
Appeal Decisions

Virtual Hearing Held on the 9th December 2020

Preliminary site visit made on the 7th December 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal A - Ref: APP/Z0116/W/20/3242990
Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY.
(Block C - floor 5)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Sustainable Britain Ltd., against the decision of Bristol City Council.
 - The application Ref. 19/02712/COU, dated 23 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is the change of use from offices (B1a) to 5 self-contained flats.
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Appeal B - Ref: APP/Z0116/W/20/3245865
Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY.
(Block C – part of floor 4)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Sustainable Britain Ltd., against the decision of Bristol City Council.
 - The application Ref 19/02711/COU, dated 24 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is the change of use from offices (B1a) to 5 self-contained flats.
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Appeal C - Ref: APP/Z0116/W/20/3245870
Hamilton House, Bristol, BS1 3QY.
(Block B - floor 1)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Sustainable Britain Ltd., against the decision of Bristol City Council.
 - The application Ref 19/02696/COU, dated 23 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is the change of use from offices (B1a) to 4 self-contained flats.
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Appeal D - Ref: APP/Z0116/W/20/3245896
Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY.
(Block B - floor 4)

- The appeal is made under section 78 of the Town and Country Planning Act 1990

- against a refusal to grant approval required under a development order.
 - The appeal is made by Sustainable Britain Ltd., against the decision of Bristol City Council.
 - The application Ref. 19/02706/COU, dated 23 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is the change of use from offices (B1a) to 3 self-contained flats.
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Appeal E - Ref: APP/Z0116/W/20/3245891
Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY.
(Block B - floor 5)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Sustainable Britain Ltd., against the decision of Bristol City Council.
 - The application Ref. 19/02707/COU, dated 23 May 2019, was refused by notice dated 31 May 2019.
 - The development proposed is the change of use from offices (B1a) to 4 self-contained flats.
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Appeal F - Ref: APP/Z0116/W/20/3245887
Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY.
(Block C - floor 1)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Sustainable Britain Ltd., against the decision of Bristol City Council.
 - The application Ref. 19/02708/COU, dated 24 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is the change of use from offices (B1a) to 5 self-contained flats.
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Appeal G - Ref: APP/Z0116/W/20/3245875
Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY.
(Block C - part of ground floor)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Sustainable Britain Ltd., against the decision of Bristol City Council.
 - The application Ref. 19/02713/COU, dated 23 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is the change of use from offices (B1a) to a dwellinghouse (Class C3).
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Decisions

Appeal A - Ref: APP/Z0116/W/20/3242990

1. The appeal is allowed and approval is granted under the provisions of Class O Part 3 of Schedule 2 of the GPDO for the change of use from offices (B1(a)) to 5 self-contained flats at Block C - floor 5 of Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY, in accordance with the terms of the application Ref. 19/02712/COU, dated 23 May 2019 and the plans submitted with it, subject to

the 7 conditions set out in the attached Schedule together with the following specific condition:

8. The development hereby permitted shall be carried out in accordance with the following approved plans: L(00)001; C5; SK(00) 100 C; SK(00)105C.

Appeal B - Ref: APP/Z0116/W/20/3245865

2. The appeal is allowed and approval is granted under the provisions of Class O Part 3 of Schedule 2 of the GPDO for the change of use from offices (B1(a) to 5 self-contained flats at Block C - floor 4 of Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY, in accordance with the terms of the application Ref. 19/02711/COU, dated 24 May 2019 and the plans submitted with it, subject to the 7 conditions set out in the attached Schedule together with the following specific condition:

8. The development hereby permitted shall be carried out in accordance with the following approved plans: L(00)001; C4; SK(00) 100C; SK(00)104C.

Appeal C - Ref: APP/Z0116/W/20/3245870

3. The appeal is dismissed.

Appeal D - Ref: APP/Z0116/W/20/3245896

4. The appeal is dismissed.

Appeal E - Ref: APP/Z0116/W/20/3245891

5. The appeal is allowed and approval is granted under the provisions of Class O Part 3 of Schedule 2 of the GPDO for the change of use from offices (B1a) to 4 self-contained flats at Block B - floor 5 of Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY, in accordance with the terms of the application Ref. 19/02708/COU, dated 24 May 2019 and the plans submitted with it, subject to the 7 conditions set out in the attached Schedule together with the following specific condition:

8. The development hereby permitted shall be carried out in accordance with the following approved plans: L(00)001; C1; SK(00) 100C; SK(00)105C.

Appeal F - Ref: APP/Z0116/W/20/3245887

6. The appeal is dismissed.

Appeal G - Ref: APP/Z0116/W/20/3245875

7. The appeal is allowed and approval is granted under the provisions of Class O Part 3 of Schedule 2 of the GPDO for the change of use from offices (B1(a) to a dwellinghouse at Block C - floor 5 of Hamilton House, 80 Stokes Croft, Bristol, BS1 3QY, in accordance with the terms of the application Ref. 19/02713/COU, dated 23 May 2019 and the plans submitted with it, subject to the conditions set out in the attached Schedule together with the following specific conditions:

8. The development hereby permitted shall be carried out in accordance with the following approved plans: L(00)001; 34/P/10; SK(00)100C.

9. Notwithstanding the details shown on the submitted plans, no work on the conversion of the unit shall take place until an accurate plan of the existing application site has been submitted to and approved in writing by the local planning authority. The plan of the new dwelling proposed shall accord with this revised plan.

Introduction

8. The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) grants planning permission for certain classes of development, generally described as 'permitted development' (PD). Some of these classes are subject to a 'Prior Approval' condition where the local planning authority must be notified about a proposal to determine whether the authority's approval is required in relation to specified items.
9. Related to these appeal cases, Part 3 of Schedule 2 of the GPDO grants permission for specific changes of use, and of these, Class O indicates that the change of use of a building from a use falling within Class B1(a) (offices) to a use within Class C3 (dwellinghouses) is PD. Section O.1 of this Class indicates where development is not permitted and the criterion relevant to this appeal is (b) where "the building was not used for a use falling within Class B1(a) (offices)...(i) on the 29th May 2013".
10. The definition of *building* in section 2 of the GPDO in relation to this change of use indicates that the term also refers to any part of a building.
11. The Council refused all 7 Prior Approval applications on the ground that it was not satisfied on the balance of probability that the part of the building the subject of the application was in use as an office on the 29 May 2013 (now referred to as the key date). Further, the Council considers that the part of the building in question should not be considered as an independent planning unit to the overall building of Hamilton House.

Main Issues

12. Within this context the main issues in these appeals, in relation to each part of the building put forward for a change of use, are:
 - whether the part was an independent planning unit; and
 - whether it had the use as offices (B1(a)) on the key day.

Reasons

Preliminary context

13. The cases involve an assessment of whether the parts of the building in question were used as an 'office.' The Statement of Common Ground (SCG) indicates that the main parties disagree on the definition of an *office*. The Town and Country Planning (Use Classes) Order 1987 (UCO) as amended, defines Class B1(a) as use as an office other than a use within Class A2 (financial and professional services). There is no other definition of *office* in

the UCO or GPDO. The Concise Oxford Dictionary (the dictionary) defines an office as 'a room or building used as a place of business, especially for clerical or administrative work'. Both main parties use a definition close to this but additionally the appellant submits that the work has to be desk based. This additional test appears to go beyond the current ordinary usage of the word and generally I will use the ordinary meaning.

14. In considering the issue of the planning unit I will have regard to the three broad tests set out by the court in the case of *Burdle*¹. Moreover, Mr Richards for the appellant requests that I follow the process set out in paragraphs 55-59 of the case of *KP JR Management Co Ltd*².
15. In terms of the weight to be applied to the evidence, the Statutory Declarations should be given substantial weight as they are sworn affidavits. The SCG between the main parties must also be given substantial weight. Other written statements previously circulated before the hearing should be given significant weight as the other parties have had prior opportunity to consider them. Oral evidence given at the virtual event should be given moderate weight as the other parties had to consider the evidence 'there and then' without the opportunity for prior scrutiny.

The use of Hamilton House

16. The appeal site comprises Hamilton House which is a modern office building permitted in 1971, and which lies between the frontages of Stokes Croft and City Road. There are three interlinked blocks to the development, laid out in a 'U' shape, A, B and C and each of these are 5 storeys high although there is parking at level 1 in block A as well as the ground floor. The only use other than offices formally permitted in the building is for a café/restaurant use on level 2 of block A with access to Stokes Croft at street level. This space apart, it is clear that the lawful use of the building on the key date was as offices, but the GPDO relates to the actual use taking place rather than the lawful use. A prior approval application to convert blocks B and C to 45 flats was dismissed in November 2018³ as the inspector concluded that while the lawful use of the building was class B1(a), there had been a mix of office and non-office use since 2009, and the evidence of only office use of the relevant part of the building on the key date was not clear or unambiguous.
17. In terms of the unit of occupation, the building has been owned by Connolly and Callaghan (C&C) since 2004 and the appellant - Sustainable Britain Ltd is an offshoot of that company. From about 2008/2009 much of Hamilton House other than the communal access areas, was leased to a third party 'Coexist', a 'Community Interest Company' which in turn sublet parts of the building to different businesses, groups and individuals. Details of some of these are set out in the SCG. Coexist went into liquidation in 2020. It is apparent that there is not a formal main lease agreement that covers the key date, but an earlier lease dated 2008 was generally said to be 'rolled on'. Details have been provided of a lease between C&C and Coexist in August 2013 together with ancillary Licence Agreements/Membership Agreements made with Coexist and the sublets generally covering the key date. Although the evidence provided,

¹ *Burdle v SSE* [1972] 1 WLR 1207

² *R(KP JR Mgt Co) v LB Richmond* [2018] EWHC 84 (Admin)

³ Under ref APP/Z0116/W/18/3198189

especially by the Council, is significantly redacted, it appears to me that each space leased amounts to a separate unit of occupation, albeit within an umbrella community led organisation.

18. In relation to the physical nature and functional use of the building, the appellant refers to the security arrangements where the main access points are gated by security locks other than the reception desk off Stokes Croft. The lifts have a security function to operate and each door from the communal stairs to each floor/wing of the building had a security lock which could only be operated by entering a key code or by an electronic key fob. I saw these security arrangements at the site visit although I understand the actual equipment installed may have changed/been updated since the key date. Access to all parts of the building was therefore highly controlled and I was advised that it was stated in Coexist's lease that tenants should only be given security access to the relevant part of the building. Visitors to the reception would have to be met by staff and escorted to the actual premises.
19. I also observed that there were in the main separate kitchenette / tea/coffee making facilities on individual wings of the building as well as toilets off the communal stairs. While lighting and heating were generally provided for centrally, they were controllable in each space, but broadband tended to be arranged by the individual businesses and community groups.
20. Based on these physical characteristics, it appears to me that the main movement within the building was vertically based to the individual floors/wings rather than horizontally across the building. There were examples given by Mr Balla and Ms Dragovic of where there was interlinking of uses across the building, such as dance movement groups in block B and the dance studio and events space in block A , together with people 'short cutting' though the building to the canteen, but on the evidence presented this interlinking horizontally does not appear to be substantial or the norm.
21. There is evidence of a wide range of users within the building on the key date, as described in part 4.1(e) of the SCG, the Council's Schedule⁴ and as supplemented by oral evidence at the hearing. Setting aside whether these uses are office or not for the moment, in the main, judging from their names, these appear to me to be specific primary uses, each with a primary purpose, rather than involving ancillary or incidental ones. I acknowledge that there is likely to have been some interlinking with other parts of the building, such as The Original Spinners (Community Dance Company), or the Misfits Theatre Company on the 4th floor of block B and the dance suite and events space on floors 3 and 4 of Block A, but the uses themselves are of a primary nature.
22. I have taken account of the fact that various applications submitted before and after the key date referred to the existing use of the building in different forms but reflecting 'a community hub with a lively mix of arts and community projects'. However, such applications were made by organisations who may not have been wholly involved with all aspects and parts of the building and this lessens the weight that I can apply to these descriptions.
23. I have also considered the other appeal decision put to me but that was decided on the facts of that case and the conclusions reached are not easily

⁴ Accompanying the Council's Response to the Appellant's Rebuttal Statement – dated 8 December 2020.

transferable to the current cases. Likewise, the Valuation Office valuations of the property are noted but these appear to be general classifications and not of the same detailed assessment of the individual planning units as required for the planning decisions.

24. Taking into account the units of occupation by the various businesses, groups and individuals, the physical layout and functional separation of the building and the general pattern of use, I find, as a matter of fact and degree, that the overall nature of use of Hamilton House on the key date was as an amalgam of separate, mainly independent planning units rather than a primary mixed use of the building as a whole as the Council suggests. I will therefore consider the individual proposals before me in this context.

Appeal A - Block C-Floor 5

25. Even though the Council queries the inclusion of this space in a Coexist lease, I am satisfied that the evidence provided by the appellant reasonably shows that this area was used by C&C as its business headquarters for administrative work on the key date. It meets the definition of an office and it is also a self-contained planning unit. As such it falls within the remit of Class O of Part 3 of Schedule 2 of the GPDO and I will grant prior approval for the change of use.
26. The Council recommends the imposition of 8 conditions which are included in the SCG and I will consider under the same numbering. In addition to the statutory condition on the commencement of the development, condition No.2 is necessary to ensure that the living conditions of the occupiers of the new flats are not harmed by noise and disturbance from other uses within the building. Conditions No.3, 4 and 7 are also necessary in the interests of sustainable transport and highway safety to ensure that there is limited parking provision on site for the flats, and that other modes of transport are encouraged in this sustainable location. A plan for waste management as required by condition 5 is also reasonable and necessary to avoid pollution. Given the age and construction of the building it is necessary to protect the workers during construction and the subsequent occupiers of the flats from contaminants and the measures set out in condition 6 are reasonable and necessary. Finally, in the interests of clarity condition No.8, specifying the plans that are approved, is reasonable and necessary. I will therefore impose all of these conditions.

Appeal B - Block C-part of Floor 4

27. The SCG lists 10 businesses/individuals who are likely to have occupied this space on the key date. Moreover, the appellant's team's consolidated statements based on the Council's research of the occupiers, lists eight business occupiers. The company's name and a brief description of the businesses are put forward although this evidence only provides limited details of each use. For example, 'PC Shrink' are said elsewhere to repair computers and this is more likely to be a B1(c) use rather than B1(a). Likewise, there is reference to 'the Peoples Supermarket' but this is clarified as a consultancy operation as opposed to a primary purpose of retailing.
28. Having regard to the totality of evidence submitted, I find that it is not ambiguous and I am satisfied that it reasonably demonstrates that this space was used for office purposes involving clerical and administrative work on the

key date and that it was an independent planning unit, albeit one that was further sub divided into smaller office units. The proposal in appeal B therefore complies with Part O and I will allow the appeal and grant prior approval with the conditions as previously discussed in paragraph 26 above.

Appeal C - Block B-floor 1

29. The SCG lists two occupants of this space which are said to involve Illustration and Design studios and Multimedia Art. These are included in the Council's Schedule which also refers to other artist's studios based on the Coexist Tenancy Schedule 2012. The dictionary defines a *studio* as a work place of a painter or photographer or where television or cinema films or recordings are made, and such uses are more likely to fall within Class B1(b) or (c) of the UCO (as applying at the key date) or be *sui generis*, as opposed to Class B1(a) .
30. I have balanced this with the appellant's evidence, particularly the Statutory Declarations, one of which refers to the space being use for desk-based office work. However, this statement may be based on the definition of *office* discussed in paragraph 14 above which I concluded was too wide, and the fact that a use may be 'desk based' does not mean that that its primary nature is for business, clerical or administrative purposes and therefore an office. I find that there is ambiguity over the appellant's evidence in this particular appeal and I have doubt over the classification of such uses as B1(a).
31. I conclude that it has not been demonstrated on the balance of probabilities that this planning unit was in office use on the key date. I will therefore not allow this appeal.

Appeal D – Block B-part of floor 4

32. The SCG lists 5 businesses/groups that used this space on the key date. The Council's Schedule also mentions others that are thought to have occupied the space. The titles suggest that many of the users had a role in performing arts e.g. The Tribe of Doris, The Original Spinners and The Misfits Theatre Company. These users are verified by the appellant's evidence but the nature of the operation of three of the other specified occupiers is unknown.
33. The Statutory Declarations indicate that the space was used for 7 self-contained offices and Mr Baker states that he knew the operation of three of the companies that occupied the units and generally the floor was used for desk based office working. Mr Balla's oral evidence indicated that he was familiar with the uses that took place. He referred to many of the users of B4 linking with the dance and events space in the adjacent block A and also the 'well-being space' which was part of the B4 wing but excluded from the current application site plan. He said the uses undertaken were not wholly offices but included use for theatre and workshop preparation, storing props and performing as well as film making. It was a facility where the local community could come to spend time particularly in an arts setting.
34. Taking the submitted evidence as whole, I have doubt that all of the B4 space was in use only as offices on the key date as the primary activity of all of the occupiers of the space is not clear and unambiguous. I conclude that it has not been demonstrated on the balanced of probabilities that this planning unit was in office use on the key date. I will therefore not allow this appeal.

Appeal E - Block B-floor 5

35. The SCG indicates that this space was occupied by Coexist itself while the Council's Schedule also refers to occupation by 'Temwa' a community led development charity with 12 staff and also ancillary work-space for The Canteen, and the copy of the Tenant Schedule (where not redacted) refers to both of these being used as 'offices'. The Schedule mentions as well 16 'hot desk' users and meeting rooms. Although the room bookings supplied refer to part of this B5 space being used for a 'Community Conscious Supervision Session' the evening before the key date, there is no evidence to suggest that this apparent non-office use, was a frequent occurrence. Likewise, there is mention of some of the space being used for Spanish lessons, but at the hearing these were acknowledged to have been infrequent and possibly held in the evening.
36. Having regard to the totality of evidence submitted, I find that it is reasonably consistent and not ambiguous and I am satisfied that it demonstrates that this space was used for office purposes involving clerical and administrative work on the key date and that it was an independent planning unit, albeit that part of the space was further sub divided into smaller 'hot desk' units. The proposal in appeal E therefore complies with Part O and I will allow the appeal and grant prior approval with the conditions as previously discussed in paragraph 26 above.

Appeal F - Block C-floor 1

37. In this appeal the SCG refers to a Digital Media and Mastering Engineer and a music publishing company occupying the space on the key date while the Council's Schedule lists 5 specific companies involved in arts and studio work together with unspecified companies involved in similar business work. The appellant provides a plan which shows the C1 space divided into 9 separate rooms and a store. The appellant's statement gives a further breakdown of this space in a table but the exact nature of many of the businesses is said to be unknown.
38. The appellants say that while the companies were involved in some form of media production these are said to be desk-based companies who produced media using computers and that the rooms have never been recording studios. Nevertheless, the discussion at the hearing suggested that there was an emphasis on design, media and production facilities in this space. Mr Balla said that there had been regular broadcasting from a room/studios with DJs and guests. This coincides with the details provided about Passion FM Radio, an internet based operator working out of Hamilton House. The membership agreement for a (redacted company) refers to the business as 'Record Production (music)'; others refer to the C1 space being used in separate premises for: music studio; artist's studio; and music production. While information on the nature of the uses is not comprehensive, such uses are more likely to fall within Class B1(b) or (c) of the UCO or be *sui generis*, as opposed to Class B1(a).
39. Such evidence contradicts the Statutory Declarations, particularly by Mr Callaghan and Mr Baker where the C1 space was stated to be solely used as offices on the key date. However, some of this difference may reflect the variation in the interpretation of office use by the parties. In any event, in this

case it appears to me that where information on the users is given, that many of the activities taking place in floor C1 involved producing a media product rather than be mainly of administrative or clerical work.

40. Taking the submitted evidence as a whole I have considerable doubt over the primary activity of the occupiers of the C1 space as offices as the evidence is not clear and unambiguous. I conclude that it has not been demonstrated on the balance of probabilities that this planning unit was in office use on the key date. I will therefore not allow this appeal.

Appeal G - Block C-part of Ground floor

41. Before considering the evidence of the use, there is an issue over the extent of the actual submitted plans which the Council alleges would incorporate part of the 'Bike Shop'. The appellant's team say that there was not an intention to do that and the red line shown on the plan follows the present partition along the southern end of the Bike Shop and the submitted plan reflects an old alignment of the internal subdivision. From my observations on site and my interpretation of the submitted plan it appears that the proposal is to contain the dwelling to the present confines of the space and not intrude into the adjoining area. However, if this scheme was allowed, in the interests of clarity it could be conditioned that a plan of the actual application extent is submitted and agreed in writing by the Council prior to any conversion work starting.
42. In terms of the evidence of the use on the key date, the SCG is silent on this aspect. The Council's Schedule refers to a possible storage use by C&C, however, taken as a whole I have no reason to doubt the appellant's evidence, particularly the statutory declarations, that this space was in office use on the key date. The proposal in appeal G therefore complies with Part O and I will allow the appeal and grant prior approval with the conditions as previously discussed in paragraph 26 above.

Conclusions

43. I have found that on the key date Hamilton House comprised an amalgam of independent and self-contained planning units and there was not a mixed use covering the whole building. In four of the appeal cases it has been reasonably demonstrated that the planning unit was in office use on the key date and I will allow these appeals. In three of the cases, the evidence, considered as a whole, does not clearly establish without ambiguity that the units were solely in class B1(a) *office* use, using the ordinary meaning of the word, on the key date, and I will dismiss these appeals.
44. Many letters of objection were submitted from local people, particularly at application stage, about the loss of a valued community facility, but this is not a planning issue that can be considered in prior approval applications of this type.

David Murray

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall take place until a noise assessment with regards to the existing noise climate at the development site; taking account of noise emanating internally from the existing commercial uses within the building, has been submitted to and approved in writing by the local planning authority. The report shall include details of the noise climate on a typical Friday and Saturday night with live/amplified music taking place within Block A.

Where necessary, the report shall detail a scheme of acoustic insulation/attenuation measures for residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of residential occupation by noise from commercial premises, both emanating from within Hamilton House and from adjacent sites.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall be prepared in accordance with ProPG: Planning and Noise Professional Practice Guidance on Planning and Noise New Residential Development (May 2017)

The approved noise insulation scheme shall be implemented prior to commencement of residential use and be maintained permanently thereafter.

- 3) Prior to the occupation of the residential accommodation hereby permitted, detailed plans and specifications for proposed cycle parking facilities, demonstrating secure and accessible cycle parking for a minimum of 7 bicycles per floor, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the residential accommodation hereby approved and shall be retained thereafter, free from obstruction, solely for the purpose of parking bicycles.
- 4) Prior to the occupation of the residential accommodation hereby permitted, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to limit the number of car parking spaces associated with the residential use hereby permitted to no more than 5 car parking spaces per residential floor. The plan shall also include: the methods of car parking space allocation; and details of how this allocation will be implemented and secured. The use shall then be carried out in accordance with the approved plan.
- 5) Prior to the occupation of the residential accommodation hereby permitted, a Refuse Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The collecting and management of refuse at the site shall thereafter accord with the Refuse Management Plan.
- 6) In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be

undertaken in accordance with DEFRA and the Environment Agency Model Procedures for the Management of Land Contamination, CLR11, and where remediation is necessary a remediation scheme must be prepared which ensures 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. Following a completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to approval in writing by the Local Planning Authority.

- 7) The change of use hereby permitted shall be implemented in accordance with the submitted Travel Plan (Interim Residential Travel Plan, Hydrock, (October 2017) and the measures set out therein. Within three months of occupation of the residential accommodation, evidence of implementation of the measures set out in the Travel Plan Statement shall be submitted to and agreed in writing with the local planning authority, unless an alternative timescale is agreed in writing.

APPEARANCES

FOR THE APPELLANT:

Mr H Richards,	Barrister, No.5 Chambers.
Mr K Stokes, Dip TP, MRTPI	Director, Stokes and Morgan Planning Ltd.
Mr N Calvert,	Director Sustainable Britain, Ltd.
F Connolly	Director Connolly and Callaghan
Mr Baker	Head of Social Enterprise, C&C.

FOR THE LOCAL PLANNING AUTHORITY:

Mr D MacFadyen, MRTPI	Senior Planning Officer, Bristol City Council.
Mrs D Bodill	Planning Solicitor, Bristol City Council

INTERESTED PERSONS:

Mr D Balla	Previous Director and employee of 'Coexist'.
Ms J Dragovic	Previous receptionist at Hamilton House and employee of 'Co-exist'