

Extension: Revised expiry date	24 October 2023
'Hold Date'	

Bristol City Council Development Management

Delegated Report and Decision

Application No: 23/00579/F **Registered:** 10 February 2023

Type of Application: Full Planning **Expiry Date:** 7 April 2023
Case Officer: [REDACTED]

Site Address: Redland Filling Station
Hampton Road
Bristol
BS6 6JA

Description of Development: Installation of vehicle charging points with associated electrical infrastructure and works (Sub-station to be installed by DNO).

Ward: Clifton Down

Site Visit Date: **Date Photos Taken:**

Consultation Expiry Dates:

Advert and/or Site Notice: 22 Mar 2023
22 Mar 2023

Neighbour: 22 Mar 2023

SITE DESCRIPTION

The site is located on Hampton Road in the Clifton Down Ward of Bristol. The site comprises of a four-pump vehicle filling station which benefits from a single storey sales and retail unit and hot food takeaway, car parking area and associated infrastructure such as canopy and vent stack pipe. The site is accessed from Hampton Road.

The application site is located within The Whiteladies Road Conservation Area and is adjacent to the Cotham and Redland Road Conservation Area. Kingdom Hall is to the south east of the site and is a locally listed building. There are no other Listed Buildings in the surrounding area. There are no TPO protected trees on or around the site. The surrounding area is predominantly residential.

PLANNING HISTORY

The site has the following planning history:

- o 20/04182/F | Installation of vehicle charging points and associated enclosures and electrical infrastructure | GRANTED (14 January 2021)

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- o 21/05029/NMA | Application for a non-material amendment following grant of planning permission of 20/04182/F for the installation of vehicle charging points and associated enclosures and electrical infrastructure - now proposed relocation of existing sub-station | NOT AGREED (7 October 2021)
- o 21/05025/A | Installation of 5 metre internally illuminated EV pole sign and relocation of existing totem sign | REFUSED (15 November 2021)
- o 21/05586/X | Application for the variation of condition No. 9 (List of approved plans and drawings) following grant of planning permission of 20/04182/F for the installation of vehicle charging points and associated enclosures and electrical infrastructure. Variation sought for Relocation of substation due to UKPN requirement | REFUSED (6 December 2021)
 - o 22/02168/F | Installation of vehicle charging points and associated electrical infrastructure and associated works. (Retrospective) | REFUSED (5 September 2022)
 - o 23/20040/REF | Installation of vehicle charging points and associated electrical infrastructure and associated works. (Retrospective) | DISMISSED (26 September 2023)

APPLICATION

The revised application seeks planning permission for the installation of 4no. vehicle charging points, low hedges adjacent to the highway, a relocated bin store and a relocated LV cabinet enclosure. This application seeks to amend application 20/04182/F and address grounds for dismissal of scheme 22/02168/F under appeal APP/Z0116/W/23/3316534.

Please see the application form and submitted documents for further information.

RESPONSE TO PUBLICITY AND CONSULTATION

A) NEIGHBOUR CONSULTATION

Neighbouring properties have been notified in relation to the proposed development of the site and the scheme was advertised via site and press notice.

Two objections, a neutral response and 3 letters of support were received in relation to the scheme.

Concern raised focused on highways safety matters.

B) WARD MEMBER COMMENTS

Cllr. Hathway commented in support of the scheme as follows:

I support this new application, which addresses previous concerns by the planning department relating to the impact on the conservation area in part through the welcome addition of fencing and beech planting. These will need to be maintained to ensure their efficacy. I would welcome additional signage at the entrance to highlight the need to drive slowly and carefully into the site, as would be considered by the applicant, to maximise safety.

C) BRISTOL CITY COUNCIL'S TRANSPORT DEVELOPMENT MANAGEMENT TEAM

Bristol City Council's Transport Development Management Team were consulted on the proposed plans. TDM upheld objection to the siting of the substation and associated enclosure adjacent to

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the highway and screening the EV spaces from view creating the potential for dangerous manoeuvring on and off site. It should be noted that while objection was upheld, significant weight must be afforded to the conclusions of an Inspector under appeal APP/Z0116/W/23/3316534 which were received after TDM comment, who disagreed with these conclusions. Furthermore, revisions show the removal of the substation from drawings and the relocation of the LV cabinet. See relevant key issue.

D) BRISTOL CITY COUNCIL'S POLLUTION CONTROL TEAM

Bristol City Council's Pollution Control Team were consulted on the proposed plans. They had the following comments:

- o No objection subject to noise conditions

E) BRISTOL CITY COUNCIL'S LAND CONTAMINATION TEAM

Bristol City Council's Land Contamination Team were formerly consulted on the previous proposal. There have been no material changes to the scheme which would alter the previous comments made and so they are replicated below:

- o We have discussed the case with the Petroleum Officer and they have no comments to make.
- o The proposed development is not sensitive to contamination but is situated on land that is subject to a potentially contaminating land use.
- o In light of this and the nature of the development, the following condition is recommended:
 1. Reporting of Unexpected Contamination

F) NETWORK RAIL

- o Network Rail has no objection in principle to the above proposal.

RELEVANT POLICIES

Cotham and Redland Conservation Area Character Appraisal
 PAN 2 Conservation Area Enhancement Statements (November 1993)
 Planning (Listed Buildings & Conservation Areas) Act 1990
 National Planning Policy Framework – September 2023
 Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation 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 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

ASSESSMENT

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A) DOES THE RESUBMITTED PROPOSAL PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE WHITELADIES ROAD CONSERVATION AREA, ADJACENT COTHAM AND REDLAND CONSERVATION AREA AND NEARBY LOCALLY LISTED BUILDING, AND DOES IT OVERCOME PREVIOUS REFUSAL AND DISMISSAL AT APPEAL?

- Policy

The Authority is required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving or enhancing the character or appearance of the area.

Section 16 (Conserving and Enhancing the Historic Environment) of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policy BCS21 (Quality Urban Design) states that development should be of a high quality design and respect the local area.

Policy BCS22 (Conservation and the Historic Environment) states that development proposals should safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including: Scheduled ancient monuments; Historic buildings both nationally and locally listed; Historic parks and gardens both nationally and locally listed; Conservation areas; and Archaeological remains.

Policy DM26 (Local Character and Distinctiveness) states that development should respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes. Development should also respect, build upon or restore the local pattern and grain of development.

Policy DM27 (Layout and Form) aims to ensure development contributes to the successful arrangement and form of buildings, structures and spaces and contribute to the creation of quality urban design and healthy, safe and sustainable places.

Policy DM29 (Design of New Buildings) sets out that new buildings should be designed to a high standard of quality, responding appropriately to their importance and reflecting their function and role in relation to the public realm.

Policy DM30 (Alterations to Existing Buildings) sets out that new development will be expected to respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene.

Policy DM31 (Heritage Assets) sets out that development will be expected to conserve and where appropriate enhance heritage assets and/or its setting. These include schedule monuments, archaeological sites, listed buildings, conservation areas, historic parks and gardens and locally important assets.

- Discussion

The previous scheme sought the rearrangement of consented EV charging point spaces as well as

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an additional space, with the relocation of an electricity substation and associated infrastructure to the front of the site. The scheme was refused owing to a harmful impact on the quality of the street scene in this location, including impact to the character and appearance of the conservation areas which bound each other along this section of Hampton Road. The refusal reason reads as follows:

"The proposed development in terms of siting, scale, bulk and layout would fail to respect the character and appearance of the Whiteladies Road Conservation Area and adjacent Cotham and Redland Conservation Area. The proposed plant equipment would result in an incongruous addition to the street scape and would result in an insensitive and dominant addition to Hampton Road. The proposal would fail to conserve or enhance the conservation area and would result in additional urban clutter, would detract from the street and be visually intrusive. The proposal would be located within a highly visible location and the proposal would be out of character within the surrounding conservation area. The public benefits of the proposal would fail to outweigh the harm caused."

The applicant challenged the refusal at appeal and an Inspector commented as follows:

"The proposed substation and LV cabinet enclosure would be considerable in scale and prominently sited towards the front of the site, where they would be seen above the proposed boundary fencing as dominant features within the street scene. Furthermore, the proposed fence, which would be installed to mitigate the visual impact of the substation and LV cabinet, would be considerable in scale, occupying a substantial part of a prominent location at the front of the appeal site. Boundary landscaping is proposed to soften the visual impact of this fencing, however, the fence would be clearly visible above this landscaping where its height, materials and design would appear as a dominant and incongruous feature within the street scene. This would detract from the character of the surrounding area and would be harmful to the historic character of the WRCA and the setting of the adjoining CRCA."

The Inspector further acknowledged that the applicant may well be able to install the plant equipment under permitted development rights as claimed by the applicant, however they concluded that there was no information before them at the time of assessment which confirms this. Further, the Inspector commented that the high fencing around the infrastructure would add to the visual harm of proposals, and that a scheme carried out under permitted development legislation would therefore be less impactful than that under assessment.

Moving to the scheme under assessment, the applicant has resubmitted a similar proposal, however in response to the Inspector's comments and by officer request all reference to the electrical plant infrastructure at the front of the site has been removed. Additionally, the high fence proposed to enclose the LV cabinet and substation has also been removed with the LV cabinet relocated to the back of the site in the broad location where it was previously consented under application 20/04182/F.

The remaining elements to be assessed would be 4no. 150kw EV charging posts serving existing associated parking spaces, and beech hedging boundary treatment between 1.2 and 1.4m in height. Minor works including the bin store, painted timber fence to the rear and new walkway at the back of the site have all been previously consented and would not change.

Following additional internal discussion, concern was upheld however that should the electrical plant infrastructure not represent permitted development as claimed by the applicant, then the revised layout with an extra vehicle charging point would prejudice any ability to put the plant equipment back in its originally consented location. Further, there are no obvious appropriate locations within the curtilage of the site which would satisfactorily accommodate the plant should the infrastructure not represent permitted development as claimed by the applicant, and thus require siting elsewhere. While the structure and fence which formed the key areas of concern in the

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Inspector's assessment have been removed from plans and therefore would not enjoy consent under the revised proposal, this in itself is not considered sufficient to satisfy concerns beyond a reasonable doubt that the amended layout would prejudice successful implementation of an acceptable scheme and potentially result in a harmful scheme arising should it not be successfully demonstrated that the siting of those elements do enjoy permitted development rights.

Overall, the applicant has not successfully demonstrated within the revised submission that the proposal positively addresses all of the conclusions made by the Inspector and on this basis it cannot be satisfactorily concluded that works would adequately preserve the character of both surrounding conservation areas, the adjacent locally listed building, and would not introduce harm to the character or appearance of the site and Hampton Road.

B) WOULD THE PROPOSAL CAUSE ANY UNACCEPTABLE HARM TO THE RESIDENTIAL AMENITY OF ADJACENT OCCUPIERS?

- Policy

Section 12 (Achieving Well-Designed Places) of the NPPF outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users.

Policy BCS21 (Quality Urban Design) of the adopted Core Strategy states that new development should safeguard the amenity of existing development.

Policy BCS23 (Pollution) of the Core Strategy outlines that development should be sited and designed in a way as to avoid adversely impacting upon environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land. Further to this, in locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.

Policy DM27 (Layout and Form) of the Site Allocations and Development Management Policies (Adopted July 2014) states the layout and form of development should enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight.

Policy DM29 (Design of New Buildings) states that new buildings should ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

Policy DM35 (Noise Mitigation) of the Site Allocations and Development Management Policies (Adopted July 2014) outlines that development which would have an unacceptable impact on environmental amenity or biodiversity by reason of noise will be expected to provide an appropriate scheme of mitigation.

- Discussion

It is established that owing to the amended scope, layout, scale and siting of the landscaping, relocated equipment and charging bays there would be no additional harm to the living conditions of surrounding residents. A Pollution Control officer was previously consulted and raised no objection to the principle of development subject to conditions relating to noise from plant and equipment being attached to the decision. While the substation no longer forms part of plans, the LV cabinet would be relocated and the EV charging points would be installed. Although there is little concern in

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this regard overall, for the avoidance of doubt a standard condition relating to noise from plant and equipment can be added to any consent.

The proposal is considered to be acceptable in its context and is not considered to have a significantly harmful impact upon neighbour amenity subject to conditions. The application complies with Policies BCS21, BCS23 and DM35.

C) WOULD THE PROPOSAL CAUSE ANY HARM TO PEDESTRAIN OR HIGHWAY SAFETY, WOULD THE WASTE AND RECYLING FACILITIES BE ACCEPTABLE AND DOES THE REVISED SCHEME OVERCOME PREVIOUS REASONS FOR REFUSAL AND DISMISSAL AT APPEAL?

- Policy

Policy BCS10 (Transport and Access Improvements) of the Core Strategy states that development should be designed to ensure streets where traffic and other activities are, are integrated and should be designed to ensure the provision of safe streets.

Policy BCS15 (Sustainable Design and Construction) of the Core Strategy states that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Major developments should include communal facilities for waste collection and recycling where appropriate.

Policy DM23 (Transport Development Management) of the Site Allocations and Development Management Policies (Adopted July 2014) outlines that development should not give rise to unacceptable traffic conditions and would be expected to provide safe and adequate access onto the highway. It also states that parking must be safe, secure, accessible and usable.

Policy DM32 (Recycling and Refuse in New Development) of the Site Allocations and Development Management Policies (Adopted July 2014) states that all new residential properties will be expected to provide, sufficient space for the storage of individual recycling and refuse containers to reflect the current collection regime; or communal recycling facilities and refuse.

- Discussion

The proposed development would involve the loss of 7 car parking spaces and installation of 4 EV Charging Spaces. The LPA fully supports the inclusion of EV charging spaces in this location, however the proposed development must not harm pedestrian and highway safety. A previous proposal within application 22/02168/F was refused on the following grounds:

"The proposed development would fail to safeguard highway safety and due to the location and scale of plant equipment would severely impact inter-visibility between vehicles entering the site and vehicles leaving the parking spaces. The plant equipment would obstruct visibility and would harm the safety of all road users. Furthermore, the proposed development would fail to include a safe and accessible route to the waste storage location. The application is therefore recommended for refusal due to conflict with the National Planning Policy Framework (2019); Core Strategy (2011) BCS10 and BCS15 and Site Allocations and Development Management Policies (2014) DM23 and DM32."

The applicant appealed the refusal and an Inspector made the following comment in relation to bin storage:

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"The proposal does not include a dedicated pathway from the sales building to the bin store, nonetheless the appellant has confirmed that staff will take refuse sacks across the forecourt and place them in bins. The route from the sales building to this bin store would be through parts of the garage which would be less frequently used by vehicles, including areas where calor gas is stored. Therefore, the proposal would provide a safe and accessible route to the bin store for staff. The proposed layout would restrict access to the bin store if the charging bay closest to it were in use. However, it would not be inconceivable for staff to gain access to the bin store and move bins from the storage area to the collection point during periods when this charging bay was not in use. Additionally, whilst adequate provision for the collection of bins has not been satisfactorily demonstrated during times when this charging bay is in use, were the appeal to be allowed this detail could be satisfactorily controlled by a condition requiring the approval of a refuse management plan, and I am satisfied that such a condition would meet the tests set down in the Planning Practice Guidance (PPG). Therefore, the proposal could have the capacity to make adequate provision for the storage and collection of refuse."

Therefore, the previous reason for refusal is overcome under the scheme currently under assessment, and a waste management plan can be conditioned as recommended by the Inspector.

In relation to the plant equipment initially proposed the Inspector commented:

"A 2.1 metre high fence would surround the substation enclosure and this would be sited adjacent to the southernmost charging bay. The swept path analysis and visibility plan submitted in support of the appeal indicates that it is possible for vehicles to manoeuvre in and out of these charging spaces and that visibility splays of between 10.1 and 14.5 metres would be achievable for vehicles entering the site from the south, where the visibility restrictions from the fencing would be greatest. Given that vehicles entering and manoeuvring around the site and exiting the charging spaces would likely be driving at slow speeds, this indicates that the fence would not compromise the ability of drivers entering the site to see vehicles exiting the charging bay. I therefore find that the proposal would not result in the potential for conflicts between vehicles entering the site and exiting the bay."

The revised proposal would see the substation and fence removed from proposals and while it remains unclear whether the substation can be installed in the previously identified location under permitted development legislation or not, the Inspector did not agree with the previous reasons for refusal of the scheme and so this element is successfully overcome.

Overall, the proposed development would safeguard highway safety and would provide an accessible bin storage area subject to condition.

D) WOULD THE PROPOSAL IMPACT SUSTAINABILITY AND CLIMATE CHANGE?

- Policy

Policy BCS13 (Climate Change) of the adopted Core Strategy sets out that development should contribute to mitigating and adapting to climate change, and to meet targets to reduce CO₂ emissions.

Policy BCS14 (Sustainable Energy) of the adopted Core Strategy sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. Supports the delivery of a district heating network in Bristol.

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Policy BCS15 (Sustainable Design and Construction) of the adopted Core Strategy sets out that sustainable design and construction should be integral to new development in Bristol. Consideration of energy efficiency, recycling, flood adaptation, material consumption and biodiversity should be included as part of a sustainability or energy statement. Policy BCS15 also aims to ensure that development proposals are designed and constructed to minimise their environmental impact.

The Climate Change and Sustainability Practice Note (July 2020) offers advice on the implementation of Bristol Local Plan policies as they relate to sustainability, climate change and resilience.

A sustainability statement was not required as part of this application as the proposal was exempt as per the Climate Change and Sustainability Practice Note (July 2020).

- Discussion

The proposed development would introduce electric vehicle charging points within this site for the use of surrounding residents and/or visitors. This would be to enable those with electric vehicles to charge their vehicles. Electric vehicles are considered to be a much more sustainable mode of transport when compared to petrol and diesel vehicles and a barrier to the uptake and use of electric vehicles is the lack of easily available charging points. The proposal is considered to help address the lack of charging points within this area of the city and promote the use of electric vehicles. This would help to reduce carbon emissions within the city and promote cleaner air. The proposed development is considered to comply with sustainability and climate change policies and would promote more sustainable travel in Bristol. The proposal is considered to be acceptable and comply with policies BCS13, BCS14 and BCS15.

E) WOULD THE PROPOSAL IMPACT LAND CONTAMINATION?

- Policy

Policy BCS23 (Pollution) states that development should be sited and designed in a way as to avoid adversely impacting upon environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land. Further to this, in locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.

Policy DM34 (Contaminated Land) states that new development should demonstrate that: any existing contamination of the land will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and the proposed development will not cause the land to become contaminated, to the detriment of future use.

- Discussion

The Land Contamination Team raised no concerns with the previous proposal or the consented development. The development must ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and it is deemed necessary to attach an unexpected contamination condition to ensure that in the event contamination is encountered

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during the works it will be dealt with at the time. The proposal is not considered to lead to the land becoming contaminated and there is no risk of contamination within the site or surrounding area. In light of the above, the proposal is considered to comply with policies BCS23 and DM34.

CONCLUSION

The revised scheme fails to successfully demonstrate that the additional EV parking space would not prejudice the siting of an electricity substation in a less harmful location and thus overcome previous reasons for refusal of the scheme and dismissal under appeal APP/Z0116/W/23/3316534. On this basis and in the absence of compelling justification to the contrary, it cannot be satisfactorily concluded that the proposal would preserve the character and appearance of the established street scene, or the character and appearance of this part of the Cotham and Redland or Whiteladies Road conservation areas.

On this basis it is recommended that permission be refused.

EQUALITIES ASSESSMENT

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

RECOMMENDED REFUSED

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. There is insufficient justification to demonstrate that the additional EV charging space within the proposed development would not prejudice the implementation of an acceptable layout of the site in design, character and heritage terms and subsequently lead to the addition of incongruous plant equipment being added adjacent to the highway causing harm to street scape to the detriment of the established street scene and Whiteladies Road and Cotham and Redland conservation areas. The runs contrary to the conclusions of an Inspector under appeal decision APP/Z0116/W/23/3316534 as well as Sections 12 and 16 of the National Planning Policy Framework, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Local Plan Policies BCS21, BCS22 and DM31 as well as the Whiteladies Road Conservation Area Enhancement Statement (1993) and Cotham and Redland Conservation Area Character Appraisal (2011).

Advice(s)

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-
 13664-201-144 Existing Site Layout, received 10 February 2023

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13664-202-144 Rev B Proposed Site Layout, received 16 October 2023
13664-203-144 Proposed Substation Elevations, received 10 February 2023
13664-204-144 Proposed LV Enclosure Panel Elevations, received 10 February 2023
13664-205-144 Rev B Proposed Site Elevations, received 16 October 2023
13664-BP1-144 Proposed Block Plan, received 10 February 2023
13664-LP1-144 Site Location Plan, received 10 February 2023
Planning Statement, received 10 February 2023
Copy of Letter dated 6 December 2022 from Deans Watkins Transportation Ltd (including tracking plan), received 10 February 2023
Supporting Information in Application Cover Letter, received 10 February 2023

Case Officer: [REDACTED]

Authorisation: [REDACTED]

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