



- Appendix 5 – Approved Plans ref: PA_102 & PA_101.

BACKGROUND

The application site consists of 17 Portland Square, a large end terrace Grade II building located on the east side of Portland Square within the Portland and Brunswick Square Conservation Area.

The five storey Georgian Town House was subject to a planning and listed building application seeking the change of use from offices (B1a) to residential use (C3), which was granted on the 13th May 2016. The planning permission allowed for the conversion to 8 No. residential units, with 6 No. apartments within the main building and 2 No. town houses located in the former meeting hall to the rear of the site.

The formal description of development is as follows:

Change of use from offices (Use Class B1a) to 8 No Residential Dwellings (Use Class C3) with associated external and internal alterations, refuse and cycle store.

The planning and listed building consents were granted subject to pre-commencement conditions which were discharged by the applicant prior to the commencement of works on the 9th & 10th May. The aforementioned consents are attached at Appendix 1.

An application to discharge the pre-commencement conditions attached to both the planning and listed building consents were submitted to the Local Planning Authority on 27th September 2017. Both applications were determined on 2nd October 2017, with the LPA approving the submitted details, namely:

- Tree Protection Plan (3137_PA_181 A, O’Leary Goss Architects)
- Tree Protection Statement (20th September 2017, O’Leary Goss Architects)
- Statement of Noise Mitigation Measures (20th September 2017, O’Leary Goss Architects)
- Proposed Floor Details Acoustic Treatments (3137_PA_182, O’Leary Goss Architects)
- Proposed Window Treatments (3137_PA_180 A, O’Leary Goss Architects)

Confirmation of the discharge of these conditions is attached to this letter as Appendix 2.

Further to the above and in accordance with the requirements set out within Condition 2 of 15/05105/F and Condition 2 of 15/05106/LA, CSJ Planning wrote to the Local Planning Authority on 25th April 2019 to provide two weeks prior notice of the commencement of works on-site. This is evidenced within Appendix 3.

CSJ Planning also wrote to the LPA on 26th April 2019 to provide photos demonstrating that the tree protection fencing had been erected on site in accordance with the details approved via discharge of condition applications ref: 17/05401/COND and 17/05394/COND. This is also evidenced within Appendix 3.

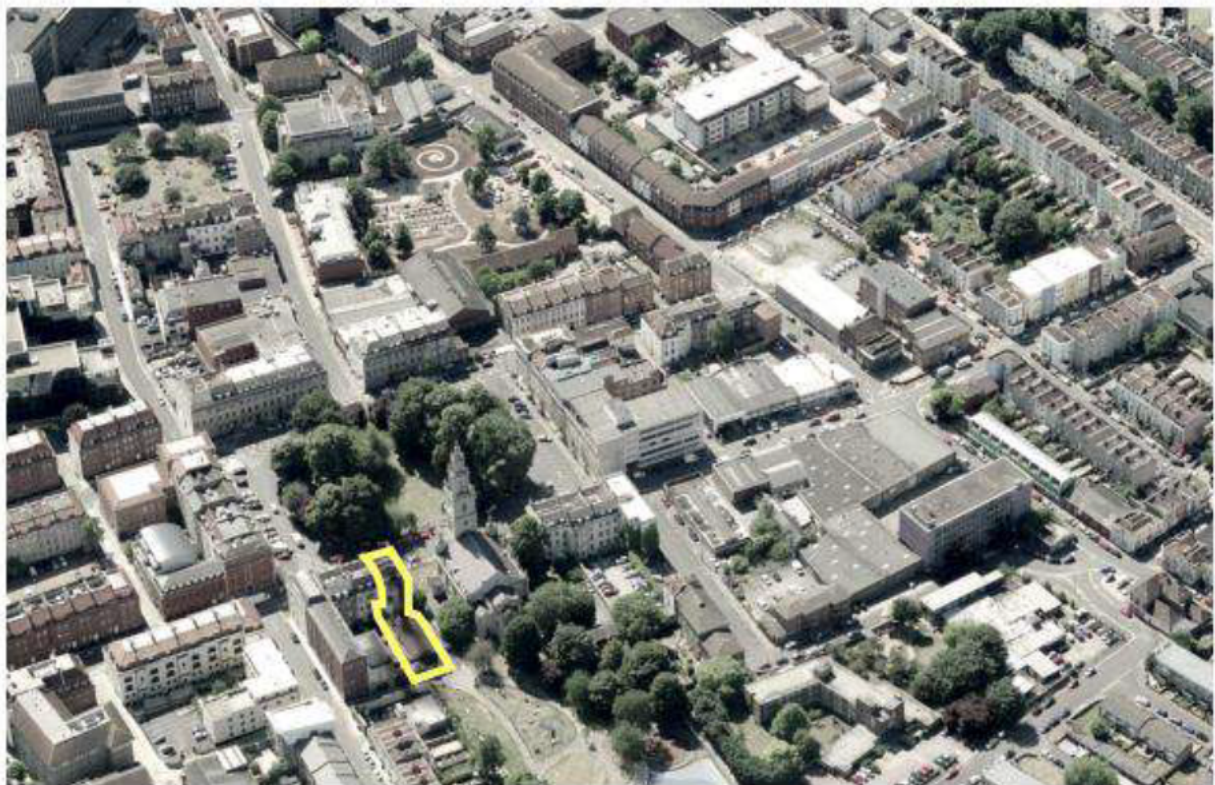
Having issued the requisite two-week notice period to the LPA on 25th April 2019, works commenced on site. The works undertaken principally involved:

- the formation of the light well to the rear of No.17 which is shown on approved plan refs: 3137_PA101A & 3137_PA103A (see Appendix 5);
- the propping of the existing retaining structure and the temporary covering over of the formation which was necessary to protect the listed building fabric until the formation of the proper retaining structure is formed; &

- building works on the lower ground floor as consented.

CSJ Planning subsequently wrote to the LPA on 10th May 2019 to detail the material operations undertaken to implement the planning and listed building consents and provided photo evidence of the works undertaken on site, as identified above. The photos provided within the email of 10th May 2019 are included within Appendix 3.

In accordance with Section 91 of the Town and Country Planning Act, the three-year expiry date for development to commence ended on the 12th May 2019. As such, in order to progress works on site, confirmation is sought from the Local Planning Authority (LPA) that the development is lawful and that the relevant planning permissions (15/05105/F & 15/051606/LA) remain extant. Evidence has subsequently been provided as part of this application to demonstrate that a Lawful Development Certificate (LDC) can be issued to this effect.



Location Plan for 17 Portland Square

SUPPORTING EVIDENCE

The following pieces of evidence are considered pertinent to the determination of this application:

- Appendix 1 – Discharge of Condition Notices;
- Appendix 2 – CSJ Planning & Local Planning Authority Email Correspondence;
- Appendix 3 – Photos of works undertaken on site; &
- Appendix 4 – Approved Plans ref: PA_102 & PA_101.

COMMENCEMENT OF DEVELOPMENT

S56 of the Town and Country Planning Act 1990 deals with the commencement of development. It states:

- (1) *Subject to the following provisions of this section, for the purpose of this Act development of land shall be taken to be initiated -*
- (a) *if the following development consists of the carrying out of operations, at the time when those operations are begun;*
 - (b) *if the development consists of a change in use, at the time when the new use is instituted;*
 - (c) *if the development consist both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).*
- (2) *For the purpose of the provisions of this Part mentioned in subsection (3) development shall be taken to begun on the earliest date on which any material operation comprised in the development begins to be carried out.*
- (3) *The provisions referred to in subsection (2) are sections 85(2) 86(6), 87(4), [F189] 91, 92 and 94.*
- (4) *In subsection (2) "material operation" means –*
- (a) *any work of construction in the course of the erection of a building;*
 - (aa) *any work of demolition of a building;*
 - (b) *the digging of a trench which is to contain the foundations, or part of the foundations, of a building;*
 - (c) *the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);*
 - (d) *any operation in the course of laying out or constructing a road or part of a road;*
 - (e) *any change in the use of any land which constitutes material development.*

The approved scheme is for the Change of use from offices to residential dwellings within a listed building. A development of this nature comprises both a change of use and the carrying out of operations (subsection (1) above). The latter will take place first, so development will have been initiated when a 'material operation' has been carried out on-site.

At some point between May 9th & 10th 2019, contractors commenced development on-site through the removal of the vaulted cellar in order to create the light well to the rear of 17 Portland Square, as shown on the approved plans (ref. 3137_PA_101 & 3137_PA_102). Works were also commenced through the propping of the existing retaining structure and the temporary covering over of the formation, which was necessary to protect the listed building fabric until the formation of the proper retaining structure is formed.

The following approved drawing and documents reference the works carried out on-site:

- 3137_PA_101 Proposed Lower Ground Floor Plan (Front Building)
- 3137_PA_102 Proposed Ground Floor Plan (Front Building)

The works undertaken were lawful and permissible only by implementation of both the planning application and listed building consents. Prior to the commencement of the work, the applicant obtained confirmation that the pre-commencement conditions attached to both the planning and listed building consent had been discharged and also provided the LPA with the requisite notice of their intention to commence works on-site.

The works specified above are clearly illustrated on the approved drawings and were undertaken prior to the expiry of the planning consents on the 12th May 2019, as evidenced by the photographs provided to the LPA on the 10th May 2019, which have been included within Appendix 4.

The works on-site undoubtedly fall within the remit of 'material operations', specifically S56, subsection (4)(a) 'any work or construction in the course of the erection of a building' and S56, subsection 4(aa) 'any work of demolition of a building'. As such, in accordance with S56 of the Town and Country Planning Act 1990, development lawfully began at this point with both planning and listed building consent remaining extant and capable of further work to ensure completion in compliance with the approved plans and outstanding conditions attached to the respective consents.

SUMMARY

The time limit for commencing development is controlled by Condition 1 of both planning permissions (refs. 15/05105/F & 15/05106/LA), which state:

The development hereby permitted shall begin before the expiration of three years from the date of this permission (12th May 2019).

The specific date of commencement cannot be verified, but the evidence indicates that this was sometime between 9th and 10th May 2019. In reaching this conclusion, I have regard to the following:

- CSJ Planning & Local Planning Authority Email Correspondence, including:
 - Provision of two-week prior notice of the commencement of works on site 25th April 2019;
 - Provision of photos demonstrating that the required tree protection had been erected in accordance with 17/05401/COND and 17/05394/COND on 26th April 2019;
 - Details of the material operations undertaken to implement planning and listed building consent & photographic evidence of works undertaken on site 10th May.
- Photos of works undertaken on site;
- Approved drawings detailing the works completed on-site (Refs PA_102 & PA_101).

All of the above referenced documents can be found as Appendices to this Covering Letter.

It is considered that sufficient information is provided to show that, on the balance of probabilities (see *F W Gabbitas v SSE and Newham LBC [1985] JPL 630*), that development commenced between the 9th and 10th May 2019, which falls within the '3 year' expiry date (12th May 2019) stipulated within condition 1 of planning permissions ref. 15/05105/F & 15/05106/LA.

In summary:

- The works carried out constitute development as defined by S55 of the Act and the undertaking of the works constitute the commencement of development as defined by S56 of the Act;
- They were undertaken before expiration of the planning consent on the 12th May 2019.

It is therefore clear that the development has been initiated lawfully in accordance with Condition 1 of consents ref. 15/05105/F and 15/05106/LA.

CONCLUSION

Taking into account the commentary in this letter and the content of the enclosed documents, it has been demonstrated that the works carried out on-site constitute both '*any work or construction in the course of the erection of a building*' and '*any work of demolition of a building*' as defined by S56 of the Town and Country Planning Act 1990 and were undertaken before expiry of the granted consent. Furthermore, details to discharge the various pre-commencement conditions were approved in a timely fashion and prior to the commencement of works.

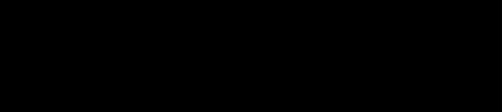
Given the above, it is clear the development has been initiated lawfully and all pre-commencement conditions satisfactorily addressed. The evidence provided is considered sufficient to allow the LPA to issue a Lawful Development Certificate confirming that the development is lawful and that planning permissions ref. 15/05105/F and 15/05106/LA remain extant.

I trust the information provided is sufficient for you to determine the application, though please do not hesitate to contact me if you wish to discuss the content of this letter.

Yours sincerely,



11/6/2015



Jeremy Bladon BA (Hons), Dip TP (Dist), MRPTI

Director

Appendices

Appendix 1 – The Planning & Listed Building Consents;

Appendix 2 - Discharge of Condition Notices;

Appendix 3 – CSJ Planning & Local Planning Authority Email Correspondence;

Appendix 4 – Photos of works undertaken on site; &

Appendix 5 – Approved Plans ref: PA_102 & PA_101.



NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015**

Decision : GRANTED subject to condition(s)

Application no: 15/05105/F

Type of application: Full Planning

Site address: 17 Portland Square, Bristol, BS2 8SJ.

Description of development: Change of use from offices (Use Class B1a) to 8 No Residential Dwellings (Use Class C3) with associated external and internal alterations, refuse and cycle store.

Applicant: Pediment Developments Ltd

Agent: CSJ Planning Consultants Ltd

Committee/delegation date: 13.05.16

Date of Notice: 13.05.16

Important: Compliance with conditions

- Please read the conditions and understand their requirements and restrictions
- Some conditions may relate to a specific element of work, and require details to be submitted and approved before any work on that element commences.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- The council monitors compliance with planning conditions.

Application No: 15/05105/F

DECISION: GRANTED subject to condition(s)

Condition(s)

Time limit for commencement of development

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre commencement condition(s)

2. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees marked on drawing 313_PA 102. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.

3. Details of the noise insulation measures outlined in the submitted and approved Acoustics Report dated 19th April and Mitigation measures to reduce noise ingress report dated 21st April will be submitted and approved in writing by the Local Planning Authority before the relevant part of the works takes place. 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 accommodation by noise from uses carried out at the adjacent St Pauls church.

The approved details shall be implemented in full prior to the commencement of the use permitted and be permanently maintained. The works will need to be regularly checked by a competent acoustic consultant throughout the construction of the development and inspected by an authorised officer of Bristol City Council's Pollution Control Team prior to the commencement of the development.

Reason: To ensure that future residents have adequate sound insulation from neighbouring commercial uses.

4. Partitions - Listed Building

All new partitions within the building shall be scribed around the existing ornamental plaster mouldings.

Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving its special architectural or historic interest, whilst acknowledging that the building was substantially reconstructed circa the 1980s above basement level and behind the Portland Square and Pritchard Street facades.

Pre occupation condition(s)

5. 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's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures 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 completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination 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.

6. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans 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. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

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

7. Completion and Maintenance of Cycle Provision - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

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

Application No: 15/05105/F

Post occupation management

8. The sustainability measures outlined in the submitted Sustainability & Energy Statement October 2015 shall be installed before occupation and retained thereafter.

Reason: To ensure the development complies with the Climate Change policies of the Core Strategy.

List of approved plans

9. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Acoustics Report dated 19th April, received 26 April 2016

Mitigation measures to reduce noise ingress report dated 21st April, received 26 April 2016

PA-100 Block/Site Location Plans, received 13 October 2015

PA 101 Proposed lower ground floor plan, received 13 October 2015

PA 102 Proposed ground floor plan, received 13 October 2015

PA 103A Proposed ground floor plan, received 4 April 2016

PA 104 Proposed first floor plan, received 13 October 2015

PA 105 Proposed first floor plan, received 13 October 2015

PA 106A Proposed second floor plan, received 4 April 2016

PA 107 Proposed third floor plan, received 13 October 2015

PA 108 Proposed roof plan, received 13 October 2015

PA 109 Proposed roof plan, received 13 October 2015

PA 110 Lower/ground floor demolition plans, received 13 October 2015

PA 111 First/second floor demolition plans, received 13 October 2015

PA 112 Third floor/Roof demolition plans, received 13 October 2015

PA 120 Existing elevations, received 13 October 2015

PA 125 Proposed elevations, received 13 October 2015

PA 131 Proposed section CC, received 13 October 2015

PA 140 Proposed details 1 & 2, received 13 October 2015

PA 141 Proposed details 3 & 4, received 13 October 2015

SU 001 Existing site plan, received 13 October 2015

SU 002 Existing lower ground floor plan, received 13 October 2015

SU 003 Existing ground floor plan, received 13 October 2015

SU 004 Existing first floor plan, received 13 October 2015

SU 005 Existing second floor plan, received 13 October 2015

SU 006 Existing third floor plan, received 13 October 2015

SU 007 Existing Roof Plan, received 13 October 2015

SU 008 Existing Elevations, received 13 October 2015

SU 009 Existing Section AA & BB, received 13 October 2015

Energy & Sustainability Statement, received 13 October 2015

Reason: For the avoidance of doubt.

Article 35 Statement

In dealing with the application we have worked with the applicant in a positive and pro-active manner and have implemented the requirement in the National Planning Policy Framework paragraph 187.

It is important that you read the following “Additional information”

Additional information for application no 15/05105/F

Planning permission – important provisos

1. If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts or Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note.
2. It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over land, or to access land that is not within your control or ownership.

Compliance with the approved plans and conditions

3. The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or a part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.
4. If work on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments

5. Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring

6. Bristol City Council actively monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions compliance

7. Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.
8. A fee is payable for each request. A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.
9. The leaflet "Complying with planning conditions" provides further guidance on this process (see www.bristol.gov.uk/planningdecisions)

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 15/05105/F

Right of Appeal

10. Applicants have a right of appeal against the requirements of any conditions attached to this approval. Appeals are made to the Planning Inspectorate on a form obtainable from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. They can be contacted on 0303 444 5000, and further information is on the Planning Inspectorates website www.planningportal.gov.uk/pcs . You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Complaints

11. Only planning matters can be considered at an Appeal. If you think that the Council did not properly consider your application, you can make a comment under the council's "Fair Comment" procedures, details can be found on the councils website www.bristol.gov.uk/faircomment or by calling 0117 9223000.



NOTICE OF DECISION

Town and Country Planning Act 1990 (as amended) Planning (Listed Buildings and Conservation Areas) Act 1990

Decision :	GRANTED subject to condition(s)
Application no:	15/05106/LA
Type of application:	Listed Building Consent (Alter/Extend)
Site address:	17 Portland Square, Bristol, BS2 8SJ.
Description of development:	Change of use from offices (Use Class B1a) to 8 No Residential Dwellings (Use Class C3) with associated external and internal alterations, refuse and cycle store.
Applicant:	Pediment Developments Ltd
Agent:	CSJ Planning Consultants Ltd
Committee/delegation date:	13.05.16
Date of Notice:	13.05.16

Important: Compliance with conditions

- Please read the conditions and understand their requirements and restrictions
- Some conditions may relate to a specific element of work, and require details to be submitted and approved before any work on that element commences.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- The council monitors compliance with planning conditions.

Application No: 15/05106/LA

DECISION: GRANTED subject to condition(s)

Condition(s)

Time limit for commencement of development

1. Listed Building Consent or Conservation Area Consent

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004.

Pre commencement condition(s)

2. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees marked on drawing 313_PA 102. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.

3. Partitions - Listed Building

All new partitions within the building shall be scribed around the existing ornamental plaster mouldings.

Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving its special architectural or historic interest, whilst acknowledging that the building was substantially reconstructed circa the 1980s above basement level and behind the Portland Square and Pritchard Street facades.

List of approved plans

4. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Energy & Sustainability Statement, received 13 October 2015
PA 100 Site Location/Block Plan, received 13 October 2015
PA 101 Proposed Lower Ground Floor Plan, received 13 October 2015
PA 102 Proposed Ground Floor Plan, received 13 October 2015
PA 103A Proposed Ground Floor Plan, received 4 April 2016
PA 104 Proposed First Floor Plan, received 13 October 2015
PA 105 Proposed First Floor Plan, received 13 October 2015
PA 106A Proposed Second Floor Plan, received 4 April 2016
PA 107 Proposed Third Floor Plan, received 13 October 2015
PA 108 Proposed Roof Plan, received 13 October 2015
PA 109 Proposed Roof Plan, received 13 October 2015
PA 110 Lower Ground/Ground Floor Demolition Plan, received 13 October 2015
PA 111 First/Second Floor Demolition Plan, received 13 October 2015
PA 112 Third Floor/Roof Demolition Plan, received 13 October 2015
PA 120 Existing Elevations, received 13 October 2015
PA 131 Proposed Section CC, received 13 October 2015
PA 140 Proposed Details 1 & 2, received 13 October 2015
PA 141 Proposed Details 3 & 4, received 13 October 2015
SU 001 Existing Site Plan, received 13 October 2015
SU 002 Existing Lower Ground Floor Plan, received 13 October 2015
SU 003 Existing Ground Floor Plan, received 13 October 2015
SU 004 Existing First Floor Plan, received 13 October 2015
SU 005 Existing Second Floor Plan, received 13 October 2015
SU 006 Existing Third Floor Plan, received 13 October 2015
SU 007 Existing Roof Plan, received 13 October 2015
SU 008 Existing Elevations, received 13 October 2015
SU 009 Existing Section AA & BB, received 13 October 2015

Reason: For the avoidance of doubt.

Article 35 Statement

In dealing with the application we have worked with the applicant in a positive and pro-active manner and have implemented the requirement in the National Planning Policy Framework paragraph 187.

It is important that you read the following “Additional information”

Additional information for application no 15/05106/LA

Planning permission – important provisos

1. If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts or Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note.
2. It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over land, or to access land that is not within your control or ownership.

Compliance with the approved plans and conditions

3. The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or a part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.
4. If work on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments

5. Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring

6. Bristol City Council actively monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions compliance

7. Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.
8. A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.
9. The leaflet "Complying with planning conditions" provides further guidance on this process (see www.bristol.gov.uk/planningdecisions)

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 15/05106/LA

Right of Appeal

10. Applicants have a right of appeal against the requirements of any conditions attached to this approval. Appeals are made to the Planning Inspectorate on a form obtainable from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. They can be contacted on 0303 444 5000, and further information is on the Planning Inspectorates website www.planningportal.gov.uk/pcs . You are allowed six months from the date of this notice of decision in which to lodge an appeal

Complaints

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Ben Larcombe
CSJ Planning Consultants Ltd
1 Host Street
Bristol
BS1 5BU

reply to Angelo Calabrese
telephone 0117 922 3058
E-mail development.management@bristol.gov.uk
our ref PP-06416662
your ref
date 1 November 2017

Notice of Decision – Application to approve details required by condition

Application No. 17/05394/COND

Proposal: Application to approve details in relation to condition 2(Tree Protection) and 3(Noise insulation) of permission 15/05105/F Change of use from offices (Use Class B1a) to 8 No Residential Dwellings (Use Class C3) with associated external and internal alterations, refuse and cycle store

Site Address: 17 Portland Square Bristol BS2 8SJ

With reference to the above application registered on 27 September 2017, please find below our decision.

Condition 2

Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees marked on drawing 313_PA 102. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

The submitted tree protection plan 3137_PA 181 is acceptable.

Decision: Details approved

Date of decision: 6 October 2017

Condition 3

Details of the noise insulation measures outlined in the submitted and approved Acoustics Report dated 19th April and Mitigation measures to reduce noise ingress report dated 21st April will be submitted and approved in writing by the Local Planning Authority before the relevant part of the works takes place. 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 accommodation by noise from uses carried out at the adjacent St Pauls church.

The approved details shall be implemented in full prior to the commencement of the use permitted and be permanently maintained. The works will need to be regularly checked by a competent acoustic consultant throughout the construction of the development and inspected by an authorised officer of Bristol City Council's Pollution Control Team prior to the commencement of the development.

The revised acoustic report received on the 17th October is acceptable.

Decision: Details approved

Date of decision: 30 October 2017

Development Management

Decon
010812



Ben Iarcombe
CSJ Planning Consultants Ltd
1 Host Street
Bristol
BS1 5BU

reply to Angelo Calabrese
telephone 0117 922 3058
E-mail development.management@bristol.gov.uk
our ref
your ref
date 27 October 2017

Notice of Decision – Application to approve details required by condition

Application No. 17/05401/COND

Proposal: Application to approve details in relation to condition 2 (Protection of tree) of permission 15/05106/LA Change of use from offices (Use Class B1a) to 8 No Residential Dwellings (Use Class C3) with associated external and internal alterations, refuse and cycle store .

Site Address: 17 Portland Square Bristol BS2 8SJ

With reference to the above application registered on 27 September 2017, please find below our decision.

Condition 2

Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees marked on drawing 313_PA 102. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

The submitted tree protection plan 3137_PA 181 is acceptable.

Decision: Details approved

Date of decision: 27 October 2017

Development Management

Deccan
010812

Re: 15/05105/F & 15/05106/F - 17 Portland Square commencement of works

Ben Larcombe <bl@csj-planning.co.uk>

Thu 07/01/2021 16:13

To: Ben Larcombe <bl@csj-planning.co.uk>

From: Ben Larcombe**Sent:** 10 May 2019 16:06**To:** development.management@bristol.gov.uk <development.management@bristol.gov.uk>**Cc:** Angelo Calabrese <angelo.calabrese@bristol.gov.uk>; Jeremy Bladon <jb@csj-planning.co.uk>; Malcolm Warner <malcolm@pediment-holdings.com>**Subject:** RE: 15/05105/F & 15/05106/F - 17 Portland Square commencement of works

Dear Sir/Madam

Further to the email trail below, which provided notice to the LPA of the applicant's intention to commence materials works on site, please find a suite of photos below demonstrating the undertaking of material operations implementing the aforementioned planning and listed buildings consents at 17 Portland Square.

The works undertaken principally involve the formation of the lightwell to the rear of No.17 which is shown on approved plan refs 3137_PA101A & 3137_PA103A ,the propping of the existing retaining structure and the temporary covering over the formation which is necessary to protect the listed building fabric until the proper retaining structure is formed and works are progressed on the lower ground floor.

With kind regards

Ben Larcombe MSc MRTPI
Senior Planner
CSJ Planning Consultants Ltd

Chartered Town Planning Consultants
1 Host Street, Bristol BS1 5BU

T: 0117 927 2224**M:** 07967 666 994**W:** www.csj-planning.co.uk**E:** bl@csj-planning.co.uk**[Planner/Senior Planner Opportunity](#)****Follow us on:**  

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From: Ben Larcombe

Sent: 29 April 2019 10:10

To: development.management@bristol.gov.uk

Cc: Angelo Calabrese <angelo.calabrese@bristol.gov.uk>

Subject: RE: 15/05105/F & 15/05106/F - 17 Portland Square commencement of works

Dear Sir/Madam

Further to my emails below, we have just received the attached requesting the payment of an application fee of £116 and that the application is invalid.

Please note that this is not a discharge of conditions application. It is a procedural requirement within the subject condition for the applicant to provide two weeks written notice of their intention to implement the planning listed building consent in order for the LPA to confirm the tree protection measures, the details of which have been submitted to and approved, are satisfactory.

Therefore, no application fee is required.

Regards

Ben Larcombe MSc MRTPI
Senior Planner
CSJ Planning Consultants Ltd
Chartered Town Planning Consultants
1 Host Street, Bristol BS1 5BU

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From: Ben Larcombe

Sent: 26 April 2019 11:48

To: development.management@bristol.gov.uk

Cc: Angelo Calabrese <angelo.calabrese@bristol.gov.uk>; Jeremy Bladon <jb@csj-planning.co.uk>; Malcolm Warner <malcolm@pediment-holdings.com>

Subject: RE: 15/05105/F & 15/05106/F - 17 Portland Square commencement of works

Dear Sir/Madam,

Further to my email below, please see the attached email which shows the erection of the tree protection fencing in accordance with the approved details pursuant to Condition 2 of 15/05105/F & 15/05106/LA.

I would be grateful if you could confirm in writing that the installation of the fencing is acceptable at your earliest convenience.

With kind regards

Ben

Ben Larcombe MSc MRTPI
Senior Planner
CSJ Planning Consultants Ltd
Chartered Town Planning Consultants
1 Host Street, Bristol BS1 5BU

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From: Ben Larcombe

Sent: 25 April 2019 16:03

To: 'development.management@bristol.gov.uk' <development.management@bristol.gov.uk>

Cc: 'Angelo Calabrese' <angelo.calabrese@bristol.gov.uk>; Jeremy Bladon <jb@csj-planning.co.uk>

Subject: 15/05105/F & 15/05106/F - 17 Portland Square commencement of works

Dear Sir/Madam,

In accordance with Condition 2 of planning permission ref 15/05105/F and Condition 2 of listed building consent ref 15/05106/LA, the details of which were discharged by the Local Planning Authority (LPA) on 1st November 2017, I hereby write to provide the LPA with two weeks prior written notice of the commencement of works on site in order to allow the LPA to verify in writing that the tree protection fencing has been installed, in accordance with the approved details.

With kind regards

Ben Larcombe MSc MRTPI
Senior Planner
CSJ Planning Consultants Ltd
Chartered Town Planning Consultants
1 Host Street, Bristol BS1 5BU

T: 0117 927 2224

M: 07967 666 994

W: www.csj-planning.co.uk

E: bl@csj-planning.co.uk

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Please be environmentally aware and only print off this e-mail if absolutely necessary

FW: 190425_e>MW Portland Sq tree protection-_3137

From: Robert O'Leary <robert@olearygoss.co.uk>

Subject: 190425_e>MW Portland Sq tree protection-_3137

Date: 25 April 2019 at 16:10:42 BST

To: malcolm@pediment-holdings.com, Jeremy Bladon <jb@csj-planning.co.uk>







Robert O'Leary
O'LearyGoss Architects
www.olearygoss.co.uk

Re: 190425_e>17 Portland Square_Tree Protection_3137Robert O'Leary <robert@olearygoss.co.uk>

Fri 10/05/2019 15:41

To: Ben Larcombe <bl@csj-planning.co.uk>**Cc:** Malcolm Warner <malcolm@pediment-holdings.com>; Jeremy Bladon <jb@csj-planning.co.uk>; Paul Tuttiett <Paul.tuttiett@kitto-group.co.uk>

Ben

I attach some progress photos which show the opening up of the lightwell to the rear of No. 17, the propping of the existing retaining structure, and the temporary covering over..

The formation of the lightwell is permissible only by implementation of both the planning application and listed building consents. The temporary roof over the excavation is to protect the listed building fabric until a proper retaining structure is formed and works at lower ground floor level are progressed. Photo 8. is as it is this afternoon. There is a need to remove spoil emanating from the breaking out of the former vaulted structure.

Is this enough?

Regards

Robert O'Leary APMP RIBA*Director***o'learygoss**

O'LearyGoss Architects Ltd., Chapel House, 11a Alexandra Park, Bristol BS6 6QB
Tel: 0117 989 2661 Email: robert@olearygoss.co.uk Web: www.olearygoss.co.uk
VAT reg no 741 5837 24 • Company reg no 6521195

Latest News: [New school sports complex presented to community.](#)





















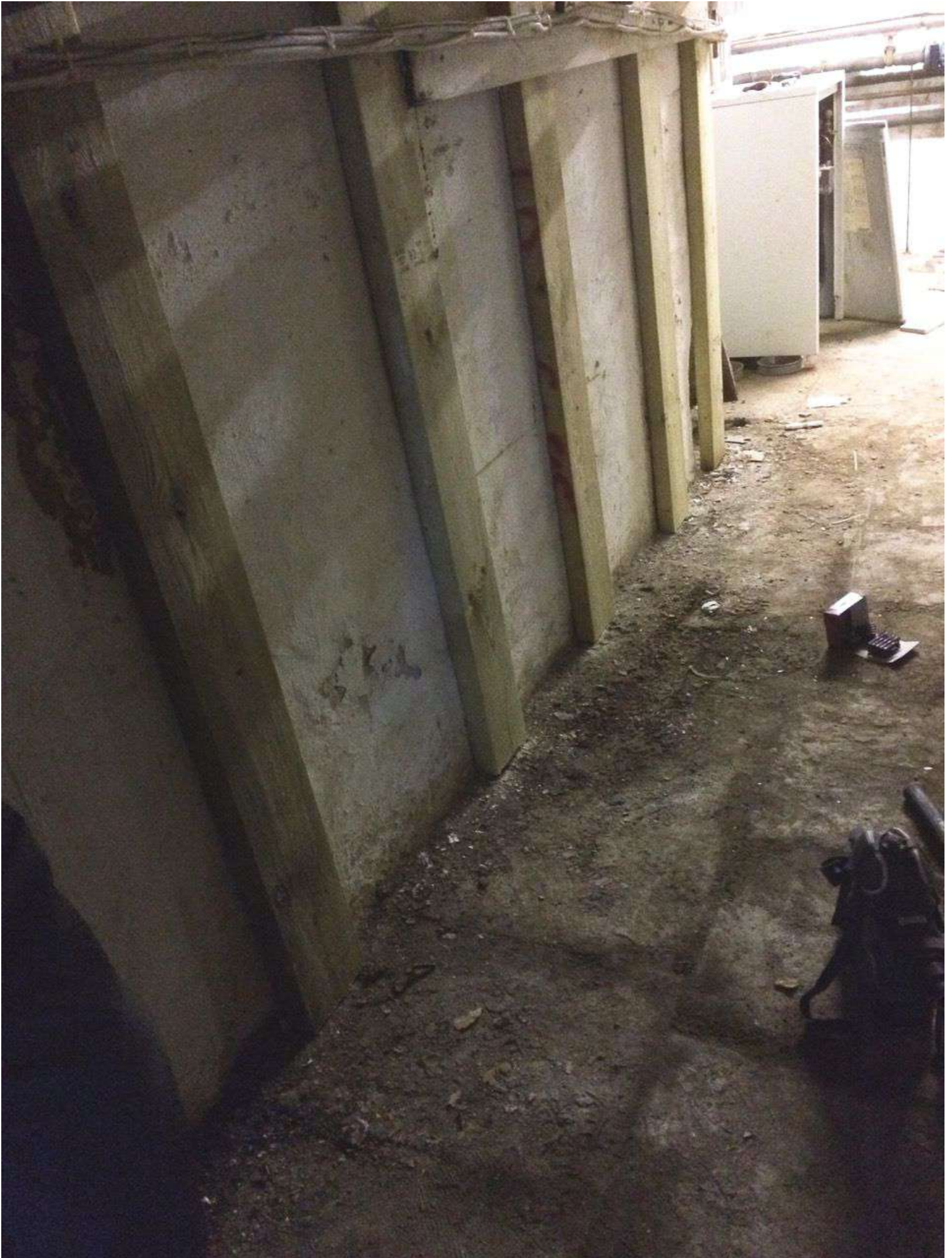


On 10 May 2019, at 14:16, Ben Larcombe <bl@csj-planning.co.uk> wrote:











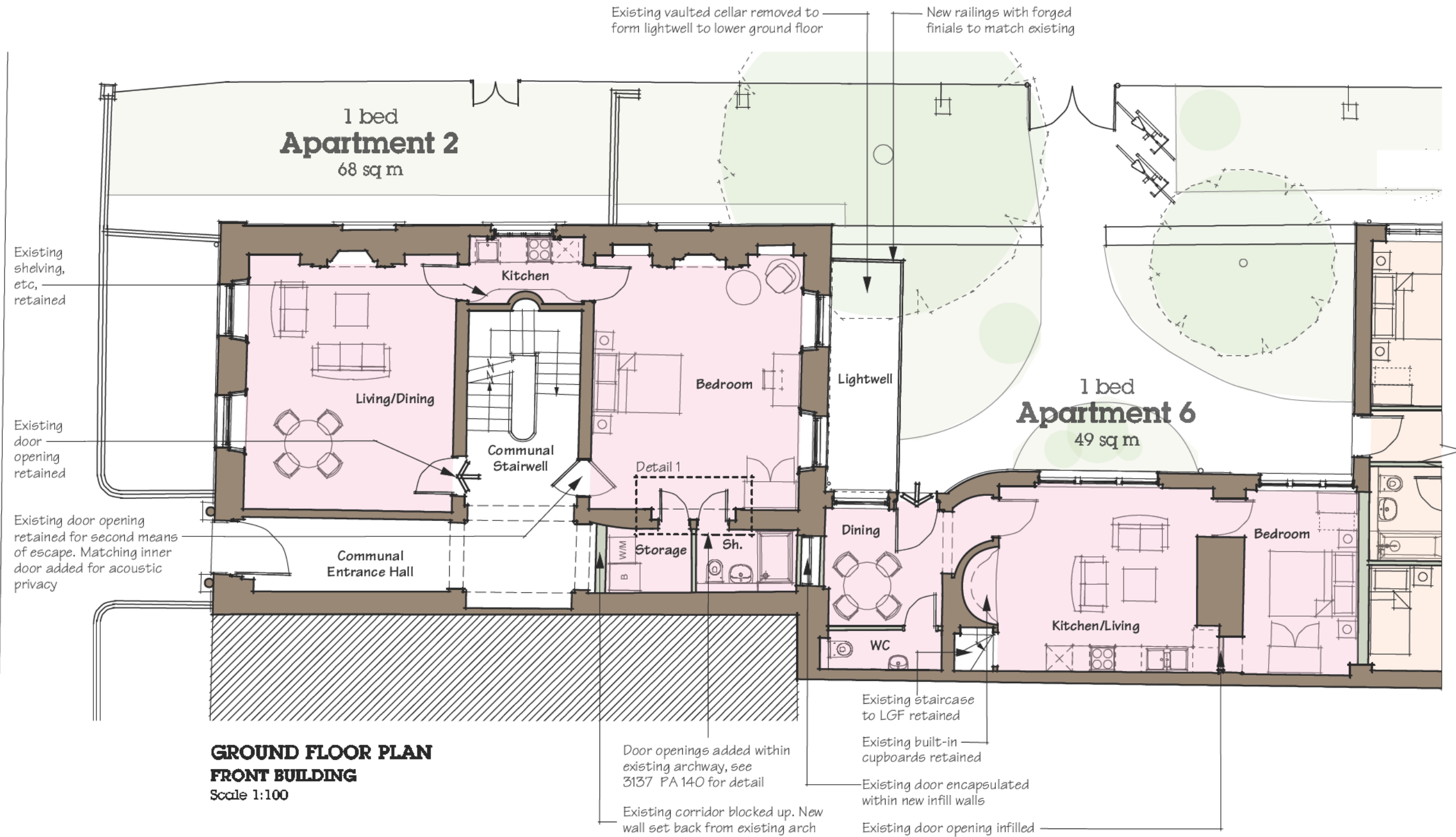






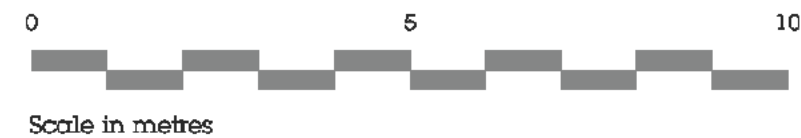
KEY

- Existing walls to be retained
- New internal partitions



**GROUND FLOOR PLAN
FRONT BUILDING**
Scale 1:100

FOR PLANNING



o'learygoss
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Project Title
**Residential Conversion
17 Portland Square
Bristol**

Drawing Title
**Ground Floor Plan
Proposed (Front Building)**

Drawing No
3137_PA 102

Date
06 September 2015

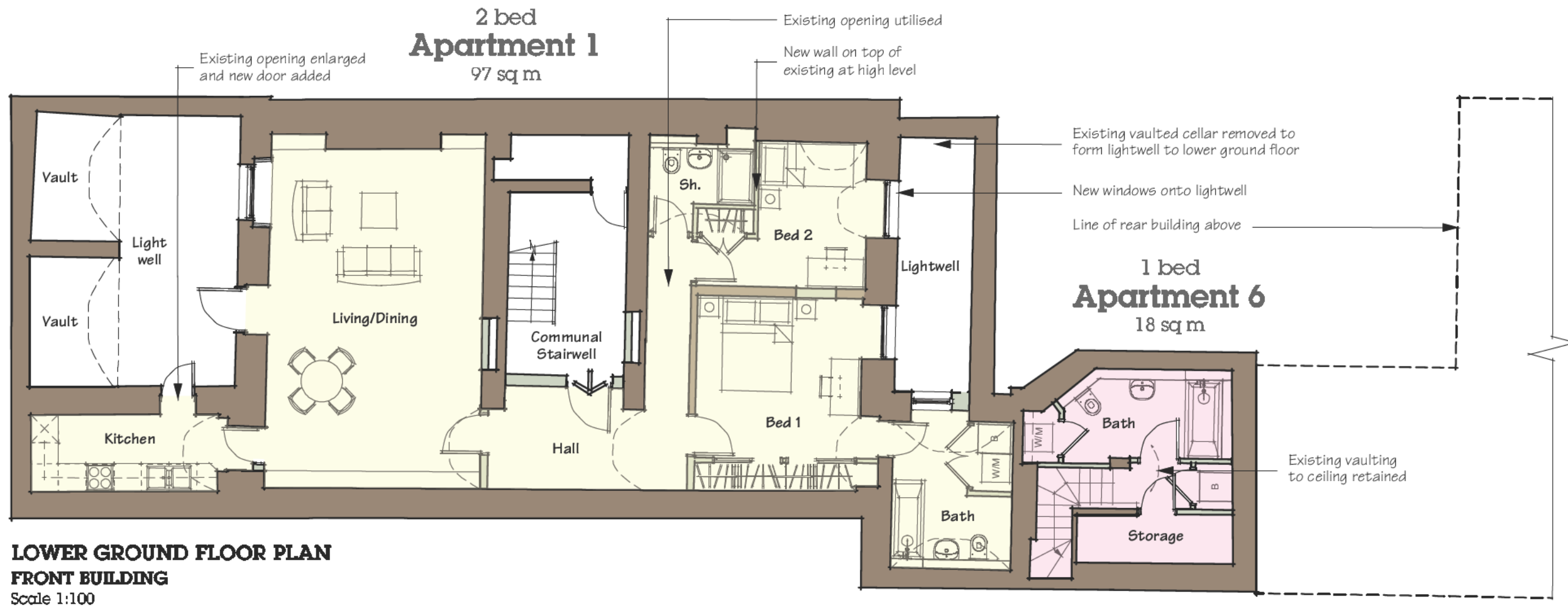
Scale
1:100 @ A3

Drawn by
GC

Checked by
JOC

KEY

- Existing walls to be retained
- New internal partitions



**LOWER GROUND FLOOR PLAN
FRONT BUILDING**
Scale 1:100

FOR PLANNING



Scale in metres

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Project Title
**Residential Conversion
17 Portland Square
Bristol**

Drawing Title
**Lower Ground Floor Plan
Proposed (Front Building)**

Drawing No
3137_PA 101

Date
06 September 2015 Scale
1:100 @ A3

Drawn by
GC Checked by
JOC