

09 April 2021

Delivered by email and Planning Portal

Susannah Petit  
Development Management  
City Hall  
Bristol City Council  
PO Box 3176  
Bristol  
BS3 9FS

Ref: MIDA3001

Dear Susannah

**FORMER ESSO GARAGE, BATH ROAD – APPLICATION FOR APPROVAL OF NON-MATERIAL AMMENDMENTS IN RESPECT OF PLANNING PERMISSION 18/04620/F**

On behalf of our client **Mid Group**, please find enclosed a non-material amendment ['NMA'] application (made under Section 96a of the Town and Country Planning Act 1990) in respect of various changes to Planning Permission **18/0460/F**, which relates to the former **Esso Garage site on Bath Road** ['the Site'], and the comprehensive redevelopment to provide 152 new homes and associated development ['the development'].

**Application Documents**

The application has been submitted to Bristol City Council ['the Council'] via the Planning Portal and comprises the following submission documents:

- Completed Application Forms;
- This Covering Letter;
- Revised Plans for Approval, as follows:

APPROVED PLAN (18/04620/F)	REVISED PLAN (FOR APPROVAL)
1875-FCBS-XX-DR-A-2800 P3 SITE ELEVATION 01	P1033-LHA-ZZ-ZZ_DR-A-8001
1875-FCBS-XX-DR-A-2801 P4 SITE ELEVATION 02	P1033-LHA-ZZ-ZZ_DR-A-8002
1875-FCBS-XX-DR-A-2802 P3 SITE ELEVATION 03	P1033-LHA-ZZ-ZZ_DR-A-8003
1875-FCBS-XX-DR-A-2803 P4 SITE ELEVATION 04	P1033-LHA-ZZ-ZZ_DR-A-8004

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1875-FCBS-XX-DR-A-2804 P3 SITE ELEVATION 05	P1033-LHA-ZZ-ZZ_DR-A-8005
1875-FCBS-XX-DR-A-2805 P3 SITE ELEVATION 06	P1033-LHA-ZZ-ZZ_DR-A-8006
1875-FCBS-XX-DR-A-2806 P3 SITE ELEVATION 07	P1033-LHA-ZZ-ZZ_DR-A-8007
1875-FCBS-XX-DR-A-2807 P3 SITE ELEVATION 08	P1033-LHA-ZZ-ZZ_DR-A-8008
485-100 P7 LANDSCAPE PLAN	P1033-MCF-ZZ-00-DR-L-1000 LANDSCAPE MASTERPLAN GROUND FLOOR

## Application Fee

The fee for this application is **£234**, which has been paid via the Planning Portal.

## Background

Full Planning Permission was granted for the following development on the 19<sup>th</sup> December 2019, and construction is now being progressed by Mid Group on behalf of Clarion Housing Group:

*“Construction of 152 new residential dwellings contained in three buildings comprising of a 15+2 storey tower, a central block ranging between 6 and 7 storeys and eastern block at 3 storeys. Additional uses include ground and lower ground floor commercial (B1 Use Class) office space, car & cycle parking, refuse & recycling storage and associated landscaping.”*

We can confirm that the applicant (Mid Group) has notified Clarion Housing Group of this application as they hold an ownership interest in the development/application site to which these changes relate.

## The Legislative Framework

Section 96a of the Town and Country Planning Act 1990 (as amended) enables applications to be made for the approval of “non-material amendments” to existing planning permissions which remain subject to the original conditions and time limits. Non-material amendments can relate to physical changes to the approved development and/or changes to conditions which were previously imposed on a grant of Planning Permission. The Planning Practice Guidance (PPG) (ID: 17a-013020140306) explains that one of the uses of a Section 96a application is to seek a non-material amendment, where there is a relevant condition that can be varied. In this case Condition 71 attached to Planning Permission 18/0460/F lists the approved plans, and so provides a suitable mechanism to authorise non-material changes. There is no statutory definition of a ‘non-material amendment’; however, the PPG states that “*it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another*”. The scale and location of a development are relevant when considering the extent of any proposed changes, any planning issues which arise, and therefore if changes are non-material in any particular case.

## The Proposed Non-Material Amendments

Following the grant of full planning permission for the development the site was acquired by Clarion Housing Group and the development has been commenced with Mid Group as main contractor. Following the planning stage and as technical construction design was progressed, a number of minor changes to the approved scheme have been identified, which are necessary for a variety of reasons, as summarised for ease below:

### Scheme Changes (Drawings)

- (a) External lift omitted from adjacent to Block A and now included within Block A – giving a direct access to the river. External stair reconfigured;

*- As a result of EA access requirements and to provide a more secure lift for use within the building this is now within the Block A envelope and a dedicated new entrance has been formed for this.*

- (b) Emergency generator not allowed for at Planning design stage now enclosed within building at groundfloor level adjacent to Bath Road within Block C, necessitating minor external changes to elevation for ventilation and access;  
*- Emergency life-safety generator equipment has been located within the approved building envelope adjacent to the substation. This has resulted in a minor development in the openings in this localised area, to provide statutory access and ventilation. The design is in keeping within the approved palette of materials and the original design intentions.*
- (c) Riverside walkway headwall omitted;  
*- This feature could not be constructed, as discussed with EA and not possible to allow coffer dam of River Avon to allow this to be constructed safely.*
- (d) Block D windows to East elevation omitted as on the site ownership boundary (façade developed to accommodate this);  
*- Windows would need to be fixed (non-opening) and fire rated to comply with building control. Alternative windows available into all habitable rooms.*
- (e) Amendment to South elevation of Block A windows (windows to riser and stair omitted) and windows to bedrooms narrowed symmetrically;  
*- Windows shown in service riser on approved planning drawings - elevation re-configured to give impression of symmetry without needing to glaze flue riser.*
- (f) Heights of Block A amended – lowered by 1350mm;  
*- Design development to allow level access to amenity terraces*
- (g) L00 to L01 Block D lowered by 1440mm;  
*- Height shown in planning did not work with compliant staircase due to slope in existing topography*
- (h) Position of Block A adjusted by 660mm (moved away from boundary) to keep sufficient distance from highway retaining wall and avoid oversailing balconies over boundary;  
*- Ownership boundary not shown on planning drawings, adjusted to suit;*
- (i) Change of PPC spandrel panels to glazed brick on Block A to follow panels on other block;  
*- Construction system choice to allow safe construction methods and longevity of detailing.*
- (j) Change from balconies on Blocks B and C (South East corner) to Juliette balcony (to avoid balconies crossing boundary line);  
*- Balconies were shown oversailing the pavement boundary in Planning Application - already shown Julietted at L01 so same treatment now above to overcome this issue;*
- (k) Wildflower meadow to South of Block A and adjacent to Bath Road omitted from landscaping masterplan;  
*- This area is not in ownership of developer and discovery of road retention works means that this land is under the control of the Local Highway Authority and so unable to be seeded as indicated in the planning application;*
- (l) Configuration of gazed elevation to base of Block A amended;

- Glazing updated to follow structural requirements.

- (m) Entrances developed;  
- *To include artwork and signalling of entrance with glazed brick at entrance level, and entrance canopy enlarged to provide cover to residents entering the building.*
- (n) Louvre openings in base of tower reduced and re-configured;  
- *Louvres not fully shown on elevations at planning stage - design development.*
- (o) Types of bricks on the facades to be rationalised;  
- *Panel brick type configurations noted are patchwork and have been rationalised within the same 3 brick palette as grated at planning stage;*
- (p) Cycle parking re-distributed around the site to facilitate residents use;  
- *Numbers kept the same as in planning application, but redistributed to allow easier access for residents and visitors to the site the approved scheme comprised 10 stands in one location, these are now provide as six adjacent to Block C entrance and four adjacent to Block A (as two pairs).*
- (q) Canopies over entrances to Core B & C omitted;  
- *Entrance re-configured to provide sufficient cover without canopy;*
- (r) Chimney shown to Block A;  
- *Was not shown on planning drawings*
- (s) Inclusion of additional acoustic louvres for rooftop plant adjacent to amenity space;  
- *This will not be directly visible from street level due to set back.*
- (t) Inclusion of access stair from L06 amenity roof to Block B roof to give safe access to PV installation for maintenance;  
- *Safe maintenance access required to PV's on rooftop;*
- (u) Window configuration to be changed in Block D to allow for increased trickle vent performance;  
- *Minor change in proportion to allow suitably acoustic rated louvres to be incorporated;*
- (v) Landscape to podium area developed from original scheme;  
- *Reflects design development and public realm improvement from approved planning drawings;*
- (w) Hit/miss perforated screen to develop into checkerboard brick screen (with no perforations);  
- *Client maintenance item - holes will become a litter dropping point. Alternative feature brick panel proposed and approved now under Condition 28;*
- (x) Entrance to Core C of Linear Block Lowered at L00;  
- *Planning design did not allow for actual site levels and entrance level needed to be reduced to provide compliant DDA access to Core C;*
- (y) Glazed elevation to walkway omitted from commercial unit facing onto access route and retaining wall - additional service access door include to provide compliant escape route;  
- *glazed window reduced available wall space in commercial unit and looked directly onto existing retaining wall and prevented safe escape from plant space. Structural requirements meant that full sized opening was not possible.*
- (z) Glazed balconies changed to metal railings;

- *Some of the tower elevations shown had glazed balconies. These had statutory compliance issues and have been replaced with metal rails to match adjacent balconies.*

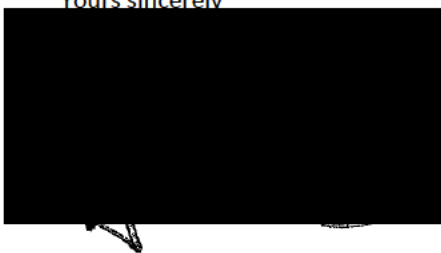
Taken in the round and reflecting the significant scale of the approved development the changes set out in this application are all considered to be non-material, as they do not substantially change the development as approved and are otherwise acceptable in planning terms.

- The application site area is not different to the original application, although changes have been made to ensure that conflicts with ownership boundaries arising from the approved planning drawings are addressed (buildings reduced in scale/moved away from boundaries by a small amount);
- The description of the development does not change from the original application;
- Taken in the round, and given the overall scale of the buildings, the proposed changes do not materially alter the overall external appearance to a material degree;
- The amendments do not significantly increase the size of any part of the development, and in some cases the size is reduced by a small amount;
- The amendments do not materially increase the height of the building(s), other than in one instance where a chimney is included that was not shown on approved planning drawings;
- The development is no closer to boundaries and neighbours than as originally approved;
- The amendments to windows and doors do not increase potential overlooking in any way, and there is not greater level of visual intrusion, loss of light or feeling of enclosure to neighbours;

In summary the proposed amendments set out within this application are necessary as a result of design development and to reflect technical compliance and construction issues which have arisen since the original planning stage. The changes to not materially alter the form and scope of the approved scheme, and as part of a large scale urban development, are the type of minor (non-material) changes which the legislation intends to help facilitate so that the development process can effectively proceed.

I trust that you have sufficient information to register this application and look forward to receiving confirmation of receipt as soon as possible. However, if you have any queries, or require any additional information, please do not hesitate to get in touch.

Yours sincerely



Andrew Ross  
**Director**

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