

Development Control (South and East) Committee – 10 February 2010
Application No. 09/02242/P : Ashton Vale And Former Alderman Moore Allotments Off
Ashton Road (B3128) Bristol

BACKGROUND

This planning application seeks full planning permission for a 30,000 seat Stadium with associated conferencing and hospitality facilities, a retail unit (club shop) community facilities and accompanying car parking and outline permission for the erection of housing, an hotel, restaurants/bars, a drive-thru restaurant, and flood storage and wildlife area, with associated infrastructure, engineering, landscaping works. This application covers most of a larger site that also includes land in North Somerset. The complementary planning application to North Somerset Council (NSC) principally covers the proposed new western access road that connects the site with the B3128/A370.

A fuller description of the proposal along with the description of the site, relevant history and relevant policies was contained in an earlier report on this application on 4 November 2009. A copy of this report is attached at Appendix A along with the amendments sheet for the report (Appendix B) and plans and images made available to the committee at that time (Appendix C)

At its meeting on 4 November 2009 the Committee resolved:

- A The committee resolves that it is minded to approve, subject to the matters stated, the following development within application 09/02242/P namely the full planning application for the stadium and associated development, car park, access and other works, the outline application for the Flood Storage/Wildlife area (zone 2), the hotel and food and drink uses (zone 3) and the outline application for the Moorelands housing (zone 5). This resolution is subject to consideration of and the imposition of appropriate conditions and to an obligation or other mechanism which satisfactorily resolves the following matters
1. The receipt of a satisfactory and deliverable solution for providing pedestrian access between Winterstoke Road and the stadium
 2. Consideration of the results of consultation on proposals for the pedestrian access proposals
- B The application is to be returned to the committee in the light of this resolution and all material considerations within six months
- C The committee do not support residential development on the Southlands site (zone 4) and any planning permission will exclude residential development on the Southlands site within the application plan.

The "minded to approve" resolution made by committee on the 4th November 2009 did not constitute a formal determination of this application. The planning application remains to be determined in accordance with the development plan, so far as it is material, and other material considerations. One of the material considerations that is now before the committee is the previous resolution of the 4th November 2009 which identifies that the proposal was acceptable in relation to a broad range of issues considered by the committee and the focus of the second and subsequent meeting of the committee will be the matters that were left as outstanding on the first occasion.

In the event that the committee wishes to consider a different approach to the issues considered before , then the committee would have to be of the view that there has been a significant change in circumstances since the first committee , or that new and significant information about the issues considered has become available in the interim since the

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4th November, or that there have been changes in national planning policy and guidance to justify a different approach to the development being taken on the second occasion the application is to be considered.

The “minded to approve” decision was subject to qualifications within the resolution and, in addition, there was an expectation arising out of the debate on the proposals that further information and clarification would be presented in a subsequent report in relation to several issues. It is, therefore, these matters that this report focuses on, namely;

- Consideration of the revised application material covering the deletion of the Southlands housing zone (Key Issue A)
- Amended proposals for pedestrian access between Winterstoke Road and the stadium (Key Issue B)
- Car parking and travel planning (Key Issue C)
- Sustainable Construction (Key Issue D)
- Planning Obligations (Key Issue E)
- Lighting impact (Key Issue F)

The report also deals with 3 other matters

- Habitats Regulations (Key Issue G)
- Design of western access bridge (Key Issue H)
- Planning Conditions (Key Issue I)

REVISED APPLICATION

In response to the Committee’s decision in November 2009, the applicant has submitted revised plans that delete the Southlands housing zone, including the causeway access road that would have connected this zone to the new main access to the stadium. The causeway would have been built predominantly within North Somerset Council’s (NSC) area so complementary revisions have been submitted to NSC.

A revised proposal for pedestrian access has also been submitted to provide a new high capacity pedestrian route between Winterstoke Road and the stadium via Barons Close and parallel to Colliters Brook. This route would include a new footbridge over the Bristol to Portishead railway. The previous proposal to connect the stadium site with Ashton Vale Road (the road that serves the Cala Trading Estate) along a new path has been withdrawn.

Other supporting information has been submitted covering sustainable construction, lighting and altered footpath diversions that is dealt with in the relevant key issues below. A change is also proposed to the form of the structure carrying the main access road into the stadium site.

Your officers agree with the applicant’s view that these revisions fall within the maximum parameters set for the Environmental Statement (ES) and, therefore no amendments are required to the ES. Similarly it is not considered necessary to amend the Design and Access Statement (DAS) as the overall design strategy has not been altered. Clearly the images in the DAS that show the Southlands housing layout are no longer relevant.

In December 2009 the Government published PPS4 Planning for Prosperous Economies, that has revised and consolidated earlier planning guidance, particularly in this context the former PPS 6 Planning for Town Centres. In your officer’s view, however, the changes to government guidance with respect to the assessment of town centre uses, for example, would not justify the submission of additional information or a review of the earlier assessment carried out in November 2009.

RESPONSE TO PUBLICITY AND CONSULTATION

RESPONSES FROM THE PUBLIC

[A record needs to be made that 687 letters were received shortly after the 4 November 2009 report to committee. Of these 647 were in support of the scheme and 40 in objection to the proposals. This included 627 letters in support based upon the Bristol City Football Club's letter template and 18 in objection based upon the Avon Wildlife Trust's letter template. They raised no additional issues to those reported to the November 2009 committee.]

Since the previous report to committee in November 2009 (Appendix 1) a further round of consultation has been issued in response to the December revisions to the scheme.

This included 24 site notices, a press notice, as well as 2114 letters to addresses within the surrounding area and previous contributors. 52 neighbourhood, local and interest groups were also consulted. Local MPs, Parish Councils, North Somerset Councillors and all Bristol City Council Councillors were also consulted. All of these consultation methods set out a 21-day response period.

In response to the December re-consultation a total of 15 letters/emails were received. Of these 1 was in support of the scheme and 14 in objection to the scheme.

Only one issue was raised that had not been addressed within the previous November 2009 report. This argued that the developer should fund all aspects of the Travel Plan requirements. No further issues were raised.

RESPONSES FROM POLITICAL REPRESENTATIVES

None.

RESPONSES FROM INTEREST GROUPS

Further comments were received from the following groups that have raised no additional issues to those set out in the November 2009 report:

BRISTOL NATURALIST SOCIETY
BACKWELL PARISH COUNCIL

Additional issues were raised by the following group

OPEN SPACES SOCIETY

Comments on the partial footpath diversion of path 422 to facilitate the Barons Close route and footbridge. Stresses the importance of this route as a green corridor linking the city to the Community Forest Path, a pedestrian routing linking Ashton Vale to the Tobacco Factory. Important that its use occasionally for football crowds does not compromise its existing amenity. There are two problems with the proposed bridge:

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- 1) the diversion will remove part of the existing semi rural path adjoining the existing level crossing. Compensation should be sought for this by establishing a new dedicated footpath through the Ashton Gate redevelopment and the level crossing should only be closed on match days
- 2) the plan suggests a concrete monstrosity that people will choose to avoid if the level crossing is left available. It would be improved if the ramps were removed and an alternative route provided for wheelchairs etc.

RESPONSES FROM EXTERNAL CONSULTEES

ENVIRONMENT AGENCY

Confirms that the previously proposed flood mitigation measures and biodiversity aspects are still acceptable for the amended scheme.

The revisions to provide a single span bridge for the western access road is supported because it increases the flood storage volume and assists watercourse management.

Will want to comment on the details of the proposed Baron's Close footbridge (that should be at least 8m from the Colliters Brook) and the other footpath diversion implications across the watercourse.

Recommend that any future use of the former Southland site complements the adjoining wetland.

HIGHWAYS AGENCY

No further comments

ENGLISH HERITAGE

We do not wish to comment in detail on the amended proposals but ask for the issues raised in our earlier advice to be addressed [These issues were addressed in the 4 November report]

COAL AUTHORITY

No specific comments on the revisions. Pleased to note that ground stability has been given consideration. Recommends a condition requiring approval of a full site investigation report [The appropriateness of any ground investigation survey will be dealt with as part of the building control assessment]

COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT

Repeats previous comments. Notes that the additional pedestrian access is fundamental to the option to walk to the stadium and planning permission should not be granted without a condition or legal agreement that secures delivery. Furthermore the environmental quality of this route is key to its success.

WESSEX WATER

No additional issues raised

NETWORK RAIL

Following removal of the Ashton Vale Road pedestrian route the previous objection concerning the use of the Ashton Junction level crossing has been withdrawn.

Supports in principle the proposed new Barons Close footbridge but this will be subject to

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separate Network Rail approval. If this is not forthcoming it may be necessary to reconsider the design but hopeful agreement will be reached. These works to be funded by the development and provision should be secured by s106 agreement.

Repeats earlier advices to be attached to any consent.

NATURAL ENGLAND

Additional comments in response to the revised scheme are that the omission of Southlands and its access road are welcomed. Natural England has no objection to the proposal but considers that additional information is required to fully assess the proposal:

1. The future management of the wetland area will need to be agreed by all, including Environment Agency [This is an outline area and conditions are proposed requiring submission of detailed design and management arrangements]
2. The future use and management of the former Southlands area and its access road
3. The combined effect of this scheme and the Ashton Park development on the Avon Gorge European site of "Special Area of Conservation".

SW REGIONAL DEVELOPMENT AGENCY

No additional comments

RESPONSES FROM INTERNAL CONSULTEES

TRANSPORT PLANNING TEAM

The removal of Southlands simplifies some of the transport aspect and will reduce traffic pressure so there is no need to remodel.

Removal of the previously proposed new pedestrian access to Ashton Vale Road is welcome. The provision of a new footbridge to Barons Close is welcome. The indicative design provides a good solution and will cope with predicted flows and meet DDA requirements. The design anticipates BRT and two way tracking of the railway. The issue of adoption will need to be explored.

Proposed public footpath diversions are acceptable.

LANDSCAPE DESIGN TEAM

Enquires if the shape of the proposed wetland can be made more regular now that the southlands housing has been omitted.

Notes that the western approach road linking the highway to the stadium is now shown as a single span bridge rather than two separate structures over the two water courses. The opportunity to extend boulevard tree planting will be more difficult and costly.

Will comment on the Barons Close footbridge when its planning application is submitted.

Notes that the revised drawings have removed one of the woodland planting blocks from the supporters square and this should be reinstated to break up what would otherwise be a featureless hard-paved area. [This matter can be dealt with by a variation condition]

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NATURAL ENVIRONMENT TEAM

Pleased to see the removal of Southlands and raises a number of detailed considerations regarding site protection, the detail design and management of the wetland area and other landscaping areas [Most of these points will be covered by recommended conditions]. Other points are:

Queries if pitch run-off will go to the wetland as there are concerns about water quality [This is drained to the New Colliters Brook and is acceptable].

Considers that wetland excavation spoil should not be stored on the former Southlands site as this would compromise the Site of Nature Conservation Interest value and reduce the area for flood storage during construction [a condition will require approval to be sought for the location of any temporary storage of soil and spoil]

Considers that insufficient information has been provided to assess impact on hedgerows [this issue was fully considered on 4 November and the impact on hedgerow is considered to be acceptable subject to conditions to protect during construction and a review of the detail of works close to a hedge alongside the Silbury Road Access]

SUSTAINABLE CITY GROUP

Encouraging that there is a predicted Breeam rating for the Stadium of “very good”. However without a commitment to carry out an assessment to achieve this score there is a risk that key sustainability features will be lost during construction as possible cost savings.

There is no information about the likely performance of Zone 3 (hotel and food and drink uses)

The Intention to achieve Code for Sustainable Homes level 4 is noted and this is above building regulations at present, but unlikely to do so when construction commences. Published Core Strategy policy seeks level 5.

In summary, we would recommend that the applicant commits to achieving at least BREEAM 'very good' and CSH level 5 across the proposed development, certified by a BRE licensed assessor, and including a post construction review. This has the benefit of providing a consistent and credible approach, and will reduce the risk of revisions to the design being required at a later stage to meet rising standards. There are also potential advantages to the developer through marketing and access to funding (eg Homes and Communities Agency).

AREA GREEN SPACE TEAM

Now that the Southlands site has been removed there are some concerns about the future use of the proposed open space, such as whether there will be enough natural surveillance, but the principle of adoption may be acceptable subject to detail, in particular regarding its relationship with the remainder of the development. In view of the shortage of open space in the immediate locality the opportunity should be taken to secure new open space.

KEY ISSUES

(A) WHAT ARE THE IMPLICATIONS ARISING FROM DELETION OF THE SOUTHLANDS HOUSING ZONE?

The proposals are now in line with the committee’s decision in November 2009 and will leave this southern part of the site undeveloped. The other significant implication is that the long

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causeway road that would have accessed the Southlands housing has been removed, although this predominantly effects that part of the planning application being considered by North Somerset Council.

The removal of the causeway means that less of the local public footpath network will have to be diverted and accordingly revised diversion proposals have been submitted. The proposals are considered to be acceptable but formal diversions and extinguishments will have to be pursued by the applicant under a separate procedure.

The former Southlands site will therefore remain largely at its current level, the exception being some localised earth works to marry in levels along the boundary with the proposed flood storage and wetland area. It would not be reasonable to require a fundamental review of the shape of the wetland to make it more regular as queried by the Landscape officer as the flood assessment and mitigation proposals have been designed on the basis of the existing shape. Subject to the satisfactory marrying in of levels and approval of planting proposals the shape of the wetland area is acceptable. In response to Natural England's comments it is also considered unreasonable to require that a wildlife management plan is agreed with the council for the area of the former Southlands and its access route because in effect these areas are not being developed,. The focus of a recommended condition is on agreeing a wildlife management plan for the wetland area and the wildlife corridors where there will be changes to levels and planting.

The applicant has indicated that the former Southlands land is very likely be used on a temporary basis to stock pile spoil and soil associated with the excavation of the flood storage/wetland area. Due to the concerns raised about the likely damage to the nature conservation value of the site and its flood storage capacity during the construction stage, this aspect will need to be controlled by condition either to ensure it is stored elsewhere or in a manner that is satisfactory in relation to wildlife and flood risk. The detail of this can be controlled within the condition that requires the approval of a site wide Construction Environment Management Plan.

In conclusion the revised application, following the removal of Southlands, is welcome.

(B) IS PEDESTRIAN ACCESS TO THE STADIUM ACCEPTABLE?

Revised proposals make substantial improvements to the proposed pedestrian access arrangements. A new high capacity route is proposed that links Winterstoke Road directly in to the stadium site, via Barons Close, a new footbridge with steps and ramps over the Portishead railway line and then a new path running parallel to Colliters Brook on its south-east side. As a consequence, the unacceptable new pedestrian link that was originally proposed at the end of Ashton Vale Road, through the Cala trading estate, has been removed. It is considered that this new dedicated Barons Close route will reduce the pressure on the route along Ashton Drive/Silbury Road and, therefore, there is no need to consider any temporary match day ban on vehicular traffic using the Ashton Drive railway tunnel.

Sufficient information in indicative form of the footbridge has been submitted to enable the principles to be understood. Sufficient span and headroom is shown for Bus Rapid Transit (BRT) to be constructed without further alterations to the bridge. A separate process is currently underway with Network Rail to ensure the bridge will allow for double tracking and electrification of the Bristol to Portishead railway line. Network Rail has confirmed the approach is acceptable in principle.

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The footbridge is a significant structure because 5.8m clearance is required over the railway and steps and ramps are required on both sides to meet DDA requirements. Some sections of the ramps and the bridge section will need a degree of enclosure to meet a Network Rail requirement to reduce the opportunity for objects to be thrown onto the railway.

The footbridge proposals will have to be subject to a separate planning application in part because part of the footbridge structure falls outside the current planning application boundary. This will provide the opportunity to look at the detail of the bridge and associated landscaping in order to minimise the visual impact on the locality. The context is partly industrial in character but it is important to achieve an appropriate design. The suggestion from the Open Spaces Society that the ramps should not be provided, to reduce the visual impact, is not supported because this will make the route less inclusive.

The footbridge will require the diversion of a section of public footpath 422. This footpath currently follows Barons Close, crosses the railway via a pedestrian level crossing, and continues along the north –west side of Colliters Brook. It is necessary to divert about a 140m section of this footpath because the construction of wide steps and ramp in Barons Close will prevent access to the level crossing. Also, the removal of Railtrack's objection to the planning application and its agreement to allow the construction of the footbridge is dependant on the closure of the level crossing. The definitive footpath route would be diverted onto the footbridge and once a pedestrian has crossed the bridge there will be a choice of continuing along the new route to the stadium or rejoining the semi rural footpath via a short bridge over to the north-west side of Colliters Brook. It is regrettable that a section of the existing semi rural path will be bypassed but this is unavoidable because it is not possible to keep the level crossing open. There will be no future public access to this land and this should enhance its value as a wildlife corridor.

The principle of this new footpath route is acceptable and there is a reasonable prospect that it can be delivered. There is a reasonable prospect the indicative bridge design will meet Network Rails technical requirements. If not it is considered that adjustments could be made to the detail to be shown in a future planning application. It is recommended, therefore, that permission for the stadium development is subject to a planning obligation that requires planning permission for the footbridge to be granted within 12 months of the commencement of the stadium development and that the footbridge and route is completed and available prior to the use of the stadium. As this is such an important route connecting the urban area to the stadium development at all times (and not just match days) it is considered that the route should be adopted by the council.

In conclusion, the pedestrian access proposals are now considered to be acceptable in principle and will be subject to future consideration of the detailed design of the new bridge and its landscaping.

(C) WILL THE PROPOSED TRAVEL PLANNING AND PARKING ARRANGEMENTS SUFFICIENTLY MITIGATE THE TRAFFIC IMPACT OF THE DEVELOPMENT?

Travel Planning

The report to Planning Committee on 4 November 2009 set out the range of traffic and transport implications and also the measures being proposed to mitigate these impacts. In debate relating to these matters the Committee sought further clarification particularly on the car parking implications and the Travel Plan measures being put forward. Officers have been able to discuss these aspects further with the applicant to address these points.

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The existing average attendance at football league games is just over 15,000, but the predictions of future traffic impacts of a new stadium assumed this attendance would increase to nearly 24,000. Predictions were then made about the likely split between various modes of transport for a football crowd of this size with the implementation of a travel plan. Your officers considered these to be robust assumptions and that the components of the travel plan offered by the applicant provided a good starting point but further development, certainty and scope was required.

Item 7 of the recommended heads of terms for a planning agreement sets out what your officers consider to be the headline components of a Travel Plan that will need to be agreed for the development. Of note in these heads of terms, covering in particular items that are improvements to the applicant's original proposal are:

1. Confirmation of a guaranteed set of supporter buses (24 in total equivalent to 1200 seats) serving the new stadium. The club has offered to increase this to 2000 seats if they play in the premier league because this represents a pro rata increase based on an increase in attendance from 24000 to 29000. Your officers consider that a pro rata increase is not sufficient as the objective should be not to increase the number of cars accessing the stadium. Instead it is considered that the provision is doubled (to 2400 seat) and recommended heads of terms include this. Through the travel plan, approval will be required for the ticket pricing and operation of the buses.
2. The importance of a travel plan coordinator/steering group for all activities at the stadium/conference facility and the need to identify additional initiatives if the target to reduce car use from 32% to 26 % is not met.
3. Commitment to meet future increases in demand for cycle and motorcycle parking.
4. A requirement for bespoke travel plans for the Moorlands housing site and a commitment that the operator of the hotel/food and drink uses would participate in the travel plan steering group.

Your officers consider that a travel plan anchored by these key principles (as more fully described in the recommendation) is appropriate and reasonable and will assist the process of reducing car use and mitigating the impact of traffic.

Car Parking

Even with the proposed travel plan initiatives, and based on the working assumption that there will be a significant increase in the size of football crowds of approximately 9000 (a growth from 15,000 to 24,000) it is predicted that an additional 1410 cars will be generated by the new stadium (a growth from approximately 4830 to 6240) compared to the Ashton Gate situation.

Because the new stadium car park is approximately 550 spaces larger than the existing Ashton Gate car park (990 compared to 440) then approximately 860 of these additional 1410 cars will be seeking to park somewhere other than the stadium site (ie on street or at private off street arrangements) . Currently, approximately 4390 cars park somewhere other than the Ashton Gate site so the demand for parking beyond the stadium site would increase to approximately 5250 for the new stadium. (4390 plus 860).

The principle behind car parking policy within the Local Plan and in government guidance (principally PPG13) is one of restraint (parking standards are expressed as a maximum allowance rather than a minimum requirement). This approach recognises the principle that

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reducing car dependence needs to be backed up by a degree of parking restraint. In this case, standards within PPG 13 and in the draft alterations to the local plan set a maximum parking level of 2000 space, so the proposed 990 on site complies with the policy.

This approach has to be balanced against an assessment of the external effects and implications if the predicted demand for parking is not met within the development site. For example, detrimental impacts particularly on nearby residential areas from additional on street parking demand.

Furthermore the effectiveness of the intended travel planning would be undermined if a degree of restraint was not exercised in the provision of planned off street parking areas. In addition, increasing the level of car parking at or near to the new stadium site, such as within the adjoining Long Ashton Park and Ride site, could, if taken too far, unacceptably worsen the traffic conditions on the roads used to access the parking areas.

In setting the level of off street parking provision, therefore, the committee has to weigh up these various factors.

The approach recommended by your officers, in weighing these factors, is that the scheme parking strategy must be underpinned by the establishment of a match day residents parking scheme within Ashton Vale and Long Ashton village. These areas are justified because they are not currently significantly affected by the existing stadium use but would be badly affected by the new stadium.

The applicant has always intended to negotiate the use of some of the significantly underused adjoining park and ride site for match day use and it is considered that, subject to the costs of physical works and management being covered by the applicant, it would be possible to manage the site so that some stadium related parking could take place without detriment to the continued use for its main purpose of access the city centre by bus. It is considered that an area up to approximately 500 cars would be acceptable and, if secured, would still mean the total planned off street parking provision is still within the policy standard and also a degree of parking restraint would still be in place.

Although your officers support such an approach, it will be necessary for the applicant to convince North Somerset Council (NSC) to vary the terms of a planning agreement covering the site: the planning agreement limits the parking use to the park and ride function only. It is currently unclear whether NSC would be willing to agree to such a change and, therefore, it is considered unreasonable to make it an absolute requirement that additional parking will be provided at the park and ride site. Importantly, therefore, the proposed relevant heads of terms includes the caveat that an alternative can be agreed to give discretion to the council to agree an alternative proposal if agreement cannot be reached with NSC. In this respect, the applicant has proposed a fall back that other private off street parking proposals will be explored to serve the stadium if the park and ride site is not available. The need for the council to approve the alternatives will be important so that all the implications of the temporary use of other sites, that are unlikely to need planning permission, can be considered.

Bus/Coach Parking

In November 2009 a number of potential alternatives for home supporters bus/coach drop off, lay over and boarding were under consideration. The applicant had proposed that the outbound carriageway of the main access road would be used for bus/coach drop off and that they would negotiate the use of additional space within the adjoining park and ride site for vehicle lay over and boarding.

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Your officers have had an opportunity to review this position in the context of assessing the effectiveness of the travel plan and the implications of using the park and ride site for this purpose. Your officer's view is that facilities for supporters' bus /coach services should be provided within the stadium site so that people who choose to travel by bus are delivered and collected as close as possible to the stadium. This would demonstrate a clearer commitment to more sustainable means of transport in the allocation of space in the site and make this more attractive to bus users. Also there are additional difficulties of managing stadium bus and coach traffic in the park and ride site

The applicant has continued to resist this approach, citing public safety concerns if home supporters are brought into the stadium site. They have promised further information to back up this claim but this was not available at the time this report was written. In the absence so far of a convincingly presented public safety case for keeping these buses and coaches out of the site then officers recommend a scheme that provides for them on site.

An important implication is that this bus passenger facility would displace somewhere between 100-150 spaces from the proposed stadium car park. However, it is considered that this number of displaced spaces could be provided at the park and ride site in addition to the other parking spaces considered above, without significant impact on the operation of the site for its normal use. Further, there would be little change to the impact on the approach roads. This proposal will also require the approval of NSC because of the need to vary the existing planning agreement, so, as above, the proposed recommended heads of terms allow for a planning agreement for alternative arrangements to be agreed with the council for these displaced parking spaces

The conclusion for parking and travel plan matters is that the applicant has responded positively to the committee's concerns about the earlier proposal and has made the amendments officers considered were required in order to make the transport aspects of the scheme acceptable. In particular, the developer has provided indicative details of a new pedestrian route to Winterstoke Road, and has provided further details on parking and the travel plan. Although further work will be required, there is sufficient detail to allow these items to be secured through the planning agreement and conditions. With respect to car parking it is considered that in the region of 500 additional off street spaces should be provided, preferably on the park and ride site or elsewhere if North Somerset Council do not agree to this. The officers recommend that the scheme should incorporate supporters bus/coach facilities on the stadium site but may wish to review this if additional information is received from the applicant concerning public safety concerns of this approach.

(D) DOES THE DEVELOPMENT EMBRACE A SUFFICIENT COMMITMENT TO SUSTAINABLE CONSTRUCTION?

The applicant has submitted further information on the sustainability credentials of the stadium. A BREEAM assessment has been prepared by an accredited assessor who has concluded that if the project is taken through the formal assessment process a rating of "Very Good" is achievable for the stadium. The club has confirmed that the scheme assessed by the accreditor is the one formally adopted by them and included in the documentation issued for construction tender purposes.

The applicant notes that a peculiarity of this building type with respect to energy consumption is that the energy used in its construction is considerably greater than that used during its operation and, therefore, the minimization of this "embodied" energy has been targeted. For example, the use of recycled materials is demanded in the building specification and the light weight cladding system has reduced the quantity of materials used in the structure.

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Other positive features flagged by the applicant include rainwater harvesting, low water use fittings, high efficiency heat recovery system and the use of transparent and translucent façade material to reduce the need for artificial lighting.

No information or commitment has been provided for the Hotel/food and drink uses except a confirmation they will exceed the normal requirements of the Building Regulations.

The applicant has also stated that the housing will attain level 4 of the Code for Sustainable Homes (CSH).

This new information is welcome but without a binding commitment to achieve a very good rating and level 4 following accreditation there is no certainty that this will be achieved.

Officers have reviewed the policy basis for securing sustainable construction and following further advice from the Government office it is now considered that significant weight can be attached to those Regional Spatial Strategy (RSS) policies dealing specifically with sustainable construction. In particular, policy SD2 includes the statement that “The Region's contribution to climate change will be reduced by reducing greenhouse gas emissions at least in line with the current national target of 30% by 2026 (compared to 1990 levels) as part of a longer term reduction of 60% by 2050.....” and policy SD2 states: “Local planning authorities should set targets in their DPDs for the energy to be used in new development to come from decentralised and renewable or low-carbon energy sources where it is feasible and viable..... In the interim, before targets are set in DPDs, at least 10% of the energyshould come from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable”

The applicant confirmed that the full range of on site energy generation technologies were investigated and concluded that none offered acceptable payback periods that were economically viable given the infrequent usage patterns. This must be seen in the context of the viability concerns of the development (now worsened following the deletion of Southlands) to justify not providing 10% on site low carbon energy production.

Furthermore, only limited weight can currently be given to the policies of the Core Strategy. This is because the Core Strategy, once it is formally submitted to the Secretary of State in March, will have to go through the examination process during the summer, and will not be decided as being "sound" by an independent Inspector until the end of this year. If adopted the council would be able to seek a very good BREEAM for the stadium and level 5 CSH for the housing. The Climate Change Supplement to PPS1 advises at paragraph 33 that local planning authorities are not empowered to set specific standards or requirements, except in policy (ie a DPD such as a Core Strategy) which has been subject to examination by an independent Inspector.

Your officers have asked the applicant to re consider improvements to their approach including a binding commitments to achieving standards and an update will be reported verbally to the committee.

As a consequence only a heading within the proposed heads of terms is currently included in the recommendation in relation to sustainability standards pending the receipt of further responses from the applicant.

(E) IS THE WAIVING OF SOME OF THE NORMAL PLANNING OBLIGATIONS JUSTIFIED BY THE VIABILITY CONCERNS OF THE DEVELOPMENT?

In the report to committee on 4 November 2009, the officers set out the scope of planning obligations that might be justified by this development including estimates of the costs of some

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of these items to the applicant. Furthermore, on the basis of the viability concerns of the development, officers did recommend that it would be reasonable to waive some of the normal obligations, with priority being given to obligations required to mitigate the impact of the development (eg all traffic and travel aspects) and to produce an acceptable scheme on the site (eg the provision of open space).

To assist a decision on this matter, the committee wished to receive a fuller break down of the estimated costs for all the obligations under consideration. This list is provided below but it is important to note the significant changes to the context of this issue since the earlier report, caused in particular by the deletion of the Southland housing site.

Previous advice in November set out the disagreement between the applicant and the council's own specialist advisors about the size of the viability gap for the stadium development. Previously, the applicant maintained that there was a gap of £30.3m but our advisors considered that the scheme, was close to break even. It is important to note that these assessments were both based on the assumption that the scheme would make no contributions to significant planning obligations such as affordable housing and that all the full potential value of the enabling developments would be realised (ie the Southland housing, the hotel/food and drink uses and also the redevelopment of the Ashton Gate site for a supermarket)

Within these assessments it was nevertheless agreed that the Southlands housing site would have realised a value of £5.5m that would have been used to assist the funding of the stadium. It follows that at best, therefore, the viability gap will be £5.5m rather than the "at best" break even position when Southlands was included in the scheme.

In addition cost of the stadium project have risen as a result of the new Barons Close footbridge and changes to the western access road bridge design.

The other implication of the deletion of Southlands is that the value to the community of any lost opportunity to secure affordable housing, for example, is itself reduced because this potential obligation is linked to the total number of homes that could be built (the maximum is now 137 instead of 253 previously).

The main headings of planning obligations and other planning requirements, with a broad estimate of the cost to the applicant is set out below . These figures assume the maximum number of homes would be built (137). Some items will incur an ongoing revenue cost (such as funding the enforcement of the residents parking scheme and wildlife management) but to enable comparisons these items have been converted to an equivalent capital value where it has been possible to estimate this.

A: Recommended traffic and travel related items (in £m)

Construction of adoptable highways	£4.6
Improve junction 2, bus stops, A370 footway widening.	£0.18
Winterstoke Road pedestrian improvements contribution	£0.1
Use of park and ride site for parking	£0.007
Travel Planning (including supporters bus services) *	£0.005 + ongoing costs*
Residents Parking Scheme**	£0.2 + ongoing costs**
Air Quality Action Plan contribution	£0.001
Strategic highway signing	£0.003
Marshalling/traffic management scheme/local signage	£0.001
Barons Road footbridge	£1.5

Total (rounded): £6.6 +ongoing costs

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*This is only the set up costs. Predicting the net ongoing costs of providing this service is difficult to predict depending on the price that bus users are prepared to pay and therefore, the degree of subsidy the football club would have to provide. The applicant has suggested the cost could be £180k per year.

**This is only the set up costs. Predicting the net ongoing costs of enforcing the RPZ is difficult to predict depending on how much of the enforcement costs are covered by fees and fines. The applicant has suggested the cost could be £200k per year.

NB a monetary value is not included for the Bus Rapid Transit (BRT) planning obligations due to the difficulty of valuing the cost to the developer of reserving land to allow BRT to be constructed. Any financial contribution from the development towards the construction of BRT that might have been justified by policy is outweighed by the benefit to the BRT project of securing the land for construction as part of this application.

B: Recommended items considered to be essential to deliver a physically complete scheme

Play and open space to adoptable standard	£0.49
Management of wildlife areas*	£0.005
Total (rounded)	£0.5m

* wildlife management to be secured by condition

C: Recommended obligations considered to have a nominal cost

Access to work and training initiatives
Community Use of the stadium facilities

D: Obligations not recommended, in recognition of the viability deficit.

Affordable Housing (based on 30% provision)*	£1.25*
Education contribution	£0.5
Library Contribution	£0.03
Public Art**	£0.1**
Total (rounded)	£1.9m

* The figure of £1.25 m is the estimate of the cost to the developer of providing affordable housing at Moorelands. Another way of expressing the financial aspects of affordable housing is in terms of the value of the affordable housing lost to the community if not provided. In this case this lost value is approximately £3.2m (NB when the Southlands site was included this lost value was approximately £5.7m as reported to the committee on 4 November 2009)

** note that it is recommended that public art is secured by condition as an integral part of the stadium and wetland area design

Local and national planning policy allows for normal planning obligations to be waived if there are viability concerns. In the report to committee in November your officers came to the view that the benefits of the stadium were significant enough to conclude that there are very special circumstances to clearly outweigh the harm to the green belt. Given, therefore, the value and importance that is attached to the provision of a stadium then the council can exercise

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discretion in waiving normal planning obligation in order to assist the funding of the stadium. Taking into account also the now worsened viability of the project following the removal of Southlands and the significant additional costs relating to bridge construction it is considered the case for waiving some of the normal planning requirements is greater than before.

A distinction is however made between those items listed at A and B above and item D. The latter are all valid requirements but if not required would represent a missed opportunity to secure, for example, affordable housing, whereas the former are items required to deal with adverse effects of the scheme or satisfactorily complete the scheme. Items listed at C are of small or nominal cost, yet bring significant positive social and economic benefits to the local community so should be sought. Therefore, it is recommended that only items at D are waived.

At the 4 November meeting members asked whether there is any potential clawback of future enhanced value (above that currently predicted) if the committee agree to waive any of the normal planning obligations. There is little experience of clawback arrangements in the UK but it is based on the assumption that in the future the development appraisal would change sufficiently to remove the development deficit on which the waiving of obligations was based. In this case it is considered that there is little or no prospect of the land value of the enabling sites increasing enough or the costs of the scheme decreasing sufficiently to make good even the best case deficit now identified. It is not considered to be relevant in these circumstances to include any clawback arrangement in the planning agreement.

In conclusion, therefore, it is considered that the viability concerns of the stadium development justify the waiving of some of normal planning obligations, but that requirements and obligations related to the proper functioning of the development and mitigation of adverse impacts should be secured via a s106 planning agreement. The full scope of obligations is set out in the heads of terms in recommendation B.

(F) WHAT ARE APPROPRIATE LIGHTING LEVELS FOR THE DEVELOPMENT?

Further information has been received from the applicant confirming that pitch flood lighting will be installed below the roof line. Notwithstanding this important confirmation it is considered that further detailed approval of a lighting scheme is required covering all aspects of the stadium site lighting.

It is recommended that a condition is set that will specify lighting levels based on nationally recognised lighting standards. Normally it will require that lighting will be at a level considered appropriate for a rural or village location (so called level E2). When the stadium flood lighting is in use the sky luminance will be allowed to increase, because it would be unreasonable not to allow this as otherwise the stadium would not be able to operate. However, the condition will ensure residential uses nearby are still protected from any significantly harmful direct lighting sources. Furthermore, from 2300hrs, a so called “after curfew” level will be required so as to achieve a generally lower level of lighting impact.

(G) Has the scheme been adequately assessed in relation to Habitats Regulations?

The report on 4 November specifically assessed the possible impact on the Avon Gorge SSSI because it has an international ecological designation as a “Special Area of Conservation”. Your officers were of the view that the possible additional traffic related impacts of the development, from additional NO2 pollution, are unlikely to have a significant adverse impact, based on traffic impact information submitted by the applicant and consideration by Natural England and your wildlife officer. Natural England has made further comments to the effect that

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it considers the Council should consider this impact in combination with that from the Ashton Park planning application (a scheme for 9,500 homes principally in North Somerset as a SW Bristol Urban Extension).

The guidance within circulars for habitats regulations assessment confirms that other projects, included those that have not received planning permission, should **normally** be assessed cumulatively with other projects under consideration.

There is, therefore, some discretion available to the Local Planning Authority and in the particular circumstances of this case it is considered unreasonable to have to assess the new stadium application in combination with this much larger proposal. The Ashton Park proposal, most of which lies in North Somerset, has not yet been considered by the Local Planning Authority and it is understood that insufficient information has been submitted to assess its potential impact on the SAC. Given the order that decisions are likely to be made on the new stadium application and Ashton Park development and the absence of information for Ashton Park it is considered unreasonable to have to carry out a cumulative impact assessment. The nature conservation interests can be adequately protected as part of the Ashton Park assessment by factoring in the known impact of the new stadium. On its own the new stadium application is unlikely to have a significant impact on the SAC.

Furthermore, in view of the current planning policy uncertainty relating to a proposed SW Bristol urban extension, there are doubts that planning permission will be forthcoming for the Ashton Park development. This adds weight to your officer's conclusion that it would be unreasonable to carry out a cumulative assessment .

It is considered therefore that adequate assessment under Habitats Regulations has been carried out for this planning application and the proposals are acceptable in this respect.

(H) Is the amended design of the western approach road bridge acceptable?

The revised plans submitted in December 2009 now show the design of this bridge as a single span structure over the Longmore Brook and New Colliters drain. Previously it had been shown as two separate structures. The applicant has confirmed that this new approach is more expensive and has been necessary to avoid potential differential settlement between two independent structures, because of the ground conditions.

An advantage of this change is that additional flood storage capacity will be provided and the single span may assist the wildlife corridor along the water courses.

Approximately half of this structure would be in Bristol and half in North Somerset.

The implication of this change is that it is much less likely that it will be possible to continue boulevard tree planting along this road where it is on this bridge section but it is still considered that this potential should be further explored and tested when the applicant submits detailed designs for the bridge and landscaping. Appropriate wording has been included in the relevant condition.

(I) Is the scope and content of recommended planning conditions appropriate and reasonable?

The recommendation includes at conditions deemed to be necessary to complement the planning obligations. It includes conditions to require approval of further scheme detail, to manage construction and remediation activities and establish on-going controls on the use and operation of the development. There is a high number of recommended conditions because of the complexity of the scheme but also due to the hybrid nature of the application that seeks a

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combination of full and outline permission. It is important also to allow the Hotel/food and drink uses (Zone 3) and the Moorelands housing (Zone 5) to be carried out at different time scales and by other developers and this adds to the total number of conditions.

Of note are:

1. Conditions that respond to comments and objections from statutory consultees covering:
 - Contamination remediation, Construction Environmental Management Plan,/Pollution control measures, Flood mitigation detailed design/implementation/on going management (Environment Agency)
 - Agreement of detailed design and provision of the Barons Close footbridge and route to the stadium (Network Rail)
 - Need for a construction traffic management plan (Highways Agency)
 - Design approval and provision of flood/wet land area (Natural England and Environment Agency)

2. Conditions that protect or minimise the impact on local residents
 - The frequency of use of the stadium for major events.
 - Contamination remediation, Construction Environmental Management Plan,/Pollution control measures
 - Approval of Lighting scheme
 - Limitations on the use of parts of the car park and noise levels from fixed plant.

3. Conditions that are unusual/ specific to the stadium use :
 - A condition applicable to the Hotel/food and drink uses (Zone 3) that requires the approval of a development zone wide masterplan prior to the submission of the Reserved matters application(s). The applicant disagrees with this because it is felt it would add time to the approval process. Your officers consider any significant additional delays can be avoided by good project management. The approach is justified because although some of the parameters of this development have been set (eg maximum heights and footprint) there is a risk that a number of other developers and operators will be involved in building out this part of the scheme. A masterplan is seen as the best way of coordinating the design within itself and with the adjoining stadium.

 - A condition that sets limits on the use of the stadium. The applicant sought the use of the stadium for up to 30 significant events per year (of which up to 3 would be concerts) and up to 22 large scale conferences. In further discussion the applicant has asked for an additional 5 significant events, up to 35 per year. Your officers consider that the major impacts of the stadium caused by football games and concerts have already been considered on the original basis of up to 30 per year and it would not be appropriate to extend this further at this stage. However, some additional flexibility can be offered to ensure that the likely pre season and other friendly games, where crowds are lower, can take place outside this restriction on the number of significant events. The club has suggested, therefore, that the definition of significant events is crowds over 15000, as this is the figure that is unlikely to be exceeded for a pre season friendlies. This figure is similar to the current average league game and, of course, the traffic impact of this planning application was based on a crowd twice this size of 24000. Furthermore, the recommended condition would allow the applicant to seek the approval of the council, on an ad- hoc basis, for

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additional significant events above 30 per year. In that situation, the case can be considered on its merits based on actual experience of the operation and impact of the stadium.

Your officers consider that a limitation on the use of the conference facility is unnecessary as its maximum capacity is about 900 people and most access to events is likely to be from the main road where traffic impacts are considered to be acceptable, as is the level of off street car parking . The impact on nearby residents is not likely to be significant if there is no restriction on the use of the conference facilities.

A condition that imposes a limit on the number of significant events to 30 per year (above an attendance of 15000) is considered to be a reasonable balance between restricting the traffic and other impacts on the locality and offering a degree of flexibility in the use of the stadium.

It is considered that all the recommended conditions are necessary and reasonable to effect adequately controls over the further details to be submitted, to manage the construction stage and the subsequent completion and operation of the development.

CONCLUSION

This is a very significant scheme for Bristol that has raised a very broad range of issues and, as a consequence, given rise to a substantial body of objections from individuals, groups and organisations on points of principle and detail. Unusually, however, the scheme has given rise to a significant body of support, based principally on the benefits seen in the provision of a new stadium for Bristol City FC and also as a facility for the city and sub region.

Foremost amongst the objections in principle raised by consultees were to do with the harm to the Green Belt. Linked to this consideration have been objections to the impact on wildlife and flood risk particularly in the Green Belt part of the site. Following the removal of the Southlands housing zone the impact on the Green Belt, and in the light of the committee's previous resolution on 4 November 2009, is now considered to be acceptable. The very special circumstances put forward by the applicant for the stadium development clearly outweigh the harm to the Green Belt, and any other harm, because the need for the stadium has been proven and this is the most appropriate location following a thorough search for alternative sites.

Second in importance to Green Belt issues have been objections and concerns about the traffic impacts and access proposals , principally in relation to the stadium. Following the receipt of amendments that now propose a new footbridge and path linking the stadium site to Winterstoke Road via Barons Close your officers are satisfied with the access proposals for the development. Also, further clarification is now available about the scope of the proposed Travel Plan for the development and this in combination with match day Residents Parking Zones is sufficient to encourage non- car access to the development and mitigate the impacts of traffic in residential areas nearest to the stadium. Other planning obligations are proposed to effect highway improvements and works, facilitate the future construction of Bus Rapid Transit and to agree additional off street car parking either at the adjoining park and ride site or elsewhere if agreement cannot be reached with North Somerset Council about the use of the park and ride site.

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Furthermore the principle of residential development on the Moorelands site is supported.

In general terms all other aspects of the development are acceptable subject to further information or detail that can be covered by planning conditions or planning obligations within a section 106 agreement. For example, matters of residential amenity, pollution control and flood risk are acceptable subject to further controls and details covered by conditions. The approach to the design of the site and the visual impact of the stadium in near and far views is acceptable. Of note in the assessment is that the waiving of some of the normal planning obligations principally related to housing development is considered to have been justified by the viability concerns of the development as a whole.

The recommendation to grant permission subject to the signing of a planning agreement is also subject to the need for the application to be referred to the Secretary of State because the proposals include development with the Green Belt, contrary to the Development Plan.

RECOMMENDATION

- (A) That the application together with responses to the publicity and consultations, the committee report and members comments be referred to the Secretary of State.
- (B) If the Secretary of State makes no comments within the 21 day period from receipt of notification then planning permission be granted subject to the completion, within a period of six months from the date of this Committee, or any other time as may be reasonably agreed with the Service Director Planning and Sustainable Development, and at the applicant's expense, of a Planning Agreement made under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended), entered into by, Bristol City Council and any Relevant Owners to cover the following matters:

1. Highway and Access works

To secure planning permission for the remainder of the western approach road falling within North Somerset Council area prior to the commencement of development and the completion of the following works prior to the occupation of the stadium and associated development and to enter into an agreement for their adoption prior to the commencement of the works:

1. New western approach road and alterations to associated existing highways.
2. Moorelands access road from Silbury Road including pedestrian and emergency vehicle route to the stadium
3. A370 footway widening
4. Upgrading of 4 bus stops (Clanage Road, B3128 and Ashton Road(2no)) including raised kerbs, signing, Real Time Information, road markings and shelters as appropriate and agreed with the council for each individual stop
5. Alteration to junction 2 to provide right turn lane and safety improvements to the existing islands for pedestrians and cyclists accessing the stadium and associated development

2. Pedestrian access

In relation to the proposed Barons Close footbridge and route to the stadium site to

1. Secure planning permission for the footbridge prior to the commencement of development , except for earthworks

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2. Complete the footbridge and enter into an agreement for the adoption of the footbridge and route prior to the occupation of the stadium.
Unless otherwise agreed by the Council.

To pay the council prior to the commencement of development £100,000 index linked to the date of this committee to carry out improvements to walking and cycling routes including:

1. Improvements to Winterstoke Road and Parson Street gyratory to link the development with Parson Street Station.
2. General improvements to pedestrian routes including signage, dropped kerbs within Winterstoke Road and in the vicinity of junctions with adjoining streets(area to be defined by reference to a plan in the agreement)
3. Pedestrian facilities to connect Barons Close with Wedlock Way.

3. Strategic Highway Signing

To fund and implement a scheme approved by the council for new or updated static strategic highway signing to the new stadium prior to the occupation of the stadium.

4. Park & Ride Site

To agree with the council and other interested parties prior to the occupation of the stadium a scheme for the use of the Long Ashton Park & Ride site for:

1. the parking of 500 cars on match days and other significant events, such as open air concerts at the stadium,
2. parking of additional cars equivalent to the number of car parking spaces lost at the stadium site in order to provide facilities on the stadium site for passengers to alight from and board home supporters buses and coaches and for the layover of these buses and coaches and to implement the agreed scheme, including any engineering modifications agreed therein to the park and ride site, prior to the occupation of the stadium.

Unless an alternative off street car parking scheme is agreed with the council prior to the occupation of the stadium for the parking of cars under item 1 and 2, such agreement to include the site or sites to be used, the number of parking spaces to be provided in each and the access arrangements to the public highway and any alterations to the public highway to effect the safe and efficient use of the parking area(s).

The council to use its reasonable endeavours to secure agreement of a scheme for the use of the Park and Ride site.

5. Residents Parking Zone

To pay the reasonable costs incurred by the council and North Somerset Councils in setting up and providing 2 Residents Parking Zones at Ashton Vale and Long Ashton and thereafter to pay the council's, North Somerset Council's and/or Avon and Somerset Constabulary's net costs of administration, monitoring and enforcing the zones

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In the event that Bristol City FC compete in the Premier League to agree revised Residents Parking Zones with the council (in consultation with North Somerset Council) and pay the reasonable costs incurred by the council, North Somerset Councils or Avon and Somerset Constabulary in setting up and providing any revisions to the scheme and any additional net costs of administration, monitoring and enforcing the zones.

6. Bus Rapid Transit (BRT)

1. By reference to plans and other documents within the agreement to reserve sufficient land by reference to its precise extent, form and condition for the proposed revised BRT alignment required to accommodate the development and to provide the reserved land in the agreed form and condition prior to the occupation of any part of the development.
2. By reference to plans in the agreement to make available a pedestrian and cycling route and BRT maintenance vehicle route running parallel to and the full length of the BRT corridor through the development site available to the public and BRT maintenance vehicles at all times and to be constructed to a design and specification agreed with the council and maintained thereafter to the satisfaction of the council
3. The reserved land shall not be built upon for a period of 12 years from the date of the agreement and to transfer the freehold of the reserved land (at a peppercorn) to the council together with sufficient access rights over adjoining land to enable BRT to be constructed.)
4. If the construction of BRT precedes the construction of the stadium to agree a mechanism with the council for land in an appropriate form and condition to be made available for BRT to be constructed in advance of the stadium.
5. By reference to a plan, a 10 metre corridor shall be defined within which buildings should not encroach for a period of 12 years from this agreement to enable, if required, the provision of an alternative access to the Cala Trading Estate
6. To grant and receive sufficient mutual and reciprocal temporary and permanent access rights over land to enable the construction and future maintenance of the stadium and BRT
7. During construction of the development no works will be carried out that prejudice the continuous safe and efficient operation of BRT (if it is already operational); and the safe and expedient construction of BRT (if it is still being constructed); the council to ensure that reciprocal protection to the stadium development during the construction of BRT is provided.
8. To agree with the council the reciprocal measures to minimise any disruption to the construction and future operation of BRT and the stadium.

7. Travel Plan

A. A travel plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to private car use shall be prepared for the stadium and conference facilities of the development relevant to both visitors and employees of the development and all types of events at the stadium to be agreed by the council prior to occupation of the any part of the development in Development Zone 1 and thereafter implemented, monitored and reviewed in accordance with the agreed travel plan targets of achieving a maximum of 26% travel by car as a driver to the stadium and other targets to be agreed in the travel plan for other components of the development. The travel plan will include but not be limited to the following:

1. The funding of bus services to provide the number of seats for the routes identified below for a stadium crowd up to 24,000 as follows:

- 200 Brislington via Temple Meads (home)
- 200 Portway Park & Ride (home)
- 150 Brislington P&R (home)
- 200 UWE/ M32 P&R (home and away)
- 150 Temple Meads (home and away)
- 100 Hartcliffe/ Whitchurch (home)
- 150 Kingswood/ Hanham/ Fishponds (home)
- 50 Nailsea/ Backwell (home)

It is agreed that it will be possible to seek agreement from the council to variations to the routes or creation of new routes and the distribution of seats provided between the routes, without reducing the total number of seats, as part of the travel plan monitoring.

In the event that Bristol City FC play in the Premier League then there will be a doubling of the number of bus services. The additional provision shall be carried out in accordance with a scheme agreed by the council prior to the commencement of the premier league season.

Details of bus services that will be free at the point of use, to be agreed with the council, including discounted rates for season tickets

Agreement with the service operator for ticketing arrangement for reverse trips using Long Ashton Park and ride.

2. The appointment of a Travel Plan Co-ordinator to produce and implement the Travel Plan measures for all uses in Development Zone 1. The duties of the Travel Plan Co-ordinator will include the setting up and management of a Travel Plan Steering Group funded by the applicant comprising the football club and other occupiers/operators of the development, the council, North Somerset Council, the emergency services and local residents. The group will meet every 4 months and will consider transport issues associated with the development.

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3. Initially after one year of the first occupation of the development and then every two years thereafter to publish a review of travel patterns and in so doing to identify any altered or additional travel plan initiatives to be introduced if agreed travel plan targets have not been met.
 4. To provide additional cycle and motorcycle parking if the proposed levels provided initially as part of the approved development prove to be insufficient to cater for demand
 5. Arrangements for monitoring and enforcing the multi occupancy of vehicles using the stadium car park and the use of Long Ashton park and ride
 6. The use of Web based, local notice boards and other media to provide information for home and away supporters to encourage non car based travel options
- B. The developers of Development Zone 5 (Moorelands Housing) to prepare a travel plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to private car use that shall be agreed by the council prior to occupation of any part of the development of Development Zone 5 and thereafter implement, monitor and review the travel plan in accordance with the agreed travel plan and travel plan targets
- C. Following the commencement of development in Development Zone 3 (hotel and food and drink) the developer or developers of this zone shall attend the Travel Plan Steering Group and following the occupation of any part of the development the occupier/operator of that part of the development shall attend the Travel Plan Steering Group.

8. Marshalling and traffic managements scheme

To agree with the council, in consultation with the police, prior to the occupation of the development the match day marshalling strategy and temporary traffic management scheme to manage traffic and crowds. Measures to include marshalling of Ashton Court public car park to protect its use for Ashton Court users and junction 3, Saturday match day merge lane onto A370 and other traffic management and marshalling arrangements agreed between the parties.

9. Economic development

1. To Secure 52 person weeks of employment for a new construction trainee that is a resident of Bristol, for each £4 million in construction cost (excluding land, fees, VAT, fittings, fixtures and equipment) to be provided during the period of construction of the stadium
2. Ensure that each construction vacancy associated with the development, including those in subcontractor organisations , is advertised through the

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OnSite Construction Initiative and in job centres and employment support agencies in Bristol.

3. Ensure that construction contractors sign up to the Bristol Charter for Local Recruitment, Training and Enterprise Support (set out in SPD6:Economic Contributions from New Development) and agree the commitments made and the monitoring arrangements.

10. Community use of the development

1. To identify and provide prior to the occupation of the development and retain thereafter facilities in the stadium to allow the “Football in the Community” and “Playing for Success” initiatives to continue to operate at the new stadium
2. To agree with the council prior to the occupation of the development a regime to enable the free and subsidised use by the local community of facilities, meeting rooms and the conference facilities in the development.

11. Air Quality

Prior to the occupation of the development to make a £10,000 contribution to the council (index linked from the date of this committee) to enable the council to implement air quality mitigation initiatives

12. Public open space provision and adoption

1. To construct and lay out open space within the masterplan area and a children’s play space within the Moorelands housing area in accordance with a scheme agreed by the council prior to the occupation of any of the residential development .
 2. To enter into an open space adoption agreement with the council prior to the commencement of the residential development to include provisions for the transfer of the land at nil cost, the mechanism for the rectification of defects and the payment of commuted sums for the future maintenance of the open space and children’s play space.

13. Sustainability

To be advised verbally following receipt of further responses from the applicant.

14. Monitoring fees

To pay to the council prior to the commencement of the development £11,365.50 (index linked to the date of Committee) to cover the proper and reasonable costs incurred by the Council in connection with the monitoring of the obligations contained in the agreement.

(C) That the Head of Legal Services be authorised to conclude the Planning Agreement to cover matters in recommendation (B).

(D) That on completion of the Section 106 Agreement, planning permission be granted, subject to the following conditions:

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Conditions specific to Development Zone 1: Stadium and associated uses and works

1. Full Planning Permission

The development hereby permitted within Development Zone 1 shall begin before the expiration of 5 years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. Drainage and flood management

No development approved by the full planning permission for Development Zone 1 shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

3. Submission and implementation of Landscaping Scheme

Development within Development Zone 1 shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including boundary walls, fencing and other means of enclosure, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained in the course of development and also show the proposed position of CCTV cameras in the development. The approved scheme shall include an extension of the boulevard tree planting along the western approach westwards from the avenue trees indicated on the stadium landscape plan drawing (BRC267-AL-MP-1-1-002_Rev05) unless otherwise agreed with the Local Planning Authority. The approved scheme shall be implemented so that planting is carried out no later than during the first planting season following the occupation of the building or the completion of the development whichever is the sooner unless otherwise agreed in writing by the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, to ensure its appearance is satisfactory and to ensure that the design of landscaping is coordinated with the design and provision of CCTV coverage.

4. Completion of development

No building forming part of the development hereby permitted under the full planning permission for Development Zone 1 shall be occupied until the access roads, footpaths and cycling routes, car parking, coach/bus parking areas, visitor and staff cycle parking, motorcycle parking, hard landscaping (including boundary walls, fencing and other means of enclosure) have been completed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority. The access roads, other routes, parking areas and spaces shall thereafter be retained for their intended purpose.

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Reason: The implementation of the development without these access arrangements, parking provision and hard landscaping would result in an unacceptable scheme which would be detrimental to highway safety, the amenities of adjoining properties and the character of the area.

5. Use of stadium and conference facilities

Regarding the frequency and hours of use of the stadium in Development Zone 1:

- a) The stadium shall be used for no more than 30 times per annum for sporting and other events that attract in excess of 15000 spectators and no more than 3 of these events shall be for open air concerts
- b) There shall be no open air sporting events, open air concerts or other open air events outside the hours of 10:00 to 23:00.

unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application has been assessed on the basis of these limits on the use of the development and the predicted traffic and other impacts. The acceptability of any increases in use would need to be assessed further by the Local Planning Authority and also in the interests of residential amenity of residents in the area and traffic implications.

6. Further Building Details Before Relevant Element Started

Detailed drawings of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work within Development Zone 1 is begun unless otherwise agreed in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval.

- a) Large scale elevation and roof details showing all external materials, material colour, construction and jointing details.
- b) Decorative and functional building lighting

Reason: SR50 - To ensure that the external appearance of the building is satisfactory.

7. Submission of Samples

The development hereby permitted within Development Zone 1 shall not take place until samples of all external building materials have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved sample.

Reason: SR50 - To ensure that the external appearance of the building is satisfactory.

8. Lighting

Prior to the commencement of any relevant area of work within Development Zone 1 a lighting scheme for shall be submitted to and approved by the Local Planning Authority that will, except for the circumstances and times identified in a) and b) below, demonstrate that artificial lighting to the development will conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental

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Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005. The exception to this requirement are:

- a) the E2 level of Sky Glow may be exceeded for the period from two hours before, and one hour after events when stadium pitch illumination will be used
- b) after 23:00hrs a lighting scheme shall achieve the lower standards for E2 After Curfew for light onto windows and source intensity and a lower level of building luminance to be agreed by the Local Planning Authority.
- c) Any exceptions required to allow implementation of public art agreed in accordance with condition 61

The development shall be carried out in accordance with the approved scheme prior to the occupation of the development unless otherwise agreed in writing with the Local Planning Authority and within 3 months of the first occupation of the development a verification report shall be submitted to the Local Planning Authority confirming that the approved lighting levels are achieved as approved in the lighting scheme.

Reason: To control lighting levels in the interests of residential amenity and protecting the character and appearance of the locality.

9. Bridges and other structures: further details

Notwithstanding the plans hereby approved full details of the western access road bridge and the bridge leading to the supporters square and their associated structures within Development Zone 1, including materials, lighting, headroom and details of the water courses and paths beneath the bridge structures, shall be submitted to and approved by the Local Planning Authority before the relevant part of work is begun with Development Zone 1 unless otherwise agreed in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval.

Reason: to ensure the appearance and functioning of the bridges are acceptable including the safety of the public using the bridges and structures.

10. Barons Close path

Within 12 months of the commencement of development in Development Zone, full details of the proposed path connecting the stadium to the Barons Close footbridge, including materials, landscaping and planting, lighting and crowd control measures, shall be submitted and approved by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The stadium shall not be occupied until the path has been completed in accordance with details approved by the Local Planning Authority.

Reason: to ensure the appearance and functioning of this route is acceptable and that it is provided before the development is brought into use.

11. SC72 Variation

Detailed drawings showing the following modifications to the scheme shall be submitted to and approved by the Local Planning Authority before any work is commenced in Development Zone 1:

- i) Secure cycle parking to serve at least 5% of permanent members of staff

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- ii) to be employed in the development within Zone 1
- ii) Public cycle parking provision to the front of the west stand in accordance with a scheme agreed with the Local Planning Authority
- iii) Increase in the number and or size of the area or areas identified for the storage of waste and recyclables (indicated as “recycling store” and “waste out” on drawing HOK-A-XXX-GA-01-XXXX-4158 issue 01) in accordance with a scheme agreed with the local planning authority
- iv) Inclusion of an additional woodland planting block within the supporters square as part of the landscape scheme to be approved under condition 3 unless an alternative tree planting proposal is agreed for this area
- v) Provision within the stadium parking area of sufficient space for the unloading, layover and boarding of buses and coaches serving the development
- vi) Changes to the position and/or width of the path and access road alongside Ashton Vale Social Club to show that the existing boundary hedge will be retained

unless otherwise agreed in writing by the Local Planning Authority. These parts of the development shall be completed only in accordance with the modification thus approved prior to the occupation of the development and these areas shall be retained for the purposes stated unless otherwise agreed by the Local Planning Authority

Reason: The cycle parking, waste storage arrangements, landscaping and impact on hedges and the provision for the unloading, layover and boarding of buses and coaches are considered unsatisfactory in the form shown on the drawings submitted to date, or are absent from the submitted plans and this aspect of the scheme should be modified to ensure an acceptable form of development.

12. SC44 Access Only From

Means of vehicular access to the building(s) or use hereby permitted in Development Zone 1 shall be from the western access road connecting to the B3128 only with the exception of the use of the Silbury Road access for emergency vehicles only.

Reason: In accordance with the proposals as submitted and because the use of the proposed access route being constructed to Silbury Road for other than emergency purposes would be detrimental to highway safety and the amenity of the adjoining residential area.

13. Minimising disturbance from parking areas

Prior to the commencement of any of the uses in Development Zone 1 a car parking management scheme shall be submitted to and approved by the Local Planning Authority to prevent the use of the car parking areas to the South of and at the South-East corner of the stadium between the hours of 22:00hrs and 07:00hrs at all times other than during the use of the stadium for the sporting or concert events allowed by condition 5a . The physical works forming part of the approved scheme shall be implemented before any use in Development Zone 1 is commenced and operational/management arrangements of the approved scheme shall be implemented in full thereafter.

Reason: To minimise noise and disturbance to nearby residents.

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14. Refuse Storage and Recycling Facilities

The refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans under condition 11 shall be provided before any of the uses hereby permitted within Development Zone 1 commences. 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, unless otherwise agreed in writing by the Local Planning Authority..

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 to encourage energy conservation through recycling.

15. Servicing restriction

Within Development Zone 1, servicing including deliveries, collection of refuse and recyclable materials to and from the South and East stands shall only take place between 07.00 hours and 22.00 hours Monday to Saturday and 09:00 hours to 22:00 hours on Sundays or Bank Holidays.

Reason: to protect the amenity of nearby residential properties

16. Noise from fixed plant

The Rating Level of any noise from any fixed plant used in Development Zone 1 shall be lower than the background noise level (as measured following the completion of the stadium in Development Zone 1) by at least 5dBA at the nearest noise sensitive property, as determined by BS 4142: 1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas at any time.

Reason: to protect the amenity of nearby residential properties

17. Provision and retention of coach and bus facilities

The areas shown on the approved plans for the unloading, boarding and layover of bus and coaches shall be provided to the satisfaction of the Local Planning Authority prior to the occupation of the stadium and thereafter retained only for that purpose unless otherwise agreed with the Local Planning Authority.

Reason: to provide adequate facilities for bus and coaches in order to encourage means of travel other than the car.

Conditions Specific to Development Zone 2: Flood Storage and Wildlife area

18. Archaeological investigation to inform excavation works

No development shall take place within Development Zone 2 until the local planning authority has confirmed in writing that the levels proposed in drawings submitted with this planning application are confirmed as acceptable or an alternative proposal for levels is approved by the local planning authority.

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Reason: The proposed levels submitted with the application have been considered without sufficient archaeological assessment of the site; this assessment is required before the local planning authority can confirm that the proposed excavation to these levels will not destroy any archaeological resources that justify preservation in situ.

19. Reserved Matters

With the exception of forming new levels confirmed under the provisions of condition 18, approval of the details of the landscaping (hereinafter called the "reserved matters") for Development Zone 2 shall be obtained from the Local Planning Authority in writing before any development in Development Zone 2 is commenced and furthermore the details submitted shall accord with the Parameters Plans hereby approved.

Reason: This is an outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority to ensure that the development is satisfactory in landscape, urban design terms including the character and quality of the area and the way it functions and to ensure that the details and extent of earth works and excavations incorporate the findings of further archaeological investigations required on the site.

20. Outline Permission

Application for approval of the reserved matters for Development Zone 2 shall be made to the local planning authority before the expiration of 5 years from the date of this permission. The development hereby permitted shall begin not later than whenever is the later of the following dates:-

- (a) the expiration of 7 years from the date of this permission;
- (b) the expiration of 2 years from the date of approval of the last of the reserved matters to be approved for Development Zone 2

Reason: SR5 - As required by Section 92 of the Town and Country Planning Act 1990.

21. Implementation of landscaping proposals

The landscaping proposals approved under condition 3 shall be carried out no later than during the first planting season following the date when the development hereby permitted in Development Zone 1 is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and to provide suitable wildlife habitat replacement.

Conditions Specific to Development Zone 3: Hotel and food and drink uses

22. Reserved Matters

With the exception of forming new levels hereby approved, approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for Development Zone 3 shall be obtained from the Local Planning Authority in writing

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before any development in Development Zone 3 is commenced; details submitted for approval shall accord with the Masterplan to be agreed beforehand as required by condition 26

Reason: SR6 - This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

23. Outline Permission

Application for approval of the reserved matters for Development Zone 3 shall be made to the local planning authority before the expiration of 5 years from the date of this permission. The development hereby permitted shall begin not later than whenever is the later of the following dates:-

- (a) the expiration of 7 years from the date of this permission;
- (b) the expiration of 2 years from the date of approval of the last of the reserved matters to be approved for Development Zone 3

Reason: SR5 - As required by Section 92 of the Town and Country Planning Act 1990.

24. Drainage and flood management

No development within Development Zone 3 shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

25. Commencement and occupation of Development Zone 3

With the exception of forming new levels hereby approved, development in Development Zone 3 shall not commence prior to the commencement of development within Development Zone 1 and furthermore shall not be occupied prior to the occupation of the development within Development Zone 1.

Reason: The development within Development Zone 3 is not acceptable in isolation and is only supported by the Local Planning Authority as enabling and supporting development to the main stadium development in Development Zone 1.

26. Prior Masterplan Approval

Prior to the submission of any of the reserved matters for Development Zone 3, approval shall be obtained for a Masterplan for the whole of Development Zone 3 ; the Masterplan will comprise a set of drawings ,images and other illustrative material as necessary, with accompanying text as appropriate that shall accord with the Parameters Plans hereby approved for this Development Zone and show :

- i) The proposed external envelope of buildings on parcels A and B showing form and massing

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- ii) The architectural vision, theme and language for the site in order to ensure design coordination across the whole zone, a complementary relationship with the adjoining stadium development and respond to local distinctiveness; this information should include sufficient detail on such matters as the use of fenestration, roofscape, key elevation components and a materials palette.
- iii) Signage strategy
- iv) Location of ground floor building entrances and active frontages, with details for integrated frontage design.
- v) Approach to use, location and design of plant and equipment, with assessment of screening and / or roof features, as appropriate
- vi) Approach to be used for the external realm including hard and soft landscape, parking, sustainable drainage, lighting, boundary walls, means of enclosure and management and maintenance matters
- vii) Approach to be used to maximise environmental performance of the development including measures such as optimising natural lighting, heating, cooling & ventilation; use of green/brown roofs, rainwater harvesting, micro generation, adaptable built form etc.
- viii) Approach to waste storage and management

Reason: In order to achieve design quality, co-ordination and continuity in the submission of the Reserved Matters within this split Development Zone.

27. Completion of Development

No building forming part of the development hereby permitted in Development Zone 3 shall be occupied until the access roads, footpaths and cycling routes forming part of Development Zone 1 have been completed in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority, and no building forming part of the Development Zone 3 shall be occupied until its car parking, visitor and staff cycle parking, motorcycle parking, hard landscaping (including boundary walls, fencing and other means of enclosure) have been completed in accordance with the approved plans for Development Zone 3 unless otherwise agreed in writing by the Local Planning Authority. The parking areas serving the development shall be retained for their intended purposes thereafter.

Reason: SR7 - The implementation of the development without these aspects of the scheme would result in an unacceptable scheme that would be detrimental to highway safety and harmful to the functioning, character and appearance of the area.

28. Implementation of landscaping proposals

The landscaping proposals approved under condition 22 shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: SR64 - To ensure that the appearance of the development is satisfactory.

29. Refuse Storage and Recycling Facilities

The plans submitted for the approval of reserved matters within Development Zone 3 shall show the areas to be used for refuse storage and the area/facilities allocated for

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storing of recyclable materials; these areas shall be provided in accordance with the approved plans before the associated use hereby permitted in Development Zone 3 commences 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 unless otherwise agreed in writing by the Local Planning Authority. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection, unless otherwise agreed in writing by the Local Planning Authority.

Reason: SR75 - 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 to encourage energy conservation through recycling.

30. Noise from fixed plant

The Rating Level of any noise from any fixed plant used in Development Zone 3 shall be lower than the background noise level (as measured following the completion of the stadium in Development Zone 1) by at least 5dBA at the nearest noise sensitive property, as determined by BS 4142: 1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas at any time.

Reason: to protect the amenity of nearby residential properties

31. SC44 Access Only From

Means of vehicular access to the building(s) or use hereby permitted in Development Zone 3 shall be from the western access road connecting to the B3128 only.

Reason: In accordance with the proposals as submitted and because the use of the proposed access route being constructed to Silbury Road for other than emergency purposes would be detrimental to highway safety and the amenity of the adjoining residential area

Conditions Specific to Development Zone 5: Moorelands Housing

32. Reserved Matters

Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for Development Zone 5 shall be obtained from the Local Planning Authority in writing before any development in Development Zone 5 is commenced, except for the construction of the path and associated landscaping linking development in Development Zone 1 to Barons Close required by condition 10, and furthermore the details submitted shall accord with the Parameters Plans hereby approved and clearly identify the proposed replacement young persons home.

Reason: SR6 - This is an outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority and to ensure that the development is satisfactory in urban design terms including the character and quality of the area and the way it functions.

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33. Outline Permission

Application for approval of the reserved matters for Development Zone 5 shall be made to the local planning authority before the expiration of 5 years from the date of this permission. The development hereby permitted shall begin not later than whenever is the later of the following dates:-

- (a) the expiration of 7 years from the date of this permission;
- (b) the expiration of 2 years from the date of approval of the last of the reserved matters to be approved for Development Zone 5

Reason: SR5 - As required by Section 92 of the Town and Country Planning Act 1990.

34. Noise levels for future residents

With the exception of the construction of the footpath and associated landscaping linking development in Development Zone 1 to Barons Close required by condition 10, no development in development Zone 5 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed acoustic report regarding the noise climate at Development Zone 5. The report shall include noise levels from existing rail movements and consider any future plans for the railway line to the North including intensification and night time movements. The report shall include any proposed building envelope insulation and other measures and shall be designed to achieve the following internal noise limits.

Living room and bedrooms (07:00 to 23:00hrs)- 35 dB LAeq 16hr
Bedrooms (23:00 to 07:00hrs)- 30 dB LAeq 8hr and 45dB LAmx

The approved details shall be implemented in full prior to the commencement of the use hereby permitted and be permanently retained; all measurements and assessments shall be carried out by a competent person prior to the commencement of the development and shall take into account the following provisions: BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice", and PPG24 Planning Policy Guidance: Planning & Noise.

Reasons: to minimise disturbance to future residents from the adjoining railway.

35. Drainage and Flood Management

With the exception of the construction of the path and associated landscaping linking Development Zone 1 to Barons Close required by condition 10, no development within Development Zone 5 approved by this permission shall be commenced until a scheme incorporating Sustainable Urban Drainage for the provision of surface water drainage works for the development zone has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution by ensuring the provision of a satisfactory means of surface water disposal.

36. Completion of Development

No dwelling in Development Zone 5 shall be completed or occupied until the roads, footpaths, screen walls, gates and fences, car and cycle parking spaces, garages and

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drainage required to serve that dwelling have been completed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The parking spaces and areas shall be retained thereafter for the purpose intended.

Reason: To ensure that the development does not result in any loss of amenity, as a result of any works remaining incomplete and to secure appropriate levels of mutual security between the housing and adjoining allotments.

37. SC9 Amenity Areas/Play Areas

No building hereby permitted in Development Zone 5 shall be occupied until the amenity/play area shown on the plans approved under condition 32 has been laid out in accordance with those plans, and that area shall not thereafter be used for any purpose other than as a amenity area/play area unless otherwise agreed in writing by the Local Planning Authority.

Reason: SR10 - To ensure that there are adequate amenity areas/play areas to serve the development.

38. Implementation of landscaping proposals

The landscaping proposals approved under condition 32 shall be carried out no later than during the first planting season following the date when any part of the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: SR64 - To ensure that the appearance of the development is satisfactory.

39. Refuse Storage and Recycling Facilities

The plans submitted for the approval of reserved matters in Development Zone 5 shall show the areas to be used for refuse storage and the area/facilities allocated for storing of recyclable materials; these areas shall be provided in accordance with the approved plans before the associated use hereby permitted commences 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 unless otherwise agreed in writing by the Local Planning Authority. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection, unless otherwise agreed in writing by the Local Planning Authority.

Reason: SR75 - 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 to encourage energy conservation through recycling

40. Reprovide young persons home

No building hereby permitted in Development Zone 5 shall be occupied until the replacement young persons home approved under condition 32 has been completed to the satisfaction of the local planning authority unless otherwise agreed with the Local Planning Authority

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Reason: To ensure the development reprovides this valuable form of housing accommodation in the locality or as otherwise agreed

Conditions applicable to more than one Development Zone

41. Contamination remediation

In relation to the remediation of contamination on the site:

- i) The development hereby permitted shall not begin on site until a detailed contamination 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, including controlled waters, has been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority ; the scheme must include a clear description of the contamination expected to be found on the site, all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, method statements relating to contamination and site management procedures; furthermore the scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990, in relation to the intended use of the land after remediation.
- ii) The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works and the remediation scheme approved under part i) of this condition shall be carried out in accordance with its terms prior to the commencement of other development works, unless otherwise agreed in writing by the Local Planning Authority.
- iii) Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved by the Local Planning Authority.
- iv) In the event that contamination is found at any time when carrying out the development that was not previously identified within the remediation scheme approved under part i) of this condition, this must be reported in writing immediately to the Local Planning Authority; remediation of the unexpected contamination shall only be carried out in accordance with a revised remediation scheme (supported by an investigation and risk assessment in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR11'*) that has been submitted to and approved by the Local planning Authority: the revised remediation scheme shall then be implemented and verified respectively in accordance with parts ii) and iii) of this condition.

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 risk to workers, neighbours and other onsite and offsite receptors.

42. Control of construction nuisance and pollution

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In relation to the control of pollution and minimisation of harm to the local areas during the construction stage of the development:

- i) a site specific Construction Environmental Management Plan (CEMP) shall be prepared, submitted and approved by the Local Planning Authority prior to commencement of any works on site.
- ii) The CEMP must demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and other air borne pollutants and site lighting and include but not necessarily be limited to the following:
 1. Procedures for maintaining good public relations including complaint management, public consultation and liaison
 2. Arrangements for dealing with contamination not expected or planned for within the contamination remediation scheme agreed under condition x
 3. Arrangements for liaison with the Local Planning Authority's Pollution Control Team and on site presence to enable appropriate responses to matters such as unforeseen contamination
 4. The employment of an Environmental Clerk of Works
 5. 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 hours of 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. Any activity audible at the site boundary or other places agreed in the CEMP outside the hours above require prior approval in writing by the Local Planning Authority. Approval will only be given for works necessary due to exceptional circumstances, health and safety, dewatering operations or unavoidable works. In all cases the best practicable means to reduce noise to the lowest possible level will need to be demonstrated for approval
 6. Deliveries to, and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
 7. 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.
 8. Procedures for emergency deviation of the agreed working hours.
 9. The use of a 'Considerate Contractors' or similar regime and arrangements for site induction for workforce highlighting pollution prevention and awareness.
 10. Control measures for dust and other air-borne pollutants include particular measures to protect any local resident who may have a particular susceptibility to air-borne pollutants.
 11. Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 12. Site Security
 13. Fuel oil storage, bunding, delivery and use and how both minor and major spillage will be dealt with
 14. Containment of silt/soil contaminated run off, the control and removal of spoil and wastes and disposal of contaminated drainage, including water pumped from excavations and leachate from pitch drainage
 15. The treatment and removal of suspended solids from surface water run-off during construction works and measures to prevent building material finding its way into a watercourse
 16. Odour control measures to mitigate the impact of landfill waste odours on local residential and amenity areas
 17. Measures for the prevention of tracking mud off site from vehicles

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18. Proposals for the temporary stockpiling of a soil and spoil

- iii) The approved CEMP shall be implemented to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.
- iv) The stockpiling of spoil or soil arising from the construction of the development shall only be carried out in accordance with the proposals agreed by the Local Planning Authority within the CEMP

Reason: To prevent and minimise nuisance, harm to the environment and pollution

43. Flood Risk

Prior to the commencement of any development, the applicant shall submit to and have approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP) to cover the construction stages of the development. This Plan should address the matters required pursuant to Figure 7.2 of PPS 25 Development and Flood Risk - Practice Guide and include the following information:

1. command and control (decision making process and communications to ensure activation of FEP);
2. training and exercising of personnel on site (H& S records of to whom and when);
3. flood warning procedures (in terms of receipt and transmission of information and to whom);
4. site evacuation procedures and routes;
5. provision for identified safe refuges (who goes there and resources to sustain them).

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

44. Pollution control during construction

Prior to the commencement of development, a working construction method statement to cover all channel and bank works, both within the main rivers and drainage ditches across the site, shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: The construction phase of the proposed development includes diversion of watercourses, which poses significant risks of pollution.

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45. Pollution control after development

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking and manoeuvring areas and hardstandings for vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Reason: To prevent pollution of the water environment

46. Pollution control after development

Prior to the occupation of any development in Development Zones 1 or 3 a plan for the management of litter within the relevant development zone, to form part of the operation and maintenance manual for the development zone, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented as approved.

Reason: To prevent pollution to water courses and in the interests of the appearance of the locality.

47. Construction traffic management plan

The construction of development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Secretary of State for Transport) a construction vehicle management plan. The plan shall include proposed construction vehicle movements, principally, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The Plan should also include exceptional events on the site which would result in significant numbers of construction vehicles such as large concrete or surfacing operations, or delivery of large plant or materials. The plan should also advise of the need to comply with the Abnormal Loads Regulations. The approved development shall be carried out strictly in accordance with the approved construction management plan.

Reason: In the interests of highway safety and to minimise the impact of the development on the highway network.

48. Protection of Retained Trees and hedges During the Construction Period

No work of any kind shall begin on the site until a scheme for erecting protective fencing around hedges and trees to be retained has been submitted to and approved by the Local Planning Authority and also that the approved scheme has been implemented in full to the satisfaction of the Local Planning Authority. 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 Authority may verify in writing that the approved tree and hedge protection measures are in place when the work commences. The approved fencing 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 areas 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

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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 Local Planning Authority.

Reason: To protect the retained trees and hedges from damage during construction and in recognition of the contribution which the retained trees and hedges give and will continue to give to the amenity of the area.

49. Water saving

No development shall commence within Development Zones 1, 2 or 5 until a scheme for water efficiency has been submitted to and approved in writing for the relevant development zone by the Local Planning Authority unless an alternative time scale for submission is agreed in writing. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural resources.

50. To ensure implementation of a programme of archaeological works

No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the developer and approved by the Local Planning Authority.

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

51. SC81 To ensure appropriate notice and appointment of a suitable archaeological organisation

No development, including preliminary site clearance, shall commence until at least two weeks notice has been given to the Local Planning Authority, the appointment of a suitable archaeological organisation has been confirmed in writing, and a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that provision is made for the proper preservation of recording of remains of archaeological interest.

52. SC110 To ensure completion of a programme of archaeological works

The developer will secure the completion of a programme of archaeological work, including publication of the results, in accordance with a written scheme of investigation, which has been submitted to and approved by the Local Planning Authority.

Reason: SR60 - To ensure that archaeological remains and features are recorded and published prior to their destruction.

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53. SC111 To secure an appropriate watching brief during development groundworks

The developer shall ensure that all ground works are monitored and recorded by an archaeologist or archaeological organisation to be approved by the Local Planning Authority, and working to a brief and specification prepared by the Local Planning Authority.

Reason: To record remains of archaeological interest before destruction.

54. Flood management

The development permitted by this planning permission shall only be carried out in accordance with the approved ARUP Flood Risk Assessment (FRA) forming part of the Environmental Assessment dated June 2009 (and addendum [Addendum to Hydraulic Modelling Report (04 June 2009)] received with letter dated 8th September 2009 from ARUP), and the surface water drainage strategy information from URS (set out in the URS letter and attachments dated 14 October 2009) and WSP "Preliminary Appraisal of Groundwater Regime" dated 03 Sept 2009, with the exception of proposals therein to raise the level of land and develop Development Zone 4 (the former Southlands housing site now removed from the application). In particular the following mitigation measures must be implemented prior to the occupation of any part of the development hereby approved and maintain thereafter unless otherwise agreed with the Local Planning Authority :

1. Management of surface water run-off as specified in section 4.8 of the FRA, to ensure the risk of flooding is not increased.
2. Provision of compensatory flood storage as specified in section 4.7 of the FRA

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and by ensuring that compensatory storage of flood water

55. Flood Management

No development shall commence until full details and the programme for the compensatory flood storage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail and associated programme details.

Reason: To alleviate the increased risk of flooding.

56. Flood Management

No development shall commence until:

- a) detailed designs of the bank of the Flood Storage Wetland Area/New Colliters Brook have been submitted to and approved by the Local Planning Authority
- b) a detailed dam breach analysis of the Flood Storage and Wetland area is submitted to and approved by the Local Planning Authority. The analysis should include consideration for the impact of the breached volume upon all watercourse structures

Within 12 months of the commencement of any works on the development site:

- c) a full Operations and Maintenance strategy for the Flood Storage and Wetland area has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the

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development. The approved strategy shall be implemented in full thereafter unless otherwise agreed in writing with the Local Planning Authority. If the approved strategy includes alterations to the physical works within the Flood Storage and wetland area these alterations shall be carried out to the satisfaction of the Local Planning Authority before the occupation of any part of the development.

Reason: To ensure that the works provide the necessary mitigation against flooding. To ensure that flood risk to the site and surrounding properties is not increased

57. Flood Management

No development shall commence within Development Zones 1, 2 or 5 until detailed sections have been submitted to and approved by the Local Planning Authority to demonstrate that within the relevant development zone a strip of land 8 metres wide adjacent to the top of the banks of all main river watercourses (New Colliters Brook, Old Colliters Brook, Ashton Brook and Longmoor Brook) will be provided unless otherwise agreed with the Local Planning Authority. The 8 metre easement strip must be kept clear of all new buildings and structures (including gates, walls and fences but excluding bridges) unless otherwise agreed with the Local Planning Authority

Reason: To preserve access to the watercourse for maintenance and improvement to prevent flooding

58. Flood Management

Upon completion of the flood storage area, channel realignment and ground raising across parts of the site, or before the occupation of any of the development hereby approved which ever is earlier, the applicant shall submit information in a form agreed beforehand with the Local Planning Authority showing the remapping of the floodplain.

Reason: To verify the agreed changes to the floodplain and to ensure that the flood risk to the site and surrounding area is understood following the proposed works.

59. Drainage

No development shall commence within Development Zones 1, 3 or 5 until a scheme for the separate disposal of foul and surface water drainage for the relevant development zone has been submitted to and approved in writing by Local Planning Authority. The scheme shall be implemented as approved prior to the occupation of the development in the relevant development zone.

Reason: to protect the water environment.

60. Public Art

Prior to the commencement of any development within Development Zones 1 or 2, approval shall be obtained from the Local Planning Authority for a public art strategy that will set out the process to be used to commission and integrate public art across the development comprising the design of the stadium building (lighting and skin), and a commission for the wetlands based on the ecology, animal and plant life in the area.

Reason: to ensure that public art is integrated into the design of the development.

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61. Public Art

Further details of the proposed public art works, to accord with the agreed public art strategy shall be submitted to and approved in writing with the local planning authority, before the relevant parts of the work are begun; the stadium shall not be occupied until the approved public art works have been completed to the satisfaction of the local planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the provision of public art in the development.

62. Diverted Public Footpaths

Within 12 months of the commencement of any works hereby approved full details of the proposed diverted and retained public footpaths including the width and materials for path surfacing, lighting, drainage, fencing, boundary details and associated works and including any works to connect these paths to the public highway within or near to the site shall be submitted to and approved in writing by the Local Planning Authority: the development shall be carried out in accordance with the approved details and completed to the satisfaction of the Local Planning Authority prior to the occupation of any building hereby permitted

Reason: To ensure adequate provision is made for people to walk to and through the development site.

63. Wildlife Management Plan

Prior to the occupation of any part of the development a wildlife management plan for the proposed wetland areas, watercourses and wildlife corridors in the development, to include the measures to control the spread of Japanese Knotweed, shall be submitted to and approved by the Local Planning Authority and subsequently implemented for the period of 20 years that the plan shall cover unless otherwise agreed with the Local Planning Authority. The approved management plan shall include provisions for the review and alteration of the management plan to be approved by the Local Planning Authority.

Reason: In order to provide and sustain the wildlife and habitat mitigation proposals required for the development.

64. Restriction of the Use of Open Areas of the Site

Following the first occupation of any of the development in Development Zones 1 or 3, no open storage or display of goods, materials, finished or unfinished products or parts, crates or refuse shall take place on any open area of Development Zones 1 or 3 respectively without the written permission of the Local Planning Authority.

Reason: In the interests of protecting the appearance of the area and to safeguard the residential amenity of nearby occupiers

65. SC3 Incorporation of Application Documents

The development shall conform in all aspects with the approved plans and details shown in the application. The plans/documents considered as part of this application were

0343/RP/204/A-Road Cross Sections - Road 4, Road 5 & David Lloyd, received 2 July

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2009;
49310124/0200/B-Surface Water Drainage, received 2 July 2009;
Environmental Statement - Volume 3E - Technical Appendices - Appendix 5.6 Flood Risk Assessment, received 2 July 2009;
POP-A-XXX-MA-10-XXXX-4158/01-Planning Application Boundary, received 2 July 2009;
HOK-A-XXX-GA-00-XXXX-4158/01-LB1 Basement Level Plan - Proposed, received 2 July 2009;
HOK-A-XXX-GA-01-XXXX-4158/01-L00 Club Admin Level Plan - Proposed, received 2 July 2009;
HOK-A-XXX-GA-02-XXXX-4158/01-L01 Main Concourse Level Plan - Proposed, received 2 July 2009;
HOK-A-XXX-GA-03-XXXX-4158/01-L02 Restaurant Level Plan - Proposed, received 2 July 2009;
HOK-A-XXX-GA-04-XXXX-4158/01-L03 Box Level Plan - Proposed, received 2 July 2009;
HOK-A-XXX-GA-05-XXXX-4158/01-L04 Upper Concourse Plan - Proposed, received 2 July 2009;
HOK-A-XXX-GA-08-XXXX-4158/01-Roof Plan - Proposed, received 2 July 2009;
POP-A-XXX-EL-01-XXXX-4158/00-Proposed Elevations Facing West & East, received 2 July 2009;
HOK-A-XXX-EL-02-XXXX-4158/00-Proposed Elevations Facing North & South, received 2 July 2009;
0343/GA/001/D-Access Works GA - Key Plan, received 22 December 2009;
0343/GA/002/E-Access Works GA Layout 1 of 4, received 22 December 2009;
0343/GA/003/D-Access Works GA Layout 2 of 4, received 22 December 2009;
0343/GA/004/D-Access Works GA Layout 3 of 4, received 22 December 2009;
0343/GA/005/D-Access Works GA Layout 4 of 4, received 22 December 2009;
0343-EWK-103/C-Site Sections 1 of 3, received 22 December 2009;
0343-EWK-104/C-Site Sections 2 of 3, received 22 December 2009;
0343-EWK-105/C-Site Sections 3 of 3, received 22 December 2009;
0343-EWK-106/C-Site Sections Key Plan, received 22 December 2009;
0343/ATR/008/D-Autotrack Swept Paths Sheet 1 of 2, received 22 December 2009;
0343/ATR/009/D-Autotrack Swept Paths Sheet 2 of 2, received 22 December 2009;
0343/PHL/100/C-Addendum - Updated Proposed Access Boulevard (Road 2 Layout), received 22 December 2009;
0343/RP/200/D-Road Alignments, received 22 December 2009;
0343/RP/201/C-Road Profiles, received 22 December 2009;
0343/RP/202/C-Road Cross Sections Road 1, received 22 December 2009;
0343/RP/205/D-Road Cross Section Wedlock Way, received 22 December 2009;
POP-A-XXX-MA-00-XXXX-4158/03-Site Location Plan, received 22 December 2009;
POP-A-XXX-MA-03-XXXX-4158/03-Hybrid Planning Application Areas, received 22 December 2009;
POP-A-XXX-MA-01-XXXX-4158/03-Illustrative Masterplan, received 22 December 2009;
BRC267-AL-MP-0-001/05-Illustrative Landscape Masterplan, received 22 December 2009;
POP-A-XXX-MA-02-XXXX-4158/03-Proposed Development Zones and Uses, received 22 December 2009;
POP-A-XXX-MA-13-XXXX-4158/03-Stadium Masterplan, received 22 December 2009;
POP-A-XX-MA-37-XXXX-0001/02-Stadium Masterplan (Security Measures), received 22 December 2009;
POP-A-XX-MA-39-XXXX-0001/01-Site Access Plan, received 22 December 2009;
BRC267-AL-MP-1-002/05-Stadium Landscape Plan, received 22 December 2009;
BRC267-AL-MP-1-003/04-Landscape Parameter Plan, received 22 December 2009;
BRC267-AL-MP-2-001/03-Stadium Landscape Sections, received 22 December 2009;

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POP-A-XXX-EL-03-XXXX-4158/02-Proposed Elevations in Site Context, received 22 December 2009;
POP-A-XXX-MA-26-XXXX-4158/03-Development Zone 5 Parameter Plan 1: Layout Principles, received 22 December 2009;
POP-A-XXX-MA-27-XXXX-4158/03-Development Zone 5 Parameter Plan 2 - Access Principles, received 22 December 2009;
POP-A-XXX-MA-29-XXXX-4158/03-Development Zone 5 Parameter Plan 3: Vertical Limits of Deviation, received 22 December 2009;
POP-A-XXX-MA-31-XXXX-4158/03-Development Zone 3 Parameter Plan 1: Layout Principles, received 22 December 2009;
POP-A-XXX-MA-32-XXXX-4158/03-Development Zone 3 Parameter Plan 2: Access Principles, received 22 December 2009;
POP-A-XXX-MA-33-XXXX-4158/03-Development Zone 3 Parameter Plan 3: Articulation of Frontages & Horizontal Limits of Deviation, received 22 December 2009;
POP-A-XXX-MA-34-XXXX-4158/03-Development Zone 3 Parameter Plan 4: Vertical Limits of Deviation, received 22 December 2009;
unnumbered plans-Environmental Statement Volume 3E Flood Risk Assessment (FRA) June 2009, received 2 July 2009;
unnumbered plans-Letter from ARUP dated 8th September 2009 and Addendum to Hydraulic Modelling Report dated 04 June 2009, received 8 September 2009;
unnumbered plans-Letter from URS and attachments dated 14 October 2009, received 14 October 2009;
unnumbered plans-WSP Preliminary Appraisal of Groundwater Regime dated 03 Sept 2009, received 3 September 2009;
0343-EWK-101/G-Isopachyte Plan, received 22 December 2009;
0343-EWK-100/H-Earthworks Strategy, received 22 December 2009;
0343-EWK-102/H-Proposed Finish Levels, received 22 December 2009;
Environmental Statement Volume 3E Flood Risk Assessment (FRA) June 2009, received 2 July 2009;

POP-A-B10-ES-XX-NORTH-0001-North Elevation and Section Grid Line B10, received 24 September 2009;
POP-A-A16-ES-XX-WEST-0001-West Elevation and Section Grid Line A16, received 24 September 2009;
POP-A-CL1-ES-XX-SOUTH-0001-South Elevation and Section Grid Line CL1, received 24 September 2009;
POP-A-A16-ES-XX-EAST-0001-East Elevation and Section Grid Line A16, received 24 September 2009;
POP-A-BF-3D-XX-XXXX-0001-Corner Elevation Zones B & F, received 24 September 2009;
POP-A-XX-SE-03-XXXX-0001/01-Proposed Long Section, received 24 September 2009;
POP-A-XX-SE-04-XXXX-0001/01-Proposed Cross Section, received 24 September 2009;
POP-A-XX-SE-05-XXXX-0001/01-Proposed Sections, received 24 September 2009;
POP-A-XX-MA-37-XXXX-0001/01-Stadium Masterplan, received 24 September 2009;
POP-A-XX-MA-XX-MATL-0001-Facade Materials 1, received 24 September 2009;
POP-A-XX-MA-XX-MATL-0002-Facade Materials 2, received 24 September 2009;
BRC267-AL-MP-2-002/02-Stadium Landscape Sections, received 24 September 2009;
0343/RP/203/B-Road Cross Sections - Road 2, received 24 September 2009;

Addendum to the Environmental Statement - Appendix 3.1: Addendum to Flood Risk Assessment and Response to Environment Agency, received 24 September 2009;

Reason: SR4 – For the avoidance of doubt.

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Advices

1. Legal Agreement

This planning permission is granted subject also to an agreement under section 106 of the Town and Country Planning Act 1990 that imposes obligations and requirements on the applicant/developer. You are advised to refer to this agreement to ensure that all obligations and requirements will be met and that information submitted to discharge conditions attached to this planning permission is consistent with the planning agreement and vice versa.

2. Footpaths

This planning permission does not convey approval to close or divert public footpaths. A separate approval under section 257 of the Planning Act will also be required.

In relation to condition 9, particular attention will need to be given to 1) the manner in which footpaths link to Ashton Drive and Silbury Road to ensure an attractive route that minimises any adverse impact on nearby residents, 2) the quality, safety and attractiveness of the route running beneath the proposed Colliters Brook pedestrian bridge that leads to the proposed Supporters Square

Construction works are likely to temporarily affect some of the rights of way. The developer may need to apply for a temporary and permanent Traffic Regulation Orders to close or divert the PROW for the duration of the works on the grounds of safety of the public. For further advice, or to apply for a TTRO, contact the Highway Network Management team, Tel. 0117 903 6838)

3. Pollution Control

During the excavation works leachate will need to be pumped out. It is currently proposed to discharge to the Longmoor Brook; however this will be subject to water quality controls and may require temporary discharge consent. Should consent be required this will need to be agreed to prior to any pumping being undertaken. For information this process may take up to four months to complete. Consent Application Forms can be obtained by contacting our National Permitting Support Centre on 08708 506506. Alternatively, it has been suggested that the leachate could be re-circulated through the landfill. An assessment of the risk that this could pose would need to be submitted. We understand that the contractor (when appointed) who will be undertaking the excavation works will be supplying a method statement detailing how they propose to undertake these works. This should include details regarding all of the above issues and include how leachate will be managed. Details of how surface water runoff will be controlled will also need to be included within this method statement. These details should be included within a Construction Environment Management Plan (CEMP) detailing the measures to be put in place. Environment Agency would welcome the opportunity to comment on this plan prior to the start of any development.

In view of the impact the proposed redevelopment of this site will undoubtedly have on the water environment, specifically groundwater and surface, it is essential that the Applicant gives the Environment Agency the opportunity to comment on hydrology and drainage aspects of the Construction Management Plan and other aspects of the development at the earliest opportunity

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If any controlled waste is to be removed off site the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The applicant has identified that there may be a material shortfall during the re-profiling stage of the development, but this will be 'suitable engineered material'. Should waste material be imported onto site during the development, however, the appropriate authorisation will be required. If any imported waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from the Environment Agency

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations. During the reworking of the waste material, the applicant has advised that any unexpected waste will be identified and removed from the site.

Any hazardous or unsuitable waste (e.g. asbestos) identified during the development should be removed from site adhering to the Duty of Care Regulations. Hazardous waste must be consigned and taken to a site which is permitted to accept the waste. In addition, Consignment Notes must be produced and kept for a minimum of 3 years by the contractor.

In relation to the submission of a remediation verification report in DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' details the information that should be included in such a report.

If the operator wishes for more specific advice on the above waste management matters, they will need to contact the Environment Management Team at Environment Agency's Bridgwater Office on 01278 484567 or look at available guidance on our website www.environment-agency.gov.uk/subjects/waste/

The developer's attention is drawn to the requirements in relation to construction waste management as set out in the Site Waste Management Regulations 2008.

Following the waste / soil movements during the development, it is proposed to install vents around the site to remove any landfill gas to the atmosphere. A permit from the Environment Agency is **not** required for this activity, although it may be necessary to discuss requirements with the local authority.

In respect of pollution control during bank and channel works the method statement to be submitted for approval should cover but not necessarily be limited to the following requirements:

1. Timing of works
2. Construction methods used for all channel, bank-side water margin works
3. Machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
4. During the construction period details must be submitted showing the interim access arrangements for the Environment Agency along and to the main river network.
5. Protection of areas of ecological sensitivity and importance
6. Site supervision

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4. Waste Management

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

Environment Agency request the opportunity to view, and comment on, the contents of the SWMP to ensure that all environmental concerns are included, prior to the start of any development.

5. Landscaping Design, counter terrorism and CCTV

It is important that the design of a detailed landscaping scheme takes place in tandem with the design of counter terrorism measures and the CCTV scheme to ensure coordination and integration of all these aspects of the scheme. CCTV coverage may have to be increased to compensate for restrictions to fields of view caused by important tree planting that will be required in public areas. Liaison with the Police Crime reduction Unit is advised in relation to the design of infrastructure and also on the type of CCTV equipment to be used.

6. Drainage and flood management

In respect of Development Zone 5, in order for this application to successfully progress through reserved matters, technical detail is required incorporating a comprehensive sustainable drainage strategy. This will directly influence layout and scale of the site thus we strongly recommend that this should be developed at the earliest opportunity. We support the intention, as stated in section 5.4 of the Flood Risk Assessment dated June 2009, to limit discharge rates to the existing greenfield run off rate and incorporate SuDs.

In order for this application to successfully progress through reserved matters/discharge of conditions, technical detail is required incorporating a comprehensive sustainable drainage strategy. This will directly influence layout and scale of the site thus we strongly recommend that this should be developed at the earliest opportunity. We support the intention, as stated in section 5.4 of the Flood Risk Assessment dated June 2009, to limit discharge rates to the existing greenfield run off rate and incorporate SuDs.

In order to discharge relevant conditions information will need to be included that show how the floodplain compensation will be provided between the Ashton Brook and New Colliters Brook identified as storage area 1 on WSP drawing 0343/SK/502/C. The floodplain compensation storage area must be fully delivered prior to the raising of any ground levels within the currently defined floodplain shown in Figure 7 of ARUP's Flood Risk Assessment.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1976, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the New Colliters Brook, Longmoor Brook and Old Colliters Brook, designated as 'main rivers'. Please contact our Development & Flood Risk team on (01278) 484654 for guidance on how to apply for Flood Defence Consent.

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In relation to the condition relating to flood risk evacuation plans the role of the Local Planning Authority (in conjunction with the Emergency Planners) is to assess whether a submitted Flood Evacuation Plan is suitable and fit for purpose against the guidance set out in PPS25 Development and Flood Risk - Practice Guide. Flood emergency plans are the sole responsibility of the applicant and will form part of a suite of plans that link with Health & Safety at Work. A template allowing the completion of a Flood Evacuation Plan is attached to the Notice of Decision.

Foul and surface water manhole covers should be marked to enable easy recognition; convention is red for foul and blue for surface water. This is to enable water pollution incidents to be readily traced.

7. Sustainable Construction

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications. Applicants are advised to refer to the following for further guidance:

- Environment Agency - <http://www.environment-agency.gov.uk/homeandleisure/drought/38527.aspx>
- Save Water Save Money - <http://www.savewatersavemoney.co.uk/>

In addition the applicant should aim to comply with the Code for Sustainable Homes and achieve the highest number of stars possible. The applicant is advised to visit the Planning Portal - http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf for detailed advice on how to comply with the Code.

8. Ecology and Japanese Knotweed

Evidence of Water Voles is inconclusive from survey information and it would be in the developer's interest to carry out follow up surveys to ensure that appropriate consideration is given to all protected species that may be present on the site. Any mitigation measures should be approved with Environment Agency and Natural England.

Your attention is drawn to the requirements within the Wildlife and Countryside Act 1981 regarding the spread of Japanese Knotweed. During the construction and use of the development failure to introduce measures to prevent the spread of Japanese Knotweed could result in an offence being committed and avoidable harm to the environment.

Nesting Birds: Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.

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Bats and bat roosts: Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations 1994. Prior to commencing work you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult Natural England (Taunton office 01823 283211).

9. Stadium elevation and roof design

Further details will need to be submitted to discharge conditions. These details will need to be developed in association with the public art strategy to be agreed and the proposed use of signs and signage to provide information and to help visually animate the elevation, particularly on the north and south stands. Information to be submitted will need to include larger scale assembly drawings to show typical edges and joint details.

10. Network Rail advices

Safety: No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

Ground Levels: The developer 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. It is suggested that the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin should there be a requirement for any such alterations to the ground levels of the site.

Drainage: Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

Landscaping: In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

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. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

Environmental Issues: The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

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Lighting: Any lighting associated with this development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's approval of their detailed proposals regarding lighting. It is likely that a light impact assessment would need to be produced before Network Rails safety concerns would be satisfied. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with drivers' vision, signal sighting, alteration/mitigation will be required to remove the conflict.

Plant, Scaffolding and Cranes: Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land. Please note that the site appears to be heavily constrained and as such question the ability for the construction process to take place. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

11. Noise measurements

In relation to conditions that require the establishment of background noise for comparison purpose, the background noise level at any time would be that measured in the absence of any noise from the stadia and associated uses. The pre-existing background noise level would not be appropriate to use as the location of the stadium or other developments may lower the existing background level due its shielding effect.

12. Coal Authority

The Coal Authority considers there may be remnant shallow coal within the site and is of the opinion that its removal prior to the development should be considered wherever possible.

Drilling into coal seams and abandoned mine workings has serious health and safety implications. The applicant should be reminded that any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety The Coal Authority is concerned that risks specific to the nature of coal and coal workings are identified and mitigated. Further information can be obtained from the licensing and permission section of the Coal Authority web site: www.coal.gov.uk/services/permissions/index.cfm

13. Further detail for bridges condition

Full details of the proposed bridge over Colliters Brook will need to be submitted to discharge conditions. Particular attention will need to be given to the quality of the space and pedestrian route to avoid creating an intimidating environment. Measures to be

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considered will include avoidance of blind spots, provision of adequate lighting and extending the width of the space to avoid the creation of an unattractive subway environment.

14.. Access for Disabled

As the proposal involves a building to which the public are to be admitted, whether on payment or otherwise, your attention is drawn to the provisions of Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS5810:1979).

As the proposal involves a building in which persons are employed to work, your attention is drawn to your statutory obligations under the provisions of Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act and to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS5810:1979).

15. Tree Protection

You are advised to refer to BS5837 : 2005 Trees in relation to construction for detailed information on types of tree protection, protection zones and other relevant matters.

16. Monitoring Advice

Bristol City Council actively monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development process to ensure compliance with the approved plans and conditions.

BACKGROUND PAPERS

Nathaniel Lichfield & Partners (Agent)	22 December 2009 28 January 2010 28 January 2010 28 January 2010
CABE	18 January 2010
Wessex Water	19 January 2010
Pollution Control	15 December 2009 28 January 2010
Parks Operations Manager (Bristol City Council)	22 January 2010
Landscape Section (Bristol City Council)	12 January 2010
Housing	15 January 2010
Highways Development Control, Strategic Development Division	5 January 2010
Sustainable City Team	20 January 2010
Natural Environment Team	19 January 2010
Affordable Housing Team	15 January 2010
Area Green Space – Jess Leigh	29 January 2010
South West Of England Regional Development Agency	26 January 2010
The Coal Authority - Mining Reports Office	11 January 2010
Environment Agency (Planning Liaison - South West Region)	28 January 2010

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Highways Agency	30 December 2009
Network Rail	20 January 2010
Environment Agency (Planning Liaison - South West Region)	17 December 2009
	18 December 2009
	12 January 2010
	18 January 2010
Natural England	4 November 2009
	22 January 2010
English Heritage	4 January 2010
Mr Phil Howarth	23 December 2009
Mr Phil Tiley	10 November 2009
Mr John Stephen Banks	10 December 2009
Mr Kevin Macken	17 December 2009
Mr Graham Brown	16 December 2009
	7 January 2010
S M Hook	31 December 2009
Mr M Sellick	6 January 2010
Mr Anthony Simnica	10 December 2009
Mr Geaeme Weston	10 December 2009
	7 January 2010
Mr Marcus Witt	9 December 2009
Richard Bland	8 January 2010
Alex Howells	10 December 2009
Mr Mike Godfrey	10 December 2009
Lee McFarland	12 December 2009
Mr A Small	2 December 2009
Mr Tim Darby	10 December 2009
Mr Ryan Alexander	10 December 2009
Mr Paul Jones	31 December 2009
Mr Jonathan Hill	5 January 2010
S Bullock	10 December 2009
Chris Robinson	11 December 2009
Laurie James	10 December 2009
Mr Neil Smith	7 January 2010
Mr Christopher Bloor	11 January 2010
Karen Borek	11 January 2010
Ken Simmons	8 January 2010
Mr David Parry	3 January 2010
	8 January 2010
N Asher	9 November 2009
Mr Kevin Vans-Colina	11 January 2010
Mrs S Williams	4 January 2010
Mr Clive Britton	10 December 2009
Mr Peter Jones	10 December 2010
Mr Paul Mizen	6 January 2010
Mr A Pratley	29 January 2010
	29 January 2010

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