

S62a Appeal Castle House the LPA response.

LPA reference 25/14981/PINS

PINS ref S62A/2025/0139

The LPA are content that matters be concluded by means of written representation

CIL representations are submitted separately

Proposals were advertised by means of a Site Notice posted on Christmas Eve. The relevant period of Notice expired on 16<sup>th</sup> January 2026

Letters were sent to neighbouring occupiers. The period of notice expired on 16<sup>th</sup> January 2026.

At the time of writing no replies have been received from neighbours or interested parties.

The view of the LPA includes replies from City Hall consultees are as referred to in the statement that follows

### **Description of the appeal site and policy designations**

In addition to being an important open space neighbouring Gaunt's Ham Park is also designated as a Local Historic Park and Garden (policies BCS22 and DM31 apply). Paragraph 2.5 of the agent's statement refers to neighbouring land fronting Sarah Street (planning permission 24/02988/F refers) and states *the site is currently being developed*. At the time of writing the LPA is not aware of any material start having been made on the neighbouring site, in this regard some pre commencement condition(s) attached to the relevant Notice have been discharged whilst others remain outstanding.

### **Proposed Development, ecology and the description of works.**

The loss of employment land is accepted.

Currently there remains too substantive a degree of ambiguity over the intended extent of the existing building fabric to be retained/removed. (see also Ground Contamination below). Supporting documentation prepared on the appellant's behalf by Avondale Ecology alludes to it

*"If the wall adjacent to Gaunt's Ham Park is removed entirely or in part during works, then on-site excavations should be covered overnight or fitted with escape ramps suitable for use by species such as badger and hedgehog.*

*Works to cease immediately and an ecologist contacted for advice if any protected species are unexpectedly found or suspected to be present when an ecologist is not present on site"*

The conclusions of the applicant's Avondale Ecology survey in respect of the possible presence of protected species are agreed. The author states the need for re examination of the building prior to the onset of work as

*"Bats use roosts dynamically – moving between areas seasonally. Therefore, inspection of these crevices must be repeated with an endoscope immediately (no more than 48 hours) prior to building works commencing"*

This too is agreed. An absence (to date) of any appropriately annotated drawings (structural or otherwise) delineating the intended degree of retention and repair is of concern.

The Arboricultural Officer has considered the supporting documents and considers their content as unsatisfactory.

He concludes as follows

*“Tree constraints plan. Shade pattern.*

*The shade pattern(s) from the tree(s) needs to be shown on the tree constraints plan, and overlaid on the layout plan, so the design team can accurately calculate the levels of daylight and sunlight entering the building”.*

*With reference to the planning statement he notes (para 5.68) states there would be: ‘some loss of light’. The agent then goes onto say the levels are: ‘acceptable’. Neither document provides any accurate calculations, or any mention of the: VSC (Vertical Sky Component) to justify these statement(s). The Arboricultural Officer also notes that (with reference to the Arboriculture Impact Assessment) that the document fails to address the impact of removing: ‘the side and rear elevations’ to the building.*

### **The housing Mix and living environment.**

The principle of new dwellings on the site (Use Class C3) is accepted. It is also agreed that the currently intended layout(s) meet both local and national internal space standards. But concerns are expressed over the quality of the future living environment

Housing quality: daylight, outlook and aspect

North-facing-aspect units, this raises concerns about daylight, sunlight, outlook and general internal quality. Policy DM29 expects designs to secure appropriate levels of privacy, outlook and daylight and to provide dual aspect where possible. No BRE-compliant daylight/sunlight assessment has yet been provided, The LPA’s request for this made at the pre application stage had been ignored. This is a significant evidence gap, and its absence remains entirely unjustified. Given the proximity and canopy spread of trees along the park edge, several rooms are likely to experience additional overshadowing, further reducing daylight availability.

Both the intended south and north elevations include bedroom windows at upper floors each with visual connection to neighbouring gardens and the adjacent plot. The proposal shows some obscure windows to avoid the overlook of existing residential amenity spaces, however there are several additional windows that should be obscured to avoid the same issue that are not included in the proposal.

The Pollution Control Officer notes

*“These premises stand near to a commercial building and a service yard. I therefore have concerns over the potential for noise from commercial sources and cannot see that noise from these neighbouring sources has been considered by this application. I would therefore like to see further information regarding the impact of neighbouring noise sources on this site, provided as part of this application or the following condition added to any approval”*

The results of an appropriately compiled appraisal of pre-existing background noise should inform essential design elements including the future pattern to fenestration and ventilation. The continued absence of this information at this stage, is a further evidence gap.

### **Would the development be out of scale or incompatible with the wider area?**

The Urban Design Officer states

*“The principal (front) façade is weakly composed, with limited hierarchy, a poorly defined main entrance and unresolved proportions. The existing composition reads more coherently than the proposal. DM29 seeks clear organisation, legible entrances and elevations that are visually organised and well-proportioned. Parapet/roof build-ups must be carefully designed to avoid visually heavy terminations and proper massing distribution. Large-scale details to show parapet profiles, copings, junctions and materials are missing. The horizontal window shown on the park-facing elevation appears arbitrary and poorly justified in functional and proportional terms”.*

## **Ground Contamination**

The following policies apply

Bristol Core Strategy - BCS23 Pollution

DM34 Contaminated Land

National Planning Policy Framework (2024) Paragraphs 125 (c), 187 (e & f) , 196 & 197 also refers:

Policy DM 34 states

New development should demonstrate that:

- i. 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;
- ii. The proposed development will not cause the land to become contaminated, to the detriment of future use or restoration of the site or so that it would cause pollution in the surrounding area.

The Public Protection Officer has studied the supporting document entitled - “Earth Environmental & Geotechnical, Phase I Geo-Environmental Desk Study” that purports to detail the ground working in the surrounding area. In the report the authors have presented the findings of a preliminary risk assessment and consider the overall risk to be **low**. They recommend that *“an intrusive investigation be undertaken to establish parameters for the design of foundations, floor slabs and pavement construction”*. As part of the geotechnical investigation the authors recommend that contamination check testing is carried out.

The Public Protection Officer’s review of the Mining Remediation Authority Map indicates that there are two former mine entries within 50 metres of the site. **Figure 5 in the desk study applicant’s supporting document does not identify these.** The CL: AIRE Good Practice for Risk Assessment for Coal Mine Gas Emissions October 2021 class mine entries between 20m and 50m of a site a **moderate** risk zone. The agents planning statement (paragraph 5.72 refers) acknowledges the location of the site within the on-line mapping area but incorrectly assigns the associated contamination risk. Further assessment is therefore required the better to inform decision making and ensure public safety. In the absence of this information (to date) conditions upon any related planning permission are necessarily as a minimum in pre

commencement style. The strong preference is that the requisite further studies be completed **prior** to any grant of planning permission. This approach is preferred so that it may fairly provide the requisite parameters for (and confidence in) any design and construction. This approach should also inform the extent of the existing building fabric retained. And thereafter help protect the wider environment and ensure any new homes built would be safe to live in.

### **Traffic and Transport**

For reasons that are outlined in his commentary the Traffic Officer concludes that the location of the site, is highly accessible. He has no objection to the scheme, subject to compliance with regulatory conditions. Cycle and refuse storage are both judged as satisfactory. His conclusions are shared

Bristol Waste have commented as follows;

*“An adequate number of refuse and recycling containers are shown on the proposed site plan. It should be noted that Brentry Avenue/ Sarah Street is serviced by a narrow access refuse vehicle which services this street on an alternate weekly basis only. 2 x 1,100 refuse bins would be sufficient for 14 flats on this service but only if residents recycle fully. 2. This location is probably not suitable for a Mini Recycling Centre due to restricted road access from Sarah Street”*

### **Sustainability and Energy Efficiency, Flood risk and Biodiversity Net Gain**

In principle the use of air source heat pumps is agreed, the use of sustainable energy sources allied to reduction of CO<sub>2</sub> emissions is also welcome and policy compliant. Regulatory conditions to apply to drainage as well as flood risk minimal. Based on the material submitted to date proposals do appear fairly characterised as BNG exempt.

### **Conclusion**

Overall, the scheme does not satisfy Bristol’s design policies and guidance due to unresolved issues around daylight/sunlight, privacy, amenity space, tree protection, the park-edge heritage context, architectural design, clarity on demolition vs retention, Key Policies of reference: BCS21; BCS22; DM17; DM27; DM29; DM31; DM34, Urban Living SPD (2018); BRE 209 (2022).

The need to apply the tilted balance to decision making (allied to the current citywide shortfall in housing supply) is fully acknowledged but not sufficient to override the potential harm to interests of acknowledged importance. Many of *the above-mentioned absences and errors in the evidence submitted to date are judged important*. If the requested gaps were filled appraisal might well then justify (and help explain) why a scheme that is materially different from that currently presented were required.

Should planning permission be granted for the avoidance of doubt a reference to the Use Classes Order (expressly Use Class C3) should be added to the description of works. This is to secure the family homes referred to. In view of the prevailing Article 4 designation attributed to the wider area it may also minimise the possible extent of any future planning contravention (inadvertent).

Appendix 1

Conditions

Appendix 2

## Relevant Policies

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