



NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015**

Decision : GRANTED subject to condition(s)

Application no: 17/04438/X

Type of application: Variation/Deletion of a Condition

Site address: Westmoreland House, 104 - 106 Stokes Croft, Bristol, BS1 3RU.

Description of development: Variation of condition Numbers 2 (Demolition), 3 (Material Samples), 4 (Contamination Remediation Strategy), 11 (Details of Bird Nesting), 18 (Recording of the historic fabric of the buildings to be disturbed or concealed), 19 (Contamination - Submission of Remediation Scheme), 20 (Contamination site characterisation), 22 (Sustainable Drainage Strategy), 23 (Code for Sustainable Homes), 24 (BREEAM) & 43 (List of Approved Plans) for planning permission 14/05930/F.

Applicant: PG Group

Agent: CSJ Planning Consultant Ltd

Committee/Delegation date: 01.12.17

Date of Notice: 6th December 2017.

Important: Compliance with conditions

- Please read the conditions and understand their requirements and restrictions
- Some conditions may relate to a specific element of work, and require details to be submitted and approved before any work on that element commences.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.

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Time limit for commencement of development

1. Full Planning Permission

The development hereby permitted shall begin before the 7 July 2018.

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. Works for the construction of the building(s) or part of the building forming part of the development hereby permitted shall not be commenced before a valid contract for the carrying out and completion of works of redevelopment of the relevant phase, for which planning permission has been granted has been entered into, and evidence of that contract submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the demolition is followed by immediate rebuilding and to maintain the character and appearance of the Conservation Area.

3. Prior to the commencement of the relevant part of construction, samples of the following will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample:

- a) All new roofing materials
- b) Rain Water goods
- c) Paint finishes to external timber work
- d) Paint finishes to external ironwork/metal work
- e) Typical ventilation terminals
- f) Typical boiler flues
- g) Stone Cleaning
- h) Window details

Reason: To ensure that the external appearance of the building is satisfactory.

4. In the event that contamination is found, no development other than demolition identified on drawings 151123_D1001-1007 and that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

5. All site clearance and construction works shall be carried out in strict accordance with the recommendations in the submitted ecological appraisal (survey report) dated November 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the protection and welfare of legally protected and priority species.

6. Prior to occupation details of a landscaping scheme including new boundary treatments shall be submitted and agreed in writing by the Local Planning Authority.

Reason: To protect the wildlife features on site.

7. No clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive in any year without the prior written approval of the local planning authority. The authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be adversely affected before giving any approval under this condition.

Reason: To ensure that wild birds, building or using their nests are protected.

8. Notwithstanding any materials noted on any approved plans, sample panels of all the external materials and finishes to all buildings, associated plant areas, walls, hard landscape features including paved surfaces, demonstrating coursing, jointing and pointing to the masonry, are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced, unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory and that the character, appearance and setting of surrounding Conservation Areas and Listed Buildings would not be harmed.

9. Prior to the commencement of any construction works for the development a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the specific commissions development, a procurement process and programme illustrating how the public art commission(s) within the building accord with the City Council's Public Art Policy and Strategy. The Public Art Plan shall also contain budget allocations, a timetable for delivery and details of future maintenance responsibilities and requirements. The delivery of public art shall then be carried out in full accordance with the agreed Public Art Plan timetable and the agreed budget set out in the document unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate Public Art Scheme is delivered.

10. Prior to the commencement of any construction works for the development a Cultural Programme Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the details of the Cultural Programme Steering Group, co-ordinated by an appointed programme manager. This Delivery Plan shall set out clear principles for the delivery of cultural projects to be delivered within the site.

Reason: In the interests of the proper management of the site.

11. Notwithstanding the details shown on the submitted plans, detailed drawings of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

- a) Detailed design of roof dormers on Grade II_ Carriageworks
- b) Detailed design of replacement windows on Grade II_ Carriageworks

Reason: In the interests of visual amenity and the character of the area.

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

Prior to the demolition of each building / part of building shown on drawings 151123_D1001-1007, the applicant / developer shall survey and record any elements of heritage or architectural value. Thereafter, no redevelopment or refurbishment shall take place until the applicant/developer has recorded those parts of the building. 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 a building are recorded before their destruction or concealment.

13. No development other than demolition identified on drawings 151123_D1001-1007 shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

14. Land affected by contamination - Site Characterisation

No development other than demolition identified on drawings 151123_D1001-1007 shall take place until an investigation and risk assessment in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - * human health,
 - * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - * adjoining land,
 - * groundwaters and surface waters,
 - * ecological systems,
 - * archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

15. Detailed drawings at the scale of 1 to 20 of the following aspects of construction shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.
- a) Roof elements
 - b) All shop fronts and signage

Reason: In the interests of visual amenity and the character of the area.

16. No development other than demolition identified on drawings 151123_D1001-1007 shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

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

17. Code for sustainable homes (CSH) - New Build

No development other than demolition identified on drawings 151123_D1001-1007 shall take place until evidence that the development is registered with a CSH certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the new development can achieve Code Level 3. No unit of accommodation shall be occupied until a final Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme) Certificate has been issued certifying that Code Level 3 has been achieved for this unit.

Reason: To ensure that the residential development hereby approved achieves Code Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme) and assessment and certification shall be carried out by a licensed CSH assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

18. BREEAM

No development other than demolition identified on drawings 151123_D1001-1007 shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final BREEAM level. No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.

Reason: To ensure that the development achieves BREEAM rating level (or any such equivalent national measure of sustainability for building design which replaces that scheme) and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

Pre occupation condition(s)

19. Details (including drawings where necessary) of the following shall be submitted to and approved in writing by the Local Planning Authority before the residential accommodation use hereby permitted commences unless otherwise agreed in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval

a) Door and gate entry systems for all student accommodation accesses including main entrance lobbies, courtyard accesses, each floor access points, cycle and refuse and recycling stores

Reason: These details need careful consideration and approval and to ensure the development is safe and secure.

20. Prior to the commencement of each use hereby approved, a detailed lighting report by a suitably qualified Lighting Engineer shall be submitted and approved in writing by the Local Planning Authority (any light created by reason of the development shall not exceed 5Lux as calculated at the windows of the nearest residential properties). The report should include details of any external lighting (including any decorative lighting in the courtyard and security lighting) and associated light spill plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the amenities of adjoining occupiers.

21. No building or use hereby permitted shall be occupied or the use commenced until the SuDS scheme for this site has been completed in accordance with the approved Sustainable Drainage Strategy. The SuDS scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

22. Land affected by contamination - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 3, which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

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

23. Prior to the occupation of each of the commercial unit(s) facing Stokes Croft and Ashley Road by any A1, A3, A4, A5, D1 and D2 use (or combination thereof) hereby permitted a management strategy should be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following unless otherwise agreed in writing by the Local Planning Authority:

- (a) Confirmation of the tenant mix
- (b) The way in which the floorspace (layout) will be used
- (c) How the tenants will manage their servicing requirements (including confirmation of refuse and recycling storage within the units and how this will be accessed, the number and type of vehicles arriving at the site each day to deliver and collect goods and what refuse and recycling items are to be collected from where and when
- (d) Location and operation of staff cycle storage

The floorspace shall be occupied in accordance with the approved details and strategies in perpetuity. Any subsequent occupiers of the commercial unit(s) (in perpetuity) shall submit a new management strategy to the Local Planning Authority for approval prior to occupation

Reason: To ensure responsibility for the management of these facilities and to safeguard the appearance of the development, highway safety and the amenities of future and existing residents and businesses.

24. No commencement of use of each of the individual commercial units for either Use Class A3, A4 or A5 at the development shall take place until details of ventilation system for the extraction and dispersal of cooking odours including details of the flue, method of odour control, noise levels and noise attenuation measures has been submitted to and approved in writing by the Council. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the amenity of occupiers above the use and nearby

25. No commencement of use of each of the individual commercial units for either Use Class A3, A4 or A5 at the development shall take place until there has been submitted to and approved in writing, by the Council, an Odour Management Plan, setting out cleaning, maintenance and filter replacement policies. The plan should include a written recording system to record and demonstrate when all such work is carried out.

Reason: To safeguard the residential amenity of occupiers above the use and nearby.

26. To ensure completion of a programme of archaeological works

No building shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction.

27. No building or use hereby permitted shall be occupied or the use commenced until the SuDS scheme for this site has been completed in accordance with the approved Sustainable Drainage Strategy. The SuDS scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

28. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision related to that building or use 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.

29. No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists related to that building or use 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.

30. No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials related to that building or use, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

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

Post occupation management

31. Activities relating to deliveries (ground floor commercial uses only) shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to safeguard the amenities of future and adjoining occupiers.

32. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) or details shown on approved Drawing No. A2493 201 R25, no merging of individual units shall occur that result in the creation of a single unit of more than the 140 sq m of commercial (ground floor) floorspace as shall be used for the purposes of D1 (Non-residential institutions), D2 (Assembly and leisure) and B1 (Business) as defined in the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the vitality of existing identified centres, to provide a suitable mix of uses along this important frontage and to ensure highway safety.

33. The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: In order to safeguard the amenities of future and adjoining occupiers.

34. Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles (ground floor commercial uses only) shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to safeguard the amenities of future and adjoining occupiers.

35. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) or details shown on approved Drawing No. A2493 201 R25, no merging of individual units shall occur that result in the creation of a single unit of more than the 113 sq m of the commercial (ground floor) floorspace shall be used for the purposes of A1 (shops) or A2 (Financial and professional services) as defined in the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the vitality of existing identified centres, to provide a suitable mix of uses along this important frontage and to ensure highway safety.

36. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) or details shown on approved Drawing No. A2493 201 R25, no merging of individual units shall occur that

result in the creation of a single unit of more than the 113 sq m of the commercial (ground floor) floorspace shall be used for the purposes of A3 (Restaurant and café use) or A4 (drinking establishment) as defined in the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the vitality of existing identified centres, to provide a suitable mix of uses along this important frontage and to ensure highway safety.

List of approved plans

37. 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.

A2493 301 R25 , received 2 September 2015
A2493 303 R25 , received 2 September 2015
A2493 304 R25 , received 2 September 2015
A2493 200 R25 , received 2 September 2015
A2493 201 R25 , received 2 September 2015
A2493 202 R25 , received 2 September 2015
A2493 203 R25 , received 2 September 2015
A2493 204 R25 , received 2 September 2015
A2493 205 R25 , received 2 September 2015
A2493 206 R25 , received 2 September 2015
A2493 207 R25 , received 2 September 2015
A2493 300 R25 , received 2 September 2015
A2493 310 R25 , received 2 September 2015
151123_D1001_2_Ground Floor Demolition Plan, received 8 August 2017
151123_D1002_2_First Floor Demolition Plan, received 8 August 2017
151123_D1003_2_Second floor Demolition Plan, received 8 August 2017
151123_D1004_2_Third Floor Demolition Plan, received 8 August 2017
151123_D1005_2_Fourth Floor Demolition Plan, received 8 August 2017
151123_D1006_2_Fifth Floor Demolition Plan, received 8 August 2017
151123_D1007_2_Sixth Floor Demolition Plan, received 8 August 2017

Reason: For the avoidance of doubt.

Advice(s)

1. Reference should be made to all Advice Notes set out on Decision Notice 14/05930/F dated 7 July 2016.
2. With reference to Condition 24 - It should be noted that BREEAM includes credits on waste, including demolition and therefore a pre-assessment should be carried out prior to demolition works to ensure actions required to target the relevant credits are understood and implemented.

Article 35 Statement

In dealing with the application we have worked with the applicant in a positive and pro-active manner and have implemented the requirement in the National Planning Policy Framework paragraph 187.

It is important that you read the following “Additional information”

Additional information for application no 17/04438/X

Planning permission – important provisos

1. If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts or Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note.
2. It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over land, or to access land that is not within your control or ownership.

Compliance with the approved plans and conditions

3. The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or a part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.
4. If work on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments

5. Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Conditions compliance

6. Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.
7. A fee is payable for each request. A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.
8. The web page www.bristol.gov.uk/planning-and-building-regulations/planning-conditions provides further guidance on this process.

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 17/04438/X

Right of Appeal

9. Applicants have a right of appeal against the requirements of any conditions attached to this approval. Appeals are made to the Planning Inspectorate on a form obtainable from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. They can be contacted on 0303 444 5000, and further information is on the Planning Inspectorates website www.gov.uk/appeal-planning-inspectorate . You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Complaints

10. Only planning matters can be considered at an Appeal. If you think that the Council did not properly consider your application, you can make a complaint under the council's complaints procedures, details can be found on the website www.bristol.gov.uk/complaints-and-feedback or by calling 0117 9223000.