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Planning Supporting Statement

August 2017

Proposed development at: Westmoreland House, 104-106 Stokes Croft,
Bristol, BS1 3RU

Prepared on behalf of: PG Group

PLANNING SUPPORTING STATEMENT

Redevelopment of Westmoreland House, 104-106 Stokes Croft, Bristol, BS1

3RU

Prepared on behalf of PG Group

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1. INTRODUCTION

- 1.1. This Planning Statement has been produced on behalf of PG Group, the prospective developers of the vacant site at 104-106 Stokes Croft. It supports an application to vary a number of conditions from both the extant planning and listed building consents (14/05930/F & 14/05982/LA) to facilitate the swift commencement of works and to ensure the safety of construction operatives.
- 1.2. Given that different legislation covers planning and listed building procedures, two applications are submitted:
- Application under S73 of the Town and Country Planning Act 1990 to vary conditions 2, 3, 4, 11, 18, 19, 20, 22, 23, 24 & 43 attached to planning consent ref. 14/05930/F;
 - Application under S19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to vary conditions 4 & 5 attached to listed building consent ref. 14/05982/LA.
- 1.3. PG Group have appraised the extant planning and listed building consents with a view to commencing works on-site ASAP. An assessment of the conditions attached to each has revealed a large number of pre-commencement requirements, many of which that would need to be dealt with prior to the demolition of existing buildings. This 'front-loading' has wide reaching implications for the feasibility and deliverability of the project, particularly taking into account the limited time remaining before the planning permission expires (6th July 2018).
- 1.4. As such, a number of the proposed variations seek to delay the carrying out of certain works / provision of certain information required by condition until after demolition has been completed. This is to allow for the timely assessment of site constraints, undertaking of certain investigative works and preparation of a suitable build contract.
- 1.5. In addition, the appointed principal contractor, Bray and Slaughter, has raised serious concerns about the approved method of renovating / redeveloping the Carriageworks building. It is not considered safe for operatives to remove debris from inside the building unless the rear wall and internal structure are first

demolished. These elements have been added to a suite of revised demolition drawings and it is proposed that they replace those approved under 14/05930/F & 14/05982/LA.

- 1.6. Some other variations are also sought, as detailed in the following section of this report. This Planning Statement will address each condition in turn and explain the proposed changes and provide a justification for why these are required. Matrices summarising the proposed amendments are provided for convenience.
- 1.7. A short report from building contractor Bray and Slaughter is also included with this submission. It provides further technical explanation as to why the early demolition of existing buildings (Westmoreland House, 4 Ashley Road, the 'office block' & part of the Carriageworks) is required. It should be read in conjunction with the following chapter, though a summary of the key points is set out below:
- Until demolition has been completed, intrusive survey work within the existing building footprints cannot be carried out.
 - Without carrying out the relevant surveys, it will not be possible to produce accurate construction drawings, prepare a programme of works or draw up an accurate build contract.
 - The initial survey works are most pressing for Westmoreland House, where the following require urgent investigation:
 - Extent and nature of foundations
 - Subterranean basements (beneath Westmoreland House and the Tuckett's Building)
 - Stability / capacity of the ground to take weight from new development
 - Land contamination
 - Historic structures / obstructions
 - Whether the flank walls of Carriageworks and Tuckett's Building are tied to the frame of Westmoreland House

2. VARIATION OF CONDITIONS

Planning Permission ref. 14/05930/F

- 2.1. This permission was granted on 7th July 2016 with the following description of development:

Demolition of Westmoreland House and No.4 Ashley Road (Grade II listed), partial demolition, alteration and renovation of the Carriageworks building providing 1,010sq.m. GIA of non-residential accommodation (Use Class A1 / A2 / A3 / A4 / D1 / D2 / B1) and 112 residential units (Use Class C3) and creation of new public realm, new communal landscaped garden areas, bio-diverse living roofs, roof gardens, disabled car parking, servicing and access.

- 2.2. Amendments are sought to the following conditions. Where new wording is suggested, this is shown in red for clarity.

Condition 2 (build contract)

"Works for the demolition of the building(s) or part of the building forming part of the development hereby permitted shall not be commenced before a valid contract for the carrying out and completion of works of redevelopment of the relevant phase, for which planning permission has been granted has been entered into, and evidence of that contract submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the demolition is followed by immediate rebuilding and to maintain the character and appearance of the Conservation Area."

- 2.3. PG Group have been liaising with building contractors to establish the timescales and costs for redeveloping the site. Unfortunately, it has not been possible to obtain accurate details on these critical matters because there are a number of unknown issues / potential variables that require further investigation (see enclosed report). Demolition of the existing buildings (as indicated on revised drawings 151123_D1001-1007) would allow the contractors to gain a better understanding of the site constraints and facilitate the preparation of working drawings and a suitable build contract for the redevelopment of the site.

- 2.4. The reason for attaching the condition is to ensure swift redevelopment and to maintain the character of the conservation area. In this instance, the site has been vacant for decades and is in state of significant disrepair. It is already widely accepted as detracting from the character of the conservation area and the listed Carriageworks building. As a result, the demolition of existing buildings (as identified on revised drawings 151123_D1001-1007) will not harm the character of the conservation area and will facilitate a process of site investigation / uncovering that will speed up the redevelopment process.
- 2.5. Given the above, it is requested that the wording of condition 2 be amended so that the build contract can be prepared and submitted to the LPA post-demolition. The following wording could be used: "Works for the **construction** of the building(s) or part of the building ..."

Condition 3 (samples)

"No development shall take place until samples of the following have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample:

- a) All new roofing materials*
- b) Rain Water goods*
- c) Paint finishes to external timber work*
- d) Paint finishes to external ironwork/metal work*
- e) Typical ventilation terminals*
- f) Typical boiler flues*
- g) Stone Cleaning*
- h) Window details*

Reason: To ensure that the external appearance of the building is satisfactory."

- 2.6. Section 56(4)(aa) of the Town and Country Planning Act 1990 (as amended) confirms that demolition works constitute development. As a result, the wording of condition 3 would require the submission and approval of material samples prior to the demolition of any existing buildings. This 'front-loading' of requirements will result in unnecessary delays to the preparation of a build contract and the commencement of development.
- 2.7. The reason for condition 3 is to ensure the external appearance of the new / refurbished buildings is satisfactory. As a result, the submission of samples could be postponed until after demolition without prejudice to the reason for its imposition. It is therefore proposed that the condition be revised to include the following wording: "Prior to the commencement of the relevant part of construction, samples of the following will be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample."

Condition 4 (land contamination)

"In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors"

- 2.8. The wording of condition 4 lacks precision and effectively precludes demolition until a remediation scheme has been carried out (should land contamination be found – which is likely). Ironically, the demolition of certain existing buildings is

necessary to help facilitate a comprehensive land contamination assessment of the site in the first instance and, should land contamination be found, further demolition may be necessary to implement a scheme of remediation.

Although further demolition could be included as part of the remediation scheme, it is requested that the wording be amended to avoid any doubt. It is therefore proposed that the condition read: "In the event that contamination is found, no development **other than demolition identified on drawings 151123_D1001-1007** and that required to be carried out as part of an approved scheme of remediation shall take place ..."

Condition 11 (nesting opportunities)

"Prior to commencement of development details shall be submitted providing the specification, orientation, height and location for built-in bird nesting and bat roosting opportunities. This shall include built-in bird boxes to including swift boxes, house sparrow and song bird boxes. Bat boxes or bat tubes as built-in bat boxes and insect hotels should also be provided to a standard agreed in writing with the Local Planning Authority.

Reason: To help conserve legally protected bats and birds which include priority species and to conserve invertebrates."

- 2.9. The submission of nesting box details could be postponed until after demolition without prejudice to the reason for attaching the condition. It is therefore proposed that the condition be revised to state "Prior to the commencement of development (**other than demolition identified on drawings 151123_D1001-1007**) details shall be submitted"

Condition 18 (recording)

"No redevelopment or refurbishment shall take place until the applicant/developer has recorded those parts of the building which are likely to be disturbed or concealed in the course of redevelopment or refurbishment. The recording must to be carried out by an archaeologist or archaeological organisation approved by the Local Planning Authority and submitted to the Historic Environment Record (HER),

the archive should then be submitted to Bristol City Museum and a hard copy to Bristol Record Office.

Reason: To ensure that features of archaeological or architectural importance within a building are recorded before their destruction or concealment."

- 2.10. In order to facilitate the swift redevelopment of the site, it is proposed that this condition be amended to allow a phased approach to the surveying and recording of built fabric. This will allow for the demolition of buildings up-front (after each has been surveyed and recorded) which will assist with various other site investigations, including the recording of built fabric elsewhere onsite. The following wording is proposed and this will not prejudice the reason for attaching the condition:
- 2.11. "Prior to the demolition of each building / part of building shown on drawings 151123_D1001-1007, the applicant / developer shall survey and record any elements of heritage or architectural value. Thereafter, no redevelopment or refurbishment shall take place until the applicant/developer has recorded those parts of the building"

Condition 19 (land contamination)

"No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors.”

- 2.12. Condition 19 precludes demolition until a remediation scheme has been approved by the LPA (should land contamination be found). The demolition of existing buildings is necessary to help facilitate a land contamination assessment of the site in the first instance and, should land contamination be found, further demolition may be necessary to implement a scheme of remediation.
- 2.13. Although the latter could be included in the remediation scheme, it is requested that the wording be amended to avoid any doubt. It is requested that the condition read: “No development **other than demolition identified on drawings 151123_D1001-1007** shall take place until a detailed remediation scheme ...”

Condition 20 (land contamination)

“No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

** human health,*

** property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*

** adjoining land,*

** groundwaters and surface waters,*

* *ecological systems,*

* *archaeological sites and ancient monuments;*

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors"

- 2.14. Condition 19 precludes demolition until a land contamination investigation and risk assessment has been carried out. The wording of this condition is not helpful given that the demolition of existing buildings is necessary to facilitate the land contamination assessment.
- 2.15. As such, it is requested that the wording be amended to read: "No development **other than demolition identified on drawings 151123_D1001-1007** shall take place until an investigation and risk assessment . . ."

Condition 22 (SUDs)

"No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and that the principles of sustainable

drainage are incorporated into this proposal and maintained for the lifetime of the proposal.”

- 2.16. This condition precludes demolition until a SUDs plan has been produced. This is considered to be an unnecessary restriction which will delay the commencement of development.
- 2.17. Demolition of the existing buildings identified on revised drawings 151123_D1001-1007 will allow for further site investigation work, including an assessment of the drainage possibilities. This will assist in the preparation of a robust SUDs plan.
- 2.18. The wording of condition 22 could be amended as follows without prejudicing the reason for imposing the condition: “No development **other than demolition identified on drawings 151123_D1001-1007** shall take place until a Sustainable Drainage Strategy”

Condition 23 (CSH)

“No development shall take place until evidence that the development is registered with a CSH certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the new development can achieve Code Level 3. No unit of accommodation shall be occupied until a final Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme) Certificate has been issued certifying that Code Level 3 has been achieved for this unit.

Reason: To ensure that the residential development hereby approved achieves Code Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme) and assessment and certification shall be carried out by a licensed CSH assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.”

- 2.19. Technical Guidance on the Code for Sustainable Homes (CSH) was withdrawn on 22nd April 2015 and details of new technical housing standards were introduced on 27th March 2015. In essence, the CSH requirements have been subsumed within

the Building Regulations process and only 'legacy' cases are dealt with through the planning system.

- 2.20. Given that the Decision Notice for 14/05930/F was issued on 7th July 2016, it is not entirely clear why condition 23 was attached in the first instance.
- 2.21. Notwithstanding the above, the condition does include provision for any scheme replacing CSH, so it is requested that the wording of condition 23 be amended to state: "No development **other than demolition identified on drawings 151123_D1001-1007** shall take place until evidence that the development is registered with a CSH certification body"

Condition 24. (BREEAM)

"No development shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final BREEAM level. No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.

*Reason: To ensure that the development achieves BREEAM rating level **** (or any such equivalent national measure of sustainability for building design which replaces that scheme) and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions."*

- 2.22. Again, it is considered unnecessary for BREEAM details to be provided prior to demolition works. The reason the condition is to ensure that the development achieves a certain BREEAM level and that this is addressed early enough in the process to allow for design changes (if required). As a result, it would be appropriate for BREEAM details to be provided before construction works

commence. It is therefore requested that the wording of the condition be varied as follows: "No development **other than demolition identified on drawings 151123_D1001-1007** shall take place until evidence that the development is registered with a BREEAM certification body"

Condition 43 (list of approved plans)

- 2.23. Consent ref. 14/05930/F allows for the refurbishment of the Carriageworks including physical works such as the replacement of the temporary roof, insertion of new windows, changes to the rear façade and a new lightweight rear extension. At the time it was envisaged that these works could be undertaken whilst keeping the rear wall and internal structure intact. It was presumed that operatives would be able to safely enter the building to remove debris and insert structural supports as required.
- 2.24. This approach has now been assessed by the appointed principal contractor, Bray and Slaughter, and judged to be unsuitable on health and safety grounds. An inspection of the exterior has raised concerns about the structural integrity of the building and, due to restricted access, a proper internal assessment has not been possible. It is known that floors have collapsed within the building and that certain parts have been exposed to fire damage, thus creating a potentially highly dangerous environment. There is known to be substantial amounts of debris inside the building, though the stability / load bearing nature of this is unknown.
- 2.25. The most appropriate way to proceed is considered to be demolition of the rear elevation and internal structure. This will allow for the safe removal of debris from the interior and insertion of temporary support for the principal elevation. The demolition process will result in the loss of some original fabric, so this will be replaced with a suitable high quality alternative at the construction stage.
- 2.26. **It should be noted that the design of the Carriageworks as approved under 14/05930/F & 14/05982/LA will not change; only the process by which the building is renovated.**
- 2.27. At this point it is worth mentioning the health and safety responsibilities of the contractor and client. Both are responsible for ensuring the relevant legislation and guidance on health and safety is adhered to.

2.28. In particular, the following must be taken into account:

- Regulation 3 of The Management of Health and Safety at Work Regulations 1999 requires that every employer make a suitable and sufficient assessment of:
 - a) *the risks to health and safety of his employees to which they are exposed whilst they are at work; and*
 - b) *the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.*

- Paragraph 152 of the text accompanying Regulation 15 of the Construction (Design and Management) Regulations 2015 states:

Contractors are required to plan, manage and monitor the construction work under their control so it is carried out in a way that controls the risks to health and safety. The effort devoted to planning managing and monitoring should be proportionate to the size and complexity of the project and the nature of risks involved

- Regulation 20 of the Construction (Design and Management) Regulations 2015 states at part 1 that:

The demolition or dismantling of a structure must be planned and carried out in such manner as to prevent danger or, where it is not practicable to prevent it, to reduce danger to as low a level as is reasonably practicable

2.29. Given the current state of the Carriageworks building and the fact that a full structural assessment has not be possible, it would be reckless and against health and safety requirements to carry out renovation works with the rear wall and internal structure in place. This critical health and safety issue appears to have been overlooked by the previous applicant and now requires urgent attention.

2.30. A suite of new demolition plans has been prepared to reflect the revised approach to renovating the Carriageworks building. These plans show in red the elements

to be demolished and now include the rear wall and internal structure of the Carriageworks building. The updated demolition plans are listed below:

- 151123_D1001_2_Ground Floor Demolition Plan
- 151123_D1002_2_First Floor Demolition Plan
- 151123_D1003_2_Second floor Demolition Plan
- 151123_D1004_2_Third Floor Demolition Plan
- 151123_D1005_2_Fourth Floor Demolition Plan
- 151123_D1006_2_Fifth Floor Demolition Plan
- 151123_D1007_2_Sixth Floor Demolition Plan

2.31. It is proposed that the above plans replace the demolition plans listed under condition 43 of consent ref. 14/05930/F (drawing refs. A2493 500-506).

2.32. It is understood that the Carriageworks is a valuable heritage asset and the rear elevation is a part of it. However, it will not be possible to ensure the safety of construction operatives unless the demolition identified on the revised plans is allowed. Without a sound health and safety plan no works whatsoever can proceed on this very important regeneration scheme.

Listed Building Consent ref. 14/05982/LA

2.33. This consent was granted simultaneously on the 7th July 2016 with the same description of development. Amendments are proposed to the following condition:

Condition 4 (recording)

“No redevelopment or refurbishment of shall take place until the applicant/developer has recorded those parts of the building which are likely to be disturbed or concealed in the course of redevelopment or refurbishment. The recording to be carried out by an archaeologist or archaeological organisation approved by the Local Planning Authority.”

Reason: To ensure that features of archaeological or architectural importance within a building are recorded before their destruction or concealment."

- 2.34. This condition is a replica of no. 18 attached to the planning consent. The same variation is therefore sought for the sake of consistency:
- 2.35. "Prior to the demolition of each building shown on drawings 151123_D1001-1007, the applicant / developer shall survey and record any elements of heritage or architectural value. Thereafter, no redevelopment or refurbishment shall take place until the applicant/developer has recorded those parts of the building"

Condition 5 (list of approved plans)

- 2.36. This condition is a replica of no. 43 attached to the planning consent. The same variation is therefore sought for the sake of consistency. The following revised plans should replace dwgs. A2493 500-506:
- 151123_D1001_2_Ground Floor Demolition Plan
 - 151123_D1002_2_First Floor Demolition Plan
 - 151123_D1003_2_Second floor Demolition Plan
 - 151123_D1004_2_Third Floor Demolition Plan
 - 151123_D1005_2_Fourth Floor Demolition Plan
 - 151123_D1006_2_Fifth Floor Demolition Plan
 - 151123_D1007_2_Sixth Floor Demolition Plan

3. SUMMARY

- 3.1. This application seeks consent to vary 11 conditions attached to planning consent ref 14/05930/F and 2 conditions attached to listed building consent ref. 14/05982/LA. A full justification is provided in Chapter 2 of this report and matrices summarising the requested changes are enclosed for convenience.
- 3.2. The proposed variations will provide precision to the wording of the conditions, particularly regarding demolition, and will help prevent unnecessary delays to the redevelopment of this prominent derelict site.
- 3.3. The principal contractor has identified that it is not possible to safely renovate the Carriageworks building with the rear wall and internal structure in situ. As such, it is necessary for health and safety purposes to include these elements on the demolition plans. The approved Carriageworks design will not be altered, although some original fabric will have to be replaced with an appropriate substitute.
- 3.4. As explained in this statement, the proposed variations will not prejudice the reasons for imposing the relevant conditions.