

Information for Councillors for committee 2pm 12th November 2014

This document outlines the reasons why we believe that the Council can and should reject application number 14/04174 for extension of delivery hours.



Sainsbury's Horfield will be North Bristol's largest supermarket with a retail area larger than Tesco Eastville, shoe-horned into a densely residential 'out of town' location, utterly inappropriate in size, scale and function for this Memorial site.

INTRODUCTION

Planning permission for a superstore on the Memorial Ground, Filton Avenue, Horfield received over 1000 written objections and more than 6000 local people signed a petition to state how wrong this development was for this site. Permission was nonetheless granted for this 'finely balanced' ('enabling' development).

2 features which Sainsbury's wished to include were considered excessive and extremely deleterious to residents were therefore disallowed by the Council. These were:

- (a) 19 hours per day 7 days a week delivery times, and
- (b) a 2-lane exit from the mini-roundabout to be constructed on Filton Avenue

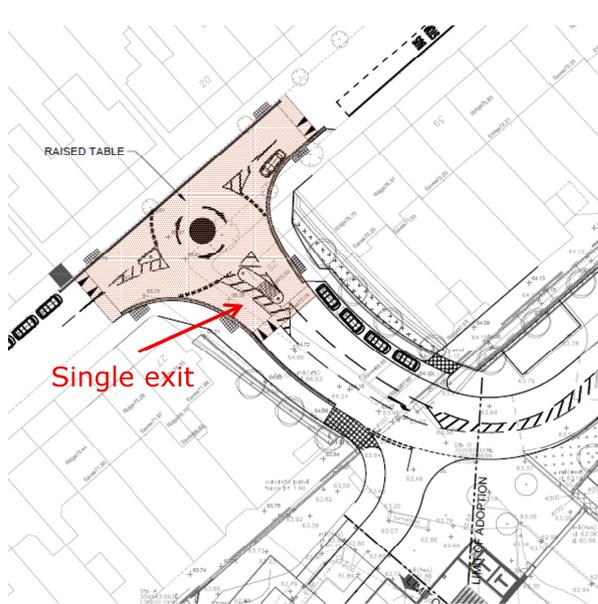
These two key elements are now at the heart of this application which you are due to consider.

CRITICAL FLAWS - WHY YOU SHOULD REJECT THIS APPLICATION

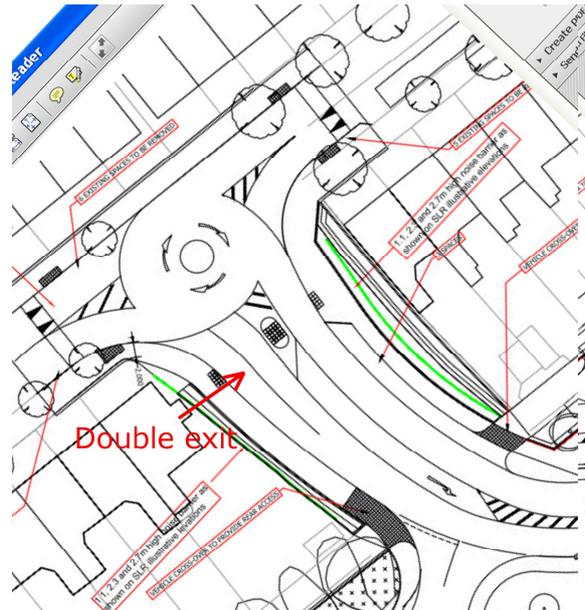
Critical flaw 1.

This application utilises a site entrance that BCC officers have declared unsafe.

Drawings (08)100 and (08)111 supplied by the applicant and used in the officers report differ from the approved plan S1-10013-SK121220 agreed by the original committee in Jan 2013, by virtue of reinstating the dangerous two-lane site exit, and by the removal of a noise causing vertical traffic calming feature from the site exit.



Original Application drawing permitted Jan 2013



14/04174 Noise assessment with 2 exit lanes

This crucial issue is not actually included as a formal part of the application and due its significance leaves the application wide open to legal challenge should it be approved..

Emails between the Councils officers inform us that Sainsbury's were not happy with the single exit to the site and only accepted the single exit after the failure of protracted lobbying just 6 days before the planning committee meeting on 15th January 2013. It is very worrying that 20 months later 24Acoustics Noise Assessments stubbornly re-adopt Sainsbury's preferred two lane exit.

Despite repeated objections from the public, which identify both the correct drawing number and the significant characteristics of the correct site entrance, when 24Acoustics corrected the drawings to include the raised table roundabout they chose not to correct the 2 exit lane error.

The 2 lane exit was identified as dangerous to cyclists by the highways officers of Bristol City Council. Please see the appendix for emails that confirm the determined nature in which highway officers defended this safety feature in 2012/13.

Have highways officers assessed the safety of this change of access?

Has there been a safety audit?

Until such time that BCC highway officers declare this entrance to meet the required safety standards we urge the committee to refuse this application.

Critical flaw 2

Keystones Mental Health Support Services – Failure to Undertake Equalities Act Assessment

Several houses on Filton Avenue are managed by Keystones Mental Health Support Services providing accommodation for vulnerable people with mental health problems. The residents of number 29 Filton Avenue will be made homeless by the demolition of the property which also provides the main office base for the organisation and the residents. The residents of number 27 will be significantly impacted by noise nuisance and overbearing, overshadowing barriers across the front door to the property and surrounding the garden. See reason 4.3.

An objection has been made by a Managing Director of Keystones as below:

“I am the Managing Director Of Keystones Housing Support Services Ltd. We are a registered not for profits organisation that help to rehabilitate residents with long term MH conditions in the community. As part of this development Sainsbury's purchased our main office address at 29 Filton Ave (where we also house 6 residents) from the owner, in order to demolish it to widen the Rd. We were not happy with this but as we only rented the property we could not stop the owner from selling. We are now renting from Sainsbury's until the building work starts.

We have now become aware of this new application for extended hours and to put a sound barrier along our other house at 27 Filton Ave. As explained our residents suffer from Mental Health conditions, many of them have spent years in hospitals surrounded by fences or walls & become very stressed & anxious about any type of containment. Putting a sound barrier around their garden could have a serious impact on their Mental Health, the garden is currently open & they spend many hours enjoying that freedom.

In addition most of the residents have very poor sleep, the amount of disruption with deliveries being made by these extended hours will also impact on their MH.

Keystones has already been seriously effected by this building application, with the impending loss of our main house at 29, I do not feel it is acceptable to cause further disruption to vulnerable residents.

I hope it goes some way in influencing the decision on this application”.

It is patently absurd for the case officer to suggest that such barriers will have a neutral impact on the appearance of the local area. Contrast this with a neighbouring property that was not permitted to add a small dormer extension due for impacts arising from it not being 'in-keeping' with the area.

Critical flaw 3 (Key Issue A in Officer's Report)

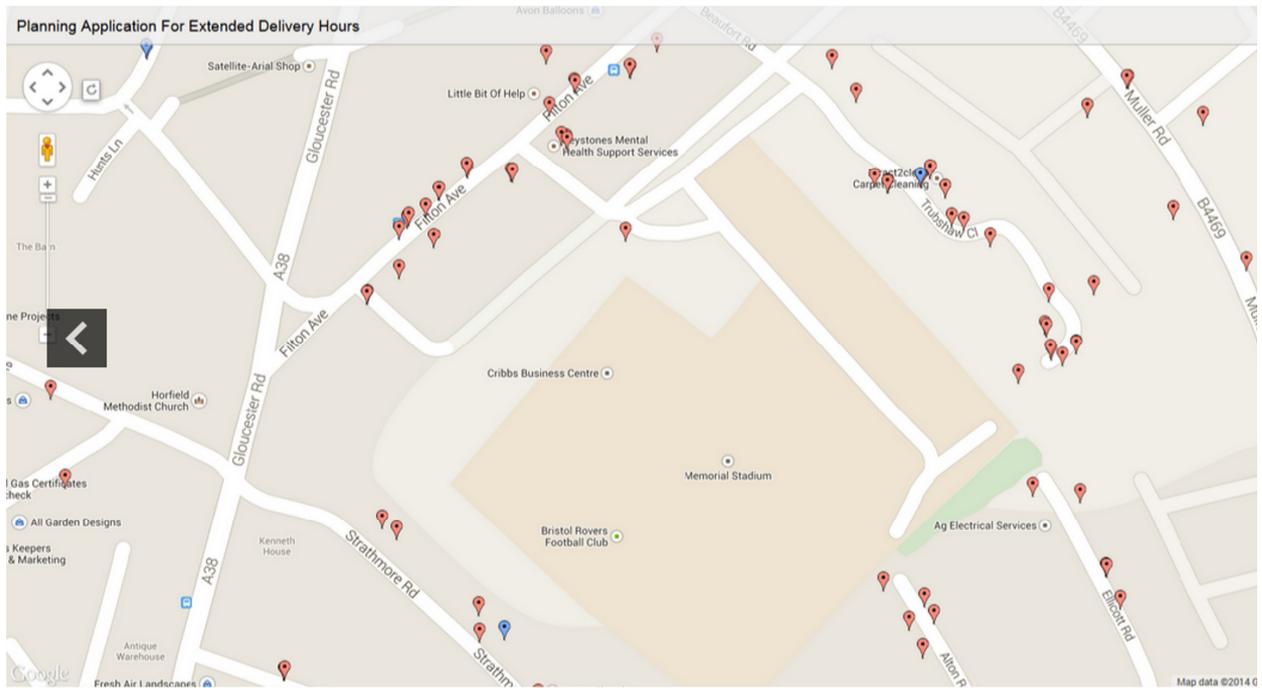
The increase in delivery hours together with the mitigation would have a detrimental impact on the amenity of surrounding residents.

We urge the committee to refuse this application on Key issue A with the following reasons:

Reason 1. 187 local residents have decided for themselves that their amenity will be damaged by this application.

Despite the confusing number of different planning applications, the simultaneous appeal and the numerous noise assessments residents have still made their judgement absolutely clear along with all 4 local ward councillors, this application should be refused.

Objectors to the application and proximity to the stadium



Objections (in red) and Supports (in blue) for application 14/04174/X

Figure 1: Map showing Memorial stadium and close surrounds, pin-pointing originating addresses of those nearest to the stadium who sent objections to this application (red) and support (blue).

Reason 2. All four noise assessments are fatally flawed and have failed to assess the damage to the amenity of local residents.

2.1 Disregard of WHO sleep disturbing threshold

In all the assessments submitted by 24Acoustics it is argued that there is good reason to use a higher threshold for the sleep disturbing level of noise than the long held BS standard of 45dBLAmax. 24Acoustics argue that 53dBLAmax is actually the sleep disturbing level of noise for HGV delivery noise in a residential area. This is a departure from British standards permissible under the most recent change of planning guidance. It is a departure from the existing World Health Organisation recommendations.

The previous noise assessor, WYG, did not suggest that 45dBLAmax was an unnecessarily low threshold.

2.2. Betraying their own interpretation of the 'spirit' of planning guidance

A month after writing the noise assessment for the extension of delivery hours 24Acoustics published another noise assessment for a residential development in Northamptonshire. In this later assessment, R4890-1 Rev2, they write:

para 3.6

For residential developments 24Acoustics considers that the spirit of the requirements of NPPF, NPSE and PPG will be complied with if the criteria from BS 8233:2014 and WHO guidelines are adopted for internal noise within dwellings.

para 3.8

The WHO provides guidance on desirable internal noise levels to minimise risk of sleep disturbance. The WHO guidelines suggest internal noise levels not exceeding 30dBLAeq or regularly exceeding 45dB LAmax for 'a good sleep'.

It would seem the noise assessment for 14/04174, in which 24Acoustics argue that 53dBLAmax is the sleep disturbing noise threshold, is incompatible with their own interpretation of the 'spirit' of planning guidance. We would like 24Acoustics to bring to the attention of the Bristol planning committee that the assessments that they have undertaken for this extension of hours are not within the 'spirit' of NPPF, NPSE and PPG.

2.3 24Acoustics have not used the approved drawings for the noise assessment of this application.

Simple diligence on the part of 24Acoustics would have checked that the drawings employed for the noise assessment were those approved by the planning committee in January 2013. Following local residents raising this issue with the Council, 24Acoustics submitted a further assessment (rev-4) based on drawings which this time included the raised table mini-roundabout. However, despite being told by residents both the correct drawing number and the characteristics of the agreed drawing – (raised table roundabout and single exit from the development site) in revision 4 24Acoustics use yet another incorrect drawing.

24Acoustics should be aware that the only lawful way to change the site entrance would be to advise the applicant, their customer, to submit a further planning application to vary the plans. They should only use approved drawings to model the impact of a proposal. The current drawings they are using were withdrawn by the applicant because of the danger to vulnerable road users (pedestrians and cyclists).

2.4 24Acoustics misrepresent TRL 397 research paper in attempt to produce support for their argument that the raised table aspect of the mini roundabout will not increase noise.

24Acoustics cite a research paper TRL397 (Rev.4 page 26 para4.29) to support their judgement that the raised table traffic calming feature will not affect the noise levels concluded in their previous assessment (Rev.3).

However, this report actually found the maximum noise level of these vehicles had increased (+4.5 to +6.2 dB LAmax) despite a substantial decrease in vehicle speed (-7.1 to -13.8 km/h) (Cloke et al., 1999).

It would seem most dishonest of 24Acoustics to cite a research paper as supporting their argument when in fact the paper asserts the opposite case.

It is fair to say that the raised table will increase noise at numbers 27,33 10,12 14 Filton Avenue based on the research that 24Acoustics cite for the following reasons:

- We are concerned only with the noise generated by heavy vehicles.
- We are concerned with objects carried in trailers; vehicles that could have up to 6 separate suspended axles.
- TRL397 tells us that noise increased with heavy vehicles even when the speed of these vehicles was substantially reduced
- There will be no speed reduction and therefore no reduction in vehicle speed noise to offset the increase in noise due to mounting and demounting the raised table.

See appendix 4 for further details.

2.5 Unexplained anomalies between 24Acoustics and WYG reports

The noise level beside 33 Filton Avenue (receptor R12) is modelled to be nearly 5dB quieter in the 24Acoustics assessment than the WYG assessment for the same set of conditions. Number 27, the house opposite, remains at the same modelled noise level in both assessments. How is this?

A direct comparison of the WYG and 24Acoustics reports is possible. If we consider table 10 on page 20 of the 24Acoustics report. Column 1 shows the noise level without mitigation options 1 or 2. This baseline column can be compared to table 5.3 in the WYG report column 'External LAmax Night time'.

So, regardless of mitigation, we can consider 33, Filton Avenue in 24Acoustics has external LAmax of 54.9dB and in the WYG report this location is R12 which says 60.1dBLAmax.

The logarithmic nature of the decibel scale means that this level of error is highly significant - it is a difference of nearly four times in the noise level. So what is the cause of this anomaly?

2.6 Within the Noise Assessment R5247-1 24Acoustics use a reference to a document in German.

For a planning application being heard in England it is contrary to the public interest to submit material in a language other than English. The relevance and validity of the reference cannot be understood by anyone without knowledge of technical German, and to use such material without providing a translation lacks transparency. Indeed if this paper is the significant support for the adoption of the 53dBLAmax increase in sleep disturbing noise threshold then it is highly obstructive to not provide a translation. Furthermore 24Acoustics also fail even to provide a translation of the reference!

Can the 24Acoustics employee who is fluent in German provide a translation for the planning committee and local residents at the earliest opportunity?

2.7 Vibration and infrasound.

As you will no doubt be aware, the impact of HGVs traversing vertical traffic calming features is likely not only to be noise in the normal audible spectrum, but is likely to include vibration and infrasound, inaudible to the human ear, but detectable both physically and through resonances set-up in susceptible surrounding structures. The site is surrounded on three sides by Edwardian houses with shallow foundations on clay. Houses along this terrace shake when buses pass along Filton Avenue. How will the vertical calming affect these properties? Unfortunately, 24Acoustics have failed to perform any vibration monitoring or assessment in their report, and do not appear to have highlighted this as a potential impact of the scheme they were asked to assess. Failing to address issues simply because of the inconvenience of the impact those facts will have on their customer would appear to be contrary to the code of conduct and is certainly not in the public interest.

2.8 Effectiveness of proposed mitigation unknown.

No consultation nor any site visit has taken place to inform residents about the barriers to be built at the ends of their gardens: nothing has been communicated about their design or material nor any explanation of how these are expected to work/ be erected/ be maintained, etc. Nor has any technical information been supplied to elucidate the functioning of acoustic barriers.

Critical flaw 4 – Key Issue B

The design of the proposed noise barriers is not acceptable.

Policy DM26 states that the design of proposals will be expected to contribute towards local character and distinctiveness. Development should respond appropriately to the height, scale, massing, shape form and proportion of existing buildings.

The case officer says on page 15 *'It is noted that there is already a significant boundary along both the boundaries with Filton Avenue and Trubshaw Close. The plans indicate that the Filton Avenue boundary would increase by 0.3m.'*

And further . . . *'The proposed boundary treatments differ little from the existing boundary treatment.'*

However on page 14 the report stated that barriers would increase on Filton Avenue by 0.5-0.9m and on Trubshaw Close the increase would be 1.2m. Which height is it?

Reason 4.1 What height and appearance are the noise barriers? Residents have not been told. We urge the committee to refuse this application on Key Issue B. The design of the Noise Barriers is not acceptable. There have been numerous objections stating that the noise barriers are not acceptable.

Reason 4.2 Residents requested but were refused a site visit and most were unaware of noise barriers from lack of clear consultation.

The proposed boundary change is so significant that residents requested a site visit by the committee. As this was refused by Chair of committee Peter Abraham we will try to illustrate a more accurate picture.



27 Filton Avenue. The front door is 2.1 metres high. The proposed noise wall at this point is 2.7metres. This would reach to the top of the lean-to roof over the front door. The proposed wall will run down the length of the garden at a height of 2.4metres.

It can clearly be seen the existing boundary treatment is completely different in scale than that proposed: a wall that is <1.2 metres high cannot be equivalent to a wall that is 2.4metres high.

Reason 4.3 A very strong objection to the boundary treatment from 27 Filton Avenue was received by the case officer from Keystones Community Housing (below).

'We have now become aware of this new application for extended hours and to put a sound barrier along our other house at 27 Filton Ave. As explained our residents suffer from Mental Health conditions, many of them have spent years in hospitals surrounded by fences or walls & become very stressed & anxious about any type of containment. Putting a sound barrier around their garden could have a serious impact on their Mental Health, the garden is currently open & they spend many hours enjoying that freedom.

In addition most of the residents have very poor sleep, the amount of disruption with deliveries being made by these extended hours will also impact on their MH.

Full objection in Appendix 5

Reason 4.4 A strong objection to the boundary treatment from 33 Filton Avenue was received by the case officer.

The current wall between 33 and 31 Filton Avenue is just 0.9m in height with trellis rising above to 1.5m. Number 33 Filton Avenue is not currently end of terrace as 29 and 31 Filton Avenue have not yet been demolished.

It is most inaccurate of the case officer to state that it is of 'neutral impact' to construct a solid wall of 2.4metres in height in the place of the existing boundary.

An extract from the objection of 33 Filton Avenue . .

'This mitigation for which we see little evidence for the effectiveness will add to our significant loss of amenity by overshadowing the garden where our children play making our garden even less hospitable and prison-like than with the agreed development. Furthermore the barriers will not protect our upstairs bedrooms from noise pollution where we all sleep and it is our children that currently sleep peacefully at the back of the house where at night only the occasional sound of a fox can be heard. Please do not be under the illusion that the Memorial Ground is a noisy place at night, after a match and the gates are locked it is quiet, peaceful.'

A quick reference to the location of objections shows how strong the local feelings on the proposed noise walling actually is. Here is some text from those objections.

Trubshaw Close resident, re imposition of barriers:

"..(their imposition) would in fact only worsen the situation as it would adversely affect the natural light to my house and garden and cause further harm to my family and I. I see no grounds or acceptable reasons why an extension of delivery times and/or higher(sic) fencing should be granted... this shows) a complete disregard for the local community.."

Trubshaw Close resident re imposition of noise attenuation barriers:

"If we had to erect noise barriers in our front gardens, there would be no light whatsoever in our front room. The depth of our front garden would mean the shadow cast from a fence or hedge more than 5ft would engulf our living space. Lack of natural light and noise have been linked to mood disorders and even depression".

Critical Flaw 5

Issues of Predetermination within the Committee

There is a commonly-held perception in north Bristol that this whole application is non-democratic and predetermined. Mayor George Ferguson expressed the view to councillors that it has been referred to the planning committee to overcome the final hurdle – thus handing Rovers a tool with which to pursue Sainsbury's at law for compensation, which will allow them to build a new stadium.

The date of the planning meeting was released on a Bristol Rovers online forum 9 days before being made public.

Appendix 7 includes various online postings which suggest that decisions within BCC planning are being leaked. The transcript below is from a posting before the 15th January 2013 planning meeting for Sainsburys Horfield itself.

HenburyGas forum posting October 11 2012 - 09:49 AM

#OK peoples, some of you may know of my friendship with people on Bristol City Planning Committee and bits of info that have come my way, i've posted them on here....

#So today i had a meeting with them and we talked about the Sainsbury planning application for the mem.

#If the planning meeting being held at the end of November is a close run thing, the head of planning can enact "protocol L8" which is all to do with the provision of "Major Sporting Arena" from what i can gather, this empowers the chairman of the committee to make the final decision...

#and the feeling within the planning group is that he is in favour of the application

##Do you meen members of the committee itself, in which case thay are councillors, or the council officers who work in the planning department Henbury? I only ask because councillors do unpredictable things and the membership of a committee can vary considerably from meeting to meeting.

Hi sorry abit slow getting back to you...

The council planning officers recommend to the planning committee who then debate it at a full meeting. The Chairman of the planning committee will talk pre meeting to other committee members to "trash out" issues.....

i cannot state where i got this info from, but if you look at my site name and then lookup the chairman of the planning committee, i'm sure you can put 2 and 2 together..

Critical Flaw 6

Officers have failed to report on the existing situation. How is it possible to consider significance of impact without knowledge of the existing vehicle mix and quantity?

Is there amenity damage to the wider neighbourhood by the introduction of HGV's in these extended hours or perhaps our neighbourhood is already busy with heavy traffic. Without this information how can we arrive at a judgement on impact?

To remedy this omission we have ourselves monitored the traffic on Filton Avenue for information on existing mix of vehicles. Here is our most recent data.

Time	Car	Transit Van	Bus	Lorry
Mon 3/11/14 5-6am	31	1	2	1
Mon 3/11/14 11-12pm	67	0	7	0
Tue 4/11/14 5-6am	26	4	2	2
Tue 4/11/14 11-12pm	67	0	7	0
Wed 5/11/14 5-6am	21	1	2	0
Wed 5/11/14 11-12pm	100	1	8	0
Thu 6/11/14 5-6am	21	2	2	0
Thu 6/11/14 11-12pm	87	2	8	0
Fri 7/11/14 5-6am	21	2	2	2
Fri 7/11/14 11-12pm	126	1	10	0
Sat 8/11/14 5-6am	42	2	0	0
Sat 8/11/14 11-12pm	149	2	6	0
Sun 9/11/14 5-6am	29	0	0	0
Sun 9/11/14 11-12pm	65	0	4	0

20-30 cars in the morning and up to 100 in the evening, 2 busses in the morning and 7/8 in the evening. A handful of transit type vans... and an occasional lorry!

Currently we have a tally of 5 Lorries in 14 hours. With the extension of delivery hours this would become 33 lorries in 14 hours. **That must constitute a significant impact.**

Note this is assuming delivery rate is 2 lorries per hour. As the store has 2 bays and turnaround is 38 minutes the number of lorries could be considerably more than this.

CONCLUSION

You should not be trying to second guess whether Sainsbury's intend to redevelop or otherwise the Memorial Ground or if Bristol Rovers will strengthen their legal case against Sainsbury's by achieving permission for these extended hours.

The clear and only questions for consideration are:

- Will residents be further harmed as a result of night time noise disturbance and significant loss of amenity due to overbearing and overshadowing barriers
- whether old, young and other more vulnerable residents will suffer **serious** damage to their health and well-being
- whether it is acceptable to wave through a changed drawing that reinstates a road arrangement recognised and previously removed by Highways as too dangerous with a safety audit
- whether it is right to impose high walls around people's gardens without even asking them if this is acceptable to them
- whether this sets an undesirable city-wide precedent for anti social noise nuisance
- and, ultimately, whether, as councillors, you put the short and long-term health, safety and welfare and quality of life of very many Bristol citizens before the financial interests of the board of directors of a private company.
-

We urge you to think of your primary responsibilities towards local residents and to reject this multiply flawed application that sets very dangerous precedents and will further harm local residents.

And finally, why is it that as Bristol is poised to become European Green Capital, the Council is recommending approval of an outrageous scheme to put supermarket deliveries before residents sleep?

Not so far away in our capital city, the London Councils Lorry Control policy is actually restricting HGV traffic (in excess of 18 tons) between 9pm and 7am weekdays and from 1pm Saturday – 7am Monday.

Bristol City Council should be championing such measures, instigating them, adopting greener and more sustainable ways of being open for business and not acquiescing to this extension of delivery hours for a store that is not even built and has yet to demonstrate that it cannot operate successfully across the 17 hours per day already granted.

Thank you for reading to the end.

Appendix 1

Summary of some of the concerns raised by local residents. Objectors who wrote to the planning portal made many important points:

Trubshaw Close resident:

"The local supermarkets do not get the luxury of even the agreed hours for the proposal never mind the extension they are asking for. Will this set a precedent for extended hours from them? How all of a sudden has the noise threshold been raised? If the original study recommended 45dbL why now is (sic) acceptable to be higher?"

Filton Ave resident:

"Along with many other households in the vicinity, we have young children, for whom a good night's sleep is very important. Shortening their sleep on a regular basis is detrimental to their well-being.

Houses on our side of Filton Avenue between Muller Road and Gloucester Road were built in the early 1900s and have shallow foundations. The shudder when larger buses travel along the Avenue is in the daytime (sic)".

Teacher, resident Trubshaw Close:

"Our house backs on to the proposed delivery area and we were already shocked to learn that the original proposal allowed for an unreasonable threshold noise level of 45dB L Amax..... according to The World Health Organisation: Night Noise Guidelines for Europe; 30-40 dB means primary effects on sleep start to emerge and adverse effects in vulnerable groups; 40-55 dB causes a sharp increase in adverse health effects while vulnerable groups become severely affected"*

** http://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf*

Doctor, resident Filton Ave:

"two children under 5 years ... sleep essential to development.... currently the stadium is very quiet at night" This letter also mentions how easy it is to find internet stories about noisy Sainsbury deliveries.

Strathmore Rd resident:

"..It is an area with lots of families with young children thanks to the proximity of Ashley Down Primary School. It is also an area which is very quiet at night" and on football crowds: "Most of the traffic and football fans are gone within 15 minutes of the matches finishing. There is no other notable noise source in the eveningsfor over 97% of evenings the Memorial Stadium is very quiet."

Doctor, resident Filton Ave:

" seriously detrimental effect on families' quality of life... 5 hours' quiet significantly increases risk of sleep deprivation and chronic lack of sleep ... the adults in this house work in stressful jobs in health and education ... stress impairing quality of life, health and job performance.... the application does not assess ground-borne vibration or other noise effects that could be caused.."

Appendix 2

Emails between Council Officers concerning the 2 lane exit

On the 18th December 2012 BCC highways officer wrote:

The roundabout at the junction is still cause for concern. A new junction with considerably more traffic movements will increase the likelihood of injury accidents, and we as a Local Authority have a duty to reduce the impact on accidents. We are particularly concerned about the impact of this design on more vulnerable road users given the nature of the site and the arguments that the site will be served by more accessible means of transport.

Officers have suggested a potential compromise on how this least worst option can be treated, but I would still like it on the record that we consider the junction to be less than satisfactory given its location and proposed use. If you remove the pinch point and table (75mm hump) the roundabout this will reduce traffic speeds without the creation of a pinch point. This will also remove the need for the small length of cycle by-pass which would have created an area of conflict between pedestrians and cyclists.

Please also remove the two lane exit from the store. This would create danger for cyclists conflicting with HGVs and larger vehicles leaving the store.

On the 8th January BCC officers noted:

I have spoken to Sainsbury's and asked them to consider modifying the site access junction to provide a single exit lane in lieu of two lanes shown on our drawing. I supported this with junction capacity analysis which shows that a single lane would suffice. Sainsbury's are unwilling to accept this, as experience shows that traffic leaving a supermarket site can result in surges and dis-satisfied customers when short term queues develop.

However BCC highways officers did not back down and late on 9th January we have the email from Nick Bradshaw. (Note:- planning meeting was scheduled on the 15th)

I have had further advice from Sainsbury's who I understand would be prepared to accept a single lane provided that the width between kerbs is sufficient for a future 2 lane exit if required.

I therefore attach a drawing showing the previous geometry but with a single lane and hatching.

Please can you let me know if this is acceptable.

Nick Bradshaw

Director

Appendix 3

Chronology of application to build a superstore on Memorial Stadium and subsequent, related applications

12 June 2012 - Planning Application 12/02090/F submitted by Sainsbury's to build north Bristol's largest superstore on the Memorial Ground, Horfield

16 Jan 2013 - NDC Planning Committee chaired by Chris Windows approve application, despite being 'finely balanced'.

27 Nov 2013 - Sainsbury's submit application to 'vary conditions' to extend delivery hours to 5am – midnight Mon-Sun (permitted hours are 6am-11pm Mon-Sat & 9am-8pm Sun & Bank Holidays)

28 Jan 2014 – Huge volume of local objections submitted and application to extend delivery hours REJECTED under delegated powers.

17 July 2014 – Bristol Rovers (1883) Ltd issue legal proceedings against Sainsbury's (not made public until 26 Aug 2014)

28 July 2014 – Bristol Rovers (1883) Ltd submit an Appeal to Planning Inspectorate against the Council's 28 Jan decision, signed by Sainsbury's.

21 Aug 2014 – Bristol Rovers (1883) submit planning application 14/04174/X to extend the delivery hours (to 19 hrs per day as before). Mitigation proposal is to erect high, acoustic barriers around a houses on the perimeter of the stadium.

This application uses the wrong drawings – NOT those authorised by the committee on 16 Jan 2013

10 Sept 2014 - BCC ask Inspectorate to delay consideration of Appeal. Inspectorate agrees to hold APPEAL IN ABEYANCE until 26 Nov 2014.

14 Oct 2014 - Further variation submitted to application 14/04174/X after many objections to the August application pointing out the use of incorrect drawings. **This time the drawing is different – but still wrong!**

21 Oct 2014 – Appeal to Planning Inspectorate WITHDRAWN.

21 Oct 2014 - Planning committee (B) and date (12th Nov at 2pm) is announced on a Rovers' fan forum 9 days before official public notice is given.

30 Oct 2014 – Notification of committee meeting made public – Committee B 2pm 12th Nov

27 Oct 2014 – Bristol City Forum **posting reads** "*Hearing that the early deliveries issue at the proposed Sainsbury's store is going to be sorted by BCC. NLBR have submitted a new noise report and BCC have indicated it's acceptable.*"

Appendix 4

24Acoustics misrepresentation of TRL397 research

It is accepted that traffic calming measures reduce vehicle speeds and therefore vehicle speed noise is also reduced. 24Acoustics fail to mention that this is the case only for 'general traffic' and also, only in the instances where traffic is further calmed by the specific measure under question.

24Acoustics do not refer to the crucial qualifier in the conclusion of the only research cited to support the idea that the raised table will not generate extra noise.

TRL397 states:

'Traffic noise levels were reduced but there was an indication that changes in driving pattern at some measures had increased noise levels from heavy vehicles'.

Do we need to remind 24Acoustics that the application in question is only concerned with the noise generated by heavy delivery vehicles.

Furthermore, these heavy goods vehicles will already be travelling at a minimum speed to navigate the 90 degree bend on a mini roundabout in order to enter or exit the site. With no reduction in vehicle speed noise there is nothing to offset the vertical traffic calming noise. There is plenty of research to support that idea that raised tables will increase noise in the case under examination. 'Urban Traffic Calming and Environmental Noise: Effects and Implications for Practice May 2012 published by the National Collaborating Centre for Healthy Public Policy states:

Introduction of vertical deflections

Vertical deflections of the pavement, such as those produced by speed humps or speed cushions, can increase suspension noises or noise from objects carried in a trailer, for example. Strategies that incorporate calming measures including such deflections are thus likely to increase noise from vehicles affected by vibrations. The impact of these calming measures therefore depends on their design and on the type of vehicles travelling on the streets where they are used.

This publication actually cites the same TRL397 research article to state:

Increase in maximum noise level of heavy vehicles

The same report measured the maximum noise level of heavy vehicles at a mini-roundabout equipped with speed cushions and found the maximum noise level of these vehicles had increased (+4.5 to +6.2 dB LAmax) despite a substantial decrease in vehicle speed (-7.1 to -13.8 km/h) (Clope et al., 1999).

It would seem most dishonest of 24Acoustics to cite a research paper as supporting their argument when in fact the paper asserts the opposite case.

It is fair to say that the raised table will increase noise at my home based on the research that 24Acoustics cite for the following reasons:

- We are concerned only with the noise generated by heavy vehicles.
- We are concerned with objects carried in trailers; vehicles that could have up to 6 separate suspended axles.
- TRL397 tells us that noise increased with heavy vehicles even when the speed of these vehicles was substantially reduced
- There will be no speed reduction and therefore no reduction in vehicle speed noise to offset the increase in noise due to mounting and demounting the raised table.

Appendix 5
Keystones Objection 29 September 2014-11-10

I am the Managing Director Of Keystones Housing Support Services Ltd. We are a registered not for profits organisation that help to rehabilitate residents with long term MH conditions in the community. As part of this development Sainsbury's purchased our main office address at 29 Filton Ave (where we also house 6 residents) from the owner, in order to demolish it to widen the Rd. We were not happy with this but as we only rented the property we could not stop the owner from selling. We are now renting from Sainsbury's until the building work starts.

We have now become aware of this new application for extended hours and to put a sound barrier along our other house at 27 Filton Ave. As explained our residents suffer from Mental Health conditions, many of them have spent years in hospitals surrounded by fences or walls & become very stressed & anxious about any type of containment. Putting a sound barrier around their garden could have a serious impact on their Mental Health, the garden is currently open & they spend many hours enjoying that freedom.

In addition most of the residents have very poor sleep, the amount of disruption with deliveries being made by these extended hours will also impact on their MH.

Keystones has already been seriously effected by this building application, with the impending loss of our main house at 29, I do not feel it is acceptable to cause further disruption to vulnerable residents.

I hope it goes some way in influencing the decision on this application.

kind regards

XXXX

Full details on planning portal

Appendix 6

Objection from 33 Filton Avenue extract on noise barrier

“SIGNIFICANT LOSS OF AMENITY ARISING FROM OPPRESSIVE, NOISE BARRIERS SURROUNDING OUR HOME & GARDEN

If the Council, its officers and members think that constructing a 2.7metre high acoustic fence just 1 metre from the side of our home and garden is acceptable and will make everything better then they are at best misguided.

This mitigation for which we see little evidence for the effectiveness will add to our significant loss of amenity by overshadowing the garden where our children play making our garden even less hospitable and prison-like than with the agreed development.

A break in the barrier is required at the end of our garden for access to the rear lane (which is effectively being turned into a car park and turning our home into a near roundabout on a roundabout) this will result in a failure of the proposed noise mitigation by virtue of its incompleteness at one of the noisiest points. Will a similar break at the Trubshaw entrance result in similar loss of effectiveness?

Furthermore the barriers will not protect our upstairs bedrooms from noise pollution where we all sleep and it is our children that currently sleep peacefully at the back of the house where at night only the occasional sound of a fox can be heard. Please do not be under the illusion that the Memorial Ground is a noisy place at night, after a match and the gates are locked it is quiet, peaceful.”

RE: PLANNING APPLICATION 14/04174/X - variation to planning permission for a superstore

Appendix 7

henbury gas BCC planning information discussed on Rovers forums.

#11



Posted 2 minutes ago

I do wonder what the consequences on a personal front for these people, if they proceed with a long projected appeal process, i just hope no nutter has a go at them

Members



henbury gas

Posted: May 13 2014, 05:42 PM



Group: Members
Posts: 18

Joined: 16-March 13

QUOTE @ May 13 2014, 05:40 PM)

QUOTE (henbury gas @ May 13 2014, 06:39 PM)

Have been told that the start date for UWE bristol stadium will now not be until Aug/sept due to delays caused by Sainsbury's :headbang :headbang

Maybe now we know why they pulled the plug on the forum today?

Sainsbury want to change some of the terms of the 106 & planning issues. This is not a BRFC hold up, but Sainsbury dragging their corporate feet



henbury gas

Posted: May 13 2014, 07:13 PM



Group: Members
Posts: 18

Joined: 16-March 13

QUOTE May 13 2014, 07:01 PM)

QUOTE (henbury gas @ May 13 2014, 06:18 PM)

Just put a call into my good friend @ BCC Planning dept to see if he could shed some light on Sainsburys requirements....

Change of delivery Times was one of them and something to do with the licence to sell Alcohol

Also a problem with funding some of the 106 requirements

He will investigate more and get back to me

Henbury I am not doubting your words whatsoever, but something is starting to stink to high heaven here.

As usual our board do nothing to try and manage the situation and everyone is left in the bloody dark. Amateurs, rank amateurs when it come to media and PR.

Hi !

If you had followed my posts re planning of stadium on the OF, i only post info which has been passed to me by my contacts within the Planning department & BRFC

I have had this info confirmed to me by both my contacts

There was also a RUMOR going about that Sainsburys are trying to cut the costs for the purchase of the MEM, but i have not had this confirmed yet



henbury gas

Posted: May 13 2014, 07:49 PM



Just had an e-mail from my planning friend and he said this is quite a common thing to happen and is standard fair for most supermarket planning issues. He also said it's taking longer than normal to sort out he will let me know more when they have their next planning meeting on Thursday !

12th Nov - the big day !

Reply

<< Prev 1 2 3 Next >>

Actions

Search...

Quote

Henbury Gas
Reserve Team
☆☆☆☆

Oct 21, 2014 at 11:04am likes this.

Just had a call from a fellow Gashead (thanks Dave) that the Development planning meeting re our revised application for delivery Hours is on the 12th Nov with committee "B"

Bristol Rovers Alternative Forum -> Uwe Stadium Matters... - Windows Internet Explorer

http://z15.invisionfree.com/bristolroverssc/index.php?showtopic=28161&hl=

Google

Secure Search

Bristol Rovers Alternative Forum -> Uwe Stadium...

Henbury Gas

Posted: Oct 11 2012, 09:49 AM

QUOTE @ Oct 10 2012, 05:15 PM)

QUOTE (Henbury Gas @ Oct 9 2012, 03:22 PM)

Ok peoples, some of you may know of my friendship with people on Bristol City Planning committee and bits of info that have come my way, i've posted them on here....

So today i had a meeting with them and we talked about the Sainsbury planning application for the mem.

If the planning meeting being held at the end of November is a close run thing, the head of planning can enact "protocol 18" which is all to do with the provision of "Major Sporting Arena", from what i can gather, this empowers the chairman of the committee to make the final decision... and the feeling within the planning group is that he is in favour of the application

👏👏👏

Do you mean members of the committee itself, in which case they are councillors, or the council officers who work in the planning department Henbury? I only ask because councillors do unpredictable things and the membership of a committee can vary considerably from meeting to meeting.

Hi sorry abit slow getting back to you...

The council planning officers recommend to the planning committee who then debate it at a full meeting.

The Chairman of the planning committee will talk pre meeting to the other committee members to "trash out" issues.....

i cannot state where i got this info from, but if you look at my site name and then lookup the chairman of the planning committee, i'm sure you can put 2 and 2 together...

RE: PLANNING APPLICATION 14/04174/X - variation to planning permission for a superstore

Appendix 8

Section 106 agreement with single exit from store.

