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

Or the second, where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The creation of eight flats would make a small scale but valuable contribution towards housing supply which is compatible with the objectives of Policy BCS5. To conclude, in land use terms, the creation of eight flats at the site would represent sustainable development in full accordance with national and local planning policy. The principle of development in land use terms is therefore acceptable subject to the loss of a portion of the grounds and upper floors of the vacant public house use being acceptable in policy terms (see Key Issue B).

**B. WOULD THE PROPOSAL HARM THE VIABILITY OF THE RETAINED PUBLIC HOUSE?**

The proposal would retain the ground floor of the existing building with use as a public house along with the basement area. The upper floors, most recently used as ancillary residential space for the pub, will be separated from the public house to create two flats. A block of six flats will be built within the rear grounds of the site.

Section 8 of the National Planning Policy Framework (2019) addresses the issue of 'Promoting Healthy Communities'. At paragraph 92 it is specified that 'the planning system should aim to play an important role in facilitating social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. It goes on to say in Paragraph 93 that to provide the social, recreational and cultural facilities and services the community needs, planning

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

decisions should guard against the unnecessary loss of valued facilities and services particularly where they would reduce the community's ability to meet its day to day needs and ensure that facilities are able to develop, modernise and are retained for the benefit of the community.

Policy BCS12 of the Core Strategy (2011) states that 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. In such cases the Council will need to assess the loss in terms of the social, economic and physical impact on the local community and the harm caused to the level of community provision in the area.

Policy DM5 specifies that proposals involving the loss of community facilities (including pubs) land or buildings will 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.

Policy DM6 in the Site Allocations and Development Management Policies (2014) further states that proposals involving the loss of established public houses will not be permitted unless it is demonstrated that:

- i. The public house is no longer economically viable; or
- ii. A diverse range of public house provision exists within the locality.

Where development is permitted any extensions or alterations should not harm the identity or architectural character of the public house.

In November 2023, the emerging Local Plan was published for consultation. Policy SSE8 (Public Houses) reiterates the wording of Policy DM6 in the Site Allocations and Development Management Policies (2014). The explanatory text states that applications for the change of use or loss of part of a public house will be required to demonstrate that the loss of floorspace will not negatively impact the ongoing viability of the remaining public house.

Whilst the emerging local plan carries very little weight in terms of material consideration, the impact of the loss of the upper floors and significant amount of garden space has been assessed below.

The application follows a previously withdrawn application that would have resulted in the total loss of the public house, an outcome deemed to be unacceptable by Officers.

The Public Houses Planning Practice Note (October 2022) provides further guidance on the implementation of policy DM6 (Public Houses) and assessment of applications relating to the change of use, demolition or redevelopment of an existing public house within the local planning authority area.

In this instance, it is proposed that the public house be retained at ground floor (with the basement cellar retained) with the upper floors converted to residential use from previous ancillary residential space, and the development of six residential units in a block within the rear amenity space.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

It is noted that objections have been received relating to the loss of the beer garden/rear amenity space for public use and that the proposals would not result in a viable use. Following these objections, including one from the Campaign for Real Ale (CAMRA) Bristol and District Branch, a public house viability study was commissioned by Officers to assess whether or not the proposed development would result in a viable public house provision that would be able to function and adapt to change in the future given the current situation and likely development in the area over coming years.

The study concluded that the proposed development would result in a viable public house. Further, the study also set out that the public house in its current form would require such a significant investment in the building and amenity space in order to bring it back into use that it is no longer viable in its current form.

This viability study supports the applicant's economic/marketing statement which shows that the pub has remained vacant for more than three years. In that time, it has suffered significant damage from damage from squatters, much of the metal work and services inside the building have been stripped out and the building has been left in a state of significant disrepair as a result of a failure to secure a leaseholder.

As such, the proposal is considered to be consistent with Policy BCS12 in that the existing community facility would be retained, albeit in a reduced form but would bring the retained community facility back into use with as a viable proposition for future occupants. The building is considered to be no longer able to function in its existing use without being sensitively adapted in accordance with Policy DM5.

The submitted marketing information in conjunction with the commissioned viability study confirm that the public house in its current form is no longer economically viable. The proposal would retain the public house in altered form, with the retention of the ground floor beer cellar, ancillary space for kitchen use, an outdoor courtyard and the proposed extensions and alterations would not harm the identity or architectural character of the public house.

The economic statement submitted by the applicant and the independently commissioned viability study commissioned by Officers conclude that the public house is no longer economically viable. The proposal would result in a viable public house and would not harm the identity or architectural character of the building.

Consequently, it is considered that the proposed development which would result in a viable public house and restoration of the existing use along with residential development is found to comply with policies BCS12 of the Core Strategy (2011), policies DM5 and DM6 of the Site Allocations and Development Management Policies (2014) and guidance contained within the NPPF (2021).

### C. ASSET OF COMMUNITY VALUE

The property has been designated as an Asset of Community Value. An Asset of Community Value is defined as 'a building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future'. The Localism Act (2011) states that 'social interests' include cultural, recreational and sporting interests.

An Asset of Community value listing does not place any restriction on what an owner can do with their property once listed if it remains in their ownership. In this instance, the owner of the property is not disposing of the property, and is proposing additional development in order to return the public house to use after several years of closure. The development would restore the building which has fallen into significant disrepair.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

As there is no transfer of ownership proposed and the proposed uses are considered acceptable within the parameters of an Asset of Community Value and are no different to the previous use (public house with residential use above), no concern is raised in this regard and bears no impact on this planning application.

**D. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF MIXED AND BALANCED COMMUNITY ISSUE?**

Section 5 of the NPPF (2021) reflects the need to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and states 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", with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods. Analysis of the city's general housing needs and demands has identified a number of indicative requirements for each of 6 city zones. The zones reflect sub-market areas used in the Strategic Housing Market Assessment (SHMA). The intention is to provide a Strategic steer for all sizes of residential scheme within each zone. A local area-based assessment is required to assess the development's contribution to housing mix as a smaller scale will not provide a proper understanding of the mix of that area; a larger scale may conceal localised housing imbalances. As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower Level Super Output Area (LSOA) (average of 1,500 residents).

The application site falls within the Newtown LSOA. An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by assessing the 2021 Census data which shows that the Newtown LSOA comprises approximately 46.5% houses and 53.3% flats. Of the properties in the LSOA, 18% are one bedroom properties, 47.7% are two bedroom properties, 26.7% are three bedroom properties and 7.6% are four bedroom properties or larger.

On this basis, the proposal would add six one-bedroom properties, one two-bedroom property and one three-bedroom property to the housing stock. The addition of these eight dwellings, including one family sized dwelling would not create or contribute to a local imbalance of housing type or size and would contribute eight dwellings to the City's housing stock. The application is therefore considered acceptable with regard to mixed and balanced communities.

**E. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF DESIGN AND HERITAGE?**

The Rhubarb Tavern is a Locally Listed building, identified on the Historic Environment Record 2145M. The description is: 'A freestanding 19th-century public house with Victorian detail, and a fireplace reputedly from the demolished Tilly's Court (Dr Day's Mansion) nearby. While the facade and most of the section fronting the street are certainly 19th-century the core of the building is almost

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

certainly of 18th-century date. A building in this position is marked on Ashmead's map of 1828'.

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."

Paragraph 203 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 205 states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Policy BCS21 of the Bristol Core Strategy (2011) advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development. It also advocates the delivery of permanent and temporary public art.

Policy BCS22 in the same document states that development proposals will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including historic buildings both nationally and locally listed.

Policy DM26 in the Site Allocation and Development Management Policies (2014) states that development should retain existing buildings and structures that contribute positively to local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines, skylines and roofscapes. Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions.

Policy DM27 in the same document further expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting.

Policy DM31 sets out that that proposals affecting locally important heritage assets should ensure they are conserved having regard to their significance and the degree of any harm or loss of significance.

#### Proposed alterations to the existing building

The Conservation Officer has reviewed the proposal and confirmed that the significant internal features of the Locally Listed building including the dog-leg in the rear tower, fireplace which is included in the Historic Environment Record listing and exposed floor beams would not be negatively impacted by the proposed development.

The proposed second floor rear extension would sit directly above the existing first floor rear addition and is considered to be acceptable and would be subservient to the host property.

No concern is raised with regard to alterations to the building with regard to design and heritage and the restoration of the ground floor public house use and retained historic features is welcomed.



**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

Block of six flats in the rear grounds

The proposed design of the block of six flats in the rear amenity space would be three storeys in height with a shallow dual pitched roof would not dominate the existing property and would minimise the height impact of the development. The stairwell would be subservient to the main block and the ground floor attached bin and bike store are considered to be sensitively integrated into the design.

The two-type elevation treatment of terracotta brick and render is considered acceptable and responds appropriately to the host property and neighbouring residential properties at Queen Ann Mews.

Overall no concern is raised with regard to design and heritage subject to conditions.

### E. AMENITY ISSUES

Bristol Core Strategy (2011) Policy BCS21 outlines that new development is expected to safeguard the amenity of existing development. In particular, development should give consideration to matters of privacy, outlook and natural lighting. Policy DM30 of the Site Allocations and Development Management Policies (2014) also outlines that extensions and alterations to existing buildings will be expected to safeguard the amenity of the host premises and neighbouring occupiers. Policy DM35 states that new development should also not lead to any detrimental increase in noise levels.

The proposed rear extension to the existing building would not result in any overlooking, loss of privacy, daylight or sunlight to neighbouring buildings or the proposed new flats to the rear.

The proposed block of flats will include six one-bedroom flats, one of which would have a private garden and shared garden space for the other five flats. The relationship with the neighbouring flats would not result in any unacceptable loss of outlook, privacy or overlooking issues and would not be considered to be overbearing. The flats would be dual aspect and meet the minimum national described space standards requirements of 50m<sup>2</sup>.

The two flats above the retained public house would be a three-bedroom flat at first floor level and a two bedroom flat at second floor level. These would be triple aspect and meet national described space standards.

The retained external amenity area will be subdivided between a private garden for the ground floor flat, a communal garden for residents of the new block of flats and a portion to be retained for an external beer garden for the public house. This is expected to result in a reduction in noise compared to if the entirety of the rear amenity space was to be used as a large beer garden for the public house. There is public open space 350m from the site on Barton Hill Road and Netham Park is 550m away. No concern is therefore raised with regard to outdoor amenity.

### Noise Mitigation

A number of the units within the neighbouring development at Queen Anns Mews overlook the pub garden from close proximity. Whilst it is understood that use of the garden was historically limited by the pub's premises licence, it is acknowledged that the proximity of residential accommodation to the public house garden has been less than ideal.

With regard to noise from the pub impacting on the proposed new dwellings, the application includes a Noise Impact Assessment (dated 15.03.22, Rev. A, authored by Acoustic Consultants Ltd). This has been reviewed by the Pollution Control Officer and is found to be acceptable. A condition would be attached to an approval to ensure that all noise mitigation measures set out in the report are carried out including façade insulation and means of mechanical ventilation.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

With regard to 'agent of change' principle, the condition would also set out that noise mitigation measures shall include details of the information to be provided to prospective purchasers or occupants that indicates the existence of the pub and its associated external amenity area.

Subject to conditions, there are no concerns with regard to the amenity of future occupiers or the viability of the retained public house use and smaller beer garden in amenity terms.

**F. TRANSPORT, MOVEMENT AND HIGHWAY SAFETY**

The NPPF (2023) states that developments should ensure that safe and suitable access can be achieved for all users. It also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

BCS10 sets out development proposals should be located where sustainable travel patterns can be achieved and with more intensive, higher density development at accessible centres and along or close to public transport routes. It requires developments to be designed and located to ensure the provision of safe streets.

DM23 expects development to provide a safe and adequate access onto the highway network secure, accessible and usable level of parking provision having a regard to parking standards, as well as secure and well-located cycle parking and facilities for cyclists. The same policy also expects developments to provide appropriate servicing and loading facilities which make effective and efficient use of land and be integral to the design of the development.

Network Rail has also commented on the application and raised concerns with regard to drainage, encroachment, ground level changes and foundations. Although the scope of the works is likely to be beyond the support zone, a condition for an asset protection agreement has been secured by condition to ensure that the railway and embankment are protected throughout the development.

During the course of the application, the applicant responded to initial comments from the Transport Development Management (TDM) Team with a number of alterations that had been requested. These include a block-paved shared surface accessway, revise parking layout alongside the railway boundary, clear identification of primary and secondary access routes, additional private lighting on the shared accessway and acceptable vehicle visibility spays.

Further TDM requirements for a revised ground floor plan indicating that doorways and corridor leading to the cycle storage in Building B are a minimum of 1.2m in width, distances of Sheffield Stands and internal dimensions of the proposed cycle store have been submitted.

The revised car parking provision includes three spaces for residential use, one of which is a disabled space. Details of electric charging provision is secured by condition.

The proposed bicycle store is located in a dedicated store room accessed from the lobby of the proposed block of flats. This meets the required standard of storage and number of bike spaces for a development of this size.

The proposed bin stores are considered to be acceptable for the number of flats and residents proposed. Detailed design, capacity and ventilation are secured by condition.

The application would also result in the permanent stopping up of an historic public right of way (PROW). The PROW has been blocked for many years, currently obstructed by a locked gate and a wall. The PROW is effectively a dead end, terminating at a wall behind the 1980s development at Beaconsfield Close. The PROW Team have commented to say that there is no objection to

**Development Control Committee A – 24 January 2024**

**Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

extinguishing the PROW.

Further to the above and conditions attached to planning permission, the application is considered acceptable with regard to transport, movement and highway safety.

**G. SUSTAINABILITY**

Policies BCS13-15 of the Core Strategy relates to the Council's expectations with regard to sustainable construction of new buildings and emissions in respect of climate change. These policies must be addressed and the guidance within the Council's Climate Change and Sustainability Practice Note followed.

New dwellings are expected to minimise energy requirements. This will be achieved by high standards of energy efficiency including optimal levels of thermal insulation, passive ventilation and cooling, passive solar design, and the efficient use of natural resources in new buildings. Core Strategy Policy requires new dwellings also incorporate an element of renewable energy to reduce carbon emissions by a further 20% above energy saving measures.

A sustainability statement and energy table have been submitted with the application, produced by Complete Energy Consultancy and dated 3rd November 2011. This sets out the potential sources of renewable energy and concludes that only photovoltaic panels are suitable for this development. A total of 28 Perlight 320W solar module panels are proposed, contributing to a reduction in net carbon emissions of 20.6%.

This is considered acceptable subject to conditions to ensure that the panels are installed and meet the required reduction in emissions prior to occupation of the new dwellings.

**H. ARBORICULTURE**

The application is accompanied by an Arboricultural Impact Assessment and Tree Survey Site Plan. This confirms that there are no trees within the application site. There are trees close to the southern boundary of the site and subject to tree protection measures to ensure that no machinery or building materials are stored in the vicinity, no concern is raised with regard to arboriculture. A tree protection plan showing the location of tree protection measures and fencing is recommended.

**J. CONTAMINATED LAND**

The application is accompanied by a Phase 1 Site Investigation Report produced by Wesson Environmental (Project Ref 001BUCOP1; dated March 2021). This has been reviewed by the Land Contamination Officer and is found to be sound.

Based on the report, the Land Contamination Officer raises no objection subject to conditions requiring further ground testing for contamination and remedial action should any land contamination be found. The application is therefore acceptable in this regard.

**K. COMMUNITY INFRASTRUCTURE LEVY**

The CIL Liability for this development is £39,970.68.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX****EQUALITIES ASSESSMENT**

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

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

**CONCLUSION**

The proposed development is considered acceptable, adding eight dwellings to the housing stock and enabling the restoration and renovation of the public house at ground and basement level with an associated beer garden. All dwellings meet space standards, are dual aspect and would provide an acceptable level of accommodation.

The application is recommended for approval subject to conditions.

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

1. Full Planning Permission

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

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

**Pre commencement condition(s)**

2. Basic Asset Protection Agreement - Network Rail

Prior to commencement of development including the involvement of excavations and earthworks to be carried out, a Basic Asset Protection Agreement (BAPA) shall be entered into with Network Rail which must be submitted to the Local Planning Authority for approval in writing. All works shall be carried out fully in accordance with the approved BAPA and in accordance with the approved details and retained in that form thereafter.

Should Network Rail agree that a BAPA is not required, the applicant will provide evidence to confirm Network Rail are satisfied that development can proceed.

Reason: In order to ensure the foundations are adequate and do not compromise the neighbouring railway line and sidings and that no harm or disruption to the railway line and sidings will result from the proposed development.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

## 3. Approval of road works necessary

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

- create a continuous (at grade) footway across the proposed vehicle crossover;
- resurface the adopted footway along the site frontage and in front of the adjacent no.34 Queen Ann Road;
- pay for and implement a TRO for DYLS across the proposed vehicle accessway and a new loading bay on Queen Ann Road;
- remove the existing street light (ID: 067621) and install a replacement elsewhere on Queen Ann Road.

Where applicable indicating proposals for:

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

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

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

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

## 4. Construction management plan

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

- A 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Methods of preventing mud being carried onto the highway;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Proposed temporary traffic management arrangements including hoardings and/or footway closures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and

**Development Control Committee A – 24 January 2024**

**Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

- Methods of communicating the Construction and Maintenance Management Plan to staff, visitors and neighbouring residents and businesses; and

- Restrictions on loading or receiving deliveries between the hours of 7-9:30am and 3:30-6pm on weekdays, except during school holidays or where otherwise agreed with the Council.

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

5. To secure the recording of the fabric of buildings of historic or architectural importance

No redevelopment or refurbishment of the Rhubarb Tavern shall take place until the applicant/developer has recorded those parts of the building which are likely to be disturbed or concealed in the course of redevelopment or refurbishment. The recording must be carried out by an archaeologist or archaeological organisation approved by the Local Planning Authority and submitted to the Historic Environment Record (HER), the archive should then be submitted to Bristol City Museum and a hard copy to Bristol Record Office.

Reason: To ensure that features of archaeological or architectural importance within the heritage asset (Locally listed building) are recorded before their destruction or concealment.

6. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the protective fence(s) has (have) been erected to ensure that the root protection area of trees adjacent to the site are protected. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution

7. Construction (Environmental) Management Plan

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

Reason: To protect the amenity of nearby residential neighbours and the area generally.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

## Advice

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

- o All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
- o Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- o Procedures for emergency deviation of the agreed working hours.
- o Control measures for dust and other air-borne pollutants .
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes.

## 8. Noise Mitigation Measures

No development (excluding demolition and enabling works) shall commence until full details of the noise mitigation measures for the residential accommodation hereby approved have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall take into account the approved Noise Impact Assessment (dated 15.03.22, Rev. A, authored by Acoustic Consultants Ltd). The mitigation measures shall fully detail the required façade insulation and means of mechanical ventilation. The mitigation measures shall then be installed and maintained thereafter in strict accordance with approved noise mitigation measures.

In addition, the noise mitigation measures shall include details of the information to be provided to prospective purchasers or occupants that indicates the existence of nearby licensed premises, the installed noise mitigation measures, and how an occupant would use/interact with those noise mitigation measures to ensure their effectiveness.

Such details shall then be provided to prospective purchasers or occupants for the lifetime of the approved development.

The residential accommodation hereby approved shall not be occupied until an assessment to demonstrate the effectiveness of the approved noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, to be effective, the noise mitigation measures must provide acceptable internal living environments for the residential accommodation in accordance with the Noise Impact Assessment (dated 15.03.22, Rev. A, authored by Acoustic Consultants Ltd).

Reason: In the interests of ensuring that internal noise levels within the residential accommodation hereby approved will be acceptable and not harmed by noise from nearby commercial venues, including the Rhubarb Tavern. Further, to ensure that the ongoing viability of nearby venues, such as the Rhubarb Tavern, will not be prejudiced by the approval of residential accommodation in their vicinity.

## 9. Further site investigation

A site specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of any site contamination and whether or not it originates from the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The results of this investigation shall be considered

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

along with the reports submitted with the original application. The written report of the findings shall be submitted to an approved in writing by the Local Planning Authority prior to any works (except demolition) in connection with the development, hereby approved, commencing on site. This must be conducted in accordance with the Environment Agency's 'Land Contamination: risk management' and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice.'

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**Pre occupation condition(s)**

## 10. Sample Materials

Prior to the commencement of the relevant element, manufacturers specifications and/sample panels (as appropriate) of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved samples before the building is occupied.

- a. render
- b. buff brick
- c. terracotta interlocking roof tiles

Development shall be carried out in accordance with the materials specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory and in keeping with the street scene.

## 11. Further details of Refuse Storage and Recycling Facilities before occupation:

No building or use hereby permitted shall be occupied or use commenced until detailed designs of the following have been submitted to and approved in writing by the Local Planning Authority:

- Dedicated, suitably screened, ventilated and secure storage for refuse and recycling containers for the residential and commercial units that complies with the Council's Waste & Recycling Guidance.

The detail thereby approved shall be carried out in accordance with that approval, and thereafter all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

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



**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

## 12. Completion of Vehicular Access - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage.

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

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

Reason: In the interests of highway safety.

## 14. Completion and Maintenance of Car/Vehicle Parking - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

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

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

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

## 16. Management and Maintenance of Private Streets

No building or use hereby permitted shall be occupied or use commenced until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption within the site has been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

## 17. Electric Vehicle Charging Points

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change.

## 18. Sustainability

The development hereby approved shall be carried out in full accordance with the Sustainability Statement prepared by Sustainability Statement and Energy Strategy prepared by Chris Goodsall Architects, Issue 2: 15-3-22 unless otherwise agreed in writing by the Local Planning Authority and achieves a total saving of 20.6% on residual carbon emissions.

Reason: To ensure that the proposal reduces the impact on the environment and climate change in line with the adopted development plan policies.

## 19. PV Panels

Prior to the commencement of the relevant part of the works hereby approved details relating to the photovoltaic panels (including the exact location, dimensions, design/technical specification and method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The approved equipment shall be installed and operational prior to the first occupation of the use which they serve and retained as operational thereafter in perpetuity.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions and to ensure that the external appearance of the building is satisfactory.

**Post occupation management**

## 20. Removal of permitted development rights for change of use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the public house and associated basement, stores and garden space shall be retained in that use without the grant of a separate planning permission from the Local Planning Authority

Reason: To safeguard the retention of the public house.

## 21. Restriction of parking level on site

Parking within the development site is to be restricted to the areas allocated on the approved plans and shall not encroach onto areas allocated on the plans for other uses.

Reason: To control the level of parking on the site and to safeguard the uses of other areas.

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

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

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

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

**List of approved plans**

## 23. List of approved plans and drawings

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

MM1-PD17A Proposed first floor of existing building retained, received 15 January 2024  
 MM1-PD16B Proposed ground floor of pub retained, received 15 January 2024  
 MM1-PD72 B Proposed Elevations of existing pub, received 15 January 2024  
 MM1-ED01 Site Location and Existing Block Plans, received 14 July 2022  
 MM1-ED10 A Existing Ground Floor Plan, received 14 July 2022  
 MM1-ED11 Existing First Floor Plan, received 14 July 2022  
 MM1-ED12 Existing Second Floor Plan, received 14 July 2022  
 MM1-ED13 Existing Roof Plan, received 14 July 2022  
 MM1-ED14 Tree Survey Plan on Existing Site Plan, received 14 July 2022  
 MM1-ED72 A Existing Elevations Sheet 1 (Front (NW) & Side (NE)), received 14 July 2022  
 MM1-ED74 Existing Elevations Sheet 3 (Rear (SW) & Side (SE)), received 14 July 2022  
 MM1-ED74 Existing Sectional Elevations Sheet 3, received 14 July 2022  
 MM1-PD11 C Proposed Ground Floor Plan, received 17 October 2023  
 MM1-PD12 C Proposed First Floor Plan, received 14 July 2022  
 MM1-PD13 B Proposed Second Floor Plan, received 14 July 2022  
 MM1-PD60 C Proposed Site Sections, received 14 July 2022  
 MM1-PD70 A Proposed Elevations New-Build Sheet 1 (Front (NW) & Side (SW)), received 14 July 2022  
 MM1-PD71 Proposed Elevations New-Build Sheet 2 (Rear (SE) & Side (NE)), received 14 July 2022  
 Arboricultural Impact Assessment (Iss 2) (Ref. MM1-PR03), received 14 July 2022  
 Sustainability Statement and Energy Strategy (Iss 2) (MM1-PR04), received 14 July 2022

Reason: For the avoidance of doubt.

**Advices**

## 1 Works on the Public Highway

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

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

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

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

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

## 2 Traffic Regulation Order (TRO)

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to a scale of 1:1000 of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections.

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Transport Development Management Team at [transportdm@bristol.gov.uk](mailto:transportdm@bristol.gov.uk)

N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

## 3 Highway to be Adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's Engineering Standard Details and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Transport Development Management Team at [DMengineering@bristol.gov.uk](mailto:DMengineering@bristol.gov.uk) You will be required to pay fees to cover the council's costs in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

To discuss the requirement for sewers contact the Highway Authority's Flood Risk

**Development Control Committee A – 24 January 2024****Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

Management Team at [flood.data@bristol.gov.uk](mailto:flood.data@bristol.gov.uk) You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

N.B. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

4 Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

5 Restriction of Parking Permits - Future Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority that on the creation of any Controlled Parking Zone/Residents Parking Scheme area which includes the development, that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.

6 Street Name and Numbering

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19). Please see [www.bristol.gov.uk/registeraddress](http://www.bristol.gov.uk/registeraddress)

7 Stopping Up/Diversion of Adopted Highway

You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247 and 248 of the Town and Country Planning Act 1990. Please see [www.gov.uk/government/publications/stopping-up-and-diversion-of-highways](http://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways) or contact the National Transport Casework Team at [nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk)

8 Stopping or Diverting a Public Right Of Way

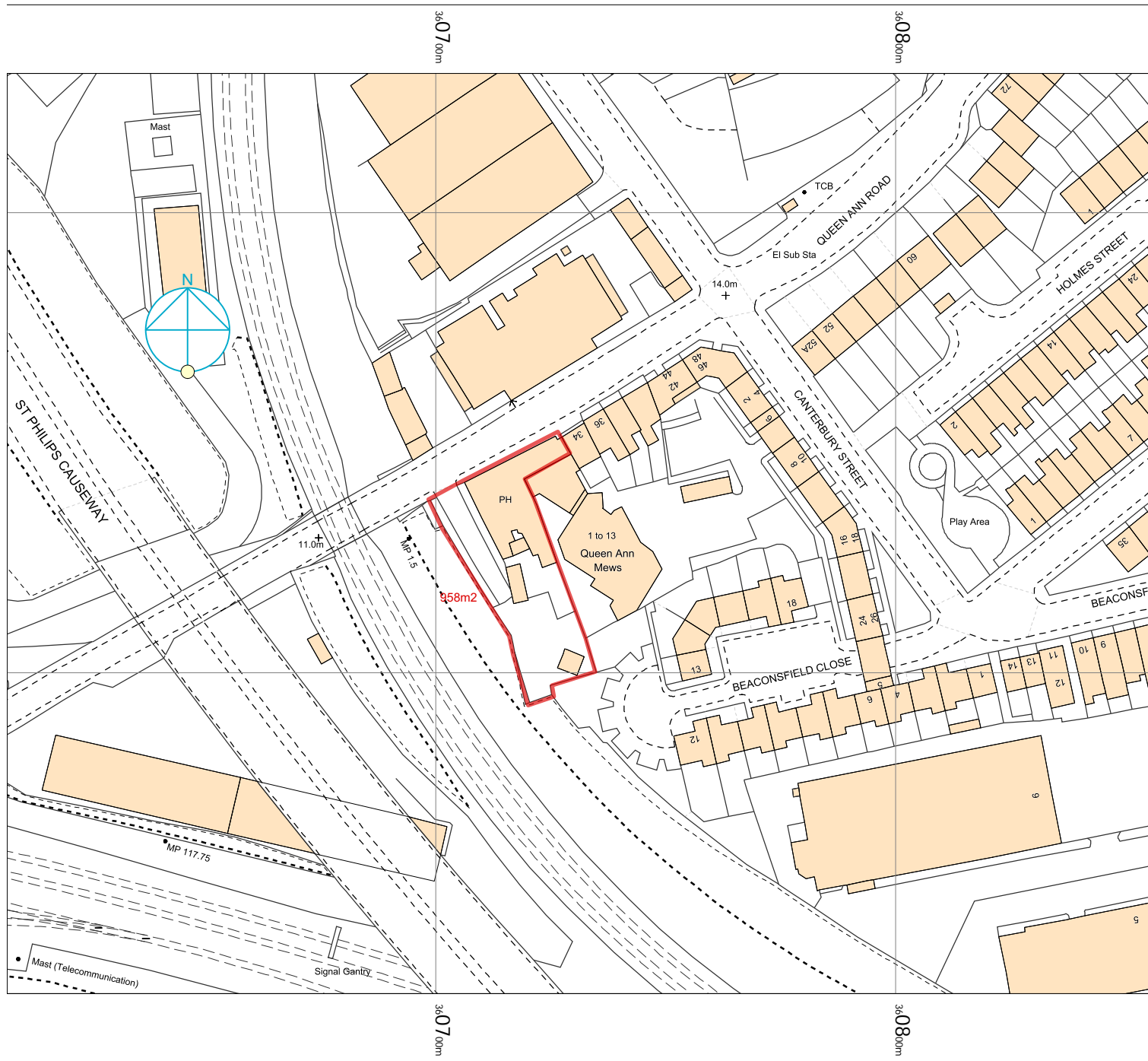
**Development Control Committee A – 24 January 2024**  
**Application No. 22/01583/F : Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX**

You are advised that to facilitate the development an order must be obtained to stop up or divert the Public Right of Way, as shown on the definitive map and statement, under Section 257 of the Town and Country Planning Act 1990. To discuss and/or apply for an order contact the Local Planning Authority at [development.management@bristol.gov.uk](mailto:development.management@bristol.gov.uk)

## **Supporting Documents**

### **1. Rhubarb Tavern, 30 Queen Ann Road, BS5 9TX.**

1. Location and Block Plan
2. Proposed Ground Floor Plan
3. Proposed Elevations (Pub)
4. Proposed Elevations (New Block)

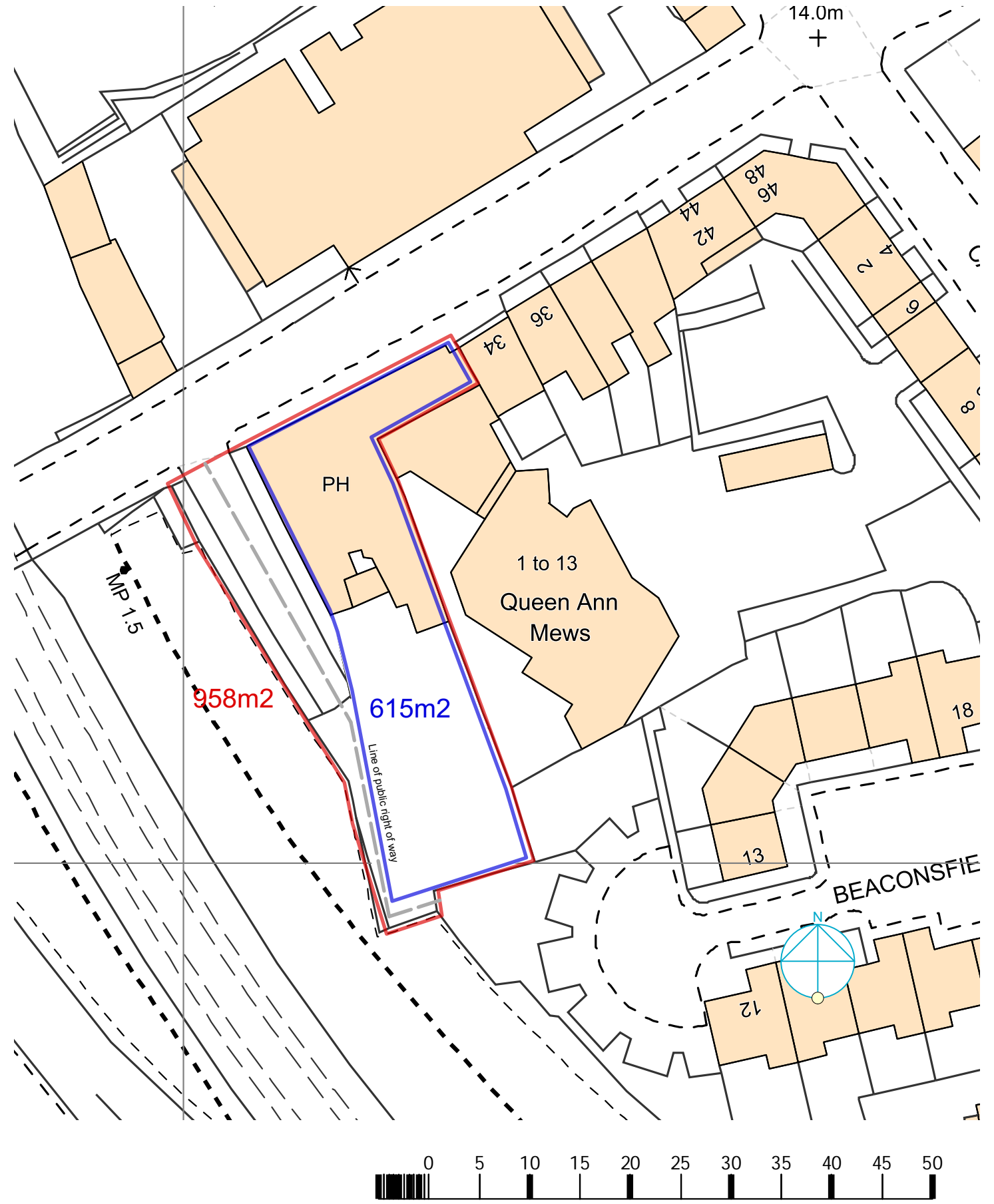


Location Plan at 1:1250

OS MasterMap 1250/2500/10000  
scale  
Monday, April 27, 2020, ID:  
BW1-00873792  
maps.blackwell.co.uk

1:1250 scale print at A4, Centre:  
360732 E, 172730 N

©Crown Copyright Ordnance  
Survey. Licence no. 100041041







Block Plan at 1:500

Revisions:  
B: 14-6-22: Red line amended to include road;  
line of public right of way added  
C: 30-6-22: Blue line amended



**M&E Legend**

-  Zelos Wall Max Bulkhead fitting
-  CCTV Camera
-  Video intercom door bell
-  Door bell



**Accommodation Schedule**

*Building A (renovation):*

- 1 x 2B4P flat (76sqm+)
- 1 x 3B5P flat (92sqm+)
- 9 Bedspaces
- NIA = 168 sqm

*Building B (new build):*

- 6 x 1B2P flat (50sqm+)
- 12 Bedspaces
- NIA = 350 sqm

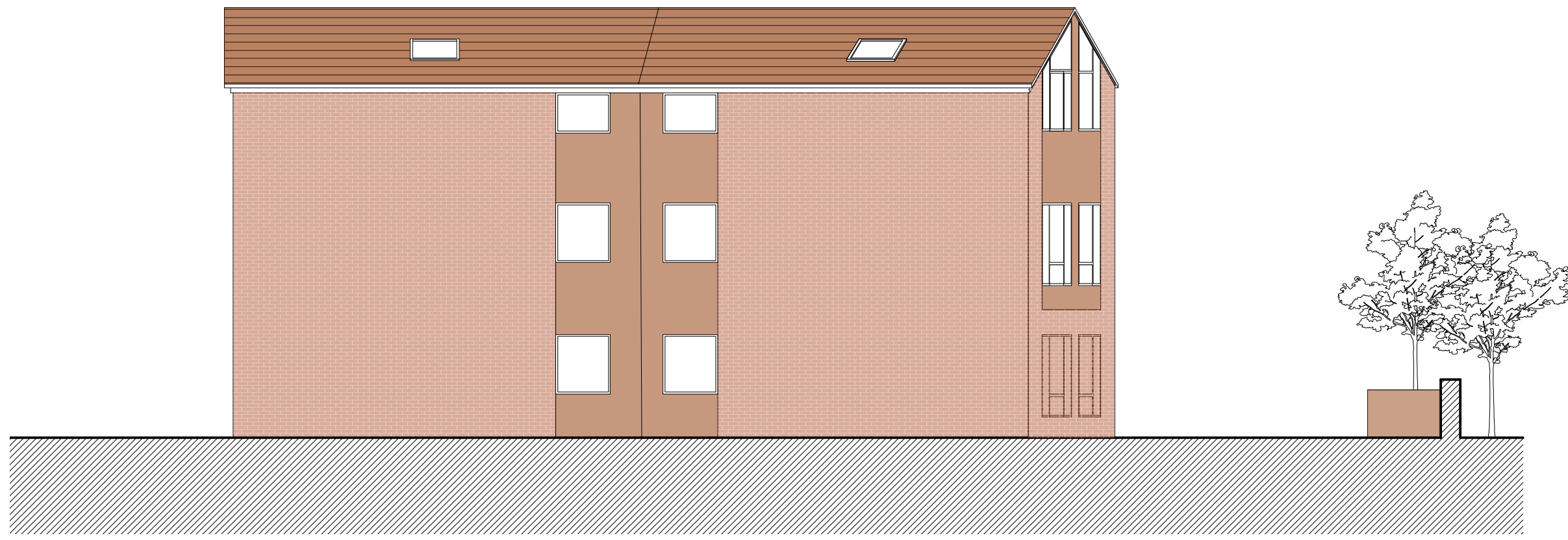
Revisions  
 A: 28-2-22: 2 Flats omitted; Tavern retained  
 B: 21-8-23: Landscaping notes in Communal garden  
 C: 11-12-23: Additional dimensions in Cycle store



Revisions  
 A: 08-02-21: New Elevations added  
 B: 15-02-21: Rear Elevation added



Front (North-West) Elevation



Side (South-West) Elevation

Revisions:  
A: 28-2-22: 2 flats omitted

