

Appeal Decision

Site visit made on 22 November 2016

by Rory Cridland LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 December 2016

Appeal Ref: APP/Z0116/W/16/3151831

Southmead Police Station, Southmead Road, Southmead, Bristol, BS10 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Care UK Partnerships Ltd against the decision of Bristol City Council.
 - The application Ref 15/0665/F, dated 23 December 2015, was refused by notice dated 7 April 2016.
 - The development proposed is demolition of the existing police station buildings and redevelopment of the site to provide a care home, associated access, car parking and landscaping and the conversion of an existing building fronting Southmead Road to provide a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing police station buildings and redevelopment of the site to provide a care home, associated access, car parking and landscaping and the conversion of an existing building fronting Southmead Road to provide a single dwelling at Southmead Police Station, Southmead Road, Southmead, Bristol BS10 5DW in accordance with the terms of the application, Ref 15/0665/F, dated 23 December 2015, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on protected trees.

Reasons

3. The appeal site forms part of an operational police station and consists of the main police station building, a number of outbuildings and a garden area which contains a Grade II listed gazebo in the western corner. It is surrounded on all sides by existing, high density residential development.
 4. The scheme would result in the demolition of the police station buildings and the redevelopment of the site to create a 66 bed residential care home specialising in dementia and Alzheimer's care. It would also involve the conversion of an existing building fronting Southmead Road to create a single residential dwelling. The garden would be retained and integrated into the development along with the listed gazebo.
 5. The Council accepts the principle of the site being redeveloped as a care home. However, it is concerned with the loss of trees on site. Although it accepts that
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the majority of these are of low value and their loss would not result in any material harm to the surrounding area, concerns have been raised regarding a mature Wellingtonia (T22) which is leaning towards the rear wall of the existing building. This tree is one of three on site specimens, all of which are covered by a Tree Preservation Order¹.

6. Policy BCS9 of the Bristol Development Framework Core Strategy² (CS) seeks to protect strategic green infrastructure by, amongst other things, retaining individual green assets wherever possible and seeking their integration into new development. Furthermore, Policy DM17 of the Site Allocations and Development Management Policies (SADMP)³ seeks to ensure all new development integrates important existing trees. However, it recognises that there will be circumstances where tree loss or damage is essential to allow for appropriate development. In such cases, it requires replacement trees of an appropriate species to be provided in accordance with adopted tree compensation standards.
7. Unlike the other 2 Wellingtonia, one of which is highly visible in the street scene, T22 is located in the centre of the site and provides little public amenity value. Although it appears significant when viewed from within the site itself, it is set to the rear of the main building and is significantly screened from the public realm. As such, its contribution to character and appearance of the wider area is limited.
8. While I note the Council's suggestion that the proposal could be redesigned to incorporate T22, it is likely that this would require significant changes to the proposed design. Furthermore, I accept the appellant's assertions that the need to provide a satisfactory Root Protection Area and the design requirements for a scheme such as that proposed result in significant site constraints. On balance, and in view of the fact that all other important trees on site are to be retained, I do not consider that the loss of this specimen would be unacceptable in this instance. Furthermore, with 24 new trees proposed as replacement planting, any harm which would result from its loss would, in my view, be adequately mitigated by the replacement planting proposed.
9. Consequently, I find that the loss of the protected Wellingtonia is justifiable in this instance and accordingly find no conflict with CS Policy BCS9 or SADMP Policy DM17.

Other matters

10. The proposal would incorporate the Grade II Listed Gazebo which is currently in a poor condition. This would enhance its overall value and contribution and help preserve it for future generations. I am therefore satisfied that neither the Gazebo nor its setting would be harmed by the development proposed.
11. I have had regard to the representations made by local residents and community groups both at application stage and as part of this appeal. While I note their concerns regarding the loss of protected trees, I do not consider the loss of T22 would materially alter the local landscape and consider the development would, on balance, help preserve the remaining garden area.

¹ No 264

² (2011)

³ (2014)

12. I also note the ecological and other concerns raised by the Friends of Badsck's Wood. However, ecological concerns do not form part of the reason for refusal and the Council is satisfied that any effect on wildlife can be sufficiently guarded against by means of appropriate conditions. I agree with that assessment and do not consider any impacts on ecology to provide sufficient grounds to refuse planning permission for the development proposed.

Conditions

13. I have had regard to the conditions proposed by the Council which the appellant has indicated are agreed. Those which relate to contamination and archaeology are necessary in view of the site's previous uses. Those which relate to amended layout and parking are necessary in the interests of highway safety.

14. Those which relate to landscaping and materials are appropriate in the interests of character and appearance. In addition to the standard commencement condition, I consider a condition requiring the development to be carried out in accordance with the approved plans to be necessary in order to provide certainty.

15. Further details of the lighting scheme proposed, a site specific construction environmental plan and restrictions on the times at which activities relating to the collection of refuse and recyclables can be carried out are necessary in order to safeguard the amenity of nearby occupiers.

16. I also consider a condition requiring further details regarding surface water drainage to be necessary in order to ensure that the development is suitably drained. A condition requiring an appraisal of the Grade II listed gazebo is appropriate to safeguard this listed heritage asset while conditions regarding the protection of trees are necessary in order to safeguard retained trees on site. Those which relate to ecology are appropriate to ensure that any impact on wildlife is suitably mitigated and a condition relating to public art is necessary in order to ensure that the proposed provision is included as part of the scheme's implementation.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
PL16, PL01, PL02, PL03, PL04, PL05, PL06, PL07A, PL09 (1), PL09 (2), PL14, PL15A, PL17.
- 3) No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.
- 4) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 5) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out before the development is occupied.
- 6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 4 and where remediation is necessary

- a remediation scheme must be prepared in accordance with the requirements of Condition 5, which is to be submitted to and be approved in writing by the Local Planning Authority.
- 7) No development shall take place until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.
 - 8) The development hereby approved shall not commence until a detailed design, management and maintenance plan of surface water drainage for the site using Sustainable Drainage System methods in accordance with the approved drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented prior to the use of the building commencing and maintained thereafter for the lifetime of the development.
 - 9) No development shall take place until an archaeological Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions – and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
 - 10) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 7.
 - 11) Prior to the commencement of any development on the site, a detailed appraisal of the listed gazebo together with its associated boundary walls, along with a subsequent strategy for its stabilisation and long term conservation, shall be submitted to and approved in writing by the Local Planning Authority.
 - 12) No development shall commence until further details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) boundary treatments;
 - v) vehicle parking layouts;
 - vi) other vehicle and pedestrian access and circulation areas;

- vii) hard surfacing materials;
- viii) minor artefacts and structures;
- ix) proposed and existing functional services above and below ground;
- x) retained historic or other landscape features and proposals for restoration, where relevant;
- xi) renewable energy installations where relevant;
- xii) lighting, floodlighting and CCTV;
- xiii) water features;
- xiv) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 13) No development shall take place until detailed drawings of an amended site layout detailing:
- i) provision of a dedicated ambulance bay within the site
 - ii) Increased cycle parking provision in line with policy requirements
 - iii) amended junction design to retain a pavement cross-over as existing
 - iv) pedestrian access and refuse/recycling storage to the C3 unit
- have been submitted to and been approved in writing by the Local Planning Authority. The details thereby approved shall be carried out in accordance with that approval prior to the occupation of the development approved, and retained as such thereafter.
- 14) Prior to the commencement of development, the developer shall appoint a suitably qualified public art consultant/curator to prepare a Public Art Plan for the site which shall be submitted to and approved in writing by the Local Planning Authority. The Public Art Plan shall thereafter be implemented as approved.
- 15) No work of any kind shall take place on the site until the protective fences have been erected around the retained trees in the position and to the specification detailed within the approved Arboricultural Development Statement. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fences 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 huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

- 16) Prior to the commencement of any development on the site, detailed information shall be submitted to and approved in writing by the Local Planning Authority, regarding any proposed ground/soil level changes within the root protection areas of retained trees on site. Once agreed, the development shall be carried out in accordance with the agreed details.
- 17) Prior to the commencement of development, a method statement shall be submitted to and approved in writing by the Local Planning Authority for the protection of slow-worms from killing or injury as a result of the development. The development shall be carried out in accordance with the statement.
- 18) Prior to the commencement of development or vegetation clearance, full details of a mitigation scheme for hedgehogs shall be submitted to, and approved in writing by the Local Planning Authority. This shall include a Precautionary Method of Working method statement with respect to vegetation clearance and the potential presence of hedgehogs, measures to protect hedgehogs during construction works from features such as trenches, and the provision of three hedgehog nest boxes.
- 19) No development shall take place until measures to protect badgers from being trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the local planning authority. Measures shall include cover-plating, chain link fencing or the creation of sloping escape ramps for badgers by edge profiling of trenches/excavations or placing a plank in the bottom of open trenches at the end of each working day to allow any trapped badgers to escape. Open pipework larger than 150 mm outside diameter should be blanked off at the end of each working day.
- 20) Prior to commencement of development details shall be submitted providing the specification, orientation, height and location for built-in bird nesting and bat roosting opportunities. This shall include twenty built-in bird and nine built-in bat boxes. These numbers of bird and bat boxes are as recommended in the Preliminary Ecological Assessment and Bat Survey dated December 2015. If built-in bird and bat boxes cannot be provided within built structures, they should be provided on trees (with no more than one bird box per tree).
- 21) Should no development take place within twelve months from the date of the Preliminary Ecological Assessment and Bat Survey dated December 2015 then the site shall be re-surveyed for legally protected and priority (Section 41) species and an updated survey submitted to and agreed by the Local Planning Authority. The development shall only take place in accordance with the recommendations and (if applicable) mitigation measures contained in the approved updated protected species survey, unless otherwise agreed in writing by the Local Planning Authority.
- 22) Sample panels of all external finishing materials are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.
- 23) No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing

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

- 24) No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development
- 25) The scheme of on-site renewable energy generation shall be completed in accordance with the approved details prior to the occupation of the development hereby approved, and retained and maintained as such thereafter.
- 26) The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.
- 27) Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.