



Bristol City Council LPA 62A Statement Note

Planning Inspectorate Reference S62A/2025/0082

LPA Reference 25/10707/PINS

Address The Bull Inn, 333 Crews Hole Road, Bristol, BS5 8BQ

INTRODUCTION

This Statement relates to a full planning application (LPA reference: 25/10707/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the proposed for the demolition of existing building and erection of a new block of apartment comprising 9 dwellings (6 x 2 bedroom flats and 3 x 1 bedroom flats) together with the addition of PV panels and air source heat pumps at the site of The Bull Inn, 333 Crews Hole Road, Bristol, BS5 8BQ.

The LPA considers that the application cannot be supported and should be refused for the following reasons:

1. The loss of the public house has not been justified for the following reasons
 - (i) There is insufficient adequate alternative provision in the locality, as required by Section 4 of the the Public Houses Practice Note – October 2022.
 - (ii) A completed version of the CAMRA viability test has not been provided.
 - (iii) No evidence has been provided to demonstrate efforts to diversify the uses of the public house as required by Section 3.1 of the Public Houses Practice Note – October 2022.

The application proposal is therefore contrary to Policy DM6 of the Site Allocations and Development Management Policies (2014).

2. The demolition of this purpose-built public house building would fail to preserve or enhance the established and authentic character of the existing Bull Inn and would therefore harm the Avon Valley Conservation Area. The existing building by virtue of its unique architectural character and historic integrity makes a value contribution to the character of this heritage asset. The failure to protect this valuable building would therefore not comply with national and local plan policies which are designed to protect the historic environment. The proposal is contrary to the Planning (Listed Building and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework

(NPPF), Policy BCS22 of the Bristol Core Strategy and Policies DM26 and DM31 of the Site Allocations and Development Management Policies (2014).

3. Notwithstanding the objection to the loss of this valuable building within the Avon Valley Conservation Area, the proposed replacement building, by virtue of its height scale and massing, would fail to respond to the character of the site and its surroundings, in particular the verdant and semi-rural character of the Avon Valley. The proposal is therefore contrary to the NPPF (2023), BCS21 in the Core Strategy (2011), DM26, DM27, DM28 and DM29 in the Site Allocations and Development Management Policies (2014).

The LPA is of the opinion that this application can be determined by written representations. This is the written submission of the LPA.

THE APPLICATION SITE

The application site is located in the St George Ward in the east of the city at the junction of Crews Hole Road and Niblett's Hill. Niblett's Hill rises from Crews Hole Road to the north of the site. To the east of the site is dense vegetation on a slope that separates the building and car park from residential development on Niblett's Hill.

The main building on the site is a two storey detached building which was purpose built as a public house with a level car park to the south. To the rear of the building is a raised garden area.

The site is located in the Avon Valley Conservation Area.

The site is located in Flood Zone 1 and is therefore not susceptible to flooding.

THE APPLICATION PROPOSAL

The existing building on the site would be demolished and replaced with a three storey building incorporating the following accommodation:

3 x 2 bedroom ground floor apartments with GIA of 73.1, 79.6 and 71.6 sq.m.

3 x 2 bedroom first floor apartments with GIA of 71.4, 71.9 and 75.6 sq.m.

3 x 1 bedroom second floor apartments with GIA of 59.7, 55.3 and 55.8 sq.m.

The plans indicate that each home would incorporate an open living and kitchen/ dining space.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

CONSULTATION RESPONSES

BCC Contamination Officer

The proposed development is sensitive to contamination and is situated on or adjacent to land which has been subject to land uses which could be a potential source of contamination. The surrounding area was historically an area of heavy industry and mineral extraction the proposed end use is sensitive to contamination.

Please consider adding the following conditions and advice notes:

B11: Site Characterisation and Risk Assessment

No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

With consideration to human health, controlled waters and the wider environment, the following documents shall be completed to characterise potential risk to sensitive receptors and submitted to the LPA for approval:

- I. Preliminary Risk Assessment (PRA) - Submission of this document is the minimum requirement.
- II. Generic Quantitative Risk Assessment (GQRA) - Submission of this document only if PRA requires it.
- III. Detailed Quantitative Risk Assessment (DQRA) - Submission of this document if GQRA requires it.

The actions required above shall be completed in full accordance with the following guidance: Land Contamination Risk Management (Environment Agency, 2023).

B12: Remediation Strategy and Verification Plan

No development hereby permitted (except demolition and site clearance) within any approved phase shall take place until the works relating to land contamination detailed below are fully completed:

In accordance with the findings of site characterisation and risk assessment, documents from the following shall be submitted to the LPA for approval:

- I. Remedial Options Appraisal.
- II. Remediation Strategy
- III. Verification Plan.

The actions required above shall be completed in full accordance with the following guidance: Land Contamination Risk Management (Environment Agency, 2023).

B13: Remediation and Verification

The development hereby permitted within any approved phase shall not be brought into use until the works relating to land contamination detailed below are fully completed:

Remediation (if required), it shall be carried out in full accordance with the approved Remediation Strategy.

A Verification Report must be submitted to the LPA for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

The actions required above shall be completed in accordance with the following guidance: Land Contamination Risk Management (Environment Agency, 2023).

C1: Unexpected Contamination

The development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the LPA that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the LPA for approval:

- I. Risk Assessment (GQRA or DQRA);
- II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval.

The actions required above shall be completed in full accordance with the following guidance: Land Contamination Risk Management (Environment Agency, 2023).

Reason for all conditions: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims of 125 (c), 187 (e & f), 196 & 197 of the National Planning Policy Framework (2024).

Radon Advice:

The site falls within a radon referral area, the applicant is advised to undertake a radon risk assessment to establish if radon protection measures are required as part of the development. An initial risk assessment can be undertaken by visiting <http://www.ukradon.org/> or contacting UK Radon on 01235 822622.

Asbestos Advisory

The potential presence of asbestos containing materials (ACM's) on the site is noted. In order to prevent contamination of the site, surrounding highways and to prevent harm to construction workers, surrounding residents, receptors and future site users, we recommend the applicants undertake an asbestos survey prior to the commencement of works. Any asbestos containing materials present on site must be removed in accordance with the Control of Asbestos Regulations 2012. If encountered this will trigger the contaminated land watching brief condition.

UXO advice

The site falls within an area at risk in relation to bombing that took place during World War II. As a consequence, the applicant is advised to undertake a suitable risk assessment prior to construction works.

BCC Economic Development

Comment as follows:

“We do not support this application, given that it does not adequately address DM6.

The site has served as a public house since 1803.

The Assessor has made a judgement in terms of viability for the public house, stating “I do not think a company ... or any other operator would invest in a pub whose catchment area is limited by the river and other physical factors”. This is a personal opinion, and not supported by a demonstration that the pub has been marketed for use. As a freehold pub, this has more potential for an independent operator to take it on. The assessor even states “in my view most operators would still prefer to be free of tie than tied”.

A public house being vacant or closed is not evidence that renewed use as a public house could not be viable under new management. Where a pub is closed or vacant, the applicant will still be required to demonstrate that they have marketed the facility in full accordance with the requirements set out in DM6.

The viability assessment in the planning application mentions the Policy DM6 – however it neglects to mention whether the following measures have been followed to retain its status as a community space.

DM6 Practice Note, Section 4. Diverse range of public house provision

Under this policy, applicants are required to demonstrate that there is a sufficiently diverse range of public house provision in the locality that can ‘collectively continue to meet the needs and expectations of the whole community.’ There are only two pubs in the St George Troopers Hill ward, The Horse and Jockey, and The Bull. Demolition of The Bull would not be acceptable by this test.

4.1 Within the Locality

DM6 states that “applicants will need to demonstrate that there is sufficient alternative provision within a reasonable walking distance of the site.” With specific reference to the following

For the purposes of this policy, a walking distance of 800m, roughly equivalent to 10 minutes walking, should be used when mapping alternative provision. This should be measured according to on-the-ground walking distance rather than a radius from the application site.

Additionally, regard should be had to factors such as barriers to movement such as parks and undeveloped areas, rivers, canals, large roads and railway lines, underpasses or pedestrian overpasses and particularly steep gradients. Alternative provision that is beyond barriers like this may not be considered to be within a reasonable walking distance.

Whilst walking distance is 0.5m from The Bull to The Horse and Jockey, this is a 16-minute walk and would not satisfy the DM6 4.1 Locality clause for walking distance of under 10 minutes.

Additionally, the walking distance from The Bull to The Horse and Jockey is up a steep hill with a 220ft gradient. This equates to a gradient of 8.33%, and includes steps.

This is considered too steep for comfortable and accessible active transport. This gradient could pose significant challenges, especially for wheelchair users and those with mobility impairments.

It therefore would not satisfy DM6 4.1 Locality clause as it does not satisfy the council's own accessibility policy on gradients, nor the government guidelines for Active Transport.

Quality of Life

Bristol Quality of Life survey data suggests St George Troopers Hill ward scores worse than the city average on a number of indicators, some of which are relevant in terms of community cohesion and associated facilities available to local people. For example:

- 36.9% never participate in cultural activities (22.1% Bristol average),
- 23.2% participate in cultural activities at least once a month. This is 14.2% lower than the Bristol average.
- And 34.6% say that lack of transport options prevents them from leaving their home when they want to, 12.2% lower than the Bristol average.

Residents of St George and Troopers Hill also have a lower than average mental well-being. 4.1% in comparison to Bristol's average of 8.9%.

And whilst the reason for BCC Licensing to revoke The Bull's licence in 2023 cited antisocial behaviour, St George Troopers Hill has the lowest rate of crime in Bristol at 42.1%. The mere potential for crime in relation to the licensed premises is not necessarily an adequate measure when such data are borne in mind. The assumption that a new operator would automatically be problematic is not supported through the evidence shown.

In Bristol there is an average of 6.5 public houses per 10,000 residents. However, in the St George and Troopers Hill ward there is currently only one pub open for a population of 6,600. The ward can be considered geographically cut off from many of the amenities that many other Bristol residents are able to benefit from.

The DM6 practice note also stipulates clear information requirements as recommended under Section 5; for example:

- A completed version of the CAMRA viability test available at appendix 1. Not satisfied.
- Accounts for the last three years of active trading, excluding the financial year 20 to 21 due to the impact of the covid pandemic. Not satisfied.
- Evidence of efforts to diversify as described in section 3.1. Not satisfied.

BCC Flood Risk Manager

The surface water drainage strategy is acceptable. Infiltration testing has shown good potential for utilising infiltrating SuDS techniques, and the use of a soakaway and permeable paving is therefore appropriate. The soakaway is amply sized and if in exceedance will overflow into a sewer storm network that discharges downstream into the tidal River Avon. This is line with the preferred options in the SuDS hierarchy, to infiltrate to ground or discharge to a watercourse. Please note a typo on the drainage strategy though. Although it correctly refers to Wessex Water as the sewerage undertaker to contact concerning the proposed sewer connection, it also makes reference to Anglian Water which is not applicable.

BCC Transport Development Management (TDM)

BCC TDM make the following comments:

“The site is located on Crews Hole Road, which is an adopted unclassified road with a speed limit of 20mph. There have been no recorded traffic collisions near to the site in the last 5 years.

The local centre of St Anne’s is located 1.4km (19 mins) from the site and offers a number of amenities to residents. As well as this, the site is located close to the River Avon Trail which acts as both a leisure and commuter route for both pedestrians and cyclists.

Lastly, the nearest bus stop, Troopers Hill Road, is located approx. 850m (11mins) away on the A431 Air Balloon Road and is served by the route no’s 16, 44 and 45, and Lawrence Hill rail station is located approximately 2.7km (38mins) from the site.

Access / Visibility

TDM approve the tightening of the car park entrance. However, the applicant must refresh the entrance to ensure the vehicle crossover meets BCC design standards.

In addition, TDM approve the proposed landscaping boundary treatment as this will stop vehicles from attempting to drive across the footway to access the vehicle parking. The applicant should make certain however, that any boundary or landscaping is no taller than 0.6m high (as set out in Manual for Streets, 2020) to ensure a motorist emerging onto the adopted highway has a clear view of approaching pedestrians and vehicles, especially children.

Servicing / Deliveries

TDM finds the proposal to allow small sized service vehicles to use the site access for any maintenance to be acceptable.

Car Parking / EVs / RPZs

TDM find the proposed total number of car parking spaces to be acceptable, however, no details have been provided on EV parking. BCC’s standard parking schedules, as set out in the Site Allocations and Development Management Policies (2014) states that ‘for schemes where ten or more car parking spaces are proposed, one electric vehicle charging point should be provided for every five spaces.’ Therefore, TDM request that at least two parking spaces should include EV charging. This can be secured through a condition.

Additionally, the applicant should note that any occupiers shall be ineligible for any parking permits on the creation of a Residents Parking Scheme.

Cycle Parking

TDM find the proposed cycle parking to be currently not acceptable.

Firstly, 15 cycle parking spaces is the minimum number required for the 9 flats (6x 2-bed = 12 spaces, 3x 1-bed = 3 spaces) in accordance with the SADMP (2014); meaning therefore that 14 residential cycle parking spaces is not enough. As well as this, the cycle parking is not enclosed, secure or weatherproof as set out in the TDM cycle parking guidance which is unacceptable.

Lastly, the proposed location of the bike store means that bins are dragged through to access the refuse store. This is not acceptable because it is not conducive to attractive cycle parking provision, and spills from refuse can cause damage to cycles, particularly to tyres.

Changes must be made to the cycle parking provision; this can be secured via condition.

Waste

As stated above, waste storage and cycle parking must be kept separate with bins not being dragged through the cycle store.

Highway Works / TROs

The applicant will be required to undertake the following highway works:

- Reduce the width of the vehicle crossover at the entrance to the site and ensure it complies with BCC engineering standard details.
- Upgrade the vehicle crossover at the car park exit to meet the BCC engineering standard detail.
- Reinstall the redundant vehicle crossover to a full kerb height footway at the Northeast corner of the site.
- Reinstall the full width of the footway on the Western side of Crews Hole Road, removing the existing informal 'pull-in' area. Ensure that the full height kerbed footway meets BCC engineering standard detail.
- Install a parallel crossing over Crews Hole Road towards the Northern end of the site, linking the Eastern side of Crews Hole Road with the shared use path on the West side of Crews Hole Road. This provides a connection between the PRow route BCC/412/10 on Niblett's Hill (part of the River Avon Trail leisure route) and the River Avon Trail, and ensures a safe route for peds/cyclists travelling in a Southerly direction on Crew's Hole Road due to the missing footway on the East side of the highway immediately South of the site.
- Install waiting restrictions (double yellow lines) along the South side of Niblett's Hill, between Crews Hole Road and Bull Lane, and along the Eastern side of Crews Hole Road, between the Northeast and Southeast corners of the site boundary.

These works can be secured through a S278 agreement.

The following highway works will require a TRO:

- New parallel crossing.
- Waiting restrictions (DYLs) on the South side of Niblett's Hill and East side of Crews Hole Road.

The current cost of a TRO is £6900.

Other Schemes

As part of the East Bristol Liveable Neighbourhood project, a number of longer-term improvements are planned for the Crews Hole area, including formal crossings at Netham Lock and Conham Road (south of the site). For the trial scheme, temporary crossings and traffic calming improvements are being placed in the following locations:

- Next to Strawberry Lane footpath
- Next to Mama Bear's Nursery
- Next to the Crews Hole and Troopers Hill Road junction

This is further evidence that a new parallel crossing should be located outside of the site to allow pedestrians and cyclists to cross safely over Crews Hole Road to access the shared used path on the western side of Crews Hole Road and the fully segregated River Avon Trail.

Construction Management

Given the site's location on a busy commuter route with narrow sections and limited visibility, TDM recommend that a Construction Management Plan should be submitted. This can be secured via condition.

Recommendation

TDM recommend approval of the application, subject to the following conditions:

Pre commencement conditions

1) Highway works – General Arrangement Plan

No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.

- Reduce the width of the existing vehicle crossover at the site entrance.
- Upgrade the vehicle crossover at the site exit.
- Reinstate redundant vehicle crossovers.
- Install a parallel crossing over Crews Hole Road.
- Install waiting restrictions (DYLs) along the South side of Niblett's Hill, between Crews Hole Road and Bull Lane, and along the Eastern side of Crews Hole Road, between the Northeast and Southeast corners of the site boundary.

Where applicable indicating proposals for:

- Existing levels of the finished highway tying into building threshold levels
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- Signing, street furniture, street trees and pits
- Structures on or adjacent to the adopted highway
- Materials for use on the adopted highway
- Changes to existing or new street lighting columns
- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order.

Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

2) Construction Management Plan

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall

be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Delivery hours (avoiding peak times on traffic sensitive routes and school times if near to
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Method of preventing mud being carried onto the highway such as wheel washing facilities;
- Measures to protect vulnerable road users (cyclists and pedestrians) such as hoarding
- Any necessary temporary traffic management measures such as the suspension of parking, loading, one way working, footway and road closures, portable signals, stop & go, lane closure, contraflow, priority working and give & take;
- Measures to protect street furniture such as parking meters, lighting columns and traffic signs;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles, the delivery of cranes/portakabins and specialist plant;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan/statement shall include a plan which identifies where required:

- Hoarding lines with access gates (vehicle, pedestrian, and cyclist);
- Pedestrian, cycle, and vehicle routing in to and within the site;
- Temporary traffic management measures (including footway and road closures) and traffic marshal/banksman locations;

- Locations for the loading/unloading and storage of plant, waste, and construction materials;
- Crane and site welfare portakabin locations;
- Parking (vehicle and cycle).

Prior to the installation of traffic management measures on traffic sensitive streets the location, date and time must be agreed by the Highways Authority.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Preoccupation conditions

3) Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on approved plans

No building or use hereby permitted shall be occupied or use commenced until the refuse/area and where necessary, dropped kerb(s) to facilitate the manoeuvring of four wheeled bins onto the carriageway 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 for the lifetime of the development.

The refuse store/area is not to be used for any other purpose other than the storage of refuse and recyclable materials. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

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

4) Completion of Vehicular Access – Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water or effluent onto the adopted highway or into any highway drain.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage.

5) Completion of Pedestrians/Cyclists Access – Shown on Approved Plans

No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: In the interests of highway safety.

6) Completion and Maintenance of Car/Vehicle Parking – Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning space) 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. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard

7) Further details of Cycle Parking Provision before occupation

No details of use hereby permitted shall be occupied or use commenced until detailed designs of the following have been submitted to and approved in writing by the local planning authority:

The intended location, dimensions, layout, and capacity of enclosed secure cycle storage for 15 residential cycle spaces, using the preferred 'Sheffield stand' design, in compliance with the council's Guidance of Cycle Storage.

The detail thereby approved shall be carried out in accordance with that approval and thereafter be kept free of obstruction and available only for the parking of cycles.

Reason: to ensure the provision and availability of adequate cycle parking.

8) Electric Vehicle Charging Points

No building or use hereby permitted shall be occupied or use commenced until details of Electrical Vehicle (EV) charging infrastructure, a management plan and phasing for implementation has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of the following:

- Final Layout;
- Number and location of EV parking spaces;
- Number and location of EV charging points;
- Type of EV charging points (fast, rapid);
- Indicative locations for feeder pillars and protective infrastructure;
- Evidence of power supply from National Grid (to ensure substation capacity is adequate);
- Indicative location of substation (where required);
- Indicative cable routing;
- Management plan outlining the proposed management of spaces, charging network and infrastructure;
- Electrical Layout and Schematic Design;
- Feeder Pillar Design/Electrical Layout/Schematic Layout Designs.

The Electric Vehicle Charging Points and management strategy as approved shall be implemented prior to occupation/as per the agreed phasing plan and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change

Post Occupation Management Conditions

9) Restriction of Parking Level on site

Parking within the development site is to be restricted to the areas allocated on the approved plans and shall not encroach onto areas allocated on the plans for other uses for the lifetime of the development.

Reason: To control the level of parking on the site and to safeguard the uses of other areas.

10) Protection of Parking and Servicing Provision

The areas allocated for vehicle parking, loading, and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes for other uses for the lifetime of the development.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

BCC Tree Officer

The proposal is to demolish a pub and build residential units on the footprint of the old building. There are some minor trees onsite – four rather small conifers in the rear garden, and some small trees on the bank above the building, which the applicant says will remain untouched. Usually we would ask for a full arboricultural report in compliance with BS5837 but in this case the impact is so minor that it seems rather excessive. The construction work is within the existing building footprint, and the applicant has shown indicative trees along the road frontage, which would mitigate for the small trees lost to the rear. However, we would still like to see a Tree Protection Plan to ensure that no work, storage or spillage happens around the existing trees.

Tree protection condition:

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a tree protection plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP:

- a) A specification for protective fencing/ground protection to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing, and zones where construction activities are clearly identified as a prohibited.
- b) Boundary treatments within Root Protection Areas.
- c) A specification for any scaffolding close to tree crowns.

The development thereafter shall be implemented in strict accordance with approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DM17.

Tree planting plan – Landscape condition

Prior to the commencement of the development, replacement planting, in line with Bristol Tree Replacement Standard (Policy DM17), and to ensure the streetscene is left greener than previously, will be illustrated on a landscaping plan, which includes:

- a. a scaled plan showing vegetation to be retained and trees to be planted:
- b. proposed hardstanding and boundary treatment:
- c. a schedule detailing planting locations, stock sizes (minimum 12-14cm girth at 1m).
- d. Aftercare and maintenance schedule including watering visits through to establishment.

The planting shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a program, details of which shall be submitted to and agreed in writing by the local planning authority.

Any tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of completion shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: To ensure that the appearance of the development is satisfactory and in line with Bristol City Council Policy DM17

The Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are broadly sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Avon Fire & Rescue Service

Raise no objection to the proposed development and have no additional fire hydrant requirements.

Bristol Waste Company

Recommend amendments to the layout to ensure that bin enclosures are moved away from the block to improve fire health and safety. The store would be large enough but a swept path analysis is required to ensure that refuse vehicles could access the site.

Historic England

Comment as follows:

“Historic England is concerned over the proposed loss of the existing public house and we do not concur with the applicant’s view (Design and Access Statement, para 6.30) that the proposed replacement building would actually improve the character and appearance of the Conservation

Area. This would certainly be the case if the existing building had little or no architectural or historic significance. In fact, it does, and therefore this view cannot be supported.

We advise that the while the principle of development on the site may be acceptable, it should re-purpose the existing building, possibly augmented with new development on the carpark. This approach would have potential to pass the preserve or enhance test.”

KEY ISSUES

(A) WOULD THE APPLICATION BE ACCEPTABLE IN PRINCIPLE?

Loss of the Public House

Policy DM6: Public Houses states that proposals involving the loss of established public houses will not be permitted unless it is demonstrated that:

- i. The public house is no longer economically viable; or
- ii. A diverse range of public house provision exists within the locality.

The policy states that where development is permitted any extensions or alterations should not harm the identity or architectural character of the public house.

The Council has produced a Practice Note entitled ‘Public Houses Practice Note - October 2022’ which provides further guidance on the implementation of Policy DM6. This guidance clarifies what development proposals are expected to provide to demonstrate compliance with Policy DM6 and includes further detail to aid in the assessment of applications for the loss of public houses.

Policy BCS12 of the Core Strategy 2011 seeks to retain existing community facilities including local pubs that help to promote better personal contact between groups and individuals and generate community spirit and a sense of place. Recognising that such community facilities can help to reduce levels of social exclusion and improve health and wellbeing. This policy identifies that community facilities should be accessible to all members of the community.

The last substantive tenant vacated in 2012. The building is in a poor state of repair. The Viability Report notes at paragraph 5.12 that there are extensive signs of neglect including rotten windows, doors and other external woodwork, perished brickwork, stonework and pointing. Internally the building is described as being “tired”.

Under this application the application is seeking to justify itself against both component test of DM6:

- i. The public house is no longer economically viable; or
- ii. A diverse range of public house provision exists within the locality.

Evidence has been provided to demonstrate that the business is no longer economically viable. The Viability Report concludes at paragraphs 28.13 and 28.14:

“In my opinion, the FMT of The Bull Inn is £228,000 with an FMOP before tax and before rent of £34,000. In the case of a leasehold occupation I do not consider that to be adequate to provide the landlord with a return and the tenant with a reasonable income. In the case of owner-occupation it would be insufficient to provide a reasonable income to the operator and service borrowings or provide a return on investment.

Notwithstanding the lack of marketing I consider The Bull Inn to be no longer viable as a public house and there is adequate alternative provision per Policy DM6 and the associated Practice Note.”

In respect of the range of public house provision within the locality, the expectation set out in the Practice Note paragraph 4.1 is:

“The explanation text of policy DM6 clarifies that when assessing the range of public houses within the locality, applicants will need to demonstrate that there is sufficient alternative provision within a reasonable walking distance of the site. For the purposes of this policy, a walking distance of 800m, roughly equivalent to 10 minutes walking, should be used when mapping alternative provision. This should be measured according to on-the-ground walking distance rather than a radius from the application site.”

By this measure, two public houses are within 800m of the site:

- The Horse and Jockey, 56 Nags Head Hill
- The Lord Raglan, 1 Nags Head Hill

Other public houses set out in the submitted Viability Report are at too greater distance from the site to be identified as in its locality. It is accepted that these two public houses could account for the lost facilities / characteristics of the Bull Inn. Officers also note that the Bull Inn has been vacant for a lengthy period and has consequently not been serving the community and offering these provisions for several years.

It is evident that there are limited number (2) of public houses within the 10 minute walking isochrone and that both public houses are at the edge of what could be considered a reasonable walking distance.

The comments of BCC’s Economic Development Team (EDT) are pertinent in this assessment. All the information required by the DM6 Practice Note have not been met and therefore the application cannot be supported. There is not:

- A completed version of the CAMRA viability test available at appendix 1. Not satisfied.
- Accounts for the last three years of active trading, excluding the financial year 20 to 21 due to the impact of the covid pandemic. Not satisfied.
- Evidence of efforts to diversify as described in Section 3.1. Not satisfied.

It is considered that insufficient information has been provided to justify the loss of this public house. The requirements of Policy DM6 and its supporting Practice Note have not been met.

The need for additional housing

The assessment of the impact of the loss of The Bull Inn must be weighed against the need for additional housing across the city.

Section 5 (Delivering a sufficient supply of homes) of the NPPF (2024) outlines that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". In relation to maintaining sufficient supply and delivery of homes, paragraph 75 of the NPPF outlines: "Strategic policies should include a trajectory

illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites."

Bristol has a positive approach to boosting the supply of homes. Policy H1 of the emerging Bristol Local Plan (Publication Version November 2023) proposes an ambitious housing requirement of 1,925 homes per year, substantially higher than that of the current Core Strategy (June 2011). The emerging plan offers a large range of potential development sites, areas of growth and regeneration and a variety of policy interventions that will help to ensure that the housing requirement is delivered and preferably exceeded. In doing so the emerging plan seeks to meet as much of the identified housing need as possible, consistent with paragraph 61 of the National Planning Policy Framework (NPPF) (2024).

Until the new local plan is adopted, the council is expected to identify and update annually a supply of specific deliverable sites to meet its local housing need for the next few years. If it cannot do this, the presumption in favour of sustainable development applies. For Bristol, only a four year supply must be demonstrated, as the emerging local plan has reached the Publication (Regulation 19) stage (NPPF paragraph 232).

The Standard Method established by Central Government, sets Bristol's local housing need at a very high level due to the inclusion of an additional 35% uplift for the largest cities and urban centres. Consequently, despite a substantial stock of planning permissions and a positive approach, Bristol is currently unable to demonstrate a five year supply of housing land. As set out in the SHLAA report (April 2024) the council has a five year supply of 12,682 homes. When measured against the current standard method housing need of 3,378 homes per year, this results in a housing land supply of 3.75 years. As set out in the council's Housing Delivery Test Action Plan, the 2022 HDT results showed that Bristol had achieved 88% of its housing requirement over the past three years.

As a result, paragraph 11(d) of the NPPF is engaged and the tilted balance applies.

There are two aspects to understanding whether planning permission as prescribed by Paragraph 11(d) should be granted and whether policies which are most important to determining the application are out of date. The first is where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Amongst the areas of particular importance that may be relevant to Bristol, the footnote to paragraph 11d includes habitats sites including those designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

Or the second, where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is established that Bristol is not able to demonstrate a five year housing land supply, therefore the current policies are deemed out of date, and paragraph 11(d) of the NPPF - the tilted balance - is engaged. The Planning Practice Guidance confirms that all student accommodation can contribute towards an authority's housing land supply, and it has been accepted on other sites that student bedspaces can count towards 2.5:1 (bedspaces to dwellings). On this basis, the additional 9 dwellings proposed by this application attracts significant weight in the consideration of the proposals.

However, consideration must be given to whether there are clear reasons for refusing this application. In this regard, particularly attention should be given to the impact on the heritage asset – the Avon Valley Conservation Area.

(B) WOULD THE PROPOSAL HAVE AN ACCEPTABLE IMPACT ON RELEVANT HERITAGE ASSETS?

Guidance from the Secretary of State in regard to the loss of buildings that contribute to the special character of the Conservation Area states:

If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework. Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196. However, the justification for a buildings proposed demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole.

Advice from the Council's Conservation Officer is that the existing pub is architecturally distinctive, unique, well-detailed, visually attractive, on a prominent junction that gives it added stature in locality, and an historic focus for the local community. It is considered an important local monument for its architectural and historic interest, so, integral to the character and appearance of the Conservation Area. In this respect, it is considered that complete loss by demolition risks Substantial Harm under the definitions of the NPPF. This exceptionally high degree of harm to the designate asset arises through loss of the original pub irrespective of what development is proposed to replace it.

As The Bull Inn falls within the Avon Valley Conservation Area, statutory protection exists of the architectural and historic character of the area. This extends to all buildings and structures that contribute to that architectural and historic character. The former pub is identified as a monument on the city's Historic Environment Record (HER) and therefore constitutes a non-designated heritage asset in its own right, but the greater weight is placed in the statutory protection conferred by the designated Conservation Area.

The Bull Inn is an historic foundation, a pub already built by 1803. As noted in the application, there is significant early industrial interest in the area, and the settlement of Crews Hole developed to serve mining and copper works in the vicinity. As part of this industrial community the pub would have been a central focus and important local asset. As such, the former pub building contributes to the historic character of the area, and the archaeological potential for remains of its earlier manifestations is identified in the HER entry.

The present building was erected for Georges brewery in 1900 and advertised for let in June that year with a double-licence. The architects employed by the company were Paul & James, this being an early example of their work for the brewery. The original drawings are in Bristol Archives, having receiving consent in 1900. Paul & Jamess architectural output is characterised by the richness of its architectural treatment, often incorporating picturesque silhouette, Queen Anne style detailing, and a palette of red brick, limestone decorative elements, and pargeting. They produced a significant number of Bristol pubs for Georges in the first decade of the 20th Century, creating a distinctive house-style. This was part of the Brewery's programme of pub

redevelopment and carried out across the city to replace an eclectic estate of older buildings. The distinctive visual identity of Georges brewery pubs distinguished them from rival venues as offering modern drinking and social facilities, with a greater social acceptability. The Bull inn is not exempt from an elaborate architectural treatment despite its location serving a working-class industrial community.

Particular features that contribute to its character are the deep modillion courses at the eaves, double-projecting bay window of two storeys with an embellished pediment, and the single-storey gable-fronted club room with its bay and pagoda roof. The tall chimneys are embellished with arched recesses, and the overall profile is intentionally varied with deliberately picturesque asymmetry. The use of a mixed palette of contrasting and rich natural materials adds to the visual appeal of the main façade to the road, whilst cheaper rubble stone taken from near the site is used to the rear. The original freestanding pub sign is a rare and attractive survival and an excellent example of Fin de Siècle ironmongery. The pub is notable for its very large size. It is a good example of an improved pub of the Edwardian period.

The Bull Inn has clear architectural and historic character, contributing positively to the Avon Valley Conservation Area both aesthetically and through its historical associations with the lost industrial community. It is considered as a landmark building in the area for its distinctive architecture and design quality.

The National Planning Policy Framework (NPPF) places great weight in conserving designated heritage assets including Conservation Areas. It requires the applicant to demonstrate their understanding of the heritage significance of any asset impacted by development, and, where harm to the assets would occur, there must be clear and convincing justification for that harm. The demolition and loss of the landmark building and the pub sign from the conservation area would have a significantly negative and damaging impact on significance and architectural and historic character. Permanent and irreversible loss is not considered justified, and consequently demolition of the Bull Inn and its sign is not supported.

The Policy requirement of Local Plan Policy DM31 is that the special character of designated Conservation Areas should be preserved or enhanced. The former pub offers excellent opportunities for conversion, extension, and adaptive reuse. The existing building should form the focus of a heritage-led development that contributes to the local character and distinctiveness. The Bull Inn is unlikely to be suitable for any additional height, however, new-build elements would be welcome elsewhere on the site where they responded positively to the existing context and materials; these should avoid dominating the existing building in scale or massing. The applicant has made no demonstration that any alternatives to demolition have been considered or developed in a way that could justify why demolition was unavoidable. Clear guidance was provided at pre-application stage that demolition would not be supported and retrofitting and extension should be explored, however, there is no evidence before us that this advice was heeded and the proposed building massing, form, and appearance are unjustified.

The existing building design clearly expresses its former improved public house use through arresting and ornate architectural display, articulation of club room and public bar at ground floor, the integrated stone signage and the flamboyant freestanding wrought Iron pub sign. These aspects are not preserved or articulated in the proposed replacement. The proposed elevations are formal and symmetrical rather than with the semi-rural character granted by the pleasing rambling asymmetry of the existing building. The general informality of this historic

elevation is fit and appropriate for the verdant and semi-rural backdrop of the Avon Valley. The formal symmetry of the proposed building appears clearly residential and in no way evokes the longstanding historic use of the site as a pub.

The submitted heritage statement suggests that no harm would arise to the Conservation Area by demolishing the Bull Inn and its sign as the proposed modern building is of adequate replacement character. The Local Planning Authority do not accept this as this fails to acknowledge the unique architectural character of the standing building and its historic integrity. Neither of which would be protected by complete and unjustified demolition. The new building would not act to preserve or enhance the established and authentic character of the existing Bull Inn.

There is a requirement to place "Great weight" in the conservation of the historic environment as a non-renewable resource. Posing an unjustified degree of substantial harm to the Conservation Area, the public benefits are not considered to have tangible weight in offsetting the exceptionally high degree of harm in the planning balance.

This application does not comply with national and local plan policies which are designed to protect the historic environment. . This includes, but is not limited to, The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning policy framework, Bristol Core Strategic Policy BCS22, and Development Management Policies DM26 and DM31.

(C) IS THE PROPOSED DESIGN ACCEPTABLE?

Notwithstanding the objection to the loss of the public house that makes such a positive contribution to the character of the Avon Valley Conservation Area, attention must be paid to the design of the proposed replacement policy.

Section 12 of the National Planning Policy Framework (2024) seeks to achieve well-designed places. Paragraph 135 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 139 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The National Design Guide should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

Paragraph 41 of the National Design Guide states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Paragraphs 52 and 53 outline that local identity is made up of typical characteristics such as the pattern of housing,

and special features that are distinct from their surroundings. Well-designed new development is influenced by an understanding of local character including built form and includes the composition of street scenes, individual buildings and their elements; the height, scale, massing and relationship between buildings; roofscapes; and façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors and their details.

Bristol Core Strategy Policy BCS21 (2011) advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development.

Policy DM26 in the Site Allocations and Development Management Policies (2014) expands upon BCS21 by outlining the criteria against which a development's response to local character and distinctiveness will be assessed. This policy states that the design of development proposals will be expected to contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and setbacks from the street, skylines and roofscapes. Development should also reflect locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion. Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions. Infill development will be expected to have regard to the prevailing character and quality of the surrounding townscape. The higher the quality of the building group and the more unified the character of the townscape, the greater the need to reproduce the existing pattern, form and design of existing development.

Policy DM27 in the Site Allocations and Development Management Policies expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. DM27 further states that the layout and form of development, including the size, shape, form and configuration of blocks and plots, will be expected to establish a coherent and consistent building line and setback that relate to the street alignment

Subject to the imposition of relevant conditions, the proposed layout of the site overall would be acceptable (see TDM comments above).

The proposed internal layout provides sufficient internal space for residents overall, although the internal layout of some apartments is poor. For example, the second bedroom for one of apartments at ground level is only 12 square metres, that includes the space required for a door to open into that space. This bedroom would also only benefit from a small external window.

However, there is concern from the Council's Conservation Officer that the proposed replacement building is of insufficient quality to replace the existing building on the site. The Local Planning Authority would favour a restoration and conversion of the existing building on the site. The proposed building, by virtue of its height scale and massing, would fail to respond to the character of the site and its surroundings, in particular the verdant and semi-rural character of the Avon Valley.

CONCLUSION

The loss of the public house has not been adequately justified. The demolition of the building would have on the Avon Valley Conservation Area. Even if this were justified, the proposed replacement building by virtue of its height, scale and massing would be of keeping with its surroundings.