

Development Control – 22 September 2021**Application No. 21/00531/P : Hengrove Leisure Park Hengrove Way Bristol BS14 0HR****1.0 BACKGROUND**

- 1.1 This application is brought to Committee
- 1.1 Full consent was granted for a range of uses on the site in 1995 ref. 95/00682/F to include Cinema, Bingo Club, Sport Bowl, Night Club and Restaurants. The approved layout included the central car park with other uses around the edge. The land to the north of the bingo hall was levelled in anticipation of the sport bowl being sited there. This was not realised and the land has remained vacant.
- 1.2 Subsequently a range of applications have been approved on the site for alterations and signage. A drive through Costa Coffee on the half of the open space facing Hengrove Way, that not included in the application, was approved in 2019.

2.0 SITE DESCRIPTION

- 2.1 The application site is the core of the existing Hartcliffe Leisure Park which includes a large car park containing numerous street trees, a large bingo hall and adjacent land, a cinema and two single storey units located centrally, one previously accommodated Ben and Jerrys and is now vacant, the other accommodates Dominoes. Also included in the site is half of an area of green space that faces Hartcliffe Way, contains footpath links and which formed part of the original layout.
- 2.2 Vehicular access to the site is off Hengrove Way and is not adopted highway.
- 2.3 The two hot food takeaways to the west, Mc Donalds and KFC, are outside of the application site, as are the Premier Inn and Brewers Fare public house to the north of the site.
- 2.4 The site is bounded to the west and south west by The Mounds, a former landfill site now a Site of Nature Conservation Interest, to the north is the Western Drive Industrial Estate, to the south east the Hengrove Play Park, beyond which and to the east is Hengrove Park, for which outline planning permission was granted in 2020 for approximately 1,500 dwellings as well as non-residential floor space- ref.19/02632/PB.

3.0 APPLICATION PROPOSAL

- 3.1 The application is in outline form and includes access only for approval at this stage.
- 3.2 It is proposed to demolish the existing buildings on site and erect up to 350 dwellings, 150sqm for a hot food takeaway, (to accommodate Dominoes who are to relocate) and up to 1,500m2 flexible Class E floor space.
- 3.3 Vehicular access will be as existing and pedestrian/cycle paths are proposed linking into the approved scheme at Hengrove Park to the east and a footpath to The Mounds.
- 3.4 An indicative layout is included, which has undergone various iterations since the submission of the application. A consistent feature of the layout is the proposal for a diagonal green space across the site, following the line of the existing pedestrian route across the site through the car park. This space shown as being faced by apartments in part and roads serving houses towards the south. Apartments are shown backing onto the retained hot food takeaways. The proposed new hot food takeaway is shown as an isolated building on the Hengrove Way

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frontage. Car parking to serve the Premier Inn is located to the south of that use, it is understood that the provision of car parking is a condition of their lease.

- 3.5 Indicative parameter plans show a maximum height of 5 storeys towards the Hengrove Way frontage, dropping to 4 storeys with the majority of the site being a maximum of 3 storeys, indicative densities of between up to 60 dph and up to 100 dph and the non-residential floor space accommodated towards the northern part of the site facing Hengrove Way.

Community Engagement**Process**

- 3.6 1,345 consultation leaflets were distributed to addresses around the site giving information about the proposals and a virtual consultation event and how to share any feedback to include hard copy. A dedicated email address was set up and a project website. The Hengrove and Whitchurch Neighbourhood Planning Forum and other local and citywide interest groups were sent invitations to comment. Presentations were made to local councillors and a public consultation event on the 15th December 2020 held on-line due to Covid restrictions.

Response

- 3.7 At the time the application was submitted 28 comments had been received. Comments focused on the number of houses being proposed for the area, the loss of leisure facilities and concerns about the local road capacity and increased traffic.
- 3.8 Five accessible car spaces were added to the illustrative layout in the south east corner in response to some comments to accommodate disabled visitors to the play park.

Response to publicity on the planning application

- 3.9 A total of 199 letters were issue to neighbours and business in the vicinity of the site with a closing date for comment of the 17th February 2021. The application was advertised on site and in the press with a closing date for comment of the 10th March 2021.
- 3.10 A total of 73 responses have been received, all but two objecting to the scheme.
- 3.11 The comments can be summarised as follows:

Lack of social and leisure facilities to serve existing and future residents

We have literally no local facilities for entertainment and the fact that the leaseholders havent invested any money into the area and are using the financial situation of Covid19 and tennants leaving the site to push through housing is a disgrace.

The surrounding areas of knowle west filwood hartcliffe all of which are growing and then the proposed plans around Bristol south's borders by BANEs and N,Somerset For large scale builds which would impact on bristol and the need to provide social and leisure outlets. This proposed plan is shortsighted and if the leaseholders cannot support what local people want then they should forfeit their lease and allow the city and its people develop it for the communities not profit. Concerns of owners and business are understood but things will change and the wider community will return. The park serves as a much needed local community hub and source of entertainment for local residents, many elderly and disabled people go here because it is close to home, the cinema is the only one within reasonable travelling distance for main and the situation will only be exacerbated once the clean air zone cuts Bristol in half and disadvantages those south of the river.

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Land should be used for children to play and youth , Covid highlighted need for places to play, it should be a social community space.

Inadequate infrastructure- Question of adequate police, education and doctors

Lack of jobs- We have very little local jobs, there are very few jobs in the area and everyone will have to commute, jobs will be lost.

Highways- the transport infrastructure is struggling as it is with the existing plans with Hengrove airport, more people will drive into town creating more congestion and pollution due to the loss of facilities that you can walk to

Cycle path- cycle path should be hard surfaced and sufficiently separate from pedestrians, there should be priority for those walking and on bikes where the green spine crosses the primary road

Lack of community consultation- I object to this planning proposal as the leaseholders have not properly consulted or worked with the local community who have vocally objected to plans for more housing on top of the 1400 we have being built on the old airfield in an already oversubscribed area of building. The leaseholders have made their arguments to a small group of people yet haven't listened.

Mix of housing- What are the proposals with regard to affordable housing-size, selling and rental costs, unless affordable no one is going to be able to afford them

Parking- the parking will be reduced for carers and parents visiting the play park

- 3.12 The Bristol Tree Forum have commented that an option would be to build around the trees rather than loose them, the need to build housing....should not take precedence over the need to ensure that the development is both environmentally sustainable and meet Net Gain objectives. There is no evidence that the proposals will achieve Biodiversity Net Gain. The application should not be permitted until it has properly addressed how it will replace and build upon GI. The amount of life span allocated to the trees is queried as more than the 10+ or 20+ years. It is not agreed that there are low connectivity values to the habitats on site. Taken as a whole they have important wildlife value. Trees could be transplanted to planned alternative locations.

- 3.13 Cllr Breckels has written objecting to the scheme on the grounds of the loss of the cinema, its loss will render the Hengrove Park development less sustainable and change the context in which it was granted permission, that contrary to previous information given the cinema is not shut, suggested alternatives include a mixed use scheme of residential and leisure, that the cinema could partly close and accommodate restaurants or retail with flats above, a pedestrianised boulevard with shops with flats over, bus services could terminate there, surface car park could become multi storey.

- 3.14 Flood Risk Manager has commented as follows:-

We have reviewed the sustainable drainage strategy and have the below comments:

- Further evidence is needed to explain why it is unfeasible for the site to achieve Greenfield run off rates. It is a large site, so should be able to achieve greenfield run off rates through incorporating more storage for surface water within the site.

- Should Greenfield run off rates not be achievable, there should be a 50% reduction on brownfield rates (not 30% as previously required), in accordance with updated requirements

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outlined in BCC's latest SFRA:

https://www.bristol.gov.uk/documents/20182/4913559/Bristol_Level_1_SFRA_VF.pdf/6358cc8e-9ce3-e11f-83fd-bbb8674e3026

- A survey of the existing drainage system is required to determine whether there is capacity for this system to receive surface water during extreme storm events.

3.15 Sustainable Cities Team has commented as follows:-

A revised and full sustainability and energy statement will be required at reserved matters stage and the scheme will be required to meet BCC's adopted planning policies applicable at the time of the reserved matters application.

3.16 Bristol Waste Company has commented as follows:-

At present there is not information relating to refuse strategy, there is also concern that the road access to some properties appear to restrict traffic flow in a home zone arrangement, this has caused problems elsewhere where casual parking has lead to collectors being unable to access communal stores. This requires clarification.

3.17 BCC Arboricultural Team has commented as follows:-

I have reviewed the supporting documentation; the supporting arboricultural report is an initial implications assessments, tree survey and removals plan with no specific detail on how the trees will be affected other than proposed removals. The removals proposed are significant and therefore mitigation needs to be addressed as well as the provision for arboricultural methodologies in relation to the proposed.

Recommended conditions to be added at reserved matters.

3.18 BCC Archaeology Team has commented as follows:-

The submitted archaeological assessment in support of this application states "...the assessment concludes that there are no archaeological remains within the site and that no further archaeological work should be required to support the present application."

I would agree with this conclusion although there have been unexpected archaeological finds relating to the Roman landscape in area in recent years. Consequently a degree of archaeological monitoring will be required should this application receive consent.

This monitoring can be secured through attaching the standard pre-commencement condition for a programme of archaeological works an pre-occupation condition for the completion of an archaeological watching brief.

3.19 Crime Reduction Unit has commented as follows:-

The use of Secured by Design would ensure that current security standards are met. Trades buttons on access controls should not be met, larger blocks should use compartmentalisation to prevent free, unlawful movement through the structure.

3.21 Contaminated Land Environmental Protection has commented as follows:-

The submitted desk study was reviewed and is broadly acceptable for the proposed development. Further assessment will be required prior to commencement.

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Natural England has no comments to make on this application.

3.23 BCC Economic Development has commented as follows:-

We would ask the applicant to consult further with us about the local economic opportunities and make all reasonable endeavours to substantially increase the quantum of additional employment to be created by the scheme above the net 28 fte additional within flexible 'E' use classes, including consideration being given to providing office or light industrial units alongside new leisure, retail and take-away facilities. Additionally, we would wish to see the 'E' uses provision being brought forward at an early stage of the scheme.

3.24 BCC Air Quality has commented as follows:-

Without additional information on the scale of increase in construction traffic I am unable to confirm whether the proposals are acceptable. The elements that have been considered adequately using an appropriate assessment methodology are considered acceptable from an air quality perspective.

4.0 RELEVANT POLICIES**4.1 National Planning Policy Framework – July 2021**

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

4.2 In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.**5.0 KEY ISSUES****A) IS THE LOSS OF THE EXISTING LEISURE USES AND PROPOSALS FOR NEW NON-RESIDENTIAL FLOOR SPACE ACCEPTABLE?****5.1 The loss of leisure facilities has been referred to by the majority of objectors with particular reference to the cinema with concern that there will be no option other than to drive significant distances to an alternative facility and that this will disadvantage older and disabled people. The associated loss of employment has also been raised.****5.2 Although the cinema had been shut during the pandemic it is currently open but not operating all screens.****5.3 The following are relevant to the consideration of this issue;****i) Adopted policies****5.4 BCS1 of the adopted core strategy includes support for mixed uses as part of south Bristol regeneration.****5.5 There are however no adopted policies that specifically address leisure uses and no list of uses that would be formally considered to be leisure uses though some leisure uses, such as**

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sport, recreational and leisure facilities including public houses, are included in the list of community uses as set out BCS12 and DM5. These would consequently be afforded a level of protection under the aegis of those policies however it is not considered that these policies are intended to protect large scale leisure uses such as bingo halls and cinema complexes.

- 5.6 The site falls within the Hengrove and Whitchurch Park Planning Area, for which a Neighbourhood Plan was adopted in March 2019. This included a potential layout for the development of Hengrove Park which extended into the current application site to the rear and north of the bingo hall where housing was shown. The neighbourhood plan includes policies that are relevant to residential development to include the provision of allotments on or off site and 3% fully wheelchair accessible units on developments of 40 plus dwellings. There are no policies specific to the future of the remainder of the site.

ii) Draft policies

- 5.7 A local plan review was consulted upon in March to May 2019 and this included an allocation for the site. This review was not progressed for adoption following the withdrawal of the draft Joint Spatial Plan for the West of England and a revised local plan is currently being drafted.
- 5.8 A document 'Progressing Bristol's Development' was adopted in October 2020 setting out the development approach for the city. This document refers to the planning policy considerations to be taken into account when determining planning applications to include the adopted local plan, made local plans, a presumption in favour of sustainable development as per national planning policy where existing planning policies are out of date but also the policy direction given by the 2019 local plan review.
- 5.9 Accordingly some weight can be given to the allocation when determining the application.
- 5.10 The allocation was for;
- 'Reconfiguration for residential, new flexible workspace and existing leisure uses; or the use of the remaining undeveloped areas of the site for residential uses with flexible workspace as a whole'
- 5.11 Reason being to enable a more efficient use of the site and meet the need for new homes.
- 5.12 Development considerations were set out as follows:
- Provide suitable access to the site;
 - Include the re-provision of leisure uses if those existing buildings were to be lost;
 - Support an appropriate relationship with the existing Hengrove Park Site Allocation (BSA1401)
 - Be informed by a contamination risk assessment, making recommendations for remedial measures where required;
 - Respect the 'agent of change' principle by providing an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers, without threatening the ongoing viability of existing noise-generating uses;
 - Be informed by an up-to-date preliminary ecological appraisal of the site which assesses the potential for the presence of legally protected and priority species, and, where appropriate, makes provision for mitigation measures; and

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- Respect the adjacent 'The Mounds' Site of Nature Conservation Interest, requiring a buffer area along the western and southern boundaries of the site and implementing measures to minimise light spill.

5.13 The estimated capacity was 150 homes, subject to master planning.

iii) Assessment of loss of existing leisure uses

5.14 The current proposals involve the loss of the leisure uses on the site namely the Bingo Hall and the Cinema.

5.15 To support the proposed development information has been included by the marketing agent for the leisure park about the current situation with regard to the bingo hall and cinema as follows;

Bingo Hall- the lease expires in 2022. Early in 2021 the operator went into CVA, (a Company Voluntary Arrangement), which is a mechanism for agreeing to pay creditors over a fixed period if a company is insolvent. At present a reduced rent is agreed and the lease can be broken at short notice by either party. The operator has stated that the use is not viable in the long term and does not intend to remain.

Cinema- pre-covid the attendance was less than 250,000 per annum and was loss making. There is a lease break in 2024 and they will not be renewing that lease. They had requested the landlord to take an early surrender of the lease.

5.16 As background to the current trading situation, market analysis is included with the application, which sets out the trends in requirements for bingo halls and cinemas with regard to catchment areas and locations. The former are given as looking for fewer locations with bigger catchment areas due in part to the growing amount of online gaming, the latter are also looking for large, wealthy, catchment areas and new cinemas are tending to be sited in city centres and of a boutique nature. These trends have been exacerbated by Covid.

5.17 Because of the market trends, it is opined that the buildings will not be attractive to alternative bingo or cinema operators but they have not been marketed. The market analysis also comments that trends from other 'big box' operators such as bowling, like cinemas, show that these are seeking central locations or large sites with adjacent leisure uses and would not be attracted to the site.

5.18 The market analysis does take into account the increase in population that will result from the permitted housing schemes in the vicinity of the site and concludes that the spending power of the enlarged catchment will still not provide the trade a cinema or bingo hall operator would seek.

5.19 Irrespective of the draft site allocation, it is outside of planning control to require businesses to continue to operate. Given the operators intention to leave the site and the unlikelihood of alternative operators wanting to locate there, if the application were resisted two large vacant buildings would be the end result which provide no public benefit and would hamper a housing scheme coming forward. This would be the result even if the view were taken that they were community uses.

5.20 Taking account of the above, no objection is raised to the loss of the existing leisure uses however in line with the draft allocation, it is relevant what re-provision of leisure uses may be possible.

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(It is understood that the uses that are to remain on the site benefit from a rolling lease and as they are trading well wish to remain and have made no approach to cancel the lease).

iv) Potential for re-provision of leisure uses

- 5.21 The draft site allocation does allow for the option of re-providing leisure uses as part of a re-development of the site.
- 5.22 The supporting information with the application does comment that social or leisure facilities would be better located within the non-residential element of the Hengrove Park scheme, however the mix of uses anticipated there will be more akin to local facilities with a community bias. The concept for Hengrove Park having been devised in the context of the leisure park remaining.
- 5.23 While it is recognised that the community use floor space at Hengrove Park has potential to provide leisure activities, particularly given the recognised cross over between some leisure uses and community uses, in line with the draft allocation the new floor space on the application site should ideally provide some form of leisure use that is complimentary to the anticipated uses at Hengrove Park.
- 5.24 The application specifies up to 1,500 square metres of use Class E floor space. As shown on the indicative layouts, this floor area would be on the ground floor of apartment blocks towards the northern boundary of the site.
- 5.25 Class E covers the following uses:
- E(a) Display or retail sale of goods, other than hot food
 - E(b) Sale of food and drink for consumption (mostly) on the premises
 - E(c) Provision of
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality
 - E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
 - E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
 - E(f) Crèche, day nursery or day centre (not including a residential use)
 - E(g) Uses which can be carried out in a residential area without detriment to its amenity:
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes
- 5.26 While this would have potential to accommodate some form of an indoor recreational use, which also has leisure value, such as gym or yoga studio, or a day centre of some type, the grant of an open Class E consent would not allow any control over this. Notably it would also allow flexible work space as referred to in the draft allocation but the intention in that allocation is that this would be as well as leisure, not an alternative to leisure use.
- 5.27 Accordingly it is recommended that the consent be restricted to E(d) and E(f) and that the provision of the floorspace be required by condition.
- 5.28 It is noted that Economic Development would wish to see offices or light industrial units along side new leisure however there is limited floor area to accommodate all uses plus a new office block will be provided on the Hengrove Park site.
- 5.29 Notwithstanding conditions will be need to restrict hours of use, noise from plant and details of

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any extract ventilation system to safeguard the amenity of the residents on upper floors.

v) Loss of employment

- 5.30 The matter of employment has been also been raised with regard to the loss of the existing leisure uses and the bingo hall and cinema are given as having provided around 60 jobs either directly or indirectly elsewhere in the supply chain.
- 5.31 BCS1 places great emphasis on the provision of employment opportunities to serve south Bristol.
- 5.32 As a rule employment uses are defined as those falling into uses B1,(now E(g)) B2 and B8- as referred to in BCS8. The NPPF does not specify use classes when considering economy but does refer to knowledge and data driven, high tech and storage and warehousing as requiring accommodation.
- 5.33 The proposed new non-residential floor space will provide some employment and is estimated at 88 either directly or indirectly through the supply chain but this can only be a loose estimate and will depend on the nature and number of uses. Hence there is potential for an increase.
- 5.34 As the uses being lost fall outside of the employment use definition, there is no justification for seeking a financial contribution towards training/apprentices, however it is agreed that a local employment strategy be secured by condition that will seek to employ and train residents from within the area during the construction stage.

Conclusion

- 5.35 It is not possible to enforce the ongoing operation of the cinema and bingo hall against current market trends. Alternative large leisure facilities will not be attracted to the site. It will be possible to control the mix of non-residential uses permitted to encourage the incoming use to be one with leisure value but it will not be possible to dictate that this is the case.
- 5.36 When considering the issue of leisure uses, this must be balanced against the provision of new housing that will be provided to include 30% affordable, which equates to 105 dwellings and will contribute to the corporate goal of 1,000 new affordable homes a year.
- 5.37 When reaching this conclusion, it must also be taken into account that at present Bristol does not have a five year land supply for new housing and therefore in line with para 11 of the NPPF, unless there are clear reasons for refusal based on other policies in the framework or adverse impacts of approval would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole, planning permission should be granted.

B) IS THE QUANTUM OF RESIDENTIAL DEVELOPMENT PROPOSED ACCEPTABLE?

- 5.38 The proposal is for up to 350 dwellings, which is far greater than the 150 stated in the draft site allocation. This in itself is not grounds for objection as the more efficient use of land is something fully supported by planning policy at national and local level. The average density would be around 75 dph and therefore would accord with BCS20 as the site falls within an area where higher densities of development would be encouraged.
- 5.39 It is relevant to consider how this quantum of development could be accommodated on the site, implications for the access to the site and the impact on surrounding road network, air quality, the resulting scale, noise and odour environment taking account of neighbouring uses, the impact it will have on the existing green infrastructure and what new it may deliver, impact

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on ecology and health.

- 5.40 The indicative layout that has been provided demonstrates one form the development might take. Some discussions regarding layout have taken place over the lifetime of the application but there remain changes that will be required before it is acceptable and it is not submitted for any form of approval. It is anticipated that the developer who takes on the scheme at Reserved Matters will engage at pre-application stage to discuss this matter further. A condition is recommended that states the features that must be incorporated into the layout and also one to require an urban living assessment in accordance with the Urban Living SPD.

Access

- 5.41 Access is included for approval at this stage, this is taken to be all forms of access to include pedestrian/cycling links.
- 5.42 The existing road into the site from Hengrove Way is not adopted, it was designed to serve a leisure park that was largely only accessible by car.
- 5.43 While the surrounding highway network is considered to be able to safely accommodate the amount of traffic predicted to be generated by the development, it is essential that access to the site, and within the site, is designed to reflect the proposed residential use in line with current policies.
- 5.44 Since planning was granted for the leisure park planning policy at all levels has moved towards prioritising sustainable modes of transport, the importance of which has escalated since the declaration of the climate change emergency.
- 5.45 As a residential development of up to 1,000 new residents who need to be encouraged to walk/cycle/walk to public transport on a daily basis is it there is a need to upgrade the access accordingly to include a footway along both sides of the main access but also to bring the crossing facility at Hengrove Way up to current standards to facilitate access to the cycleway that has been created along the northern side of Hengrove Way.
- 5.46 The existing controlled crossing of Hengrove Way is in poor condition and not to current standards, is old and unreliable. This must be upgraded to comply with the Cycle Infrastructure Design- Local Transport Note 1/20 -July 2010, which sets out how high quality facilities should be designed. The July 2021 NPPF underlines the need for schemes to reflect current national guidance.
- 5.47 The applicant has provided a drawing showing a footway along both sides of the road but an outline scheme for the crossing works has not been provided at the time of writing though the applicant has acknowledged that these works will be required.
- 5.48 Accordingly a detailed condition is recommended requiring a detailed scheme incorporating specified features/items and that once agreed the works must be completed prior to occupation. A financial contribution of £250K will be required to pay for new signals at the crossing, which will be installed by the city council in liaison with the civil engineers undertaking the road works. This will be included in the proposed legal agreement.
- 5.49 Within the site there is an access corridor to the east into the Hengrove Park site which is currently shown as a cycle/pedestrian link and would connect to the road layout that has been approved within the framework plan for Hengrove Park. At present this is the preferred form of connection though should it be decided at a later date that a road connection between the two should be created, there is sufficient width to achieve this. A secondary cycle/pedestrian link is proposed to the south which would connect through to the arc of housing that is proposed

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within Hengrove Park facing the play area.

- 5.50 As part of the Reserved Matters a plan showing all roads to be put forward for adoption is to be required with the emphasis that adoption extends to the boundary of the site in the above instances.
- 5.51 Within the same condition it is stipulated that all on street car parking be part of the adopted highway. Problems have been experienced elsewhere where on street parking is allocated and therefore private, resulting in an adopted footway running one side and adopted highway the other side in that management and maintenance is confused and can be disputed, drainage from the footway goes to private land leading to silting up and poor drainage but also it prevent the local authority from repurposing the spaces at a later date, for example to provide additional electrical charging points.
- 5.52 A condition is recommended to detail electrical charging facilities in line with adopted standards, albeit a higher amount will be encouraged.
- 5.53 To encourage the choice of sustainable modes of transport as well as physical works travel plans will be required for both residential and non-residential uses. For the former there is an option of the city council undertaking the travel plan and a sum per dwelling would be required, alternatively a sum is required for the management and auditing of a Travel Plan to be approved. A clause will be included in the recommended legal agreement to allow for either option. There is only the option of the latter course of action for the non-residential use and this is included.
- 5.54 Traffic Regulation Orders to prevent parking at junctions and impose a 20mph speed limit will be required. The cost of these will be included in the legal agreement.
- 5.55 As the development has been assessment on the basis of a Transport Impact Assessment based on 350 dwellings, it is recommended that a condition is imposed to restrict the number of dwellings to this figure.

Air Quality

- 5.56 An air quality assessment is included with the submission and shows that without mitigation measures there is a high risk of dust from the demolition phase and construction phase of the development. Mitigation measures are included in the assessment and it is recommended that they are specifically referred to in the condition that requires a construction management plan.
- 5.57 There is some concern that given the scale of the development the amount of HGV movements might have a detrimental impact on air quality at Parson Street gyratory. Further information on this is to be required by condition and pending the outcome a scheme of mitigation measures will be required.
- 5.58 The air quality at the development site is acceptable for the proposed use and the impact of pollution on air quality from vehicles when operational will be negligible. If gas or combustion heating is proposed this could alter the situation however this would not planning policy compliant and would not be acceptable- see Key Issue E.

Scale

- 5.59 It is clear that a development of the size proposed will require buildings of height as well as extending across much of the site. The indicative plan showing buildings heights includes buildings up to five storeys on the main road frontage, dropping to four storeys with the houses, which take up most of the site, at a maximum of three storeys.

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- 5.60 The height of the frontage is a storey greater than other nearby development taking place, at Filwood Park, and approved at Airport Road. It is considered that these developments have potential to patch up the urban fabric along this main road that has hitherto had limited built presence. There is therefore no objection to the scale in principle it is however regretted that the higher buildings will be juxtaposed with the permitted single storey Costa building and that the Dominoes proposed on the frontage is also single storey. The latter was approved prior to the site being put forward for residential development and it is understood that the location of Dominoes is a condition of them moving from the centre of the site, the one advantage being that it will share the car park and access with Costa. Details of how this will relate to the housing will require further consideration at Reserved Matters.

Noise and odour

- 5.61 One result of the quantum of development proposed is that it will be close to the existing uses that fall outside of the application site; KFC, Mac Donalds, Premier Inn and Brewers Fare.
- 5.62 All of these are uses that may generate out of hours activity from comings and goings and associated noise nuisance but also odour from cooking activities. They were originally designed and constructed within a context that did not include any residential accommodation and therefore the issues of noise and odour would not have been considered as significant at the time the planning application was assessed, which is reflected by the lack of controls imposed through planning.
- 5.63 Of particular concern are the two hot food takeaways because of the levels of associated activity, there are no hours of control through the planning system on either, and through the licensing system only a limit to midnight on KFC with nothing on McDonalds.
- 5.64 As well as these retained commercial uses, the play park and Hengrove Way both of have potential to generate noise nuisance.
- 5.65 Now residential is proposed these issues must be assessed and taken into account when designing the layout and construction details at Reserved Matters stage.
- 5.66 The draft site allocation makes reference to the 'agent of change' principle and that the amenity of incoming residents should be safeguarded against existing noise levels. The most up to date layout shows apartment blocks wrapping the two hot food takeaways and an area of car parking to the front of the Brewers Fare and Premier Inn.
- 5.67 The former may change but it is understood to be a requirement of the lease that a set amount of parking be provided to serve the Premier Inn and although there maybe scope to reconfigure this, it will be to the front of the building.
- 5.68 A noise and odour assessment is included with the application but this was undertaken during lock down. While there was some noise recording on site the noise assessment unavoidably used modelling to inform the amount of noise that would be generated in normal circumstances. There were no onsite odour surveys. Given this and that the layout at Reserved Matters will differ from that shown indicatively at present, a condition is recommended that requires a revised noise and odour assessment to be included with the Reserved Matters to take account of all the above.
- 5.69 It is anticipated that appropriate sound insulation will off-set noise issues but the odour situation is more difficult. As a rule this should be addressed at source and accordingly now the uses are fully open again information should be sought on the existing extract ventilation system and recommendations included for upgrade if possible. Alternatively mitigation

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measures will have to be designed into the scheme.

- 5.70 The assessment and recommendations therein shall be submitted for approval and implemented.

Existing Trees

- 5.71 The car park contains a large number of street trees within the car park, a thin area of woodland to the north backing onto the industrial estate and to the west backing onto Hengrove Park with other groups of trees to the south adjacent to the The Mounds site of nature conservation interest.
- 5.72 An Arboricultural Impact Assessment is included with the submission which includes a survey identifying a total of 286 individual trees and 10 groups of trees. Of these 13 have been categorised as B, which are either off site or around the periphery, with the remainder as C, which includes the trees within the car park.
- 5.73 The default position should be to retain all trees however it is recognised that the proposals will inevitably mean the loss of the trees in the car park irrespective of the layout. Although planted for some time it is recognised that these have not thrived and this maybe connected to the design of the tree pits. There is no objection in principle to their loss.
- 5.74 Based on the indicative layout there will be some loss of the category B trees, but it is recognised that the situation may alter at detailed design stage when it will be possible to fully assess the significance of the loss.
- 5.75 In total the indicative layout would result in a loss of 271 trees.
- 5.76 The loss of trees must be compensated for by new tree planting in accordance with the Bristol Tree Replacement Strategy,(BTRS). As it stands it is calculated that a minimum 280 replacement trees will be needed as mitigation.
- 5.77 There are areas of open space within and around the proposed development shown on the indicative layout that have potential to support new trees that will become viable replacements. Small trees within front garden areas will not be accepted as replacements as their future cannot be guaranteed and they will by necessity be small trees.
- 5.78 It is always problematic with outline applications to know where there is scope to address the BTRS on site when detailed tree surveys have not been fully undertaken and detailed layouts unknown. If it were not possible, then this is the only opportunity to secure a financial contribution as mitigation.
- 5.79 In this instance given the amount of proposed open space, albeit shown indicatively, and existing open space retained, it is considered that there is potential to comply with the BTRS on site.
- 5.80 There will be a need to provide a Arboricultural Impact Assessment and Arboricultural Method Statement based on the detailed scheme to include an up to date tree protection plan and BTRS calculation. The Arboricultural Officer has recommended an appropriate condition.

New green infrastructure

- 5.81 As already described, the indicative layouts submitted to date include a central park diagonally sited across the site and it is anticipated that this will continue to be a feature at Reserved Matters Stage. As above, this area of open space has capacity to accommodate a number of

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new trees towards compliance with the BTRS.

- 5.82 The space will also provide the opportunity to accommodate local play opportunities for residents as set out in the Urban Living SPD.
- 5.83 The planting proposals for these areas, and appropriate management, have potential to improve the biodiversity of the site - as referred to below.
- 5.84 A condition is recommended that requires full details of landscaping, to accommodate the required number of trees as set out in the BTRS calculation, and how trees are to be planted using the Stockholm method. This is type of tree planting is designed to be watered by rainfall run off so off setting the need to water that is crucial to the survival of new trees.
- 5.85 However the site does not include new allotments as set out in DM17 but also HWP7 of the neighbourhood plan which seeks 100m² of allotment per 25 dwellings but does allow for contribution to improving open space and allotments in the area.
- 5.86 The allotment team have been consulted and have identified an area of allotments off Goulston Drive in Hartcliffe that require clearing and fencing to bring them back into use. The cost is estimated at £36,650.

Ecology

- 5.87 .An ecological assessment has been included with the application which concludes that the habitats within the site are of limited value to support protected species and that the buildings have negligible potential for bats. Further phase II surveys were undertaken which did not reveal any reptiles. An area of Japanese knotweed was identified on site but it is stated that this is being controlled by the city council. To ensure that this is fully addressed a scheme of dealing with it will be required by condition.
- 5.88 The draft layout includes the retention of an open area to the south west which is proposed to incorporate SUDS to be designed to be of value to wildlife to include planting of a wet woodland. Green roofs are given as being proposed.
- 5.89 Based on these proposals, and other suggested measures, a Biodiversity Net Gain (BNG) calculation has been undertaken to the effect that there would be a biodiversity net gain of 40.58%.
- 5.90 Given that layout and landscaping are Reserved Matters this figure cannot be definitive and a condition requiring a BNG calculation based on the Reserved Matters proposals is recommended.
- 5.91 A Landscape Environmental Management Plan will also be required to ensure new planting is managed in a way that supports wildlife but also to cover the provision of other measures to support wildlife in the form of bug hotels, bird and bat boxes etc as recommended in the Ecological Appraisal.
- 5.92 It is recommended that a walk over of the site to check for badgers be undertaken prior to the start of work and a Precautionary Method of Working will be required by condition.
- 5.93 As well ensuring that the site itself maximises its ecological potential, the Mounds Site of Nature Conservation Interest to the south will be affected by the increase in recreational use that will arise from the incoming population. It is important that this area is appropriately managed and access is directed in a way that its nature conservation value is retained. This will require ongoing management and at present the Avon Wildlife Trust wild nature project is

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providing project officers to oversee sites such as this. To ensure that this continues once the project is finished, funding to enable project officers to continue plus pay for some of the physical works that might be required a contribution is sought from the development. In the context of Hengrove Park £80K was secured, on a pro-rata basis an additional £20K is sought as a contribution in this instance and this will be covered by the proposed legal agreement.

Health

- 5.94 Given the size of the proposed development a Health Impact Assessment is a validation requirement in accordance with DM14, which links into the guidance in the NPPF regarding the promotion of healthy and safe communities. Through this it is relevant to take account the implications for the health of incoming residents and existing residents, address any adverse impacts, promote and enable healthy environment and lifestyles as well as providing good access to health facilities and services.
- 5.95 The assessment includes consideration of matters such as housing quality, access to health care, access to open space, air quality, ability to exercise, accessibility and active travel, crime reduction and community safety, social cohesion and access to healthy food.
- 5.96 Potential adverse impacts include potential for overcapacity of GP practises and the need for this to be addressed, this is something raised by objectors and was also an issue with regard to the Hengrove Park scheme, which will contribute £90K to physical works to the Armada GP Practice to enable space there to be brought up to a standard suitable for use by doctors. The issue of dust from construction is identified and measures will be needed to mitigate this. Other recommendations include matters such as wheelchair accessible housing, strategy for renewable energy, a management plan for green space and a noise management plan, all these are covered by conditions.
- 5.97 Positive impacts include the accessibility to new open space, provision of play, pedestrian and cycling links outside of the site and to well established cycle routes to include the Malago Greenway and public transport routes.
- 5.98 Overall there are a number of positive impacts and measures that can be put in place to improve the impact in many instances.

C) WHAT SHOULD BE INCLUDED IN THE RESERVED MATTERS?

- 5.99 All matters aside from access are reserved for future consideration. However it is the outline that would be the planning permission and the reserved matters process can only assess details, it cannot be used to exert control of any kind. Consequently given the extent of the unknowns in this instance it is necessary to recommend a large number of conditions on this outline application that include controls, where necessary, over a range of details that will need to be submitted for approval. This will include details of refuse and recycling stores to be accompanied by a waste management strategy so address concerns expressed by Bristol Waste.
- 5.100 A condition is also recommended outlining the design information that should be included with the Reserved Matters.

D) ARE THERE ANY ARCHAEOLOGICAL IMPLICATIONS?

- 5.101 Intrusive archaeological survey work has been undertaken in parts of the site previously which have not revealed any archaeological remains. The archaeological officer is aware of this but notes that there have been unexpected archaeological finds relating to the Roman landscape in the area in recent years.

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- 5.102 Accordingly a degree of archaeological monitoring will be required and this can be secured by condition.

E) ARE THERE ANY CONTAMINATION ISSUES?

- 5.103 A desk study has been included with the application and is considered broadly acceptable for the proposed residential development. However there will be a need for further work prior to the development commencing on site. Conditions can be used to address this.

F) DOES THE PROPOSAL ADEQUATELY ADDRESS CLIMATE CHANGE?

- 5.104 As the proposal is for more than 100 dwellings a BREEAM communities assessment is a requirement as set out BCS13. However as a largely residential lead development of medium size an accepted approach is for the developer to answer a number of questions that relate to the impact of the development beyond the site. If answers to the questions are mixed, as in this case, it is agreed that a statement setting out how the development has addressed the BREEAM community requirements to the stage reached is an acceptable approach as opposed to a formal assessment through the appointment of BREEAM assessor. This has been submitted and is acceptable.
- 5.105 An outline sustainability statement is included with the application which proposes to achieve a 30% reduction in residual emissions and this is supported.
- 5.106 Emerging policies in the revised local plan which is currently being drafted would require a 100% reduction in residual emissions and the objective of making Bristol carbon neutral by 2030 in line with the declared climate emergency. Consequently the developer is encouraged to look for opportunities for further reductions in energy demand and CO2 emissions.
- 5.107 A revised and full sustainability and energy statement will be required at reserved matters stage. A full overheating assessment will also be required plus information on how the scheme will provide superfast broadband. Conditions are recommended to address these issues.
- 5.108 A draft SUDS scheme has been submitted which has been queried as it did not show run off equivalent to green field. No further revision has been submitted and given that the detailed scheme will be dependant on the finalised layout it is considered acceptable to condition this.

6.0 IS THE DEVELOPMENT CIL LIABLE?

- 6.1 This is an outline application. The CIL regulations require that CIL liabilities are calculated when reserved matters applications are submitted as until the reserved matters stage it is not necessarily clear as to the exact level of CIL liable floor space.

7.0 EQUALITIES ASSESSMENT

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

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8.0 RECOMMENDED GRANT subject to Planning Agreement

8.1 The Legal Agreement shall secure the following:

- Affordable Housing- policy compliant i.e. 30% of which 77% must be for social rent and 23% for intermediate tenure such as shared equity
- TRO contribution
- Travel Plan contribution (£212 per dwelling)
- Contribution towards the management and maintenance of The Mounds SNCI: £20,000 is suggested.
- Possible contribution to mitigate loss of existing trees on site to comply with the Bristol Tree Replacement Standard – if required.
- Fire Hydrants (6) at £9,000
- Allotment contribution (£36,650)

8.2 In the event that Members are minded to grant planning permission, delegated authority is sought to finalise the planning conditions.