

# Development Control A Committee

## Agenda



**Date:** Wednesday, 24 August 2022

**Time:** 2.00 pm

**Venue:** The Council Chamber - City Hall, College Green, Bristol, BS1 5TR

### **Distribution:**

**Councillors:** Richard Eddy (Chair), John Geater, Paul Goggin, Fi Hance, Tom Hathway, Philippa Hulme, Farah Hussain, Ed Plowden and Andrew Varney

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**Date:** Tuesday, 16 August 2022



# Agenda

## 1. Welcome, Introductions and Safety Information

(Pages 5 - 8)

## 2. Apologies for Absence and Substitutions

## 3. Declarations of Interest

To note any interests relevant to the consideration of items on the agenda. Please note that any declarations of interest made at the meeting which are not on the register of interests should be notified to the Monitoring Officer for inclusion.

## 4. Minutes of the previous meeting

To agree the minutes of the last meeting as a correct record.

(Pages 9 - 17)

## 5. Action Sheet

None arising from 20 July 2022 DC A Committee

## 6. Appeals

To note appeals lodged, imminent public inquiries and appeals awaiting decision.

(Pages 18 - 26)

## 7. Enforcement

To note recent enforcement notices.

(Page 27)

## 8. Public Forum

Up to 30 minutes is allowed for this item

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) and please note that the following deadlines will apply in relation to this meeting:-



Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on **18 August 2022**.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on **23 August 2022**

**PLEASE NOTE THAT IN ACCORDANCE WITH THE NEW STANDING ORDERS AGREED BY BRISTOL CITY COUNCIL, YOU MUST SUBMIT EITHER A STATEMENT, PETITION OR QUESTION TO ACCOMPANY YOUR REGISTER TO SPEAK.**

In accordance with previous practice adopted for people wishing to speak at Development Control Committees, please note that you may only be allowed **1 minute** subject to the number of requests received for the meeting.

## **9. Planning and Development**

- |                                                                                         |                          |
|-----------------------------------------------------------------------------------------|--------------------------|
|                                                                                         | <b>(Page 28)</b>         |
| <b>a) 21/06878/F - Land At Corner Of York Road And St Lukes Road Bedminster Bristol</b> | <b>(Pages 29 - 102)</b>  |
| <b>b) 21/04338/F - Trinity Road Police Station Trinity Road Bristol</b>                 | <b>(Pages 103 - 155)</b> |
| <b>c) 21/04946/F - Pavement Opposite TSB 36-38 Merchant Street Bristol</b>              | <b>(Pages 156 - 171)</b> |

## **10. Date of Next Meeting**

6pm 5 October 2022



# Public Information Sheet

## Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at [www.bristol.gov.uk](http://www.bristol.gov.uk).

## Public meetings

Public meetings including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny will now be held at City Hall.

Members of the press and public who plan to attend City Hall are advised that you may be asked to watch the meeting on a screen in another room should the numbers attending exceed the maximum occupancy of the meeting venue.

## COVID-19 Prevention Measures at City Hall (June 2022)

When attending a meeting at City Hall, the following COVID-19 prevention guidance is advised:

- promotion of good hand hygiene: washing and disinfecting hands frequently
- while face coverings are no longer mandatory, we will continue to recommend their use in venues and workplaces with limited ventilation or large groups of people.
- although legal restrictions have been removed, we should continue to be mindful of others as we navigate this next phase of the pandemic.

## COVID-19 Safety Measures for Attendance at Council Meetings (June 2022)

We request that no one attends a Council Meeting if they:

- are required to self-isolate from another country
- are suffering from symptoms of COVID-19 or
- have tested positive for COVID-19

## Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.



## Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk).

The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, it may be that only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

### During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.



- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution <https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

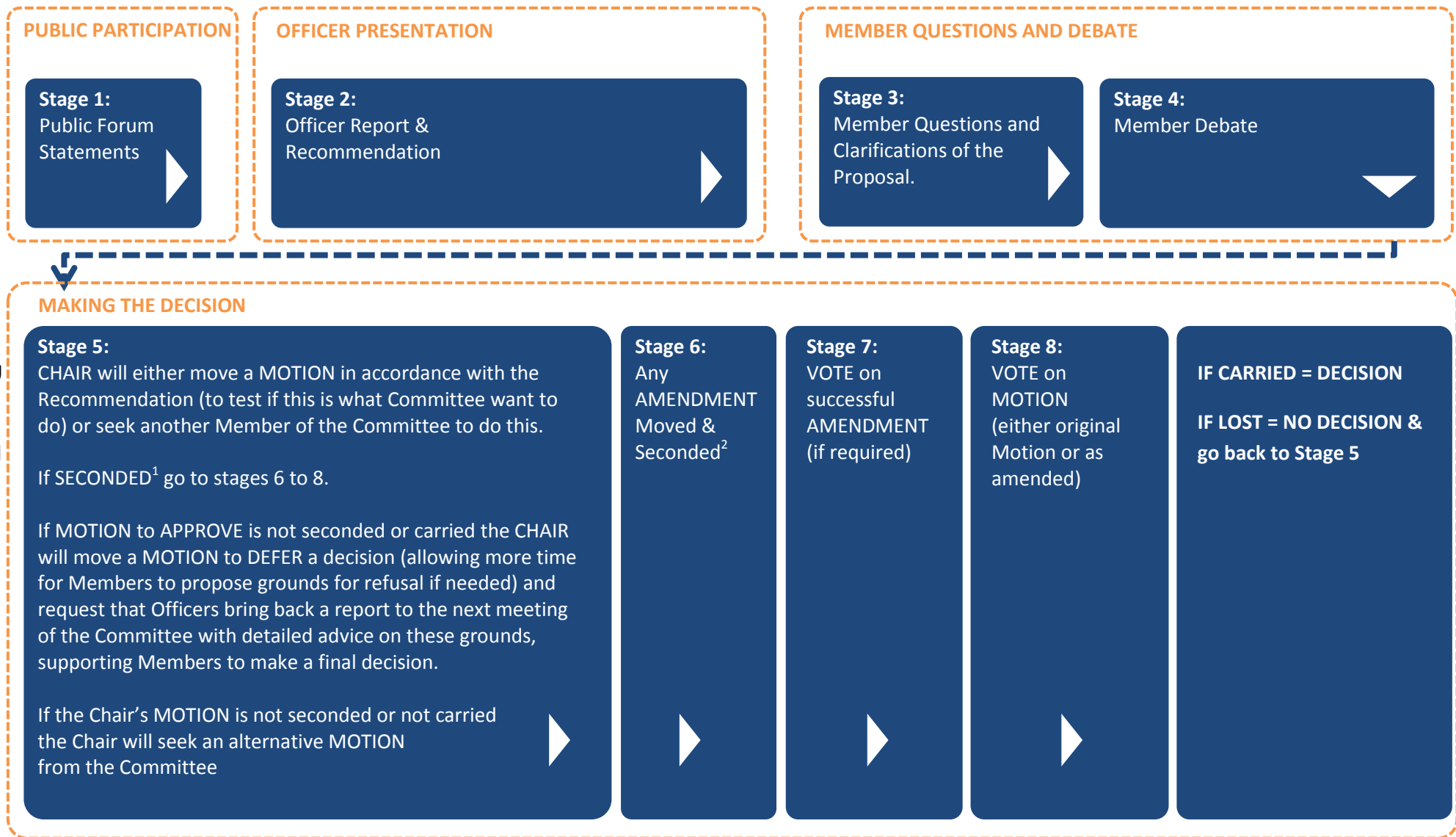
### Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

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# Development Control Committee Debate and Decision Process



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<sup>1</sup> A Motion must be Seconded in order to be formally accepted. If a Motion is not Seconded, the debate continues

<sup>2</sup> An Amendment can occur on any formally approved Motion (ie. one that has been Seconded) prior to Voting. An Amendment must itself be Seconded to be valid and cannot have the effect of negating the original Motion. If Vote carried at Stage7, then this becomes the Motion which is voted on at Stage 8



**Bristol City Council  
Minutes of the Development Control A  
Committee**



**20 July 2022 at 6pm**

**Members Present:-**

**Councillors:** Richard Eddy (Chair), Breckels (substitute for Paul Goggin) Fi Hance, John Geater, Tony Dyer (substitute for Tom Hathway) Tessa Fitzjohn, (substitute for Ed Plowden) Katja Hornchen (substitute for Phillipa Hulme) Farah Hussain and Andrew Varney.

**Officers in Attendance:-** Gary Collins – Head of Development Management, Allison Taylor – Democratic Services

**1. Welcome, Introductions and Safety Information**

All parties were welcomed to the meeting.

**Apologies for Absence and Substitutions.**

Apologies were received from Councillor Goggin with Councillor Breckels substituting, Councillor Hathway with Councillor Dyer substituting, Councillor Plowden with Councillor Fitzjohn substituting and Councillor Hulme with Councillor Hornchen substituting.

**2. Declarations of Interest.**

There were none.

**3. Action Sheet.**

With regards to Item 1 - The Head of Development Management reported that he had discussed a couple of cases in Councillor Plowden's ward and would keep him updated. With regards to Item 2 – Councillor Eddy reported that the Growth and Regeneration Scrutiny Commission would hold a session in September on Enforcement and when a date was fixed members of the DC Committees would be invited to give their experience of planning enforcement.

**4. Minutes of the previous meeting held on 8 June 2022.**

To add 'for the Labour Group' after 'Councillor Steve Pearce will act as general substitute'





**Resolved – That, subject to the amendment above, the minutes of 8 June 2022 be agreed as a correct record and signed by the Councillor Eddy.**

## **5. Appeals**

The Head of Development Management updated the Committee on the following items:-

Item 9 – 493 – 499, Bath Road, Brislington – this had been refused at DC A Committee. A date for a hearing had now been set for 31 August. It was noted that it was possible to make submissions subject to the discretion of the Inspector. He agreed to speak to the Planning Inspectorate case officer on behalf of the Councillor Varney.

Item 48 – Land to rear of 382, 384 And 386 Southmead Road – this appeal was dismissed although costs were ordered against the LPA. It was an unusual scenario as the applicant had appealed for non-determination as a result of a backlog of planning applications. Although the costs were minimal it was a lesson learned regarding timely communications with applicants.

## **6. Enforcement.**

There were none listed. Councillor Eddy reiterated the Committee's concerns which would be considered at the Growth and Regeneration Commission in September.

## **7. Public Forum**

Members of the Committee received Public Forum Statements in advance of the meeting.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision.

The Head of Development Management briefly addressed the Committee concerning some references in Public Forum statements regarding political influence in local authority planning matters. He reassured the Committee that this was not happening. Political leaders from time-to-time sought updates on planning matters but they had no involvement in decision making which was either delegated to officers or came before DC Committees.

## **8. Planning and Development**

The Committee considered the following applications below.

### **a. Planning Application - 19/02664/F - Chanson Foods Avon Street Bristol BS2 0PS.**

An Amendment Sheet was provided to the Committee in advance of the meeting, detailing changes since the publication of the original report.

The Officer presentation highlighted the following points:-

1. The application was for the demolition of the site and for the construction of purpose built student accommodation together with servicing arrangements, public realm works



- and landscaping;
2. The accommodation would comprise of a range of different student bedrooms totalling 471 bedspaces within cluster flats and across three tower blocks set in a u-shape arranged around a central courtyard, with building heights ranging from 8 - 12 storeys;
  3. The height of the development had been reduced so as not to impact on heritage assets;
  4. The Environment Agency (EA) have indicated that the flood protection plan option addressed the wider points of their representation;
  5. The developer was confident that subject to further refinement it might be able to address the shortfall in CO2 savings and the Committee was asked to delegate those negotiations to officers;
  6. The application was recommended for approval subject to a Planning Agreement.

The following points arose from questions and debate:-

1. It was possible to condition the plant on the top of the building;
2. The EA's holding objection was on technical grounds concerning the level of climate change allowance incorporated into the level of defence. There had been two appealed decisions on nearby sites and both relied on flooding issues. The Inspector and the Secretary of State gave recommendations regarding levels and the applicant amended the scheme as a result the EA said they were satisfied in principle but there was no time to send a formal response;
3. As the EA were content, the application, if granted, could be progressed in the normal way;
4. It was confirmed that the Temple Meads roofline would not be compromised subject to plants not being higher than the parapet and this could be conditioned;
5. There would be at least 9 new jobs as a result of the development;
6. There would be connection to the heat network from day one of the development being operative;
7. The Planning Authority had a preference for passive flood protection and the EA therefore requested a 10.9m concrete upstand which would rise up to 2.5m above road level. It was proposed to have a combination of active and passive solutions, which would allow an increased level of glazing. A permanent solution would impact on the street scene. Tidal flooding, which was dominant in this location, was much more predictable. It was not a guarantee but there was a level of certainty and on that basis it was felt that the balance was right in terms of the street scene and the protection of the building. It was noted that the 1<sup>st</sup> floor was well above the flood level;
8. The roof would only be used on an ultra-rare basis. Most of the time occupants would be able to stay inside until the flood event subsided and the waters went away. They would not be trapped inside but there would be a managed arrangement if they needed to get out. It was safe to assume there would be balustrades given there was public and maintenance access;
9. It was confirmed that there would be a public art condition and the design team would consider it;
10. The Head of Development Management, acknowledging that Urban Design's representation stating that it did not meet their criteria, reported that this was one contribution amongst various and it was necessary for planning officers to weigh them all up when assessing the application;
- 11.
12. Section 106 monies would contribute to the wider area and secure improvements to highways;



13. In response to a question about CIL for the footbridge the Head of Development Management responded that the footbridge was an essential element link and means of flood evacuation and there was therefore a need for developers to collaborate. As the development area was University focussed funding would come from either CIL or a combination of University and individual developer. It was in the collective interest to deliver the footbridge as it was linked with the current application and was a significant volume of new development but it was not possible to allocate CIL from this development but importantly there was a condition on the development that it could not be occupied until there was safe flood evacuation in place. That was the level of certainty the Planning Inspector accepted on a nearby development further south and those arrangements were also acceptable on this site. Whilst this was not a precise answer there was a clear collective interest and requirement to deliver the footbridge and this provided enough certainty to grant permission. It was confirmed that safety of the footbridge for users would be conditioned;
14. It was confirmed that the BREEM status was excellent;
15. Brown bricks had been used for the development because of the historic character relating to the brickworks in the area;
16. The safety and security response from the Police was not untypical. Secure by design referred to very specific matters that the applicant needed to satisfy the Police on and was not a matter for this Committee. This had not been conditioned in the past because of the level of detail and it would be a stretch whether a condition was a reasonable one as it was beyond planning conditions;
17. The Head of Development Management advised that the lighting condition included the requirement of further details;
18. Councillor Eddy acknowledged that BCC had approved substantial changes to the new University campus and these should be welcomed and supported. He stated that it was a well-designed and enhances the public realm with landscaping. The risk to life from flooding was an ongoing issue with Silverthorne Lane but the EA being satisfied with flood protections measures for this development provided certainty that measures were satisfactory. There was no evidence that there was damage to nearby heritage assets. This was a positive scheme with excellent BREEM and the use of the district heating network. A deed of easement could address the Motion nightclub concerns. He would be supporting the application;
19. Councillor Breckels stated that this was the obvious place for student accommodation and it would fit into the area well. He liked the modern design and was pleased that lighting and security would be addressed in due course. He asked and it was confirmed that the deed of easement had been conditioned and was on the Amendment Sheet;
20. Councillor Varney liked the design and was content with the flood protection plan, that the development would bring employment and that the Temple Meads roofline would not be compromised and therefore supported approval;
21. There being no further comments Councillor Eddy moved and Councillor Breckels seconded the officer recommendation and on being put to the vote it was:-

**Resolved – (Unanimous) that the application be granted subject to a Planning Agreement, the additional conditions set out in the Amendment Sheet and an additional condition preventing the addition of plant to the roof which exceeds the height of the parapet line.**

**b. Planning Application Number 22/01496/FB - Land at Marshall Walk.**

An Amendment Sheet was provided to the Committee in advance of the meeting, detailing changes since



the publication of the original report.

The Officer presentation highlighted the following points:-

1. The application had been referred to Committee by Councillor Jackson the ward Councillor;
2. The application was for the redevelopment of a site to provide 12 residential dwellings with cycle parking refuse and recycling storage, and hard and soft landscaping;
3. The applicant was BCC and the accommodation would be for temporary accommodation for single people who were on the housing waiting list;
4. It was a car free development and had 2 disabled car parking spaces in line with BCC standards;
5. The application had attracted one public objection concerning added pressure on local services and the development affecting access to nearby shops;
6. The application met all policy requirements regarding CO2 reductions and biodiversity and was supported in principle by the Local Plan;
7. The application was recommended for approval subject to a Planning Agreement.

The following points arose from questions and debate:-

1. Councillor Eddy explained that the application was before the Committee as members were able to refer an application for public airing if they believed there could be a conflict. The applicant was BCC so the ward member, Councillor Jackson, had felt it prudent to refer it though he had no concerns regarding the application;
2. There was no time limit to occupancy but it was believed it would initially be temporary accommodation. There would therefore be no more removal vehicles than usual and there was a forecourt opposite if parking was needed;
3. The Amendment Sheet confirmed that a tree would replace the 4 trees removed;
4. Occupants would come from the single persons housing waiting list and the national space standard for accommodating a single bed applied;
5. Councillor Eddy observing that there was a housing crisis and this scheme sought to address this by providing accommodation for single people on the housing waiting list so he fully supported it. This was echoed by Councillor Breckels. There were no further comments so Councillor Eddy moved the officer recommendation and Councillor Hance seconded it. On being put to the vote it was:-

**RESOLVED – (Unanimous) That the application be granted subject to a Planning Agreement and additional conditions set out in the Amendment Sheet.**

Councillor Eddy took the opportunity to pay tribute to Zoe Wilcox – Director Development of Place, who was retiring from the Council next week. He thanked her for her commitment and expertise and wished her well for a happy retirement. This was echoed by the Committee.

### **Date of Next Meeting**

24 August 2022 at 2pm.



The meeting ended at 7.20pm

**CHAIR** \_\_\_\_\_











**DEVELOPMENT CONTROL COMMITTEE A****24th August 2022****REPORT OF THE DIRECTOR: DEVELOPMENT OF PLACE****LIST OF CURRENT APPEALS****Householder appeal**

<b>Item</b>	<b>Ward</b>	<b>Address, description and appeal type</b>	<b>Date lodged</b>
1	St George Troopers Hill	42 Nicholas Lane Bristol BS5 8TL A single storey extension is proposed to the rear of the property with a roof terrace accessed from the rear bedroom. Appeal against refusal Delegated decision	12/10/2020
2	Horfield	16 Luckington Road Bristol BS7 0US Demolition of existing conservatory and construct accessible ground floor bedroom extension. Appeal against refusal Delegated decision	08/06/2022
3	Stoke Bishop	79 Bell Barn Road Bristol BS9 2DF Two-storey rear/side extension and basement works. (Self Build) Appeal against refusal Delegated decision	05/07/2022

**Informal hearing**

<b>Item</b>	<b>Ward</b>	<b>Address, description and appeal type</b>	<b>Date of hearing</b>
4	Brislington West	515 - 517 Stockwood Road Brislington Bristol BS4 5LR Outline application for the erection of a five-storey building comprising 9no. self-contained flats, with Access, Layout and Scale to be considered at part of the outline application. Appeal against refusal Delegated decision	TBA
5	Brislington West	515 - 517 Stockwood Road Brislington Bristol BS4 5LR Outline application seeking matters of Access, Layout, and Scale for the erection of a care complex (Use Class C2). Appeal against refusal Delegated decision	TBA

6	Lawrence Hill	11 - 17 Wade Street Bristol BS2 9DR Outline application for the demolition of buildings and erection of student accommodation, with access, layout and scale to be considered. Appeal against non-determination	TBA
7	Brislington West	493 - 499 Bath Road Brislington Bristol BS4 3JU Demolition of existing building and redevelopment of the site for 146 residential units, including apartments and houses (Use Class C3), with associated car parking, landscaping and works. (Major application). Appeal against refusal Committee	31/08/2022

### Written representation

Item	Ward	Address, description and appeal type	Date lodged
8	Henbury & Brentry	The Lodge Carriage Drive Bristol BS10 6TE Sycamore Tree T3 - Crown reduce canopy by a maximum of 30%. TPO 1148 Appeal against refusal Delegated decision	07/09/2020
9	Ashley	123 Chesterfield Road Bristol BS6 5DU Construction of a detached single storey 1 bedroom dwelling within site curtilage. Appeal against refusal Delegated decision	13/08/2021
10	Westbury-on-Trym & Henleaze	334 Canford Lane Bristol BS9 3PW Demolition of existing dwelling and construction of proposed 2No dwelling Houses. (Self Build). Appeal against refusal Delegated decision	30/12/2021
11	Clifton Down	Barley House Oakfield Grove Bristol BS8 2BN An application to determine if prior approval is required for proposed Change of Use from Offices (Class B1(a)) to Dwellinghouses (Class C3). Appeal against refusal Delegated decision	08/04/2022
12	Bishopston & Ashley Down	1 Pitt Road Bristol BS7 8TY Application for a Lawful Development Certificate - existing use as a house in multiple occupation used by up to 7 people sharing. Appeal against refusal Delegated decision	26/04/2022

13	Cotham	4A-12H Alfred Place Kingsdown Bristol BS2 8HD Window replacement works to UPVC. Appeal against refusal Delegated decision	27/04/2022
14	Eastville	16 Elmgrove Road Fishponds Bristol BS16 2AX Change of use to a House in Multiple Occupation (HMO) with alterations and loft conversion works, including a rear roof extension. Appeal against refusal Delegated decision	27/04/2022
15	St George Central	Telecoms Mast And Base Station Two Mile Hill Road Bristol BS15 1BB Application to determine if prior approval is required for a proposed - 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	12/05/2022
16	Stoke Bishop	St Edyths Church Avonleaze Bristol BS9 2HU The replacement and relocation of the existing 6 No. face mounted antennas, the installation of 2 No. additional face mounted antennas painted to match the stone work and the installation of 1 No. GPS node to be installed behind the parapet and associated development thereto. Appeal against refusal Delegated decision	12/05/2022
17	Hillfields	Communication Outside 308 To 312 Lodge Causeway Bristol BS16 4DQ Application to determine if prior approval is required for a proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	17/05/2022
18	Brislington West	Communication Opposite 568 Bath Road Brislington Bristol BS4 3LE Application to determine if prior approval is required for a proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	24/05/2022
19	Eastville	Merchants Arms Bell Hill Bristol BS16 1BQ Change of use from public house (Sui Generis) to mixed use Class F2 (Local Community Uses), Class C3 and Class C4. Appeal against non-determination Committee	06/06/2022

20	Hengrove & Whitchurch Park	9 Doulton Way Bristol BS14 9YD First floor side extension. Appeal against non-determination	07/06/2022
21	Henbury & Brentry	Severn House Ison Hill Road Bristol BS10 7XA Window and balcony door replacement scheme for 16 flats. Appeal against refusal Delegated decision	07/06/2022
22	Avonmouth & Lawrence Weston	Veolia Chittening Industrial Estate Bristol BS11 0YB Application for variation of condition 10 (Approved Plans) of permission 19/04171/F - amendment to the approved site layout plan showing changes to the internal vehicle routes. Appeal against refusal Delegated decision	07/06/2022
23	Knowle	91 Exmouth Road Bristol BS4 1BD Application for Variation of Condition No 2 following Grant of Planning Permission 20/05846/H - Side and rear extension for a proposed garage. Amendment to regularise internal layout. Appeal against conditions imposed Delegated decision	08/06/2022
24	Horfield	3 Hunts Lane Bristol BS7 8UW Change of use of existing garage/store to a single 1 bed dwelling (Use Class C3). Appeal against refusal Delegated decision	14/06/2022
25	Westbury-on-Trym & Henleaze	Land Opposite Car Park Westbury Court Road Bristol BS9 3DF Application to determine if Prior Approval is required for proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	21/06/2022
26	Westbury-on-Trym & Henleaze	15 Westfield Road Bristol BS9 3HG Demolition of existing buildings and erection of 4no. dwellinghouses, with parking and associated works. Appeal against refusal Delegated decision	21/06/2022

27	Westbury-on-Trym & Henleaze	50, 52 & 54 Stoke Lane Westbury Bristol BS9 3DN Proposed demolition of 3no. existing bungalows and replacement with 4 no. pairs of 4 bed semi-detached houses (totalling 8 dwellings). Appeal against refusal Delegated decision	05/07/2022
28	Southmead	Land To Side And Rear Of 2 Westleigh Road Bristol BS10 5RD Application for Outline Planning Permission with all matters reserved - Proposed new two bed dwelling on land adjacent to 2 Westleigh Road, Southmead. Appeal against refusal Delegated decision	05/07/2022
29	Central	Tower House Pithay Court Bristol BS1 3BN Application to approve revised details reserved by condition 13 (external lighting) of permission 20/00802/F, which approved the change of use of part of existing car park, yoga studio and health clinic to offices/retail, creation of new reception area onto Pithay Court, extension of the podium, creation of external terrace at 3rd and 4th floor, together with additional office space, relocation of existing plant building and external alterations, including installation of new windows and respray of panels. (Major)	06/07/2022
30	Southville	Aldi Foodstore Ltd North Street Bedminster Bristol BS3 1JA Application to vary Condition 7 (Vehicular Servicing) of permission 12/04305/X to allow the store to receive deliveries between 0500 to 2200 hours on Mondays to Saturdays and 0500 to 1800 on Sundays. Appeal against refusal Delegated decision	06/07/2022
31	Hartcliffe & Withywood	Telecommunication Outside 530 Bishport Avenue Bristol BS13 9LJ Application to determine if prior approval is required for a proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	06/07/2022
32	Stoke Bishop	17 Haytor Park Bristol BS9 2LR Demolition of existing dwelling and replacement with one and a half storey 4 bedroom dwelling. Appeal against refusal Delegated decision	06/07/2022

33	Bishopsworth	23 Little Headley Close Bristol BS13 7PJ TWO storey side extension. Appeal against non-determination	07/07/2022
34	Redland	75/77 Harcourt Road Bristol BS6 7RD Single storey, rear extension to rear of 77 Harcourt Road. Appeal against non-determination	15/07/2022
35	Hartcliffe & Witherwood	1 Maceys Road Bristol BS13 0NQ Erection of a two-storey two-bedroom dwelling attached to 1 Maceys Road, with vehicular access, refuse and cycle stores. Appeal against refusal Delegated decision	19/07/2022
36	Horfield	8 Cordwell Walk Bristol BS10 5BZ 2 No. dwellings to the side of 8 Cordwell Walk with garden space provided by land to the rear of 44 and 44a Bishop Manor Road. Appeal against refusal Delegated decision	19/07/2022
37	Hillfields	179 Charlton Road St George Bristol BS15 1LZ Construction of a 2-bed dwelling and associated works. Appeal against refusal Delegated decision	20/07/2022
38	Central	40 Baldwin Street Bristol BS1 1NR Erection of a building containing 9 residential flats and office space. Appeal against refusal Delegated decision	20/07/2022
39	Avonmouth & Lawrence Weston	Telecoms Outside St Bedes School House Lawrence Weston Road Bristol BS11 0ST Proposed 15.0m Phase 8 Monopole C/W wraparound cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	20/07/2022
40	Clifton	18 Clifton Road Bristol BS8 1AQ Single storey rear extension at ground floor with first floor external area. Appeal against refusal Delegated decision	22/07/2022

41	Horfield	Land To Rear Of 374 Southmead Road Bristol BS10 5LP 2 new one bedroom dwellings on 2 storeys. Appeal against refusal Delegated decision	22/07/2022
42	Horfield	Junction Muller Road & Gloucester Road Bishopston Bristol BS7 0AB Application to determine if prior approval is required for a proposed - Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	02/08/2022
43	Lockleaze	37 Crowther Road Bristol BS7 9NS Conversion of an existing house into a 1 bed flat and 2 bed, 2 storey maisonette, including a roof extension and single storey extension. Erection of 2 dwellings on land to side. Appeal against refusal Delegated decision	02/08/2022
44	Stoke Bishop	Corner Of Coombe Lane/Stoke Lane/Parry's Lane Bristol BS9 1AL Application to determine if Prior Approval is required - proposed 'slim-line' phase 8 c/w wraparound cabinet at base, 3no. additional ancillary cabinets and associated works. Appeal against refusal Delegated decision	08/08/2022
45	Bedminster	Land Adjacent To Teddies Nurseries Clanage Road Bristol BS3 2JX Proposed demolition of existing buildings and erection of replacement building for indoor recreation use (Class E(d)), with associated car parking. Appeal against refusal Delegated decision	08/08/2022

### List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
46	Southville	Telecommunications Mast Corner Of Victoria Grove And Princess Street Bedminster Bristol BS3 4AG Proposed 15m Phase 8 Monopole C/W, wraparound Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	Appeal dismissed 01/12/2021

47	Westbury-on-Trym & Henleaze	Public Conveniences High Street Westbury Bristol BS9 3ED T1 Yew - Fell TPO 1406. Appeal against refusal Delegated decision	Appeal dismissed 20/07/2022
48	Redland	7 Glentworth Road Redland Bristol BS6 7EG Demolition and rebuilding of front boundary wall to accommodate 1no. off-street parking space. Appeal against refusal Delegated decision	Appeal dismissed 03/08/2022
49	Brislington West	Wyevale Garden Centre Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal - C/22/3293525 - Development outside site covered by LDC - 19/02102/CE and laying of hard surfacing. Appeal against an enforcement notice	Appeal quashed 19/05/2022
50	Brislington West	Wyevale Garden Centre Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal - C/22/3293527 - Development outside site covered by LDC - 19/02102/CE and laying of hard surfacing. Appeal against an enforcement notice	Appeal quashed 19/05/2022
51	Brislington West	Wyevale Garden Centre Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal - C/22/3293528 - Development outside site covered by LDC - 19/02102/CE and laying of hard surfacing. Appeal against an enforcement notice	Appeal quashed 19/05/2022
52	Brislington West	Wyevale Garden Centre Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal - C/22/3293524 Appeal against an enforcement notice	Appeal quashed 19/05/2022
53	Westbury-on-Trym & Henleaze	329 Canford Lane Bristol BS9 3PH 2 no. two storey semi-detached dwellings adjacent to existing property with gardens and off street parking. Appeal against refusal Delegated decision	Appeal dismissed 09/08/2022



54	St George West	7 Crown Hill Bristol BS5 7JL Proposed new dwelling on land adjacent to 7 Crown Hill. Appeal against non-determination	Appeal allowed 10/08/2022
55	Ashley	14 Ashley Street Bristol BS2 9RQ New mansard roof to replace the existing valley roof. Appeal against refusal Delegated decision	Appeal allowed 27/07/2022

**DEVELOPMENT CONTROL COMMITTEE A**  
**24th August 2022**

**REPORT OF THE DIRECTOR: DEVELOPMENT OF PLACE**  
**LIST OF ENFORCEMENT NOTICES SERVED**

<b>Item</b>	<b>Ward</b>	<b>Address, description and enforcement type</b>	<b>Date issued</b>
1	Knowle	98 Broadfield Road Bristol BS4 2UU  Use of single storey building in rear garden as separate self-contained dwelling unit.  Enforcement notice	12/07/2022

## Development Control Committee A 24 August 2022

### Report of the Director: Development of Place

#### Index

#### Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Southville	Refuse	<p>21/06878/F - Land At Corner Of York Road And St Lukes Road Bedminster Bristol BS3 4AD</p> <p>Mixed-use redevelopment including 221 residential (C3) units and 651 sq.m. of commercial floorspace (Class E) on ground floor, together with a new vehicular access off Mead Street, cycle and car parking provision, private amenity space, servicing arrangements, landscaping, public realm, and associated works.</p>
2	Lawrence Hill	Grant subject to Legal Agreement	<p>21/04338/F - Trinity Road Police Station Trinity Road Bristol BS2 0NW</p> <p>Demolition of existing police station and redevelopment of mixed-use scheme comprising 104 no. one, two and three bed apartments, a police facility and a commercial unit (flexible use class), together with open space, landscaping, parking and associated and ancillary development.</p>
3	Central	Grant	<p>21/04946/F - Pavement Opposite TSB 36-38 Merchant Street Bristol BS1 3EP</p> <p>Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens and associated BT phone kiosk removal.</p>

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v5.0514

**WARD:** Southville

**SITE ADDRESS:** Land At Corner Of York Road And St Lukes Road Bedminster Bristol BS3 4AD

**APPLICATION NO:** 21/06878/F Full Planning

**DETERMINATION DEADLINE:** 26 August 2022

**Mixed-use redevelopment including 221 residential (C3) units and 651 sq.m. of commercial floorspace (Class E) on ground floor, together with a new vehicular access off Mead Street, cycle and car parking provision, private amenity space, servicing arrangements, landscaping, public realm, and associated works.**

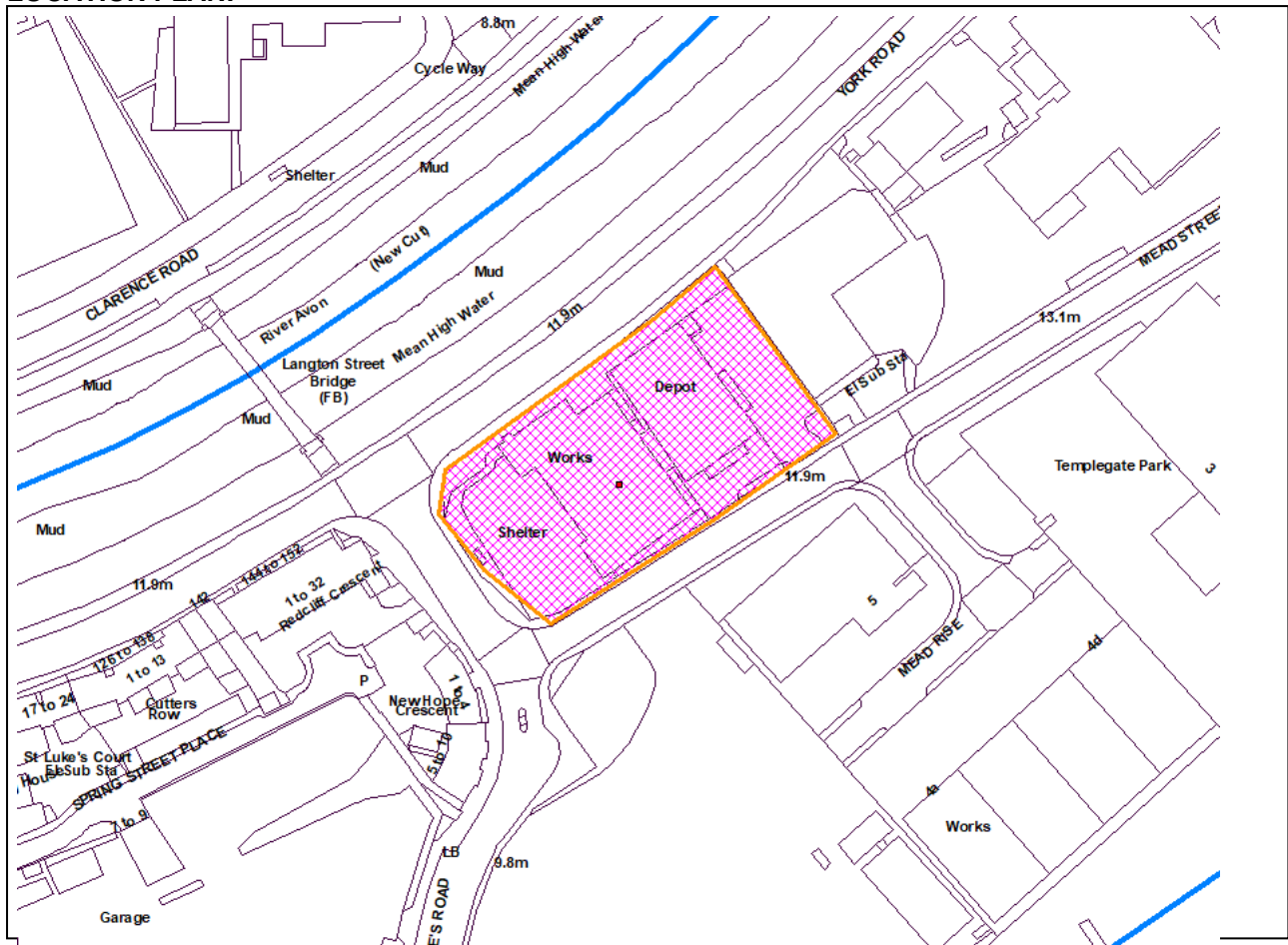
**RECOMMENDATION:** Refuse

**AGENT:** Savills (L&P) Plc  
Embassy House  
Queens Avenue  
Bristol  
BS8 1SB

**APPLICANT:** Donard (Bristol) Ltd

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

**LOCATION PLAN:**



**Development Control Committee A – 24 August 2022****Application No. 21/06878/F : Land At Corner Of York Road And St Lukes Road Bedminster  
Bristol BS3 4AD**

## SUMMARY

This planning application relates to a piece of land on the corner of York Road and St Luke's Road in Southville Ward which is allocated in the current local plan as PIWA (Principal Industrial and Warehousing Area). The proposal is for the construction of 221 residential flats along with 651sqm commercial floorspace. The site lies within the Temple Quarter Enterprise Zone as well as the area covered by the Mead Street Development Brief, which was recently approved by Cabinet and sets out a vision for the regeneration of Mead Street to deliver a new neighbourhood with a mix of new homes and workspaces, green space and sustainable travel options. This site is the first in the area to come forward for a decision. Officers are aware of a number of other sites currently being proposed for development in the area, and there is also a Regeneration Framework being prepared for the Whitehouse Street area to the west.

Firstly, the strength of opposition locally to this application is significant, with over 300 objections having been submitted to the Council individually, in response to consultation on the application. There has also been a petition with over 4,000 signatures objecting to the addition of height in the Mead Street area in general.

The wider Mead Street area is referred to in the emerging local plan as being appropriate for mixed use development, and the current PIWA allocation is expected to be removed. The emerging local plan is due to enter a second phase of consultation in due course, therefore at the current time, the policies can be afforded limited weight.

In assessing this application, officers have given weight to the fact that the Council is currently unable to demonstrate a five-year supply of housing land and has committed to the delivery of 33,500 homes by 2036<sup>1</sup>. The Development Brief expects the Mead Street area itself to be capable of delivering around 1500 new homes.

The applicant has confirmed that 30% of the dwellings would be offered as Affordable Private Rent as part of a wholly Build to Rent scheme. The policy requirement of 30% affordable housing would be secured by s106 agreement. This application can only consider the policy compliant offer, and any planning consent would be able to secure the policy compliant offer only.

Officers have been working on this proposal with the applicant for over a year and during the process have raised a number of concerns relating to the overall design of the scheme. Revisions have been made to the application however, as set out in this report, it is not considered that a good quality scheme is proposed that would successfully deliver on the overall aspirations for the area. In addition, it is not considered that the quality of the scheme itself justifies the high density, level of harm that would arise, and the weight required to be placed on emerging policy for it to be supported.

The scheme complies with policy on the following matters: provision of affordable housing, agreed connection to the District Heat Network, biodiversity and tree replacements. Contributions towards site specific highways mitigation in the area would be required although no negotiations have commenced at time of writing. Langton St bridge, extension of Residents Parking Scheme, Bedminster Bridges/southern gateway and a signalised crossing on St Luke's Road would be required to mitigate the impact on the local road network.

It is recognised that the application would make a significant contribution towards the city's housing delivery targets and includes affordable housing. As this report will conclude, however, this harm that would arise from granting planning permission is considered to significantly and demonstrably outweigh this benefit. In reaching a decision on this application, members will need to weigh the

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<sup>1</sup> Mead Street Development Brief May 2022

**Development Control Committee A – 24 August 2022****Application No. 21/06878/F : Land At Corner Of York Road And St Lukes Road Bedminster  
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benefits of the development against the harms and impacts of the proposal. Officers acknowledge that the scheme will deliver identifiable benefits but have concluded that these will not outweigh the level of harm.

**SITE DESCRIPTION**

The 0.43ha application site has been recently cleared, but previously contained a low rise (two storey) industrial building occupied by Bart Ingredients, (a manufacturer and distributor of spices for food production within Use Class B2). There are two existing separate vehicular accesses onto Mead Street, which links St Luke's Road to Bath Road (A4), which is some 240m to the east of the site. Mead Street currently has pedestrian and cycle only access onto Bath Road. The site forms part of the Principle Industrial and Warehousing Area (PIWA) as designated in the adopted local plan, and as such there are a number of industrial and commercial businesses operating in close proximity.

The site lies outside of both City Centre and Central Area boundaries, and is adjacent to the River Avon Site of Nature Conservation Interest. It is within the Southville ward of the city and within walking distance of Temple Meads mainline train station as well as numerous bus services which run along Bath Road.

The Bedminster Conservation Area boundary runs along the western edge of the site, in the centre of St Luke's Road. The nearest listed buildings are the Langton Street Bridge – Grade II listed, and three houses, at numbers 138-142 (even) York Road - Grade II listed.

The site is also located within the extended Temple Quarter Enterprise Zone and the is in the Mead Street Development Brief area.

The site is located in Flood Zone 1, indicating a low risk of flooding.

On the site to the east lies the Royal Mail delivery office which contains a two storey high warehouse and directly abuts the application site. To the west are three storey residential developments on the opposite side of St Luke's Road. The application site lies on the western-most edge of the designated PIWA, with other industrial uses using Mead Street as their access, as such, the site is on the corner of the main access to the industrial estate and experiences relatively high volumes of HGVs and commercial traffic.

To the south is the mainline railway line, which is abutted by the prominent Totterdown escarpment flanked by characteristic terraced housing which overlooks the city. To the north of the site is York Road, a heavily trafficked A-road connecting the city to areas to the south-west. The River Avon and the city centre area of Redcliffe can be accessed over the Langton Street bridge.

**RELEVANT HISTORY****21/02751/PREAPP**

Pre-application advice issued on 30 November 2021 for a 'Mixed-use redevelopment to create new office and retail space on the ground floor and 236 new homes on the upper levels, together with associated amenity space and 67 car parking spaces'. Advice to the applicant was that the proposal could not be supported, but they were advised to continue developing the proposal alongside working with officers on the Development Brief, to ensure the best response for the site.

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21/05572/N

Prior Notification sought for 'Demolition of vacant industrial building'.  
Agreed 6 January 2022

21/06197/SCR

Request for a Screening Opinion as to whether an Environmental Impact Assessment is required for mixed-use redevelopment to create up to 700 sq. m. of new commercial (Class E) floorspace on the ground floor and up to 250 new homes on the upper levels, together with associated amenity space and car parking spaces. Includes demolition of the existing buildings and structures.  
EIA NOT REQUIRED confirmed 17 February 2022.

#### APPLICATION

A mixed-use redevelopment is proposed, with residential units, commercial units within Use Class E at ground floor level, and basement car and cycle parking.

The bulk of development would be arranged in an 'E' shape, with the projecting elements as 11, 11 and 7 storeys respectively, and there would be a landscaped area of public realm in between the blocks which would link Mead Street to York Road.

Vehicular access would take place from Mead Street.

#### AMENDMENTS DURING THE COURSE OF THE APPLICATION

The applicant submitted amendments to the scheme on 22 July 2022, and a further round of consultation was carried out on these.

The amendments are as follows:

- Reduction in number of dwellings from 244 to 221
- Reduction by one storey to Block A (fronting St Luke's Road) to result in 6 storeys plus dormer level
- Alterations to dormer level treatment (to result in 2no 10+dormer level and 6+dormer level blocks)
- Introduction of flat roof and roof terrace between blocks A and B

#### SCHEDULE OF ACCOMMODATION

1B2P Flats: 121

2B3P Flats: 52

2B4P Flats: 25

3B4P Flats: 23

#### AFFORDABLE HOUSING

All 221 of the dwellings would be provided as Build to Rent, (BTR). Of this figure, 66 (30%) would be delivered as Affordable Private Rent (APR).

The remaining 70% of the dwellings would be offered at Discount to Market Rent.

#### PRE APPLICATION COMMUNITY INVOLVEMENT

Due to its size, the application is required to be accompanied by a Statement of Community Involvement. Guidance and good practice examples exist to inform the choice of appropriate methods in order to help ensure effective, efficient, transparent and accountable community involvement. Those responsible for undertaking community involvement are expected to reflect such good practice to ensure inclusive, fair and effective initiatives. Failure to do so may limit the

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validity and relative credibility of the involvement undertaken.

The applicant prepared a statement of community involvement (dated December 2021) which has been assessed, and is summarised below:

i) Process

Bristol Neighbourhood Planning Network was consulted at the outset, Southville ward councillors and one Windmill Hill ward councillor were briefed.

An online stakeholder briefing was held by the applicant on 29 November 2021

An in-person public exhibition was held at the Engine Shed on 30 November 2021, 19 people attended the event, with 62 feedback forms posted.

ii) Fundamental Outcomes

Mixed views were reported on the principle of residential-led development, since the site is in a PIWA. Respondents acknowledged that there was a need for housing, particularly affordable housing. A number of respondents supported the inclusion of cafes/workspaces at ground floor. People were keen to see a generous provision of green space and biodiversity.

Concerns were expressed about the high density, the applicant responding by stating that this density would help deliver on the Mayor's commitments and contribute to a greater supply of housing in Bristol.

Concerns were raised about the height and the resultant loss of views to and from Totterdown. The applicant's response is that the area is about to change, and that the 'finger block' arrangement would ensure glimpsed views through the development were still possible.

Mixed views were expressed about parking, with some raising concerns about displaced cars being parked in Totterdown, with others preferring low or zero parking on site. The applicant's response is that the inclusion of cycle parking and EVC points would encourage sustainable travel whilst minimising the impact on air quality.

People sought reassurance that the scheme would connect to the District Heat Network, which is the intention.

Concerns were raised about the impact on local services, and the applicant expects to contribute towards education and healthcare services.

## RESPONSE TO PUBLICITY AND CONSULTATION

A total of 338 letters were sent to occupiers in the area initially on 20.01.22, and subsequently on 20.07.22, with all parties having made comments on the original scheme having been notified of the amendments. Comments are summarised but are all available in full to read on the Council's website prior to any decision being taken on the application.

### Ward Members

Councillor Lisa Stone (comments are summarised)

Initially wanted to approve a development of energy efficient affordable homes and a number of points are supported (connection to the heat network, provision of amenity space, provision of cycle storage) but object for the following reasons:

- Lack of clarity regarding carbon zero proposals
- Buildings are too tall and will harm the historic environment and have a negative impact on the amenity of nearby occupiers
- Density is high and the design does not complement the surroundings
- Scores poorly against Urban Living SPD in terms of child yield

3 comments have been received in support:

- It will be good to have investment in what is currently a run down and unattractive area.

Opposition on the grounds of resisting change seems unreasonable, particularly on this city centre site.



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- The development is on an inner city brownfield site so is in a sustainable location.

255 objections were received:

*Density/Land use objections*

- The density is too high.
- Support the need for housing and this is an appropriate site, but the buildings proposed are too tall.
- Development should show more of a commitment to mixed use
- The scheme should be refused until a proper strategy for the re-development of the area is established.
- There is an opportunity here for BCC to draw up a masterplan for the area and demand an attractive, well-designed mid-rise housing scheme.
- Acknowledgement of some support for the use of the site for residential use.

*Affordability*

- The flats are for rent, not for sale – young people should be offered a chance to buy affordably.
- The 1b2p flats would have to be occupied by two people as a minimum, as a single person could not afford a flat designed for two. This is at variance with the national increase in single person living.

*Design / Heritage objections*

- The height of the development will destroy the iconic colourful view of Totterdown Houses on the escarpment.
- The height should be limited to 6 storeys (8 storeys/5 storeys/3 storeys)
- Detrimental to the aesthetics of Temple Meads Station, Bath Bridge and views towards Totterdown.
- The development should be considered in combination with other developments in the area such as Temple Island.
- Bedminster CA Appraisal refers to Totterdown escarpment as a key view and landmark (p25 1.3)
- The development looks like a concrete canyon, and would be soulless and an eyesore.
- The current view (of the escarpment) is important and should be preserved. This wouldn't even be a discussion if this was in Cliftonwoods.
- The views submitted with the application are misleading – there is little point in showing the site from a drone's perspective – we need to understand the human views.
- Urban Living indicates that density of 120 dwellings per hectare is appropriate. This is 4 times that maximum and would result in poor social outcomes.
- Urban Living states that a 'poorly designed tall building can have a detrimental impact on the historic townscape of a city like Bristol' and 'the topography and skyline of a city like Bristol'. The proposal would do all of that.
- Dark metallic cladding would make the development appear blocky and grim.
- The development would only be 1.5m from its boundary, with a façade filled with single aspect flats. This would blight the neighbouring landowners and produce overlooking issues.
- The site is in the Inner Urban area as defined by Urban Living, not the city centre where densities can be higher.
- Urban Living states that 'a poorly located, poorly designed tall building can have a detrimental impact on the topography and skyline of a city like Bristol' and that 'A tall building should not be located where: it hides or masks the topography of the city or it harms valued views from key vantage-points'. This proposal would do all of that if permitted to proceed.
- The inappropriate doubling and near trebling of the prevailing height is not justified by any precedence.
- Using the tower blocks on the north side of the river as precedents (Broughton and

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Yeamans Houses) is nonsensical. The context of these buildings is completely different in that they are widely spaced within open ground. This is very different to a building of similar height set much closer to adjoining buildings.

- The applicant has notably not included any views showing the development from Langton Street Bridge.
- The architecture proposed is homogenous. Bristol has a unique character generated by its topography, architecture, open spaces and waterways. Development therefore needs to enhance this cityscape.

*Amenity objections*

- The area is a high pollution area
- Poor standard of living.
- The flats are only 18m apart, this would result in unacceptable overlooking, especially as many of the flats are only single aspect.
- The noise report recommends that windows would be sealed shut with artificial ventilation. There is no mention of soundproofing between flats or noise from the proximity of neighbouring balconies.
- The buildings would block light and direct sunlight to many residents (on the escarpment)
- The Internal Daylight Assessment indicates that many of the apartments would be miserably dark, yet concludes this would be acceptable. There is also the assumption that the remainder of the site would remain undeveloped and relies upon the single storey surroundings to achieve the results.
- The flats would be cramped, accessed from anti-social narrow corridors with minimal servicing of waste, storage, recycling facilities.
- The development would not receive the benefit of the South-South-East aspect due to the Totterdown escarpment, particularly for flats on the lower floors.
- If large trees are planted they would create more shade for the lower storeys, this has to be balanced by the need to provide acceptable tree planting.
- Bins would have to be pushed through the communal open spaces, making them more like service corridors rather than ambient social spaces for residents.
- Concerns about increased crime, as raised by the police.
- The site is close to the Network Rail compound. This is lit all night and is likely to cause disturbance due to light, noise and traffic to the new homes.

*Transport/Parking objections*

- The development would add to parking pressure in the area due to the low level parking allocated to the development
- The Bath Road Wells Road junction is always busy, this would add to it and congestion generally in the area.
- Public transport links are poor
- There appears to be no information in the application on how the proposed retail units would be serviced – it would be of concern if St Luke's Road were to be used.
- The application over-emphasises the importance of the link between Mead Street and York Road – this can never be a primary route as people are either going to Temple Meads and would use Bath Road, or to the north of the river over Langton Street Bridge
- SP to check – is there a system of allocating car parking spaces to family sized units?

*Landscaping/Green spaces/Environmental concerns*

- Almost all public realm has been given over to tall buildings to close to the boundaries.
- There would be an impact on the use of green spaces, particularly Victoria Park.
- The tall buildings would create a wind tunnel effect, so the green spaces between them would be unattractive .
- Green space provision is poor.

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- There is an abundance of wildlife along the railway embankment. Owls, bats, badgers, sparrow hawks, foxes and deer have been spotted. There is no evidence in the application of these having been documented
  - The plans recommend destroying every tree – many are sizeable and cannot be easily replaced with trees planted amongst tall buildings.
  - In keeping with the One City Strategy, why is the energy efficiency standard for the buildings not Passivhaus?
  - New green space should be created within the development rather than expecting the existing Victoria Park to get even busier.
  - The Wind Desktop appraisal does not carry out a CFD study. The approach fails to recognise the topography of the area and the river valley. It speculatively uses data from a site 7km away and reduces wind speeds by over 50%
  - Flats on the St Luke's Road elevation need additional insulation against the prevailing wind direction than just solid balconies.
  - No mention is made in the ecological survey of bats which are known to exist in the area.
  - The biodiversity would not increase by removing all trees shrubs and greenery as claimed by the application.
  - Single aspect flats will require more energy to provide light – this would conflict with Bristol's aims to be carbon neutral by 2030
  - The proposed wildlife refuges within the scheme would struggle to thrive due to the noise generated by the 244 households.
  - The site is close to the New Cut so the risk of damage to the ecology is significant. The high number of new residents will increase the amount of litter in the New Cut, damaging the fragile ecosystem.
  - The trees and hedges should be protected under TPOs.
- Other objections
- Pressure on schools and local GPs.
  - Little attempt to engage residents, either by developer or BCC.
  - We need family sized homes, not tiny flats in high rise blocks, due to the quality of life for people in high rise blocks.
  - The loss of the much relied upon petrol station on York Road would result in residents of Totterdown having to drive further afield for petrol, impacting on congestion and air quality.
  - Reference in the DAS to 7 and 10 storey plus ground floor is very misleading – the proposals are for an 8 and 11 storey development.
  - The claim that materials would be locally sourced is hogwash – metal cladding, steel, bricks and concrete are all imported from outside Bristol and even the UK.
  - The Oak doors listed on the drawings are elusive – which locally sourced oaks are being used?
  - The Fire Service report clearly states that the increase of housing in tower blocks is stretching their capacity to the limit.

**TOTTERDOWN TRESA – Resident amenity group**

- The Statement of Community Engagement only lists the positive comments about redevelopment of the area and fails to address concerns repeatedly raised about building heights
- A major concern is the impact of the height and form of development on views of the Totterdown escarpment. The applicant underplays the detrimental impact of their proposal.
- The full panorama of the escarpment is visible from several points, contrary to what the applicant says about it only being captured in glimpsed views.
- The development is overbearing and would be at odds with buildings on the other side of St Luke's Road. This has failed to address concerns raised by the City Design team.
- The high proportion of single aspect units is evidence that the developer is prioritising profit over the well-being of those living in the proposed development.
- The Child Yield calculation suggests that 98 children (0-15) would live in the proposed

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development. Victoria Park is a dangerous walk away. Given that the development is designed to meet only the minimal space requirements, it is questioned whether the proposed development will provide good quality homes for families. It is also questioned whether the applicant's calculation of children under the age of 4 is correct. They state 19, whereas the calculator shows 50.

**WINDMILL HILL AND MALAGO (WHAM) – Resident Amenity Group**

- Whilst the use of the site as residential is seen as positive, the development is grossly out of scale.
- The amount of workshop space being provided is not going to replace the current levels of employment. Inner city workspace is vital to the creation of the local city. The number of workspaces should be increased in proportion with the increase in residents.
- There is no real commitment to anything in terms of energy performance . Will the scheme be BREEAM certified? There are concerns about overheating.
- Whilst the planted public realm is good, it is unclear how much private play space is included for families. Also, the public realm between the tall buildings appears to be too narrow, and flats on either side of the route would be looking at each other.
- Level of green cover is much lower than that of the existing site. Planting appears limited to ground level although the ecological studies make reference to green roofs. Ground level planting will be in shade for much of the day.
- The width to height ratio of the courtyard and route between blocks is too narrow and should warrant a re-design.
- The varied tone of the bricks proposed is good, but the use of stone at lower levels is too much for the area. Metal cladding is not a great choice as the area it will be used on is too great.
- Height is excessive and will cause great harm to the visual landscape of Bristol and ruin key views of an important landmark – the Totterdown escarpment.
- The Urban Living SPD requires tall buildings not to obscure topography, this building ignores this.
- The escarpment should be viewed as a long object – the development divides this and prevents views of it.
- The block appears solid from most views and different from the context. It is deeper than the surroundings and appears as an impenetrable masonry mass.
- The Georgian houses along York Road are among the last Georgian houses built in Bristol and views in this context must be protected.

**BRISTOL CIVIC SOCIETY – Residents Group**

- Proposals for the loss of commercial premises should not be considered in the absence of a masterplan for the area providing for a balanced redevelopment of the area from Bath Road to Bedminster Green. Such a plan should be adopted by the Council after full consultation with residents and stakeholders. The Society does not support the loss of PIWA land.
- The blocks of the height and mass proposed will be harmful to views towards Richmond Street on the escarpment, as well as other important views towards Grade I listed Temple Meads Station and St Mark Redcliffe. The submitted VIA does not adequately address the concerns.
- Poor quality of accommodation for new residents - air quality in view of the location on the busy junction.
- The high number of single aspect flats is of concern
- There are limited facilities for residents. The impact on school places also needs to be considered.
- 100% affordable would be welcomed.

**Bristol Tree Forum (21.02.22):**

Planning application 21/05572/N should not have been validated because it did not include any evidence that would have allowed proper consideration of trees and hedges growing on the site as well as all its other ecological and environmental assets. At least four of the trees make a

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significant contribution to the landscape and could be retained. There is a large cedar on St Luke's Road which would merit a TPO. There are three Swedish whitebeams on Mead Street. The city has declared a climate emergency and pledged to become carbon neutral by 2030 and double tree canopy cover by 2046. All of this is meaningless unless we take every opportunity to deal with these emergencies to achieve these pledges.

The proposals do not comply with planning policies which urge development to incorporate existing green infrastructure.

Trees planted on the highway will need approval from the highways authority (OFFICER NOTE – Bristol City Council is the highway authority for York Road and not National Highways).

York Road has a Marshalls integrated kerb drainage system so is sensitive to misalignment. In addition, a distance of 1.8m clear pathway must be available for accessibility requirements. Street trees need one metre clear, which means the pavement would need to be 3m wide (OFFICER NOTE – pavement widths on the proposed layout are shown as a minimum of 3m on all sides)

Further comments on Biodiversity Net Gain (10.05.22):

The applicant's BNG evidence claims that the proposals will result in a BNG of 96.4% Habitat units and 12.58% hedgerow units. However, we disagree. The habitat on site was all destroyed so there is now no possibility of enhancing the habitat or returning it to its former state. All that can be done now is create new habitat.

We assign High strategic significance to all habitats.

The trees proposed are of potential size and stature that makes them inappropriate for the site. If the proposed trees reached their projected size after 30 years they would provide 0.1370 hectares of canopy cover. Given that the site is only 0.44 hectares and will comprise mostly building development this appears unrealistic.

There are objections to the way in which the urban tree habitat baseline was calculated by the applicant, as the calculations result in unrealistic habitat area projections. The applicant has set the condition of the new habitat at Moderate, but we consider it to be Poor, the same as the baseline condition, in view of the concerns raised about the tree planting. Furthermore there would be a delay before any new habitat is created. We calculate that the applicant's proposals will result in a net loss of 5.64% of habitat units and 67.46% of hedgerow units.

BTF (07.08.22)

Additional comments made in response to re-consultation

Concerns that some of the trees proposed as replacement trees would be planted on the public footway and would therefore be unviable and cannot count towards the BTRS requirement.

The proposed reduction in the number of replacement trees (38 instead of 41 originally proposed) as well as the inclusion of the flat roof garden, does not appear to have been factored into the applicant's BNG calculations.

The proposed basement will mean that not all of the trees will be able to reach their full potential.

The BNG rules require trees to be replaced like for like. In view of the above point, the BNG calculations are flawed and (the BTF's) own calculations demonstrate that the proposal will result in a net loss of habitat units.

The Environment Act is now law and the required minimum 10% BNG will soon take effect. In (the BTF) view, the proposal has failed to provide net gains for biodiversity or to demonstrate a positive biodiversity gain when using the metric.

The BTF do not agree that the LEMP can be secured by condition.

The recommended condition to require details of lighting seems unrealistic given the site is located fronting onto three roads.

PETITION – 4,292 Signatures

We the undersigned ask the Mayor and councillors of Bristol to ensure that views of the Totterdown escarpment, an iconic feature of our cityscape, are protected from development proposals that wholly or partially obscure the panorama of colourful houses on the hilltop.

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Bristol BS3 4AD****Why is this important?**

Views of the Totterdown escarpment regularly appear in local and national publications as an iconic feature of our city.

The Heritage Assessment of the Temple Quarter Enterprise Zone includes the Totterdown escarpment as one of the principal iconic landmarks in the vicinity of Temple Quarter.

Bristol's City Design Team describe the Totterdown escarpment as "an iconic cityscape feature" that requires careful thought for the whole of the Framework area.

However, views of the escarpment are threatened by inappropriate proposals for tower blocks (from 6+ground to 21+ground) in the proposed redevelopment of the Mead Street. We are not against creating a new mixed-use neighbourhood along Mead Street, but this must be at heights that do not obscure the panorama of the Totterdown escarpment.

**RE-CONSULTATION**

Letters were sent inviting comments on the revised scheme on 20 July 2022. At time of writing, close to 100 additional letters of objection had been received, objecting to the scheme on the grounds covered above.

**OTHER COMMENTS**

**Air Quality Officer** has commented as follows:-

I have reviewed the Air Quality Addendum (Revision 2 8th July 2022).

The report concludes that new exposure to concentrations of NO<sub>2</sub> exceeding the air quality objective for NO<sub>2</sub> (annual mean) will be introduced at first floor level. It recommends mitigation of this impact by NO<sub>x</sub> filtration for the MVHR for this floor on the York Road facade. Further, it states that " ..openable windows are only used for short term purge if required."

Allowing openable windows does not adequately mitigate the introduced exposure in my opinion, as there is no stated mechanism for ensuring that windows will not be opened for purposes other than short term purge. If this mitigation does not include fixed shut windows or a clear mechanism for limiting the opening of windows I must object.

I recognise that it is not ideal to insist on non-opening windows for the purposes of air quality. Other impacts arise from this mitigation, such as increased energy use, loss of amenity and potential for overheating. Nonetheless, in the absence of another proposed mitigation strategy, such as re-siting the residential accommodation away from the polluted roadside, I must recommend that the mitigation should include fixed shut windows in order to protect the residents from the harmful effects of road pollution.

If a condition is agreed that includes fixed shut windows and NO<sub>x</sub> filtration for the affected facade \ floor then I have no objection to the development on the grounds of air quality. Similarly a condition is needed to mitigate construction activities.

**Avon Fire and Rescue** has commented as follows:-

The additional residential and commercial developments will require additional hydrants to be installed and appropriately-sized water mains to be provided for fire-fighting purposes. This additional infrastructure is required as a direct result of the developments and so the costs will need to be borne by developer.

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**HSE - Fire Safety** has commented as follows:-

Access to firefighting water

Section 13 of the fire statement states that the developer doesn't know if the existing hydrants are currently useable. While the response "don't know" is a valid response on the form, this development relies on working hydrants to supply firefighting water to the dry rising mains. Without knowing that the hydrants are useable, the proposal might be relying on a disused water main or faulty hydrant.

Basement Car Park

The following point does not impact on land use planning considerations; however, it is noted that there is no lobby protection provided to the firefighting shafts at basement level. In line with the recognised fire safety design standards, this will need to be considered at the detailed design stage.

**Arboricultural Team** has commented as follows:-

A Softworks landscape plan (Dwg 596-CTF-XX-XX-DR-L-50000 Rev P03) has been provided. This plan identifies 42 replacement trees and 6 large shrubs. The proposed trees are predominately within 2 main families, Fagaceae and Rosaceae with a wider genus and species distribution that provides a reasonable level of species diversity and future proofing from pathogens which is acceptable. The hard landscape plans identify a number of rain water gardens and raised planting beds; these plans do not provide a specific soil composition for the areas and therefore a structural soil condition has been added to ensure the tree pits are well structured and incorporate Suds systems to improve watering and water retention in the planting areas to aid establishment and ensure each tree has a sufficient soil volume through to maturity. The proposed tree planting fully mitigates the untimely loss of the historic trees on site in accordance with the NPPF Para 180, DM17 and the Planning obligations SPD.

The landscape plan does not seek to over plant the site but does provide a high quality landscape proposal for the future. This is well received given the abrupt removal of all of the historic trees on site during the application process. It is recognised that the trees will require management in the form of formative pruning to ensure they are compatible within their environment.

Conditions to secure the landscaping plan and tree replacements are recommended.

**Design West** has commented as follows:-

(Comments based on the original submission)

The development plot will be the first scheme of the wider Mead Street area coming forward and set the tone for the whole area therefore it needs to be ensured that the principles below (selected extracts only) are kept, and aspirations met:

- . Creation of a well-connected mixed neighbourhood
- . Delivery of new homes, employment and new community spaces
- . Contribution to high quality public space
- . New pedestrian street connections with Mead Street being the new green spine with active frontages
- . Encourage the development of zero-carbon buildings
- . Development in the Mead Street area will be expected to meet a high standard of environmental design and aim towards Bristol's objective of being carbon net-zero by 2030
- . Integrate green space thoughtfully into the public realm
- . Streets with emphasis on people over vehicle movements, active and attractive streets and public spaces, with a distinctive sense of place and character. Mead Street will become a new people focused street with generous space for people with wide footways, planting and connections to new public open space
- . The blocks are split into different character areas: city frontage and Mead Street which needs to

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be considered

- . Green infrastructure should be designed in a way that increases connectivity for wildlife between these valuable resources, contributes to the delivery of biodiversity net gain, and also provides health and wellbeing benefits for the community, as well as urban cooling benefits

- . Development proposals and public realm interventions will need to achieve at least 10% biodiversity net gain

#### Visual Impact, Massing and Elevations

The panel understood that the height has been partly increased to 11 storeys [*since pre-app*] and the density was also increased from approx. 425 units/ha to 560 units/ha which needs to be thoroughly tested if the proposed private amenity space is sufficient not just from an area point of view. It was not clear why the density of this already high density scheme had been increased, thus increasing the pressure to increase height and volume. A public open space has been created between the highest block and the C-shaped building with a south facing courtyard.

The highest block is positioned only 1.5m from the Royal Mail building which is a significant concern for us. The panel encourages BCC and Royal Mail to review the future development in collaboration as one plot to ensure the connections to the river are positioned in the right place and the very tall, overbearing blank wall, which will have to act as a party wall, can be avoided in the first place.

The panel heard that the team had developed further options for this area after the planning submission and then presented their revised preferred option, which creates a very small set-back courtyard (9m distance) to the Royal Mail building. This still does not resolve the issue of a substantial proportion of blank walls and – should a building on the Royal Mail site be designed up to the boundary - will create an unpleasant and dark environment for inhabitants.

It was especially useful for the panel to review the townscape and visual impact assessment studies (on the panel's request). It became clear that the current party wall has a significantly detrimental impact on the entire townscape, especially viewed from the Bath Bridge end and across the river.

Options for enlivening the wall were put forward by the team but especially a green wall will not be successful given the requirements for maintenance above the Royal Mail building and potential issues with fire regulations for buildings over 18m.

Regarding the massing across the site east to west, we are very concerned by the height towards St Luke's Road and believe that this has a detrimental effect on the existing residential area.

As we have seen now, this is also supported by the Draft Development Brief: [Extract] 'At the St Luke's Road end of the regeneration area there is a consistent prevailing height and development adjacent to this context is expected to adopt the recommendations of the Urban Living SPD for areas of consistent prevailing height (ie. up to 1.5x the prevailing height).'

It appears that the height proposed is currently over twice as high (7 storeys + roof with a higher ground floor compared to 3 storeys + roof of the existing) which the panel felt needs to be reduced more significantly. The recommendations of the Urban Living SPD should be followed.

We would also encourage a full understanding of key views at pedestrian level, taking surrounding buildings' heights into account not just the agreed views to ensure views to the escarpment and the river frontage can be maintained.

The panel appreciated that useful studies on the character and nature of historic and contemporary precedents in Bristol and their facade structure had been carried out, and a simple design rationale has been developed.

We do have strong concerns though that the aim to design a twin pitched roof motif has not been successful. The numerous dormers compromise the clarity of a pitched roof and are positioned too close to the gable ends, with the effect almost continuous dormers, rather than the predominance of a pitched roof. The panel concluded that the current roofscape proposals were not acceptable given that they are too busy and confused and do not have any precedents in this form.

We also recommend reviewing the sawtooth roofs on the lower element of the C-shaped block which appear alien in the context and won't allow the addition of additional amenity space or green



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roofs.

The success of the elevations will depend on the quality of the materials and how the massing of the scheme can be broken down further and shaped better to ensure it does not appear as one very large block, which is especially visible from the north/northeast. Introducing clearer set-backs and loggias will help to improve this.

The panel is also concerned about the choice of metal/zinc to the upper floors which makes it a very heavy top. An additional way to reduce the impact of the top would be to shape the upper 2.5 floors and set them back slightly.

**Uses and Layout**

Some small commercial and retail units are proposed throughout the scheme. Issues of access and servicing were discussed during the last review.

The panel is concerned that there are still large areas towards Mead Street which are not activated, especially around the private courtyard which is aggravated by the ramp into the basement.

The panel also asked to avoid the relatively large number of single aspect apartments. It is encouraging that the team has incorporated some daylight to the very long and, for the length, narrow corridors since the last review. There are still large areas without daylight though around the cores which needs to be addressed.

**Public Realm and Landscape Proposals**

Mead Street will become a key public space in the new development area. It needs to be activated to animate the street and provide an attractive and safe environment as also described in the Draft Development Brief [extract] 'Frontages to Mead Street should provide enclosure to define the public space. These frontages should be activated with commercial and residential entrances. Delivery and servicing should be provided away from the Mead Street frontages where possible.'

Given that Mead Street is proposed to be the key spine for the development of the masterplan area, it has not been demonstrated fully that this role as a potential boulevard has been fully realised, in the positioning of uses and the interface of the proposals with the public realm and street design.

Clearly, coordination with the aspirations of BCC, City Design Group and Highways (and the guidance in 'Manual for Streets') is essential, as this sets the precedence for building lines, street planting, pavement widths, cycle lanes, key street sections, building heights, levels of active frontage, vehicular access to underground parking spaces, etc.

The consideration of pedestrian and cycle flows in the design is also important to put the aspirations into practice as Mead Street has been identified as primary pedestrian and cycle route.

The panel is concerned that there are quite a lot of areas of hard landscape, especially to York Road, which makes it a harsh environment compared to its current more verdant character.

**Land Contamination Officer** has commented as follows:

The application has been considered including the Phase 1 Desk Study report prepared by Hydrock dated 20/12/2021, (Ref: 18284-HYD-XX-XX-RP-GE-0001), detailed comments have been provided to the case officer which should be considered prior to the submission of any revised/new documentation.

Broadly speaking the submitted Desk Study was primarily for due diligence purposes rather than for the proposed development, a site walkover was not part of this study and we have a number of concerns about whether or not all the potential contaminants have been considered within the report and/or conceptual site model. Therefore we do expect the Desk Study to be revised and resubmitted to ourselves for review prior to intrusive investigation taking place. We don't however have an objection to the proposed scheme with respect to risks from contaminated land.

The following conditions are recommended to be applied to any future planning consent (full

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wording provided to the case officer):

- Site Characterisation - Submission of revised Phase 1 Desk Study
- Intrusive investigation and remediation scheme
- Implementation of Approved Remediation Scheme
- Reporting of Unexpected Contamination
- Unexploded Ordnance

**Crime Reduction Unit** has commented as follows:-

Initial concerns were raised but following a meeting with the applicant it was confirmed that many of the issues could be addressed by condition. In response to the revised scheme, compartmentation of cores must be maintained. Movement to and from the new terrace must be access control restricted to common areas only to ensure security through the blocks is not compromised.

**Flood Management team** has commented as follows:-

The Drainage Strategy needs to be amended to clarify the locations of surface water discharge. Evidence should also be provided to show that Wessex Water have agreed discharge rates/changes to connections (if applicable) into their sewers. Further information is required to confirm that the effects of tide locking have been duly considered with regards to the outfall into the Avon (to which the surface water sewer proposed to be connected into subsequently discharges). Tidal outlet levels above 8.0mAOD are advised, as the forcing shut of tide flaps and consequently backing up of the system often occurs because these levels are exceeded during the higher Spring tides in the current day and will be more frequently in the future. Please could the outfall level be confirmed. Should the outfall be subject to tide-locking, it should be confirmed that the sewer has the capacity for flows at the proposed discharge rate, for the duration of the 1 in 200 year tide event with climate change.

If the LPA is minded to consent the application, we request that the detail as requested above is evidence through the following condition: No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority.

Nature Conservation Officer has commented as follows:-

The Ecological Assessment (Ethos Environmental Planning, December 2021) is generally of good quality and sufficiently addresses the ecological status of the site and its immediate locale. No other ecological surveys appear to have been conducted prior to the one by Ethos Environmental Planning which forms the basis of the current Ecological Assessment report. However, in the first paragraph on page 15 (section 3.4.5) of the ecological assessment, with regard to the bat roost assessment of this site, there is mention of a "previous report". There are no details provided for this previous report elsewhere in the ecological assessment. If the "previous report" paragraph is a typographical error it must be amended, and the report re-submitted. Alternatively, if it is a reference to an actual previous report this needs to be discussed in detail within the ecological assessment and the report re-submitted.

In Section 8.3 of the ecological assessment with regard to Protected Species Provisions post-development it is recommended that 3No bat and 4No bird boxes are erected in the trees which will be planted post-development to replace those mature and semi-mature trees which have been lost to the development. However, it will not be physically possible to attach bird and bat boxes to the young planted trees as they will not be of a size that can support the weight of the boxes and the boxes will not be erected at an appropriate height. Therefore, the applicant needs to revisit this part of the report's mitigation section and address how they will achieve their objective of providing bird

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and bat boxes.

CONDITION 1: To require an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of 4No bird and 3No bat boxes, 20No integrated swift boxes and 1No insect and hedgehog\* box.

CONDITION 2: A lighting plan should be submitted by the applicant to demonstrate that light levels are minimised on the proposed boundary habitats and the proposed central corridor, in the interest of nocturnal species such as bats. The lighting plan should comply with the recommendations made in the ecological assessment.

The applicant shall submit an updated Biodiversity Net Gain Assessment (BNGA) for this proposal. In section 5.2 of the ecological assessment (Ethos Environmental Planning, December 2021), the habitat description for the hedgerows on site were 1No Ornamental non-native; and 1No Native hedgerow with trees. This is considered to be correct. In section 4.1.1 of the BNGA (Ethos Environmental Planning, February 2022) both hedgerows are classed as ornamental non-native – both having low distinctiveness. The northern hedgerow (*Fagus sylvatica* and *Crataegus monogyna* according to the ecology assessment and arboricultural report) should be considered as native. *Fagus sylvatica* is a European species of beech but is classed as originating from southern England as well as parts of Europe. The same applies to hawthorn. This hedgerow should be classed as native in the BNGA and assigned the appropriate distinctiveness value, and a condition assessment should be included for this habitat. In Table 4 of the BNGA, the condition assessment for urban trees, criteria 6 failed, which is considered to be incorrect. The urban trees on the northern boundary of the site were directly adjacent to the beech and hawthorn hedgerow and are seen to be overhanging this hedgerow in photo 9. A 'pass' is considered to be more appropriate for criteria 6 here ("Trees are immediately adjacent to other vegetation, and tree canopies are oversailing vegetation beneath"). This should be amended in the updated BNGA report.

In section 8.2.2 of the ecological assessment, it states that native planting will be used "Planting on site will include native shrubs and trees" and the BNGA states in table 10 under 5.2.6 "Planted street trees will be native species of local provenance, including English oak, ash, wild cherry, beech, holly, rowan and whitebeam". Table 11 in the BNGA (summary of biodiversity units) needs amending to reflect the distinctiveness of the proposed urban street trees as the majority of those proposed are non-native according to the landscaping plan submitted (Churchill Thornman Finch December 2021). Alternatively, the landscaping plan should be amended to include majority native species to be planted, using the recommendations in section 8.2.2 of the ecological assessment.

CONDITION 3: (a) Prior to the commencement of the development hereby approved, a revised Biodiversity Net Gain Assessment (BNGA) based on the finalised proposals shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by Bristol City Council. The Assessment shall employ Natural England's Biodiversity Metric 3.1 as previously advised. Detailed spreadsheet calculations should be submitted in support of the Assessment, together with condition assessment sheets and habitat maps (baseline and post-development). The development hereby approved shall be carried out in full accordance with the habitat retention, enhancement and creation measures set out in the BNGA or any amendments approved in writing by Bristol City Council.

(b) The BNGA submission shall be accompanied by a Landscape & Ecological Management Plan (LEMP) which addresses features of interest, objectives, management compartments and prescriptions, a work schedule (including a 30-year annual work plan), resourcing (including a financial budget or funding agreement) and ecological monitoring. The development hereby approved shall be carried out in full accordance with the Plan or any amendments approved in writing by Bristol City Council.

Reason: To comply with the revised National Planning Policy Framework (NPPF, 2021), which states in paragraph 174 (d) on page 50 that 'Planning policies and decisions should contribute to

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and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...". The proposed landscaping plan incorporates green walls which is supported, however these include sedum which has limited value for wildlife. The species included in the proposed green walls should be re-considered and the landscape plan updated accordingly. See condition 4 and guidance below.

CONDITION 4: Prior to commencement of the development hereby approved, a Method Statement prepared by a suitably qualified ecological consultant or landscape architect shall be submitted to and approved in writing by Bristol City Council for the creation of living roofs and/or walls.

**Pollution Control Officer** has commented as follows:-

From a noise point of view we would usually require windows to be openable if possible. If however there are other factors involved, such as air quality, and a clear need for the residential development then I think we would have to accept non-openable windows and this would have to be reflected in the ventilation provision for the property.

I think the bigger question here would be whether this will be a satisfactory development if windows have to be non-openable. 2.22 of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development (May 2017) states

*2.22 Using fixed unopenable glazing for sound insulation purposes is generally unsatisfactory and should be avoided; occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents.*

The noise assessment has included plant noise limits but hasn't included any specific information regarding ASHP including types or where they are to be located. We would therefore need to impose a condition requiring further information on noise from plant and equipment, as well as to incorporate an assessment on activities at the nearby Network Rail yard.

**Sustainability Officer** has commented as follows:-

(Comments are summarised – discussions took place during the course of the application and the full assessment is at Key Issue )

We have some concerns around overheating and daylight:

- The high proportion of single aspect units and lower levels of natural daylight may increase the need for energy consuming lighting and space heating
- The kitchens that form part of the open plan living areas are excluded from the current daylight assessment – we recommend they are assessed
- The overheating assessment has been carried out using the TM59 natural ventilation scenario. As mechanical ventilation is the most likely scenario, we recommend that an overheating assessment based on the mechanical ventilation solution should be submitted prior to decision.
- The overheating assessment should also include the 2080 weather file

**Transport Development Management Officer** has commented as follows:-

(Comments are summarised – discussions took place during the course of the application and the full assessment is at Key Issue )

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## RELEVANT POLICIES

Urban Living SPD - November 2018  
 Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – July 2021  
 Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

## RELEVANT POLICIES

## KEY ISSUES

## (A) IS THE PROPOSAL ACCEPTABLE IN LAND USE TERMS?

This is a proposal to locate a residential-led mixed use development on this site which is designated in the current local plan for Industrial and Warehousing uses. Members are therefore advised that there are a number of policy considerations to balance when determining the application.

Chapter 6 of the NPPF “Building a strong, competitive economy” places significant weight on the need to support economic growth, particularly in accessible locations close to city centres such as the application site. Policies BCS8 and DM13 are both in alignment with this.

The Local Plan Review includes policies which seek to change this designation and draft LP Policy DS2 Bristol Temple Quarter states that “the focus for the regeneration of this area will be on the development of new workspaces, new homes and supporting infrastructure.”

The NPPF, para 122 requires planning decisions to reflect changes in the demand for land, and to be informed by regular reviews of both the land allocated for development in plans, and of land availability. Specifically, the same paragraph requires that applications for alternative uses on the land should be supported where the proposed use would contribute to meeting an unmet need for development in the area.

The emerging review of adopted policy will reflect the changes in the demand for land, as required by the NPPF (para 122) although limited weight may be afforded to emerging policy at the time of writing. Further consultation on the emerging policies is envisaged to take place later in 2022.

Progressing Bristol’s Development is a statement approved by the Council, published in 2020, and sets out how the existing local plan policies will be balanced with the emerging plans, new evidence, changes to national policy and evolving development issues across the city. Importantly, this document describes the acute lack of supply of homes and identifies the importance of ensuring the delivery of a sufficient supply of homes being a priority in securing sustainable development. This is not a policy document, but it is a material consideration in the assessment of this application.

The Development Brief was recently approved by Cabinet and sets out the Council’s aspiration to create a new neighbourhood of homes and workspaces, including new green space and

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sustainable travel options. The DB provides a vision to guide regeneration of the Mead Street area. Again, this is not a policy document, but is a material consideration in the assessment of this application.

*Housing Delivery Test*

On 19 January 2021, the government published the results of its 2020 Housing Delivery Test, which aims to measure how effectively each local authority is delivering housing against NPPF requirement to demonstrate a five-year supply of deliverable housing sites plus five per cent land supply buffer as standard. Bristol was found to be delivering only 72% of the housing requirement. The penalties for this will be that Bristol will have to provide a "buffer" of sites for 20% more homes than are needed to meet their five-year target, will be required to produce a Housing Action Plan (which has been produced), and the presumption in favour of development in the NPPF will apply.

In view of the fact that the LPA is not able to demonstrate a five year housing land supply, the current policies are deemed out of date, and paragraph 11(d) of the NPPF – the tilted balance is engaged.

There are two aspects to understanding whether planning permission as prescribed by Paragraph 11(d) should be granted and whether policies which are most important to determining the application are out of date:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (*officer note: this includes designated heritage assets*); or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The question for this application is therefore, would any adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits of providing housing?

Turning back to adopted policy, DM13 states ***development involving the loss of industrial and warehousing floorspace within the PIWAs will not be permitted (unless the development is for industrial training facilities; community facilities; specialised leisure uses; essential public utilities development; and ancillary facilities that support the PIWA), or***

- i) It is demonstrated that there is no demand for***
  - a) the use of the existing site/premises for industry and warehousing; or***
  - b) The redevelopment of the site for new industrial or warehousing premises; and***
- ii) The proposal will not prejudice the function or viability of the rest of the PIWA."***

The development does not propose any of the above uses, the site has not been marketed for ongoing industrial use, and residential uses have the potential to prejudice the function of the PIWA.

The above considerations will be used in applying the balance as required by the NPPF paragraph 11.

The proposal would pre-empt the completion of the local plan review, and would be contrary to policies BCS8 and DM13, however, this is weighed against the policy aspirations and the results of the housing delivery test, which demonstrates the critical need in Bristol for housing. Class E could include the following uses: shops, cafes/restaurants, banks, gyms, GPs crèches, offices, research and development, and light industrial uses. In view of the site's location out of a centre, town centre uses (such as shops,

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restaurants and cafes) are not permitted by policy unless they are of a small scale (200sqm) and would meet a local need. This is in order to avoid harming the vitality and viability of designated centres. The Class E floorspace would therefore need to be restricted in order to limit any town centre uses (retail, café or office) to a maximum of 200sqm in view of the out of centre location of the site. Ideally, the ground floor layout would lend itself to more meaningful workspaces (as required by emerging policy) rather than commercial shop-style units, however this point could be addressed by condition.

The Council's Economic Development officer has reviewed the proposals and commented as follows:

1. Suggested lack of demand for industrial space: the economic report uses the West of England Employment Land Needs Assessment from 2015 to argue that there is limited demand for industrial space in Bristol.
2. Whilst the EDNA<sup>2</sup> suggested that there was an oversupply of industrial space in the city, it also noted an undersupply of warehouse space. As PIWA allocations cover both industrial and warehouse space, the EDNA does not necessarily prove the point that the land would not be valuable for PIWA purposes.
3. That said, the findings of the EDNA have been superseded by more recent analyses of employment land supply, namely the Bristol Employment Land Study of 2019 and the West of England Employment Land Spatial Needs Assessment of 2021.
4. The Bristol ELS<sup>3</sup> notes active demand for space in central urban areas but a lack of supply. It also flags that this is a pressure which could be exacerbated by changes of use in regeneration areas, which will require change to be managed carefully through the planning process.
5. The West of England ELSNA<sup>4</sup> reports a shortage of supply of industrial and warehousing space. Similarly to the Bristol ELS, it emphasises the importance of carefully managing change in the city's regeneration areas and securing employment within them.
6. Consequently we do not agree with the assertion that there is an oversupply and consequent limited demand for industrial space.

While the above points were made, there was general support offered to the Class E commercial units in view of the number of jobs they would have the potential to provide.

Furthermore, the local plan review consultation showed no objections to the proposed allocation of this land for the development of new workspaces, new homes uses. It is therefore likely that the land will be allocated in the following stages of the local plan process.

To summarise, as a proposal for new homes, the presumption in favour of sustainable development is applicable in the light of Housing Delivery Test results and the current absence of a five year supply. Redevelopment of the site for residential use to include a mix of dwellings and commercial uses (subject to use restrictions) is considered to be consistent with the direction of emerging policy in the Local Plan Review March 2019 and the NPPF.

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<sup>2</sup> Economic Development Needs Assessment March 2016

<sup>3</sup> Employment Land Study 2018

<sup>4</sup> Employment Land Strategic Needs Assessment

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**(A) WOULD THE PROPOSAL DELIVER A HIGH QUALITY DESIGN RESPONSE FOR THE AREA?**

The NPPF was revised in June 2021 to strengthen the requirement for good design. Paragraph 134 states:

**Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:**

**a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or**

**b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings**

New development is expected to establish a strong sense of place, and to be visually attractive as a result of good architecture, being sympathetic to the local character and history, while not preventing appropriate change (including increased densities).

In addition, requiring good design is at the heart of Bristol planning policy, and BCS21 expects a high quality design in all developments, which contributes positively to an area's character and identity, creating or reinforcing local distinctiveness.

DM26 requires new development to respond positively to the site, creating and enhancing public spaces and responding appropriately to height scale and massing of existing buildings.

DM27 requires development to achieve a coherent, interconnected and integrated built form, and to use trees and plants appropriate to the character of the area.

DM28 requires development to incorporate high quality and inclusive public realm, which is well surveilled and reduces crime and the fear of crime.

DM29 requires all new buildings to respond to their solar orientation, incorporate active frontages and clearly defined main entrances facing the public realm that emphasise corners and reinforce the most prominent frontages.

The Council's Urban Living SPD as well as the Development Brief both recognise the need to deliver at least 33,500 new homes by 2036. Urban Living SPD seeks to guide development towards creating compact, characterful and healthy urban areas, and to ensure that tall buildings are positioned well and demonstrate design excellence.

## DENSITY

Policy BCS20 requires development to maximise opportunities to re-use previously developed land, and states that higher residential densities will be sought in and around the city centre. This site is outside of the city centre, but is close to its boundary (which lies across the New Cut).

Urban Living SPD expands on this requirement and places this site within the Inner Urban Area.



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This document states that the opportunity to optimise density is influenced by the area's character. The opportunities to optimise densities in the Inner Urban Area lie within the transition areas between the established character areas.

The Development Brief identifies Mead Street as having a typical optimal density of 200 dph. Emerging policies will suggest a minimum density in areas of growth and regeneration of 200dph. The density of the application scheme is 530dph, which exceeds the Hyperdensity figure of 350dph in Urban Living. Urban Living advises that an unusually high or low density for the location should suggest further consideration of the brief and aim of the scheme, together with additional scrutiny of elements that are made more complex by higher density.

### Totterdown Escarpment and Views

The Totterdown escarpment is an iconic feature that defines the city's character. What makes this feature special is the combination of raised topography with a line of highly characteristic terraces above and the band of green vegetation below. Its linear quality and visibility as one moves through the city between Temple Meads and the Floating Harbour is a key part of its interest. The Mead Street regeneration area has the potential to fundamentally change this view and therefore alter the city's character. In particular, and even in its revised form, the York Road development adopts a scale and building form that will block the continuity of this view in the east west movements noted above. Instead the scheme would allow for framed and glimpsed views between buildings. Importantly, as the first development in the wider Mead Street regeneration area, the proposal sets up a development format (scale and layout) that will likely be repeated along York Road. Therefore, it should be expected that this city backdrop will be significantly changed.

It is noted that as one moves through Bristol glimpsed views of colourful terraces are a common occurrence and do contribute to the city's character. However, this is not the same level of contribution made by an iconic cityscape feature such as the escarpment. It is also noted that the escarpment is not designated for protection or given special status within planning policy or guidance. This does not mean that it is undeserving of special consideration. As noted on page 50 of the Mead Street Development Brief (DB) proposals should give consideration to the escarpment within their own assessments and justifications. However, this is not the same as an area wide direction or height strategy that could come from a development brief.

One example of a height strategy might include ensuring lower level buildings along York Road with building heights graduating upwards to the south with the bottom part of the escarpment forming a natural height limit. This is just one approach to height and once evaluated it may be considered unfeasible or not desirable. However, without an evaluation of different height strategies it is hard to have confidence that site specific height evaluations will result in a coherent or 'best outcome' approach for the area as a whole. This is the case even when site specific evaluations attempt to take into account cumulative impacts of neighbouring development.

The recently approved Mead Street Development Brief does not give guidance on building height. Nor does it show an evaluation of what different approaches could be taken across the development area to preserve, enhance, celebrate or frame the escarpment. The Development Brief notes the local landmark of Pylle Hill escarpment with the coloured terrace of houses running along it. This is noted as being a feature which adds to the local character of the area and contributes to wayfinding and legibility in the city. Similarly, the Urban Living SPD contains advice on tall buildings and advises that a tall building should not be located where it hides or masks the topography of the city.

### Height and Scale

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Urban Living SPD asks “has the scheme adopted an approach to urban intensification which is broadly consistent with its setting?”

- The SPD recommends a design-led approach to establishing the site’s capacity.

The applicant’s response to this (in the Design and Access Statement - DAS) sets out their consideration that the proposals reflect the context of the area and respond with built form that is of a respectful scale. The applicant views the scheme as a modern intervention that will enhance the setting of the area and set the tone for further developments.

Irrespective of any wider height strategy for Mead Street area the height and scale of the proposal appears poorly resolved. Despite adjustments of 1 storey on the St Luke’s Road during the pre-application discussion the transition in height (or stepping up) from west to east is abrupt. This is evident in views from within the conservation area looking east along York Road. A lower scaled building at the corner of the St Luke’s Road and York Road would better mediate the change in scale between the existing context and the development area. Page 52 of the Development Brief does give specific guidance on the appropriate height for St Luke’s Road of 1.5x the prevailing height. The prevailing height in the location is 3 storeys with pitched roof. The proposal exceeds this guidance with over two times the prevailing building height (6 storey plus dormer level). Officers do not consider that the development is of a respectful scale. The tallest building in the immediate locality is 3 storeys. Whilst it is accepted that the regeneration of the area will result in buildings of height being introduced, the applicant’s Views Analysis demonstrates that the development would significantly interrupt certain key views, in particular, the Totterdown escarpment (Pylle Hill).

The graduated heights across the site rising from the St Luke’s Road are therefore also out of sync with this 1.5x guidance. Further, the proposed height profile from west to east seems to work against the site’s orientation. A lowering of the middle block would allow for western afternoon light to penetrate deeper into the site especially at upper levels. This would have some secondary benefits for the quality of the public realm areas below. The Urban Living SPD contains advice on tall buildings and advises that tall buildings will be encouraged where they can be integrated into a wider development block, with lower level buildings assisting the transition in scale from the tall building down to the surrounding context.

It’s also noted that the incorporation of some lower elements between the finger blocks and the inclusion of horizontal banding in the brick work to reference the scale and parapets of the of the York Road terraces to the east does not go far enough to address the issues with building scale and response to the neighbouring conservation area.

### Architecture

Following on from pre-app discussions and Design West feedback improvements were made to the architectural expression. The roof form and mansard elements are more convincing in the revised form. Some simplification of façade details has also occurred. The ordering of the facade does take cues from the historic development of the area and the use of brick is a welcome contextual response. However, the scheme would still benefit from greater strength and clarity in the design narrative which would hopefully result in a more distinctive and place specific architecture. As the front runner scheme within the Development Brief area design excellence should be the goal.

### Public realm

The Development Brief requires development to consider the impact of heights and massing on the street scene from existing areas of public realm and to ensure an appropriate relationship between the width of streets and the height of buildings fronting them.

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Most of the footways around site comply with the minimum footway widths set out in the Development Brief, aside from a key junction at the corner of Mead Street and St Luke's Road where the footway narrows to approximately 2.3m. This area is too narrow to accommodate pedestrian movement and congregation. As noted on pg 63 of the Development Brief, this falls short of the expectations for what will be a key location in the future pedestrian experience of the area. This corner should be generous, inviting and include planting and street trees. As an entrance and transition space this corner is an important area of public realm and should be reflected in the amount of space provided and its treatment. The DB contains images on pg 59, 61, 64 that give some flavour of what is needed for this corner however further case studies would help in resolving an appropriate public realm focused response for this space. The inclusion of a north south route is positive. However, given intensity of this space resulting from the 10 (+dormer level) storey buildings on either side it may not be desirable place to pause or congregate as indicated by the proposal.

Other parts of the surrounding footways do not provide for the generous public realm envisaged by the DB, in view of the need for them to accommodate functional requirements such as loading bays and public realm enhancements such as planting and trees. This leads to a reasonable concern that such features as trees, planting and seating that are essential in providing softness and character will end up being minimised or lost completely. This would be significant departure from the design principles of the DB which places an emphasis on providing generous space for people with wide footways, planting and street trees.

Turning back to the tilted balance in the NPPF, adverse impacts have been identified in terms of the design of the proposal. This impacts on both the quality of accommodation provided as well as the appearance of the proposed buildings within their context.

Bristol's adopted policies on design are consistent with the NPPF and therefore still carry weight, even though they are deemed to be out of date. This stance has been supported at appeal in both Bristol<sup>5</sup> as well as in other Authorities.

Adopted policy BCS21 requires development to safeguard the amenity of existing development and create a high-quality environment for future occupiers. This policy is consistent with the NPPF and therefore carries weight. The policy is also expected to be strengthened in the local plan review.

The concept of livability in residential development is further expanded on in the local plan review (policy DC1) and the draft policy states:

"Development that develops land to its optimum density will be consistent with other policies in this plan that relate to livability, including retained Policies BCS21 and DM27-32, relating to quality urban design."

As discussed, whilst limited weight can be placed on the emerging plan, the direction of travel as identified in the Development Brief, refers to the new designation of Mead Street for workspaces and housing, therefore in order to agree the land-use principle of this development, the application is seeking to rely on this direction of travel. It is therefore considered that the achievement of good design, livability and quality of accommodation for future occupiers must also be a requirement for this site, which is the first in the Mead Street area to come forward and will set a precedent for future development in the area. It is not considered that the proposal achieves this.

**(C) WOULD THE PROPOSAL HARM THE SETTING OF THE NEARBY LISTED BUILDINGS AND**

<sup>5</sup> St Catherine's Place, Bedminster

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## CONSERVATION AREA?

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48]. This is applicable here because there is harm to the setting of the listed buildings and conservation area caused by the proposals as set out below.

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2021 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight shall be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Further, paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It states that substantial harm or loss of grade II listed buildings or grade II registered parks or gardens should be exceptional, and assets of the highest significance should be wholly exceptional.

Paragraph 201 states that where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, LPAs should refuse consent unless it is demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or where certain criteria apply). Finally, paragraph 202 states where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In addition, the adopted Bristol Core Strategy Policy BCS22 and the adopted Site Allocations and Development Management Policies Policy DM31 seek to ensure that development proposals safeguard or enhance heritage assets in the city.

Officers have undertaken the assessment required under the Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, and have given special regard to the desirability of preserving the assets, their setting and features of special architectural or historic interest which they possess. They have given this harm considerable importance and weight.

## a) Significance of the heritage assets

## i) Grade II listed buildings 138-142 (even) York Road

In view of the designation of these buildings as grade II listed buildings, great weight is to be given to their conservation and that of their setting. They are statutorily protected for their architectural and historic character, they display good quality early 19<sup>th</sup> century architectural detailing and are a good example of a small group of modest early 19<sup>th</sup> century town houses.

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## ii) Grade II listed Langton Street Bridge

In view of the designation of this 1884 footbridge as a grade II listed building, great weight is to be given to its conservation and that of its setting.

## iii) Bedminster Conservation Area

The conservation area has been designated as such for its architectural and historic interest. York Road is included as Character Area 1, with one of the positive characteristics described as being the consistent building line, proportions and materials along York Road. There are a number of other Grade II Listed buildings in the street. These contribute to a long and consistent curving terrace of regular scale, character, and profile stretching along most of the length of the left bank of the New Cut. Totterdown escarpment is identified as a key view and landmark in this character area and is a skyline feature in views east along York Road specifically.

## b) Impact of the proposed development

## i) Grade II listed buildings 138-142 (even) York Road

Viewpoints VP03 (Clarence Road looking east) and VP04 (York Road looking north-east) identify a degree of visual impact shown by the increase in height and scale being introduced along York Road.

## ii) Grade II listed Langton Street Bridge

The proposed verticality of the development would be seen against the backdrop of the bridge. This can be seen most clearly in VP03 (Clarence Road looking east) but would also be more visible in views immediately to the north of the bridge itself.

## iii) Bedminster Conservation Area

Again, Viewpoints VP03 (Clarence Road looking east) and VP04 (York Road looking north-east) identify a degree of visual impact shown by the increase in height and scale being introduced along York Road.

## c) Impact of the proposed development on the significance of the heritage assets

## i) Grade II listed buildings 138-142 (even) York Road

The increased scale and massing of proposed development would appear behind the listed buildings resulting in a degree of less than substantial harm to their setting.

## ii) Grade II listed Langton Street Bridge

The increased scale and massing of proposed development would appear behind the bridge but due to the characteristics of the bridge the development would not result in any harm to its setting.

## iii) Bedminster Conservation Area

The increased scale and massing of proposed development would result in a loss of consistency of scale and character of the broad sweep of frontages along York Road, which includes the Listed buildings. The strength of character of York Road would be undermined by development, which does not sustain the proportions and traditional grain within its setting, and the development would be a jarring transition.

## d) Is the Impact of the Proposed Works (Harm/Loss of Significance) Justified or Outweighed?

Overall the proposal would result in a moderate degree of less than substantial harm to the designated heritage assets and their setting. This harm is given great importance and weight. The highest degree of harm would be inflicted on the setting of the conservation area and its special character. The proposal would introduce a building of amplified scale and massing immediately within the setting of the conservation area. There is no specific justification for the

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quantum of development being located on this part of the site, and it is this quantum that would result in the harm being posed.

e) Can the harm be outweighed by any public benefits?

The scheme would provide much needed residential accommodation, as well as areas of public realm. Whilst the DB offers limited guidance on specified heights and scale, it does make reference to the transition from the conservation area, and the proposal is not consistent with this. It is considered, that these benefits, including the high housing figures, could be achieved on this site with a lesser degree of harm to heritage assets than in the arrangement that's currently proposed. It is also noted that the flats score poorly against Urban living SPD, which would further undermine any public benefit arising from the provision of housing. There would also be benefits to the economy arising from the scheme, however this benefit would not outweigh the harm as design approach is found to be inappropriate. The full assessment of benefits and harm is found at Key Issue O.

(D) WOULD THE PROPOSAL INCLUDE THE REQUIRED PROPORTION OF AFFORDABLE HOMES TYPE, AND WOULD AN ACCEPTABLE MIX OF ACCOMMODATION BE PROVIDED?

*AFFORDABLE HOUSING*

As required by the NPPF and policy BCS17, affordable housing is required in residential developments of 15 dwellings or more. The Council's approach to seeking particular affordable housing tenure types is determined by local housing needs evidence and by the NPPF definition of 'Affordable Housing' (Appendix 1). The indicative citywide tenure requirements for Bristol are 77% Social Rented affordable housing and 23% Intermediate affordable housing. The Council generally therefore seeks the following affordable housing products prioritised as follows: 1. Social Rent: Affordable homes as defined in Annex 2 of the NPPF with guideline target rents. 2. Shared Ownership: Affordable homes as defined in Annex 2 of the NPPF as 'Intermediate' affordable housing. The Government's new 'First Homes' product will be replacing Bristol City Council's Local Plan policy requirement for shared ownership units and the Council has recently adopted a First Homes Practice Note (July 2022) setting out the approach to First Homes and Intermediate Housing, ahead of fuller examination of evidence to shape our forthcoming Local Plan policy. The approach adopted by the Practice Note is as follows:

- 25% of affordable homes secured through developer contributions will be delivered as Affordable Home Ownership which can include First Homes.
- The remaining 75% of affordable homes secured through developer contributions will be delivered as Social Rent.

All of the 221 homes will be 'Build to Rent', and in accordance with the policy requirement for this area, 30% of the proposed dwellings are offered as affordable in the form of Affordable Private Rent which is to be capped at Local Housing Allowance Level and secured by legal agreement. The intention would be for the development to be managed by a Registered Provider (RP), and as a result, the precise location of each tenure type within the proposed layout will be determined at such time as when an RP is on board.

Given that the offer is of 'Build to Rent', a range of market and other affordable units can be discussed to ensure appropriate mechanisms such as 'lettings agreements' can be put in place to ensure the whole community is balanced and sustainable in the longer term. The First Homes Practice Note (July 2022) confirms that homes for affordable ownership, including First Homes, will not be sought on 100% affordable housing schemes or Build to Rent schemes. First Homes are

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not therefore being required on this site since the scheme is confirmed as Build to Rent.

As such, the s106 agreement shall require 66no. residential units to be allocated for affordable housing units. The type of affordable units has been agreed with the Council's Housing Strategy and Enabling Team as part of ongoing assessment of this application. The level of affordable housing provided as part of this development will be policy-compliant, and this will be secured by s106 agreement.

The remaining 70% would be offered at Discount to Market Rent. This is not considered to be a truly "affordable" product given the high rent values in the city. This part of the Affordable Housing offer is not for consideration under the planning application and would not be able to be secured via s106.

*Type, Mix and Balance*

Policy BCS18 requires that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Policy directs decision-makers and developers alike to the existing housing profile of the area in order to define the composition of housing sizes and types expected of a development. Generally, this involves comparisons against the existing composition of units within the Lower Super Output Area (Bedminster East). However, in this case given this area is rather narrow including a large proportion of industrial uses, officers suggest a wider ward profile for Southville is considered, as this provides a more representative sample.

The make-up of accommodation in the area is already fairly balanced, with 52.5% houses and 47.3% flats - a slight undersupply of flats. However, it is fair to say that the 2011 census data is out of date. Whilst the results of the 2021 census have been published, statistical analysis at the local level is not yet available.

**(E) WOULD A GOOD STANDARD OF ACCOMMODATION BE PROVIDED?**

Good design and protection and enhancement of the environment are critical components of central government guidance, as identified in the NPPF. Adopted Bristol Core Strategy Policy BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and to enable flexibility and adaptability by meeting the appropriate space standards. In addition, Policy BCS21 expects development to safeguard the amenity of existing developments and create a high-quality environment for future occupiers. Furthermore, Core Strategy Policy BCS15 requires development to address issues of flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting.

*Quality of accommodation*

The layout has considered the general orientation of the site with the plan opening to south to maximise sunlight penetration into the core of the site. Despite this, the quality of the accommodation is sub-optimal. The Urban Living SPD is about increasing densities while also protecting and raising design quality. When key indicators of liveability, sustainability, and future proofing in the context of the climate emergency appear weak, the density must be questioned. A high-density scheme is a given for this site. The consideration is whether some density reduction or design amendment is needed to better meet liveability and sustainability objectives.

The flats have been designed to meet the National Space Standards and would include 4 flats that are wheelchair accessible. Three of these would be single aspect flats.

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The scheme includes:

106 single aspect: (13 north facing) 47%

113 dual aspect (although around 35 of these include inverted balcony corner windows which although technically dual aspect, do not offer the benefits of true dual aspect flats in terms of outlook, ventilation and light): 53%

The scheme provides a proportionally low number of dual aspect flats, 53%. While the urban living SPD (Part 2 – Q2.8) looks at several considerations impacting liveability and sustainability, the avoidance of single aspect homes is prioritised, and this is drawn from the expectation in adopted policy DM29. It is acknowledged that there are other schemes that have been approved with a high number of single aspect flats, but those sites were subject to their own site specific considerations and overall numbers were factored into the assessment for those sites. For this site, the issue is considered alongside the mix of the other harmful impacts identified (such as air quality; the fact that some, including larger flats, are north facing flats; overall density, and design quality).

In light of an acceptance that this area is to be developed to a high density, there is a need to build up a picture of where the dwellings fall short on quality over a number of areas, and how this relates to the density guidance in both the Development Brief and the Urban Living SPD. It is also notable that the courtyard area (which would be the only outlook for some of the flats) contains access to bin and bike stores so is unlikely to be a quality space in view of the general noise and activity associated with these uses.

In this case there is nothing about the site's natural constraints that make a high number of single aspect flats unavoidable. Due to the tight arrangement of buildings most of the single aspect flats will also have compromised privacy and outlook due to the close proximity of other flats. Noise transfer will also likely be an issue.

Within the DB the Climate Change & Sustainability section includes a checklist which reflects and prioritises the need for dual aspect flats. Dual aspect flats provide effective air permeability and ventilation thereby minimising energy demand. As noted in this section building design and layout must be geared towards this aim. This is identified as the top consideration on the sustainability check list. The NPPF requires significant weight to be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, and it is not considered that the scheme delivers on this. Similarly, BCS21 expects development to create a high quality environment for future occupiers, DM27 and DM29 also expand on these points.

### *Amenity Space*

Question Q2.4 and Q2.5 of the ULSPD requires private amenity space to equate to 5sqm per 1-2 person flat, and 1sqm for each additional occupant. This can be provided as private amenity space or as communal gardens and roof terraces. Each of the proposed flats has a balcony meeting the minimum size requirement. There is also a roof terrace (220sqm) on the fifth floor fronting onto York Road and a private courtyard at ground floor level (100sqm), although this courtyard provides the access to the bin and cycle storage areas in the development, therefore the quality of this space would be compromised to some degree in view of the noise and activity generally associated with these uses.

The Child Yield calculator has been applied and the scheme provides an adequate area that could be used for play space for 0-4 year olds, however the ages 5 and above are not provided for within the development. The nearest play space for these ages is Victoria Park, although the route to



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access to the park from this site is currently undesirable. It is noted that the Development Brief will seek to ensure delivery of a significant public park within the area.

Ground floor areas within the scheme provide entrance foyers, storage for deliveries and storage for refuse and bulky waste.

**(F) WOULD THERE BE ANY HARMFUL IMPACTS ARISING FROM POLLUTION?**

In order to assess pollution from noise and air quality within the development, officers have had regard to the National Planning Policy Framework (NPPF) which states that planning policies and decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution, and paragraph 185 states:

‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life’

And in paragraph 186 that:

‘Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas’.

The NPPF seeks to avoid noise from giving rise to significant adverse impacts on health and quality of life arising from noise from new development, and to mitigate adverse impacts. It also recognises that some businesses will often create some noise, and should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Local Plan Policy supports this, and BCS21 expects development to safeguard the amenity of existing developments and create a high-quality environment for future occupiers.

BCS23 requires development to be sited and designed to avoid adversely impacting environmental amenity or biodiversity of an area in terms of fumes, dust, noise, vibration, smell, light or other forms of air, land, water or land contamination. In doing so, the same policy also requires the impact of existing sources of noise or other pollution to be considered when designing and locating new development.

Policy BCS23 also acknowledges the need to consider the impact a new development would have on the viability of existing uses by reason of its sensitivity to noise or other pollution. This is particularly relevant here, where the occupiers of this development would be closely affected by legitimate business operations on neighbouring sites.

Bristol Local Plan policy DM35 states that development with noise implications should provide appropriate mitigation.

DM33 Development that has the potential for an unacceptable impact on environmental amenity,

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biodiversity or water quality by reason of pollution, should include an appropriate scheme of mitigation.

The application is accompanied by a Noise Assessment and Air Quality Report, as well as addendum notes which were supplied during the course of the application. This information has been assessed by the council's Pollution Control and Air Quality Officers, with the assessment set out below.

#### *POLLUTION CONTROL (NOISE)*

National guidance<sup>6</sup> expresses a preference for openable windows stating "Using fixed unopenable glazing for sound insulation purposes is generally unsatisfactory and should be avoided; occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open."

However, in view of the air quality issues relating to this particular site as well as the clear need for residential development, non-openable windows in certain parts of the development would have to be accepted.

The submitted noise assessment does not include an assessment on how the Network Rail yard to the south of the Mead Street area operates. Similarly, it includes plant noise limits but does not include any specific information regarding ASHP including types or where they are to be located. A condition would be imposed on any recommendation for approval to require a revised noise assessment and scheme of mitigation to be submitted prior to commencement of development, for approval by officers.

#### *AIR QUALITY*

The proposed dwellings would be ventilated using Mechanical Ventilation Heat Recovery (MVHR – Mechanical Ventilation). Discussions took place during the assessment of the application on whether this is appropriate, in terms of its impact on the buildings' energy usage.

In essence, this issue is intertwined with the issue of noise, quality of accommodation and energy usage.

The Air Quality Addendum (Revision 2, 8th July 2022) concludes that new exposure to concentrations of NO<sub>2</sub> exceeding the air quality objective for NO<sub>2</sub> (annual mean) will be introduced at first floor level – dwellings fronting onto York Road. It recommends mitigation of this impact by NO<sub>x</sub> filtration for the MVHR for this floor on the York Road facade. Further, it states that "openable windows are only used for short term purge if required."

The concern of the Air Quality officer is that allowing openable windows does not adequately mitigate the introduced exposure, as there is no stated mechanism for ensuring that windows will not be opened for purposes other than short term purge. If this mitigation does not include fixed shut windows or a clear mechanism for limiting the opening of windows, the residents would not be protected from the harmful effects of road pollution.

Officers would therefore be minded to impose a condition requiring all windows fronting onto York Road at first floor level to be fixed shut. Above first floor level, the harmful levels of air pollution would have dissipated to acceptable levels. Other impacts arise from this mitigation, such as increased energy use, loss of amenity and potential for overheating. Nonetheless, in the absence of another proposed mitigation strategy, such as re-siting the residential accommodation away from

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<sup>6</sup> Paragraph 2.22 of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development (May 2017)

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the polluted roadside, officers are of the view that this is necessary.

The impact on the quality of accommodation of this proposed mitigation must be considered. This would affect 7 flats (a total of 22 windows). Whilst it is appreciated within the context of the scheme this is a relatively low proportion, the flats facing York Road are north facing, some of them are single aspect, and notably, one of the flats affected would be a single aspect north facing 3 bedroom (potentially family-sized) flats. This would result in a poor quality of accommodation in the affected flats.

The Development Brief requires energy demand to be minimised through building design, layout, orientation and improvements in fabric efficiency, air permeability and ventilation. With the layout proposed and for the reasons identified above, the aims of the Development Brief are not considered to be met. This in turn would result in a poor standard of accommodation, contrary to policies BCS21 and DM29.

**(G) WOULD ACCEPTABLE LEVELS OF DAYLIGHT AND SUNLIGHT BE MAINTAINED FOR  
NEARBY AND FUTURE OCCUPIERS?**

*BRE DAYLIGHT AND SUNLIGHT – NEIGHBOURING PROPERTIES*

The scheme would introduce a new 6+domer storey onto St Luke's Road, opposite 150 and 152 York Road, and New Hope Crescent which are in residential use. This would result in a noticeable impact on daylight and sunlight received by occupiers of these properties. In order to explore how severe this relationship would be, the application is accompanied by a BRE Daylight and Sunlight Assessment. The application uses Vertical Sky Component (VSC), No Sky Line (NSL), Annual Probable Sunlight Hours (APSH) and Sunlight Hours on Ground.

**(i) Vertical Sky Component (VSC)**

The VSC is a measure of light falling on a window, and the target for a good level of light is 27% - meaning a ratio of direct sky luminance falling on the surface of the window. 40% is the maximum possible VSC score, and would mean that if one had a view from a window which was totally unobstructed by buildings, 40% of the total hemisphere would be visible. If a development would reduce the VSC from a given window to less than 27%, AND to less than 0.8 times its former value, then according to the BRE guidelines it is likely that the loss of light would be harmful.

A total of 19 windows in existing properties to the west (150, 152 York Road and New Hope Crescent) are reported to fail the VSC test.

**(ii) No Sky Line (NSL)**

This test is also known as the "Daylight Distribution" method and looks at how daylight is distributed within a room. If a development reduces the amount of daylight to less than 0.8 times its former value, the loss of light is likely to be noticeable. There is no absolute minimum identified by the BRE guidelines however.

The assessment shows that a total of 7 windows fail the NSL test.

**(iii) Annual Probable Sunlight Hours (APSH)**

The BRE recommends that APSH received at a window should be at least 25% of the total available, and at least 5% in winter.

All the rooms assessed meet this guideline.

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Although the uses of the rooms the windows relate to is not specified, a number of them face onto the main road so are likely to be habitable rooms. The report does not indicate how many flats would be affected (only windows), however the Daylight and Sunlight report concludes that the affected properties would experience a noticeable reduction in daylight, sunlight and depth of daylight penetration. In the revised scheme, the upper floor massing has been reduced to form a dormer level. An addendum note was prepared which concluded that the massing changes would result in smaller reductions in daylight and sunlight than in the previous scheme. No results were included within the assessment so it has not been possible to verify this, although it is likely that the revised scheme would lessen the impact on the neighbouring properties to some degree.

The Daylight and Sunlight assessment concludes that the reduction in daylight and sunlight from neighbouring properties should be considered in the wider context of the benefits of the development, such as affordable housing and improvement to visual appearance. Officers are not in agreement that these benefits constitute an acceptable balance and the harm arising from reduced daylight and sunlight to neighbouring residences must be factored into the assessment.

*DWELLINGS WITHIN THE SCHEME*

The applicant's Design and Access Statement refers to light levels reaching a sample of 69 flats across the scheme having been tested, and these were mostly facing into the courtyards and spread over floors 1-10. It is noted that the single aspect corner units (which are those most likely to experience limited light levels) were originally excluded from the assessment. 81.5% of the sample achieved the ADF.

Officers queried why only a small sample been taken in the first iteration – less than 50% - and the Sustainability officer also raised a concern, as the high proportion of single aspect units and lower levels of natural daylight may increase the need for energy consuming lighting and space heating. The applicant's consultant provided additional information on how light levels within the scheme had been assessed, and the number of single aspect flats has also been reduced within the revised scheme from 56% to 47%. Even in the revised scheme there is a significantly large proportion of single aspect flats, which are likely to be dark and require increased energy for lighting, ventilation and space heating/cooling. This is exacerbated by the separation distance, at 18m apart the single aspect flats in the "finger blocks" (especially at lower floors) would receive limited light levels and would have no alternative outlook.

To conclude on Daylight and Sunlight, whilst the impact on neighbouring properties is in question, the revised proposal is likely to improve this to some degree albeit it is not possible to assess how much harm would arise. The quality of accommodation within the scheme would be compromised in view of the above considerations. Overall the scheme would offer a poor standard of accommodation, and it is not considered that the existing site constraints are such that justifies the scheme being compromised in this way. The requirement policy BCS21 for development to safeguard amenity of existing development and create a high quality environment for future occupiers, is not considered to be met.

(H) WOULD THE PROPOSAL PREJUDICE DEVELOPMENT OPPORTUNITIES ON NEIGHBOURING SITES, AND WOULD HARMFUL LEVELS OF OVERLOOKING BE INTRODUCED?

Policy DM27 (Layout and Form) states that proposals should not prejudice the existing and future development potential of adjoining sites or the potential for the area to achieve a coherent, interconnected and integrated built form. Where such potential may reasonably exist, including on sites with different use or ownership, development will be expected to either progress with a

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comprehensive scheme or, by means of its layout and form, enable a co-ordinated approach to be adopted towards the development of those sites in the future

The original proposal was shown to introduce a 11 storey block with single aspect units and balconies that were shown to be positioned 1.5m away from the eastern boundary of the application site, adjacent to the Royal Mail site. Officers advised that this layout would be unacceptable because of the proximity of dwellings whose sole outlook was over the Royal Mail site, and the fact that this would effectively force any future development of the Royal Mail site to incorporate a significant set-back away from this edge, in order to safeguard outlook from these dwellings.

The revised scheme includes a “cut-out” block on the eastern elevation, where part of the building has been set back by 9m from the Royal Mail boundary. There would be habitable rooms (bedrooms) whose windows would face in this direction and this would affect 18 flats. There are no plans as yet to develop the Royal Mail site, but it due to its location in the Mead Street regeneration area it is likely it would come forward for development, with the potential for a high density residential scheme to be positioned 9m from the windows, or to be forced to incorporate a large set back in order to alleviate the impact. In this scenario, windows in the application scheme would have a poor outlook which would impact negatively on their living environment.

In an ideal scenario, it is considered that a greater set back from the Royal Mail boundary could have been incorporated, and officers have been discussing this issue with the applicant over the course of the application. The relationship has been improved slightly during the course of the application by incorporating the set-back and making these flats dual aspect. This aspect has been closely considered and whilst it’s not ideal, it is not considered that a reason for refusal based on this issue could be sustained. Similarly, it is not considered that the separation distance would be so problematic as to prejudice development on the Royal Mail site in the context of policy DM27 such that a refusal could be sustained.

Elsewhere within the scheme the flats are 18m apart, over either the private courtyard or the public link between Mead Street and York Road. Whilst the flats on the lower floors would experience limited outlook – particularly the single aspect flats, it is not considered that this distance would result in compromised privacy.

**(I) WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?**

The NPPF requires all developments that generate significant amounts of movement to be required to provide a Travel Plan, and the application should be supported by a Transport Statement. It also states that in assessing applications, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

It also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

BCS10 sets out development principles, and places pedestrians and cyclists at the top of the hierarchy of road user priorities. It requires proposals to create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

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DM23 expects development to provide a safe secure, accessible and usable level of parking provision having a regard to parking standards, as well as secure and well-located cycle parking and facilities for cyclists. The same policy also expects developments to provide appropriate servicing and loading facilities which make effective and efficient use of land and be integral to the design of the development. DM32 also requires the location of recycling and refuse provision to be integral to the design of the proposed development.

*Access*

The application would require substantial works to be undertaken to alter the highway surrounding the site, including resurfacing and extending footways to incorporate planting, public cycle storage, and loading bays. To undertake these works, the applicant would be required to enter into a Section 278 agreement with the Council and pay the appropriate bond and fee.

Pedestrian entrances to residential and commercial areas of the site are proposed from York Road and Mead Street, and additional entrances to commercial units from St Luke's Road and the area marked 'York Gate public realm' on the proposed ground floor plan (drawing no. 233\_POD\_XX\_00\_DR\_A\_STAGE3\_TPP\_1000\_A1). These entrances, in addition to being access points to the proposed buildings with the associated crowding, will also serve as places where people will meet and congregate, requiring close attention to the available space on the nearby footway.

The application proposes to provide an entrance on Mead Street to the subterranean residential vehicle car park beneath the development. The accessway is currently designed as a bellmouth, which gives priority to vehicles crossing the footway over pedestrians. This arrangement would impede pedestrian movement along the footway and therefore be inconsistent with the aims set out in the Development Brief to 'prioritise the safety of pedestrians and cyclists at vehicle access points' (p.41) along Mead Street in order to create a 'continuous' (p.39) active travel corridor from Bath Bridges to Bedminster, supplemented, where appropriate, by continuous footways over vehicle accessways (p.40).

The footways surrounding the site for the most part comply with the minimum footway widths set out in the DB and in Manual for Streets (MfS) for heavily trafficked streets, apart from a section of footway at the junction of Mead Street and St Luke's Road where the footway narrows to approximately 2.3m between the edge of block B.1 and the carriageway.

As already noted in the design section of this report (Key Issue B), this section is too narrow to accommodate the likely footfall and congregation of people in the vicinity of the nearby commercial unit in B.1 and therefore does not allow sufficient space for 'human interaction' in concert with its movement function, as required by the DB (p.39).

It is also unlikely that the ground-floor building line can be set back to accommodate a footway of a minimum width of 3.5m within the existing kerb line, which is to be largely retained, without triggering a fundamental redesign of the site layout to ensure continued viability of the commercial units or accepting a significant departure from the fundamental movement principles of the DB, which is unacceptable.

Although most of the surrounding footways are sufficiently wide, their effective width is in some areas reduced by the position of proposed seating, planting areas, trees, Sheffield stands, and loading bays. TDM identifies proposed structures on footways at the following locations where the effective footway width is reduced to be narrower than the minimum of 3.5m and therefore also represent a significant departure from the movement principles of the DB:

- Outdoor seating on St Lukes Road outside the Southernmost commercial unit;

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- Planting areas on York Road outside the foyer at B.2; and
- 4x Sheffield stands on York Road outside the Northernmost commercial unit.

*Deliveries & Servicing*

The DB requires that adequate loading facilities be provided off-highway and within the boundary of each development site in order to maintain the active travel corridor and safeguard the potential for a mass transit route along Mead Street. The locations of 2x 'future loading bays' and a 'green zone/loading area' shown on the ground floor plan on Mead Street along the site's Southern boundary are therefore unacceptable.

The application also identifies 3x sites for 'potential loading bays' on footways within the site's footprint: 2x at Mead Street and 1x at St Luke's Road. Firstly, officers consider that the proximity of the proposed loading bay on St Luke's Road to the junction with York Road poses an unacceptable risk to the safety of vehicles and cyclists using the junction and cannot therefore be considered a suitable location for deliveries and servicing.

The principle of loading bays along Mead Street is supported, subject to their being of a sufficient length and width to ensure there is no prejudice to the operation of public transport along the main carriageway. However, TDM is concerned that the effective width of the footway between the loading bay closest to the Mead Street/St Lukes Road junction and B.1 will, when the bay is occupied, be reduced to approximately 2m. This is the minimum width recommended by highways guidance<sup>7</sup>, which is not the case here. The probable increase in number of deliveries referred in the DB will exacerbate this issue. This arrangement represents a significant departure from the standards and aims set out in the DM and would, by forcing pedestrians into an uncomfortable space or onto the carriageway, fail to create a 'safe and inclusive' street (p.38).

The removal of a loading bay along St Luke's Road results in a development that fails to provide for sufficient capacity for its current and future deliveries and servicing needs, which could lead to vehicles parking dangerously on the carriageway or on the footway, thereby prejudicing highway and pedestrian safety. The development as proposed is therefore unacceptable and must be refused.

*Cycle Storage*

The application includes 324 cycle parking spaces split between four separate ground-floor stores for use by residents at the site; this is in excess of the 321 residential spaces required by policy. The applicant's Transport Statement Addendum (June 2022) notes that 5% of the spaces will comprise of Sheffield stands and the remaining 95% of 2-tier stands. While the location of cycle parking spaces is acceptable, 95% of the proposed storage spaces would be inaccessible to those with limited mobility, as well as those using cargo-bikes or disability-adapted cycles. There is only proposed to be external access to residential cycle stores, thereby forcing residents to exit through the main building entrances to access storage facilities and creating a barrier to use.

*Car Parking*

The scheme includes 43no. car parking spaces in the basement of the development, accessible via a ramp (1:8), secured by roller shutter, leading from Mead Street. 29 spaces would be allocated to apartments and the remainder for disabled use only. As noted by the applicant at point 3.13 of its Transport Statement Addendum, this is significantly lower provision than the maximum permitted under the Council's Parking Standard and equates to 0.14x spaces per dwelling. 35 spaces would be served by an EV charging point.

<sup>7</sup> Inclusive Mobility (2021) and in Manual for Streets (MfS) for lightly-trafficked, purely residential streets

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The Bedminster East residents' parking scheme operates in this area, however, due to the availability of convenient local amenities and public transport connections and the number of off-street parking spaces provided, it is recommended to restrict the number of residents' parking permits benefitting the dwelling to 0.

The applicant has provided in Appendix B to the Transport Statement Addendum dated June 2022 a vehicular visibility splay of at least 2.4m x 25m (20mph speed limit) demonstrating unrestricted visibility in both directions along Mead Street from the exit from the proposed ramp. Also, in Appendix C to said Addendum is provided swept path analysis for cars entering the proposed parking spaces, and then exiting the car park, as well as analysis of a refuse vehicle measuring 11.4m in length using each of the proposed loading bays along the North side of Mead Street.

The availability of nearby public transport and key cycling routes will minimise the need to travel by private car and will provide convenient access to local supermarkets (11 minutes' walk), and the city centre and the town centre and primary shopping areas.

*Waste*

There would be three separate ground-floor residential refuse storage facilities at the site. In all cases, the proposed storage meets or exceeds the provision required under the Council's Waste Guidance. A Waste Management Strategy would be necessary to show how waste collection will be organised and managed.

The ground floor plan indicates that a number of facilities on the ground floor of the Easternmost building (B.3) will be accessible from an alleyway running alongside the Eastern boundary of the site. TDM considers this to be a poor design that encourages anti-social behaviour and creates a space that will feel unappealing and unsafe to use. Moreover, the alleyway is not of a sufficient size to fulfil its primary function as an access route to refuse storage, a deliveries depot, and plant and substation facilities. The alleyway is only approximately 1.3m wide, which would not allow, for example, refuse operatives to move large-wheeled bins from the refuse storage area to the adopted highway, nor allow equipment and tools to be easily transferred from the adopted highway for use in the servicing facilities. Furthermore, the entrance to the residential refuse store is located further from the adopted highway than refuse operatives are permitted under the Council's Waste Guidance to move refuse containers between the store and the adopted highway. TDM notes that widening the accessway and relocating the refuse store would likely necessitate the fundamental redesign of the site layout, such that, the proposal in its current form is unacceptable.

There would be three ground-floor commercial refuse stores, one in each building, providing for the separation of recyclable waste streams. However, the application fails to set out how, when, and by whom commercial waste will be collected.

Bristol Waste only collect from adopted highways, except by prior agreement otherwise. Five of the proposed storage areas are to be accessed from an unadopted highway, meaning that residents and commercial occupants will have to carry waste containers to the adopted highway for collection. Proposed sites for refuse storage must be within 30m of the adopted highway. This issue will need to be resolved and officers will provide an update to committee.

**(J) WOULD THE DEVELOPMENT MITIGATE ITS IMPACT ON, AND ADAPT TO THE EFFECTS OF CLIMATE CHANGE?**

As embedded in the NPPF, sustainability should be integral to all new development, and should encourage opportunities for development to draw its energy supply from decentralised, renewable



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or low carbon energy supply systems. BCS13 encourages developments to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it. BCS14 sets out a heat hierarchy for new development, and an expectation that new development will connect to existing CHP/CCHP distribution networks. The same policy also expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity. This policy also requires a BREEAM Excellent score to be achieved for all major non-residential development. Bristol City Council's Climate Change and Sustainability Practice Note provides further advice on these matters.

The application is supported by an Energy and Sustainability Strategy, incorporating an Overheating assessment.

*District Heat Connection and Heat Hierarchy*

The Heat Hierarchy in Policy BCS14 favours the use of large scale renewable and low-carbon energy installations. It sets out that new development should demonstrate that heating and cooling systems should, in the first instance, connect to an existing CHP/CCHP distribution network in preference over individual systems. The Council already has a network in place in some parts of the city and this is expanding to serve a wider area. This development lies within the heat priority area, and will therefore be designed to connect to the heat network, and the Energy Team have confirmed that there will be a Heat Network within the vicinity of the site. The developer has agreed to the connection, however, it is not possible to secure this through s106 at this stage, as there is no likely date on which the development would need to be 'heat network ready'. Instead, a condition requiring the details of a future connection is imposed. Site wide gas fired community heating /cooling is proposed, which would comply with the heat hierarchy in BCS14.

*Sustainable Design*

Policy requires developments to be designed to minimise their energy requirements, by incorporating enhanced building fabric, addressing air tightness and using high efficiency lighting. The development would use responsibly sourced materials using a *fabric first* approach although glazing design has not yet been considered. Mechanical Ventilation and Heat Recovery (MVHR) is proposed for all dwellings as well as low-energy, efficient light fittings; a 7.8% reduction in regulated CO2 emissions over the Part L 2013 baseline is to be achieved through energy efficiency. Good practice U-values (insulation) are proposed. The development will target a good performance on air permeability.

*Renewable Energy*

The report sets out that alongside prioritising connection to the heat network, the most appropriate form of renewable energy would be photovoltaic panels (PV) on the flat roof areas. These are reported to reduce the development's CO2 emissions by 30%, thereby exceeding the policy requirement for a 20% reduction (BCS14).

*Overheating and Climate Change*

In view of the fact that the dwellings are proposed to be ventilated using MVHR, as well as the issues with air quality as highlighted above, it was reported that tempered MVHR (with some low level cooling) was required. An updated energy statement was submitted with the revised scheme, although no information on the impact on energy demand/CO2 usage was included. This issue

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would lower the sustainability credentials of the scheme and further compromise the living environment.

*Surface Water flood risk reduction and SuDS*

A flood risk assessment and drainage strategy has been provided. Soft landscaping including rain gardens, and permeable paving will be incorporated within the scheme to intercept runoff from roofs/adjacent hardstanding. The flood team raised a number of queries relating to run-off, outfall and discharge, but confirmed that the details could be requested by pre-commencement condition to require a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods.

Overall, the energy strategy and sustainability measures proposed by the development are good. The sustainability credentials would, however, be compromised due to the fact that mitigation for overheating in view of the air quality constraints is to use tempered MVHR and this would place additional energy demands on the development that have not currently been factored into the applicant's assessment. There is a high proportion of single aspect flats and many of the flats are shown to have lower levels of natural daylight. As well as the negative impact on occupant wellbeing, lack of natural daylight and solar gains can increase the need for energy consuming lighting and space heating. Whilst this information could be requested by condition, it is not considered that the site constraints are such that the inclusion of dwellings that would be compromised in this way is unavoidable.

**(K) WOULD THE PROPOSAL LEAD TO THE LOSS OF SIGNIFICANT TREES, AND WOULD IT PROVIDE ACCEPTABLE MITIGATION FOR ANY LOSS OF LANDSCAPING?**

The NPPF (para 131) describes the important contribution to the character and quality of urban environments that trees make, as well as how they mitigate the impacts of climate change. It requires planning decisions to ensure that new streets are tree-lined (unless in specific cases there are clear and compelling reasons why this would be inappropriate.)

The NPPF also requires appropriate measures to be in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Finally, the NPPF requires local planning authorities to work with highway officers to ensure the right trees are planted in the right places and solutions are found that are compatible with highways standards.

Policy BCS9 states that individual green assets should be retained wherever possible, and that development should incorporate new or enhanced green infrastructure of an appropriate type, standard and size.

Policy DM15 highlights the importance of sustaining and enhancing the natural environment, and encourages developments to contribute towards the Green Infrastructure Network. The policy sets out the health benefits of green infrastructure provision, and includes the provision of additional and/or improved management of existing trees to assist in mitigating run-off and flood risk, providing shade and shelter to address urban cooling, and creating a strong framework of street trees to enclose or mitigate the visual impact of a development.

Policy DM17 seeks to protect Important Open Spaces, Unidentified Open Spaces, Urban Landscape and Trees and recognises the role these features have in providing landscape and visual amenity quality. This policy states that where tree loss is essential to allow for new development, replacement trees should be provided in accordance with the tree compensation standard. This gives the number of replacement trees that would be needed according to trunk diameter of each tree to be lost. The Planning Obligations SPD sets out the costs sought on

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providing replacement trees where these cannot be accommodated on site.

The trees on this site were felled by the applicant in January 2022. This application was submitted in December 2021. In view of the timings, it is open to this application to be able to consider whether the proposed tree replacements would ensure a high quality landscape/tree planting plan when factoring the Bristol Tree Replacement Strategy. BTRS would require 41 trees to be planted.

The application includes the following documentation on replacement trees and landscaping:

- Softworks landscaping plan

Showing 25 trees to be planted along the highway (St Lukes Road, Mead Street and York Road).

These would be outside of the red line plan. Species include *Alnus cordata* (Italian Alder); *quercus palustratus* (swamp Spanish oak); *gleditsia triacanthos* skyline (honey locust); *Betula pendula* (silver birch). These would be a mix of multi stem and clear stem species which are all suitable for use in smaller areas as it is easier to keep the crown of the tree to a manageable size.

Showing 20 trees to be planted within the site including a range of multi-stem and clear stem species

- River garden walk sections

These include raised planters showing sections for root ball specimen planting. Advice from the Arboricultural officer is that these should be secured to be a Stockholm design - this incorporates SUDS and charcoal impregnated with nutrients to ensure the longevity of the planting.

Comments from the Arboricultural officer confirm that the proposed tree planting fully mitigates the untimely loss of the historic trees on site in accordance with the NPPF, DM17 and the Planning obligations SPD. The landscaping and tree replacement plans are recommended to be secured by conditions.

**(L) DOES THE SCHEME PROVIDE ADEQUATE MITIGATION FOR ITS IMPACT ON ECOLOGY AND BIODIVERSITY?**

The NPPF requires the decision-making process to contribute to and enhance the natural and local environment, by recognising its character, minimising the impacts of development and by requiring remediation and mitigation where appropriate. It states that planning permission should be refused where significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for.

Policy BCS9 states that individual green assets should be retained wherever possible, and that development should incorporate new or enhanced green infrastructure of an appropriate type, standard and size.

Policy DM15 highlights the importance of sustaining and enhancing the natural environment, and encourages developments to contribute towards the Green Infrastructure Network. The policy sets out the health benefits of green infrastructure provision, and includes the provision of additional and/or improved management of existing trees to assist in mitigating run-off and flood risk, providing shade and shelter to address urban cooling, and creating a strong framework of street trees to enclose or mitigate the visual impact of a development.

Policy DM17 seeks to protect Important Open Spaces, Unidentified Open Spaces, Urban Landscape and Trees and recognises the role these features have in providing landscape and visual amenity quality.

Policy DM19 seeks to protect habitat, features and species which contribute to nature conservation, and developments are expected to be informed by appropriate surveys.

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The application site is adjacent to the River Avon Site of Nature Conservation Interest, which is also designated as Important Open Space.

Ecological mitigation is required to meet the requirements of the NPPF. This states at paragraph 174d that planning decisions should enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; it also states at paragraph 180d, that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The Environment Act of 2021 set out the expectation for all new developments to achieve a 10% increase in the biodiversity value when compared to that of the pre-development value. This is not likely to be incorporated into planning policy until 2023, although the NPPF currently requires a Biodiversity Net Gain to be demonstrated.

Officers have assessed the submitted Ecological Assessment (Ethos Environmental Planning, December 2021) and have found it is generally of good quality and sufficiently addresses the ecological status of the site and its immediate locale. A BNG of 94% when compared with the pre-development value (which included an assessment of the trees that were removed) would be attainable. The Nature Conservation officer required some revisions and clarifications to the assessment, although the nature of the queries mean these can be submitted by condition. Importantly though, officers are in agreement that a sufficient net gain would be achieved by the planting proposals. If recommended for approval, the landscaping plans would be secured by pre-commencement condition along with the requirement for an Ecological Mitigation & Enhancement Strategy and a revised Biodiversity Net Gain Assessment

**(M) WOULD THE DEVELOPMENT SATISFACTORILY ADDRESS LAND CONTAMINATION ISSUES?**

The NPPF requires developers or landowners to be responsible for securing a safe development, where a site is affected by contamination or land stability issues.

Planning decisions are required to ensure that sites are suitable for the use proposed, including ensuring proposals for mitigation and remediation are secured. Following remediation, land should not be classed as contaminated land under Part IIA of the Environmental Protection Act 1990.

Policy DM34 relates to contaminated land and requires development to employ suitable mitigation to ensure the site is suitable for the proposed use, to ensure there is no unacceptable risk of pollution within the site and to ensure that the proposed development would not cause the land to be contaminated.

The Council's Land Contamination Officer has reviewed the proposals and has no objections, subject to the receipt of a revised Desk Study prior to intrusive investigation taking place. This would be secured by pre-commencement condition in the event of an approval.

**OTHER MATTERS**

Wind – the wind assessment submitted with the application identifies a number of areas – both public and private, where mitigation would be required to mitigate the adverse impact of wind, such as a semi-porous or solid balustrade to the balconies.

**(N) PLANNING OBLIGATIONS**

**Development Control Committee A – 24 August 2022****Application No. 21/06878/F : Land At Corner Of York Road And St Lukes Road Bedminster  
Bristol BS3 4AD**

Section 106 of the Town and Country Planning Act 1990 sets out the legislative background for securing planning obligations, and the NPPF sets out that planning obligations should only be used where they are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development. BCS11 states that obligations or contributions secured by s106 may be sought from any development that has an impact requiring mitigation, and that CIL is also required in accordance with the CIL regulations. The Council adopted its own Planning Obligations SPD in 2012, which supports and provides additional guidance against the above legislation and policies.

The application would be required to mitigate the impact of development at the site by contributing under a S106 Agreement with the Council funds to improve public infrastructure and parking restrictions in the vicinity of the site. The required contributions are as follows:

- Contribution for the funding of a new Residents' Parking Scheme at Pylle Hill;
- Contribution for the drawing up and implementation of TROs to regulate the operation of the highway surrounding the site;
- Contribution for a travel plan drawn up by and agreed with the Council;
- Contribution for the Bedminster Bridges/Southern Gateway;
- Contribution for the upgrade and adaptation of Langton Street Bridge to facilitate greater cycle and pedestrian movements; and
- Contribution for the installation of a signalised crossing over St Lukes Road.

## Other obligations

- Provision of 2no fire hydrants
- Affordable Housing provision

**(O) BENEFITS AND PLANNING BALANCE**

Development on this site would be the first to come forward in the Mead Street area – an area expected to undergo significant change through the Council's regeneration aspirations. There is city-wide need to significantly boost the supply of homes, including affordable homes, and a high-density residential development on this site would make a meaningful contribution towards meeting that need. This benefit attracts substantial weight.

There would be benefits in terms of local employment during the construction and operational phases of the development, which would benefit the local economy, which at the scale proposed is also given significant weight.

The development would be expected to contribute towards highways improvements in the area. Upgrade to Langton St bridge, extension of Residents Parking Scheme, Bedminster Bridges/southern gateway and a signalised crossing on St Luke's Road would be sought from the developer (although due to the timings, these negotiations have not yet been opened). If agreed, these would be benefits of the proposal, which would benefit both existing and future residents and users of the area. The scheme is required by policy (BCS11) to mitigate its impact therefore this benefit is given limited weight.

The development would open up a new pedestrian and cycle route connecting Mead Street and York Road, although rather than being a benefit it is a requirement of policy to DM27 – Layout and Form to create interconnected streets and a choice of routes, as well as provide direct links to existing routes. Advice in the Development Brief also encourages a new pedestrian connection in the location shown, so the development would be expected to include this in any event. Again, this

**Development Control Committee A – 24 August 2022****Application No. 21/06878/F : Land At Corner Of York Road And St Lukes Road Bedminster  
Bristol BS3 4AD**

is apportioned limited weight.

**CONCLUSION**

The site would be the first in the Mead Street Development Brief area to come forward. As the area's frontrunner, the development should be well-designed and comply with design policies as well as guidance, as required by the NPPF. Design excellence should be achieved on this site that should set the standard for other sites in the area.

Overall, it is considered that the quality of the living accommodation on this site would be compromised. The high proportion of single aspect flats would have limited outlook due to the height and proximity of the blocks within the scheme. Light levels within the properties would be limited, and they have increased energy demands placed on them due to the need to use electric lights and in some cases rely on mechanical ventilation. The site is not encumbered by existing constraints that would make such a high number of single aspect flats unavoidable.

The massing arrangement and overall height does not follow recently adopted guidance, and exceeds the amplified height requirement of Urban Living and the Development Brief. The height on the St Luke's Road elevation is excessive, even in the revised form. A lower element in this location would allow building heights to step up in a graded form towards the east. This results in unresolved massing across the scheme as well as harm to the setting of the conservation area.

Aside from the benefits listed above, compliance with a number of development plan policies has cited by the applicant as a benefit of the scheme. For the most part however, officers consider these to comprise an absence of harm, as opposed to a consideration that attracts positive weight in the planning balance. That includes the acceptability of the principle of the development proposed in a part of the city identified by the Council as an area of change suitable for new residential accommodation in emerging policy, albeit contrary to adopted policy. Connection to the district heat network is encouraged by policy in order to mitigate and adapt to climate change.

There are benefits to the scheme and these are acknowledged, but Members are advised that the negative impacts in granting planning permission are considered by officers to significantly and demonstrably outweigh the benefits.

**COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is £1,357,600.70

**EQUALITIES ASSESSMENT**

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

**RECOMMENDED Refuse**

The following reason(s) for refusal are associated with this decision:

**Development Control Committee A – 24 August 2022**

**Application No. 21/06878/F : Land At Corner Of York Road And St Lukes Road Bedminster  
Bristol BS3 4AD**

**Reason(s)**

- 1) The design quality of the scheme is poor - there is a high proportion of single aspect dwellings which would have a poor outlook, receive limited light levels and require higher energy consumption, which arises from the overdevelopment of the site. This would result in a poor living environment for its occupiers and would fail to meet liveability criteria sought by recently approved council guidance, which seeks to achieve a liveable environment for future occupiers when developing at higher densities, and as a result fail to meet the requirements of the NPPF, policy BCS21 of the Core Strategy 2011, and policies DM26 and DM29 of the Site Allocations and Development Management Policies 2014.
- 2) The excessive height, bulk and massing would result in less than substantial harm to the setting of the adjacent Bedminster conservation area, and this harm would not be outweighed by any public benefits. In view of the over development of the site the overall design quality is compromised, and the proposal fails to integrate itself positively into the city streetscape and skyline. As such the proposal fails to comply with the NPPF, policies BCS21 and BCS22 of the Core Strategy 2011 and DM26, DM27, DM28 and DM31 of Site Allocations and Development Management Policies 2014.
- 3) The development would have an unacceptable impact on highway safety in view of the requirements for servicing and reduced footway widths that would be required around the site to accommodate the development. This would prejudice pedestrian safety, introduce unappealing and unsafe circulation and movement function, contrary to the NPPF, BCS10 of the Core Strategy 2012 and DM23, DM27 and DM28 of Site Allocations and Development Management Policies 2014.
- 4) The development would fail to mitigate its impact through contributions towards site specific highways improvements that would benefit the growth of the city, and as such would be contrary to the NPPF and policy BCS11 of the Core Strategy 2012.

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2001\_A1 rev 01 Proposed north west elevation., received 18 July 2022

233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2002\_A1 rev 01 Proposed north east elevation., received 18 July 2022

233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2003\_A1 rev 01 Proposed south west elevation., received 18 July 2022

233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPE\_1001\_A1 rev 01 Existing roof plan., received 18 July 2022

233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPE\_2001\_A1 rev 01 Existing north west elevations., received 18 July 2022

233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPE\_2002\_A1 rev 01 Existing north east elevations., received 18 July 2022

233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPE\_2003\_A1 rev 01 Existing south west elevations., received 18 July 2022

233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPE\_2004\_A1 rev 01 Existing south east elevations., received 18 July 2022

596-CTF-XX-XX-DR-L-10000 rev 01 Landscape general arrangement plan., received 18

**Development Control Committee A – 24 August 2022**

**Application No. 21/06878/F : Land At Corner Of York Road And St Lukes Road Bedminster  
Bristol BS3 4AD**

July 2022

596-CTF-XX-XX-DR-L-20003 rev 01 River Garden Walk section 02, received 18 July 2022

596-CTF-XX-XX-DR-L-20000 York street section., received 4 January 2022

596-CTF-XX-XX-DR-L-20001 rev 01 St Lukes Road and Mead Street section., received 18 July 2022

596-CTF-XX-XX-DR-L-20002 rev 01 River garden walk section., received 18 July 2022

596-CTF-XX-XX-DR-L-20004 rev 01 Courtyard sections., received 18 July 2022

596-CTF-XX-XX-DR-L-40000 rev P04 Hardworks landscape plan., received 18 July 2022

596-CTF-XX-XX-DR-L-50000 rev P04 Softworks landscape plan., received 18 July 2022

233\_POD\_XX\_04\_DR\_A\_STAGE3\_TPP\_1004\_A1 rev 01 Proposed fourth floor plan., received 18 July 2022

233\_POD\_XX\_01\_DR\_A\_STAGE3\_TPP\_1001\_A1 rev 01 Proposed first floor plan., received 18 July 2022

233\_POD\_XX\_02\_DR\_A\_STAGE3\_TPP\_1002\_A1 rev 01 Proposed second floor plan., received 18 July 2022

233\_POD\_XX\_03\_DR\_A\_STAGE3\_TPP\_1003\_A1 rev 01 Proposed third floor plan., received 18 July 2022

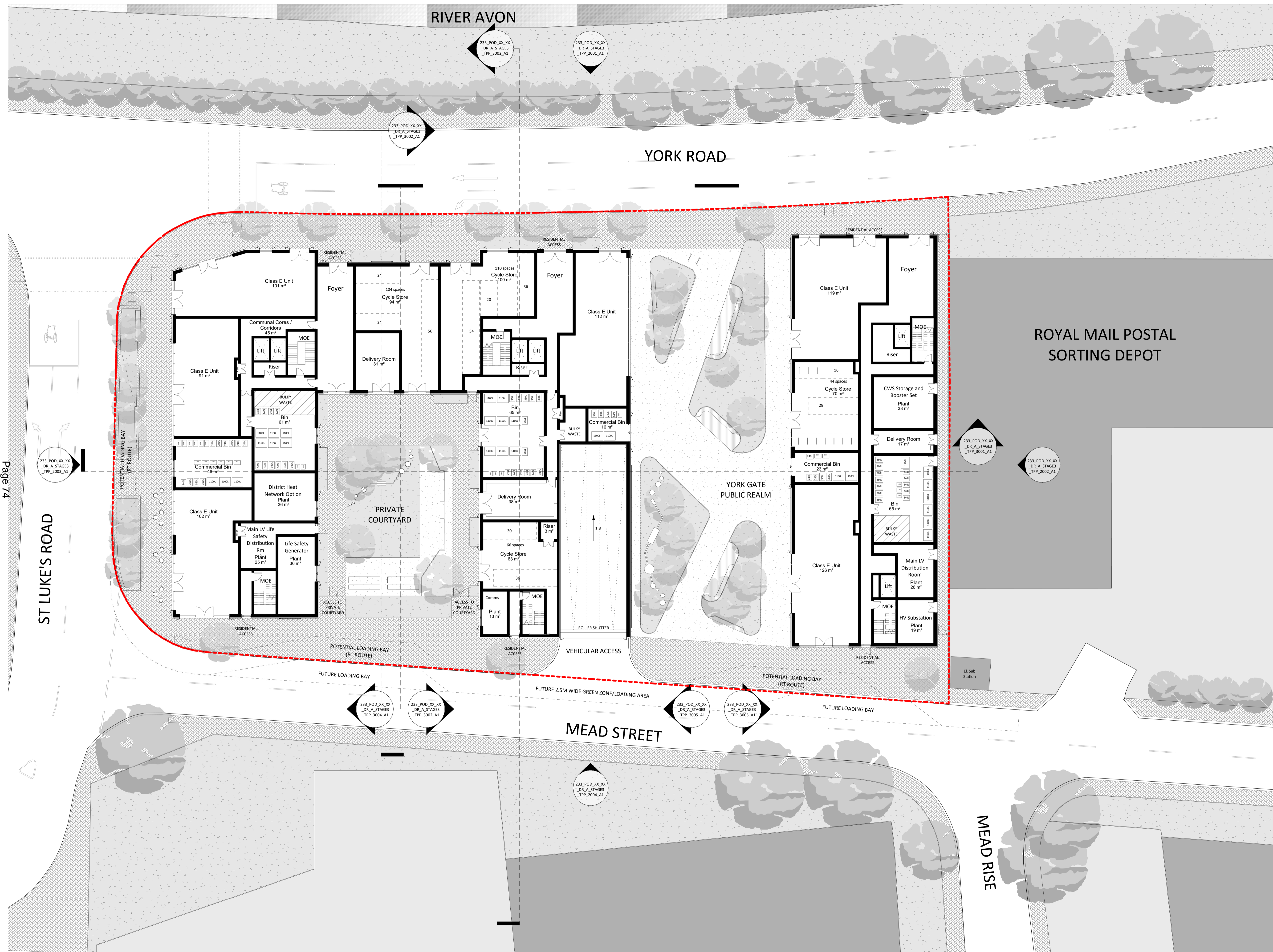
233\_POD\_XX\_00\_DR\_A\_STAGE3\_TPP\_1000\_A1 rev 01 Proposed ground floor plan., received 18 July 2022



## Supporting Documents

### 1. Land At Corner Of York Road And St Lukes Road, Bedminster, BS3 4AD.

1. Proposed Ground Floor Plan
2. Proposed North East Elevation
3. Proposed North West Elevation
4. Proposed South East Elevation
5. Proposed South West Elevation
6. Proposed 6<sup>th</sup> Floor Plan
7. Proposed 10<sup>th</sup> Floor Plan
8. Landscaping
9. Design and Access Statement (Section 1)



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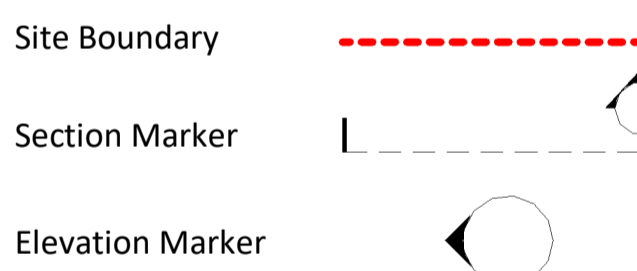
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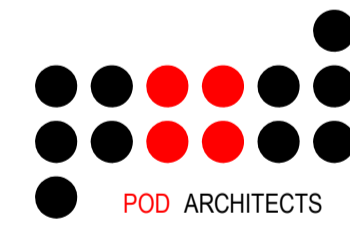
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Project  
**York Gate Development**  
York Road, Bedminster, Bristol, BS3 4AD, UK

Drawing Title  
**Proposed Ground Floor Plan**

Status  
**Town Planning Proposed**

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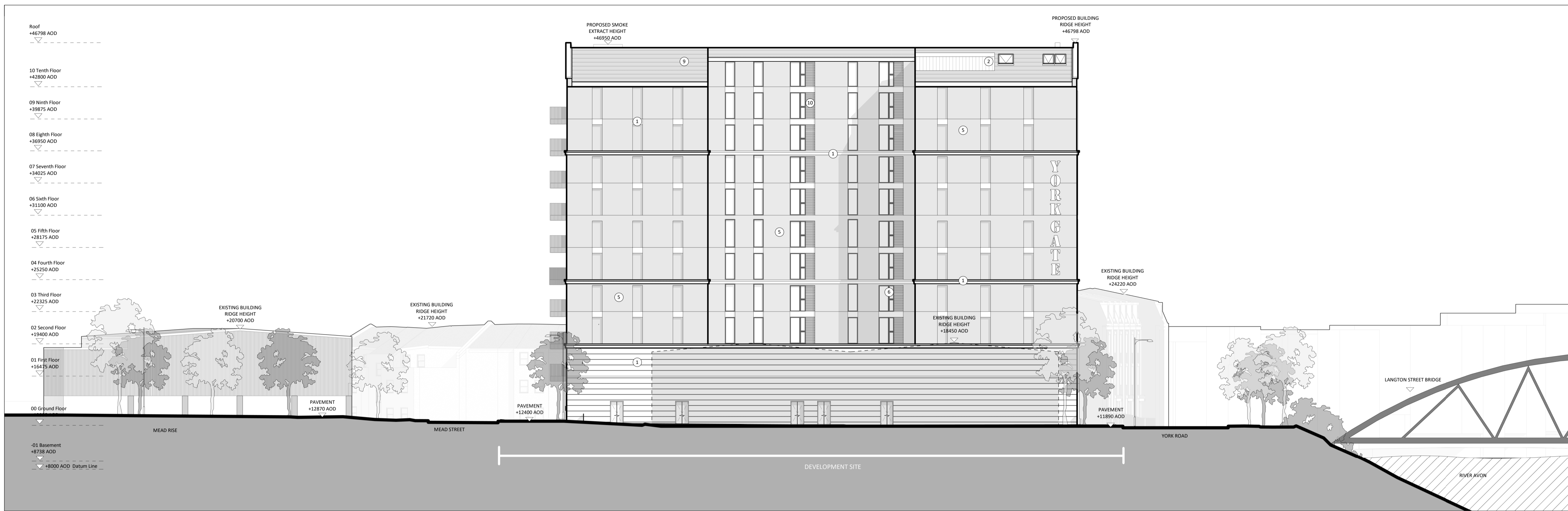
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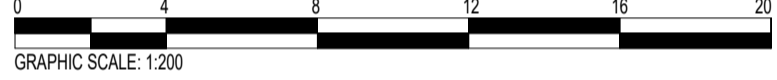
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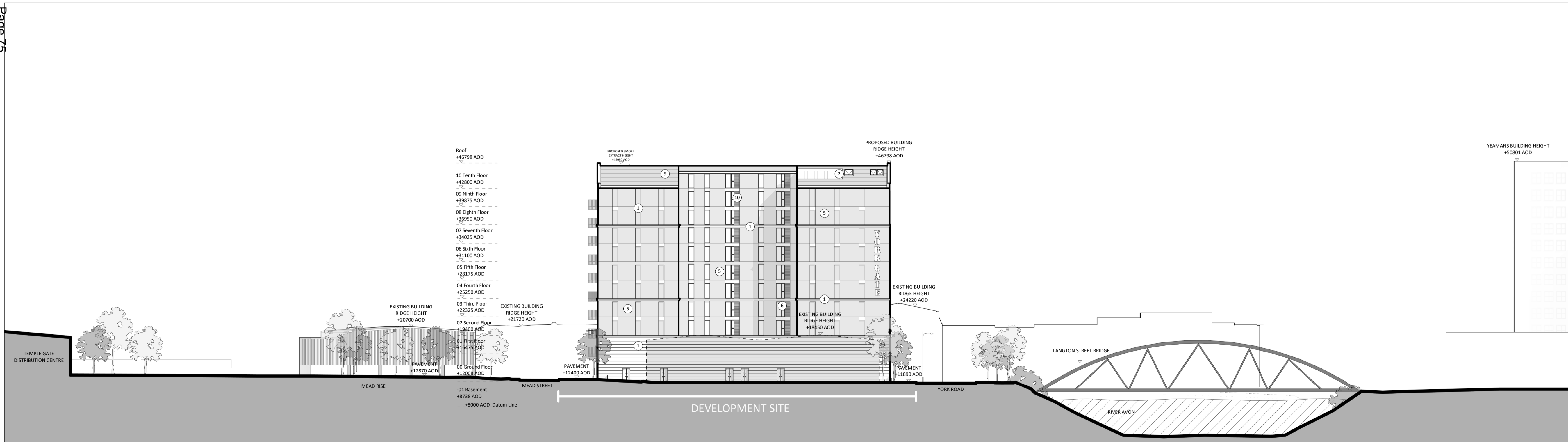
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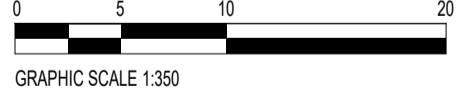
233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2002\_A1 | Proposed Elevation - North East | 1 : 200



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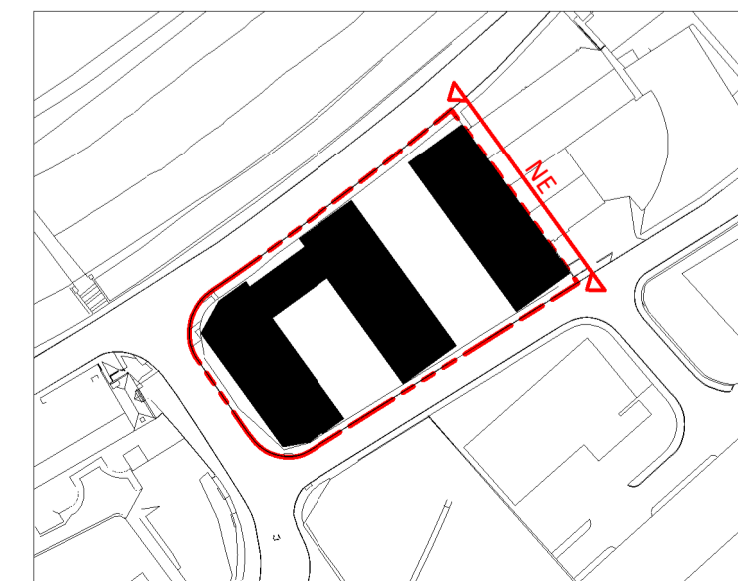
233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2002\_A1 | Proposed Street Elevation - North East | 1 : 350



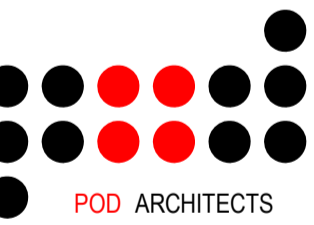
**Material Legend**

- ① Reconstituted Stone
- ② Standing Seam - RAL 9023
- ③ Bronze Anodised Aluminium
- ④ Oak Doors
- ⑤ Red Brick - Wienerberger Athena Blend
- ⑥ PPC Aluminium Window Frames - Bronze Anodised Aluminium
- ⑦ PPC Aluminium Signage Lettering - RAL 1004
- ⑧ White Render - RAL 9016
- ⑨ Light Grey Slate for Roof Material
- ⑩ Corduroy Brick

Please see Design and Access Statement (Addendum Section 2- Design Proposal) for more detail about materiality.



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Project  
**York Gate Development**  
York Road, Bedminster, Bristol, BS3 4AD, UK

Drawing Title  
**Proposed North East Elevation**

Status  
**Town Planning Proposed**

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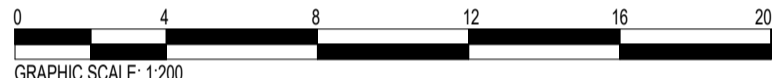
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233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2001\_A1 | Proposed Elevation - North West | 1 : 200



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233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2001\_A1 | Proposed Street Elevation - North West | 1 : 350



- Material Legend**
- ① Reconstituted Stone
  - ② Standing Seam - RAL 9023
  - ③ Bronze Anodised Aluminium
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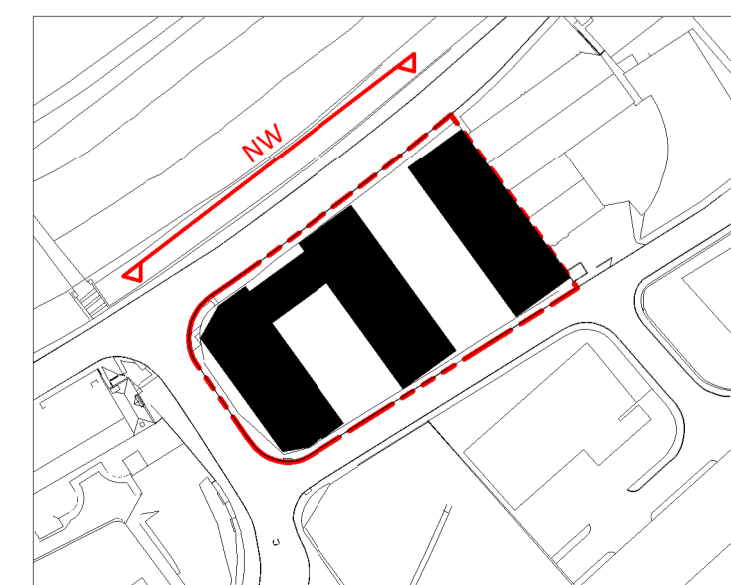
Project  
**York Gate Development**  
York Road, Bedminster, Bristol, BS3 4AD, UK

Drawing Title  
**Proposed North West Elevation**

Status  
**Town Planning Proposed**

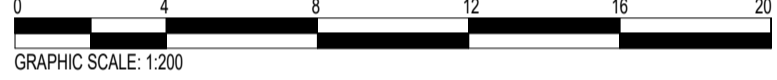
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233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2004\_A1 | Proposed Elevation - South East | 1 : 200



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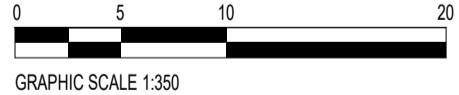
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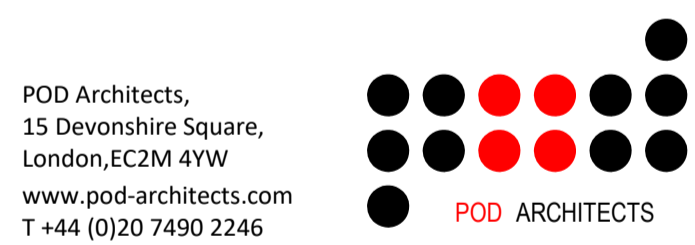
233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2004\_A1 | Proposed Street Elevation - South East | 1 : 350



**Material Legend**

- ① Reconstituted Stone
- ② Standing Seam - RAL 9023
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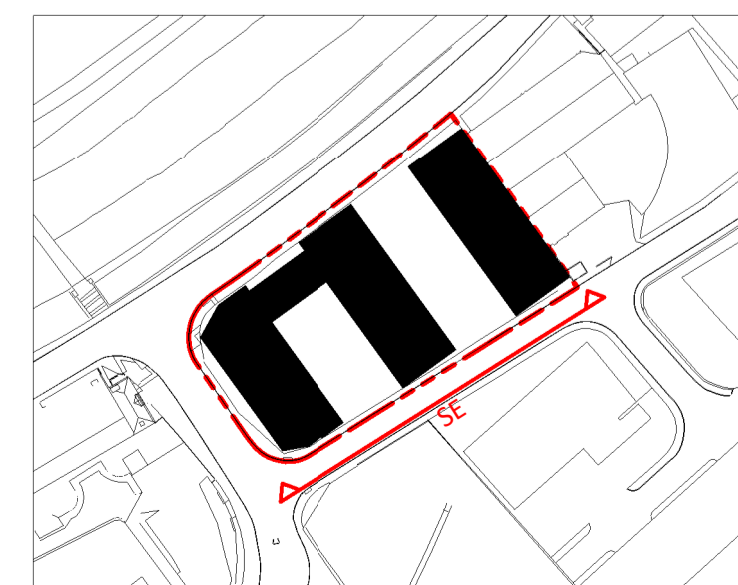
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**Proposed South East Elevation**

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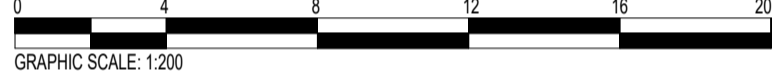
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233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2003\_A1 | Proposed Elevation - South West | 1 : 200



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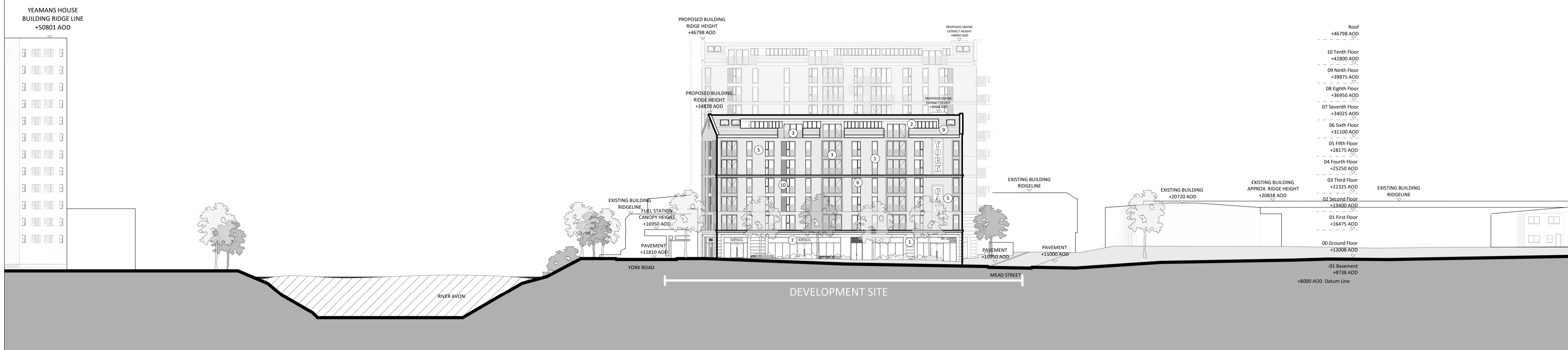
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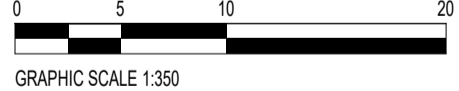
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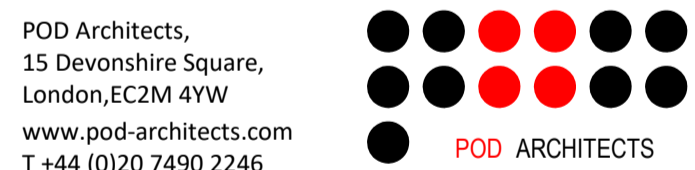
233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2003\_A1 | Proposed Street Elevation - South West | 1 : 350



Material Legend

- ① Reconstituted Stone
- ② Standing Seam - RAL 9023
- ③ Bronze Anodised Aluminium
- ④ Oak Doors
- ⑤ Red Brick - Wienerberger Athena Blend
- ⑥ PPC Aluminium Window Frames - Bronze Anodised Aluminium
- ⑦ PPC Aluminium Signage Lettering - RAL 1004
- ⑧ White Render - RAL 9016
- ⑨ Light Grey Slate for Roof Material
- ⑩ Corduroy Brick

Please see Design and Access Statement (Addendum Section 2- Design Proposal) for more detail about materiality.



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 T +44 (0)20 7490 2246

Project  
**York Gate Development**  
 York Road, Bedminster, Bristol, BS3 4AD, UK

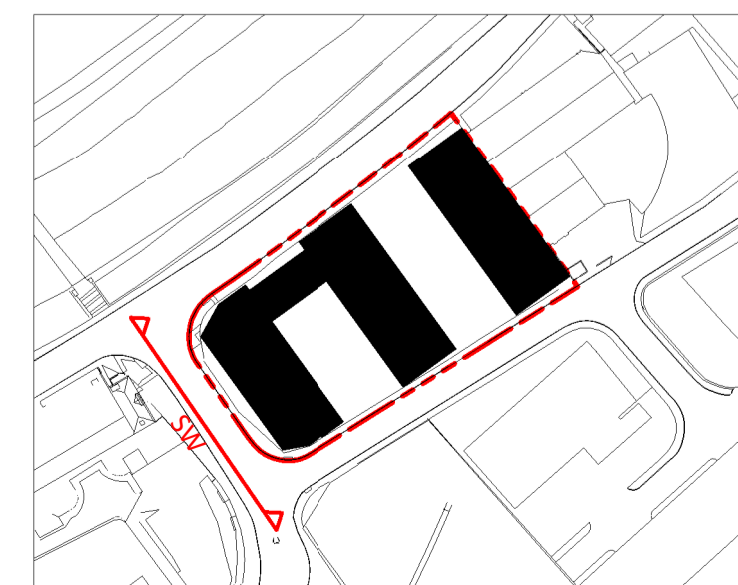
Drawing Title  
**Proposed South West Elevation**

Status  
**Town Planning Proposed**

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North	Sheet	Scale	Drawn
	A1	As indicated	SM
	Date		Checked
	07/07/2022		PS

Drawing no. 233\_POD\_XX\_XX\_DR\_A\_STAGE3\_TPP\_2003\_A1  
 Revision 1



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- Drawing based on:

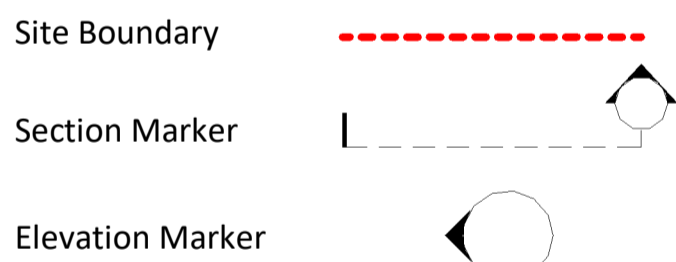
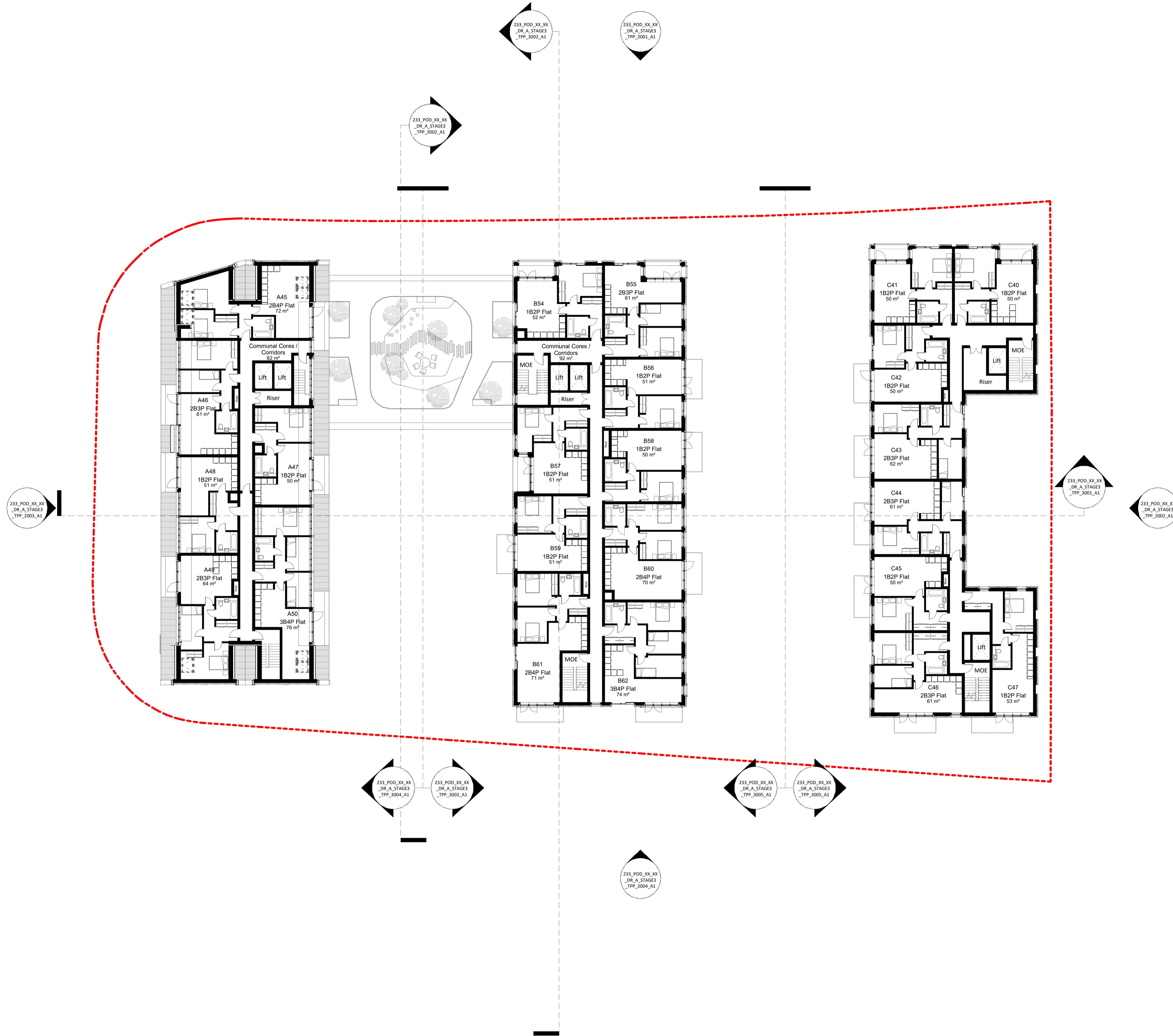
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-Drawing 457/4686/1

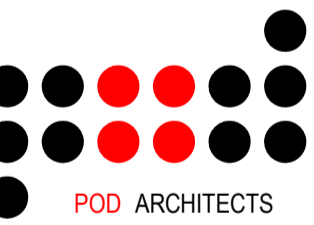
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Project  
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York Road, Bedminster, Bristol, BS3 4AD, UK

Drawing Title  
**Proposed Sixth Floor Plan**

Status  
**Town Planning Proposed**

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Drawing no.  
233\_POD\_XX\_06\_DR\_A\_STAGE3\_TPP\_1006\_A1



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- Drawing based on:

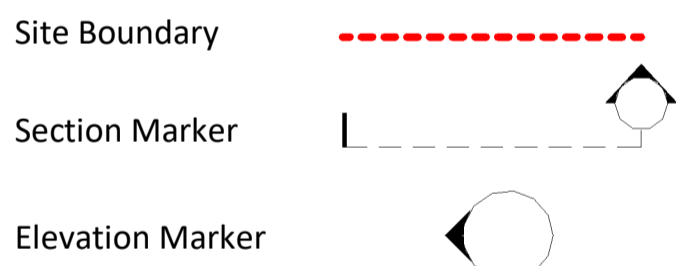
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Project  
**York Gate Development**  
York Road, Bedminster, Bristol, BS3 4AD, UK

Drawing Title

**Proposed Tenth Floor**

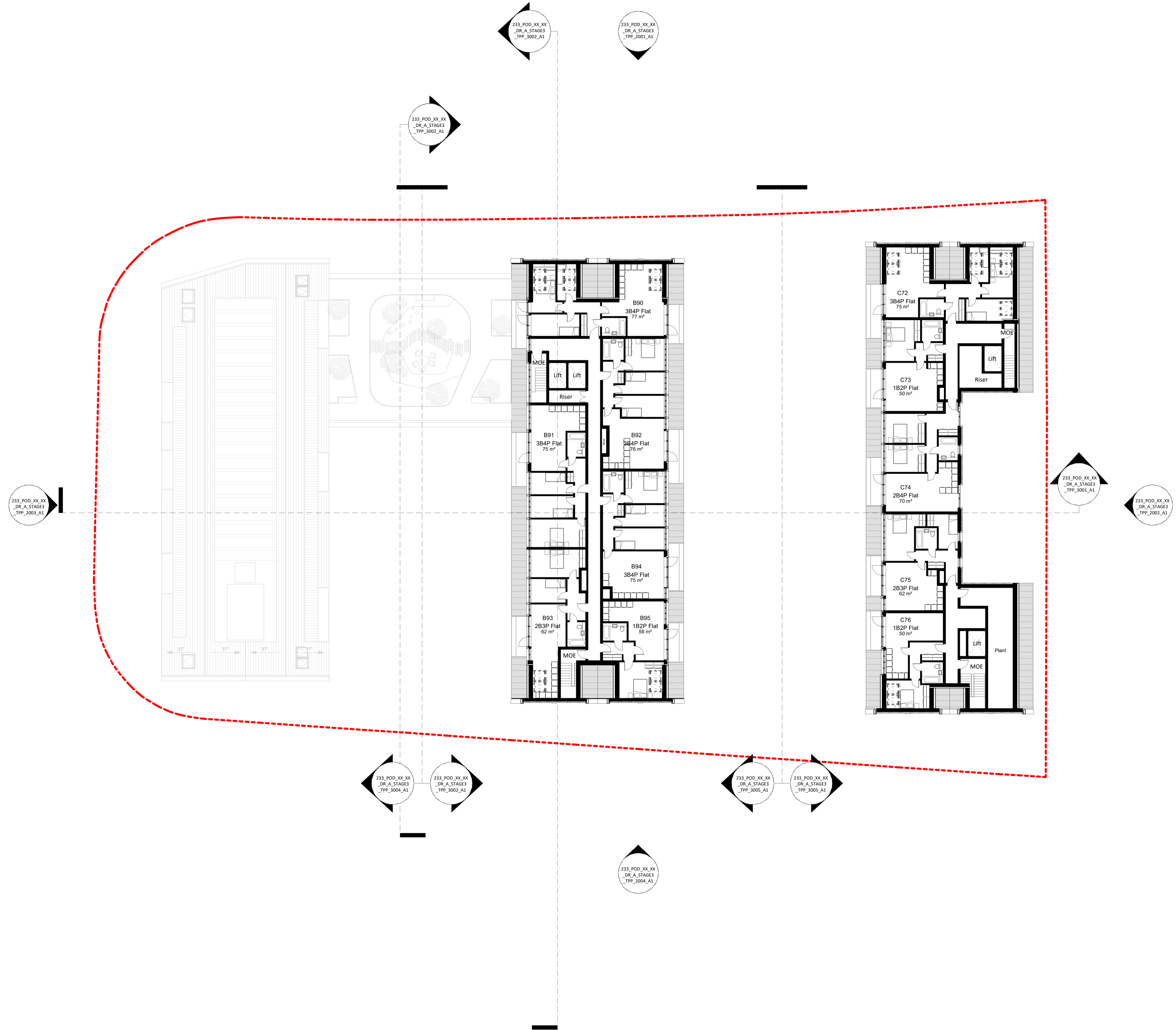
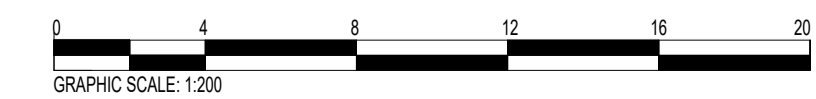
Status

**Town Planning Proposed**

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	Date 07/07/2022		Checked PS

Drawing no. 233_POD_XX_10_DR_A_STAGE3_TPP_1010_A1	Revision 1
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- KEY**
- - - Site Boundary
  - ⊕ Existing Tree
  - ⊙ Proposed Tree
  - SW-01 Proposed Hedge  
Species rich native hedgerows. Refer to Planting Schedule.
  - SW-02 Proposed Raised Planting Beds  
Refer to Planting Schedule.
  - SW-03 Proposed Rain Garden  
Refer to Planting Schedule.
  - SW-04 Proposed Green Wall  
Refer to Planting Schedule.
  - SW-05 Proposed Lawn  
Refer to Planting Schedule.

- NOTES**
- A. Refer to Arboricultural Consultants drawings and document for detail on existing trees, trees retained and tree protection measures.
  - B. Refer to Planting Schedule.
  - C. To be read in conjunction with all other landscape drawings and documents.
  - D. All sub-base and build up to Engineers detail and specification.
  - E. All drainage to Engineers detail and specification.

Do not scale drawings. All dimensions to be checked on site.  
Errors to be reported immediately to landscape architect.  
To be read in conjunction with all relevant architects, Services and engineers drawings.

**Revision Tracker**

P01 - Revision Purpose
P02 - For Information
P03 - For Planning
P04 - Planning Addendum

**Status**

S2	21.11.2021
S2	30.11.2021
S2	16.12.2021
S2	29.06.2022

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Date 29.06.2022  
Scale 1:200/A1  
Drawn GG/CvS  
Location York Road, Bedminster, Bristol  
Client Donard Affordable Homes

Status **S2**  
Revision **P04**

# YORK GATE DEVELOPMENT

Donard Affordable Homes

---

Design & Access Statement  
Addendum

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Mixed-Use Residential Development

Prepared by POD Architects

Revision 00 - 29 June 2022



## 0.0 EXECUTIVE SUMMARY

On behalf of Donard Living, POD Architects, through this re-submission, have developed a revised vision for a sustainable, high-density, mixed-use affordable housing scheme, overlooking the River Avon. It will incorporate a series of landmark 6-10 storey buildings, comprised of quality affordable homes to the upper levels, with modern active employment spaces and amenity space at ground level engaging with the surrounding context. Residential parking is minimised and self contained within a new basement level. It is intended that these amended proposals will act as an enabling site and catalyst for the wider regeneration of the Mead Street area from an underutilised industrial area of the city centre, into a new residential led mixed use quarter.

### Executive Summary

This addendum to the design and access statement is submitted on behalf the Client, Donard (Bristol ) Ltd ('Donard'), in respect of the full planning application for the land at York Road, Bedminster, Bristol, BS3 4AD, UK which for the purposes of this resubmission is known as the 'York Gate Development'. The resubmission / addendum has been informed by and comprehensive and elongated consultation process with Bristol City Council Planning Department and the Mead Street Development Design Team over an 18 month period. The resubmission is also informed by an in depth consultation process with our immediate neighbours and adjoining stakeholders, Royal Mail and DTZ. Considerations under review in the consultation with BCC planners included but was not exhausted by the following;

- Number and density of new dwellings on the site which has been reduced from 244 homes to 221 in this resubmission.
- Relationship of our site with the adjoining neighbouring Royal Mail Site such that we do not prejudice its future development.
- The location and width of a new urban link from Mead Street to York Road.
- The use and type of employment space at ground floor level of the development.
- The location and appearance of the residential entrances and cycle stores across the development.
- The relationship of the widths of pavements and locations of service bays such that it does not compromise any potential future Rapid Transit Route on Mead Street.
- The height scale and massing of the urban blocks in particular, those adjacent to the existing Bedminster Conservation Area, which lead to the reduction of the building height on York Road.
- The appearance and form of the buildings roof line and the redesign

and reduction of the impact of any dormers.

- The simplification and appearance of the material form and vernacular of the proposed buildings which led to the omission of the zinc cladding to the upper levels of the buildings for a more restrained brickwork form.

To support the resubmission / addendum, a comprehensive suit of technical reports prepared by a full consultant team comprising Savills as Planning Consultants, and heritage advisors; Currie and Brown as project managers and cost consultants; Hoare Lea as MEP, daylight and sunlight, and sustainability consultants; Key Transport Consultants providing transport assessments, highways input and a Travel Plan; Hydrock as civils and structures engineers; Churchman Thornhill Finch as Landscape Architects; and Conversion PR, as consultation and communication consultants who have been in charge of Public and Stakeholder Consultation during the process, which should be read in conjunction with this DAS.

Donard Living acquired this industrial brownfield site, formerly occupied by Bart Ingredients, with the intention of developing it for 100% affordable housing which is much needed in the City of Bristol. Donard is a property development company with the aim of bringing forward dedicated social and affordable housing developments across the UK, at scale, to assist in bridging the significant gap in the Nation's current portfolio and address the pressing housing needs. Donard believes in the urban regeneration of our towns and cities and through relationships with Registered Providers (RP) and Local Authorities, it has the ability to offer a fully funded 'turn-key' offer that will assist in bringing more affordable homes to sites in central urban locations to fruition.

This site will be one of many that Donard and its partners are committed to investing in over the next few years. By providing these new homes Donard

wants to regenerate and repopulate this part of Bristol with high quality architecture creating affordable homes that Bristolians will be proud of. The offering will provide a range of affordable accommodation to suit all demographics and ages with flexible tenure options. The proposals will provide homes that meet the most up to date standards, particularly in terms of national and local space standards, energy efficiency and fire safety policy. A high-quality cost-effective option will be provided to those seeking to live in the very heart of urban centres like Bristol, where all that people need is within a five-, ten- or fifteen-minute walk or cycle.

The amended resubmission scheme is for 221 one-, two- and three-bedroom homes, ground floor employment space, 43 residents car parking spaces in a self-contained basement, and associated landscaping. The highly sustainable site proposes reduced on-site parking, whilst meeting the needs for active travel options through cycle parking provision and good pedestrian friendly spaces. The design sees this as important part of the proposal for maintaining environmentally conscious cities like Bristol.

### Planning Overview

The Client and design team recognise that this is a highly visible site in Bristol and as such the local authority has been engaged with at an early stage through the pre-planning and post planning process, whilst the Mead Street Development Brief was finalised, which has all led to this re-submission. Regular discussions have been held throughout as the scheme has evolved to those set out in section four.

The site is part of the Council's Bristol Temple Quarter (Draft Policy DS2) (BTQ) - a new mixed-use quarter, delivering thousands of new homes for the City. The Bristol Temple Quarter Vision Document (March 2021) identifies the Mead Street area for 'residential development including new public open space and a cycle link'. It is currently designated as a Primary Industrial and Warehousing Area (PIWA) in the existing adopted Development Plan, but that is proposed to be changed in the emerging Local Plan (March 2019) to make way for this residential-led regeneration.

The Site is located within a designated Principal Industrial and Warehousing Area (PIWA), but this allocation is not maintained in the emerging plan. The proposals support the opportunity to bring forward regeneration. The design team have engaged with the process which has informed the amended scheme.

The Council has developed over a period of time, its own vision through the Mead Street Development Brief for this area. As it explains, these development principles seek inform the delivery of the vision for the area and provide guidance for developers when they consider possible development opportunities within the Mead Street Area. This is how the Council describes

## 0.0 EXECUTIVE SUMMARY

its aspirations for the regeneration of this area.

'Mead Street is within walking distance of Temple Meads Station and the City Centre, as well as other local services, making it a good place to build homes and promote sustainable and active travel choices, supporting the City's drive to reduce carbon. The emerging vision for Mead Street is to create a flourishing urban neighbourhood with a mix of new homes and workspaces, supported by a retail offer and community facilities. A central green space at the heart of the community is envisaged as well as improved links for walking and cycling to, from and within the area.'

It is clear that this part of Bristol will undergo great change in the near future and the design team see the proposals as a good start point and mark of quality that will act as a catalyst for that wider masterplan.

The pre and post application process has been iterative, reflecting the Clients desire to evolve the scheme with input from the Council and neighbouring stakeholders.

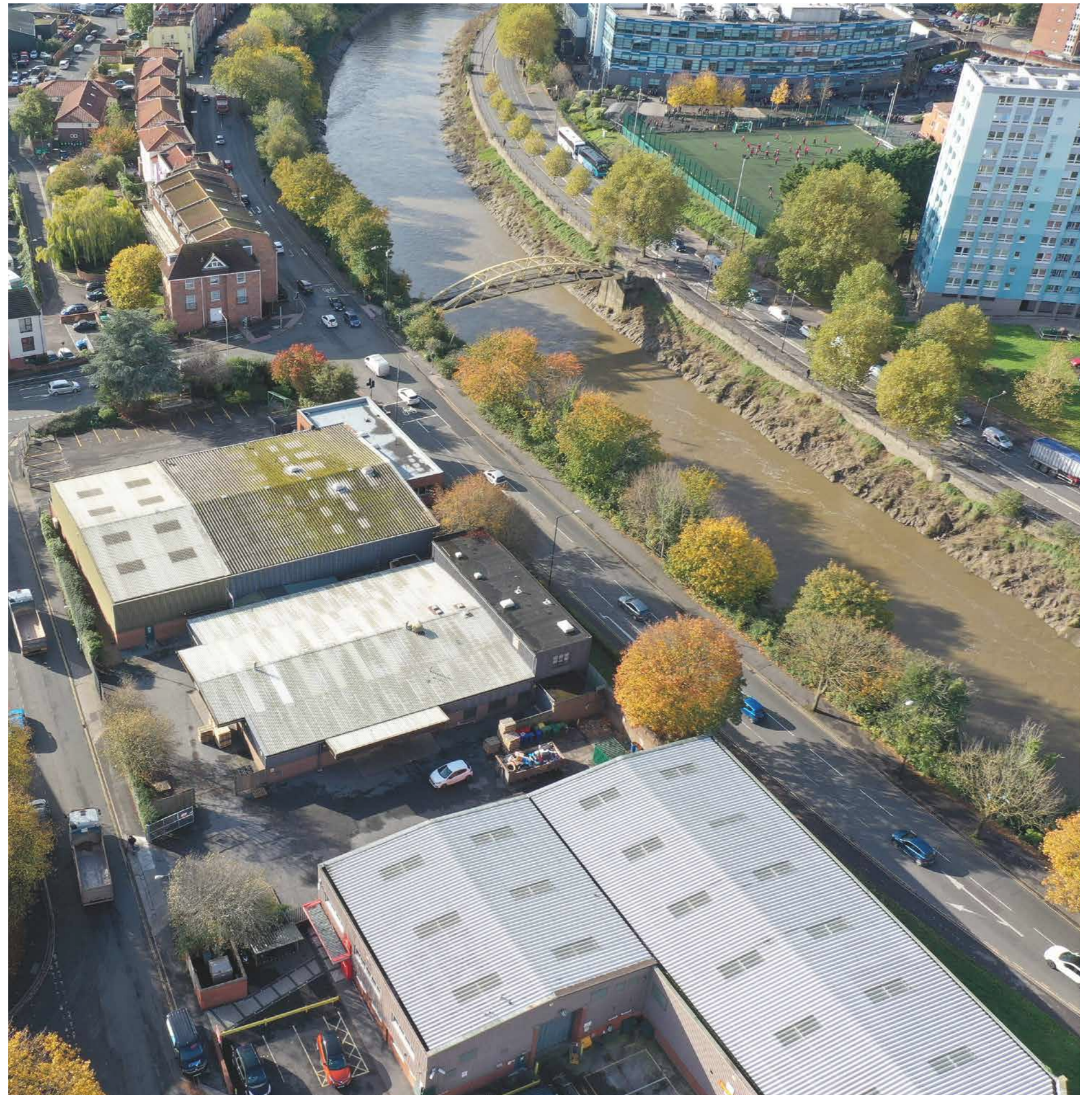
The design team has also once again engaged with Design West Design Review Panel and the feedback provided has informed the design quality, height, scale, massing, materiality and public realm proposed in the scheme.

Of critical importance is the Urban Living SPD. The design team responded to this in the pre-application one submission, and this has been updated in this document in section six. Section eight of this document features the design teams response to the 'Guidance for Tall Buildings' which provides advice for applicants of tall building defined as 30m or higher. The response to the Tall Building Strategy has examined all nine areas of the policy and consider that a visual attractive scheme is proposed that will be in keeping with the surrounding existing and emerging context.

### Proposals Summary

The scheme proposals for the site are set out in detail from section 2 of this design and access statement. The layouts have been developed to be as efficient as possible to deliver a viable and appropriate mix and quantum of affordable homes. The designs maximise active frontages, for habitable and employment uses, whilst allocating ancillary functions to less prime areas. The details of the homes, including the 2% fully accessible M4(3) homes with all the remaining homes compliant with M4(2) are included in the report to illustrate how space standards have been met.

A detailed landscape section is included in section 3, which is provided by the landscape consultant and supported by additional reports. It captures the intent for all the landscape spaces proposed with suggestions for hard and soft landscaping.

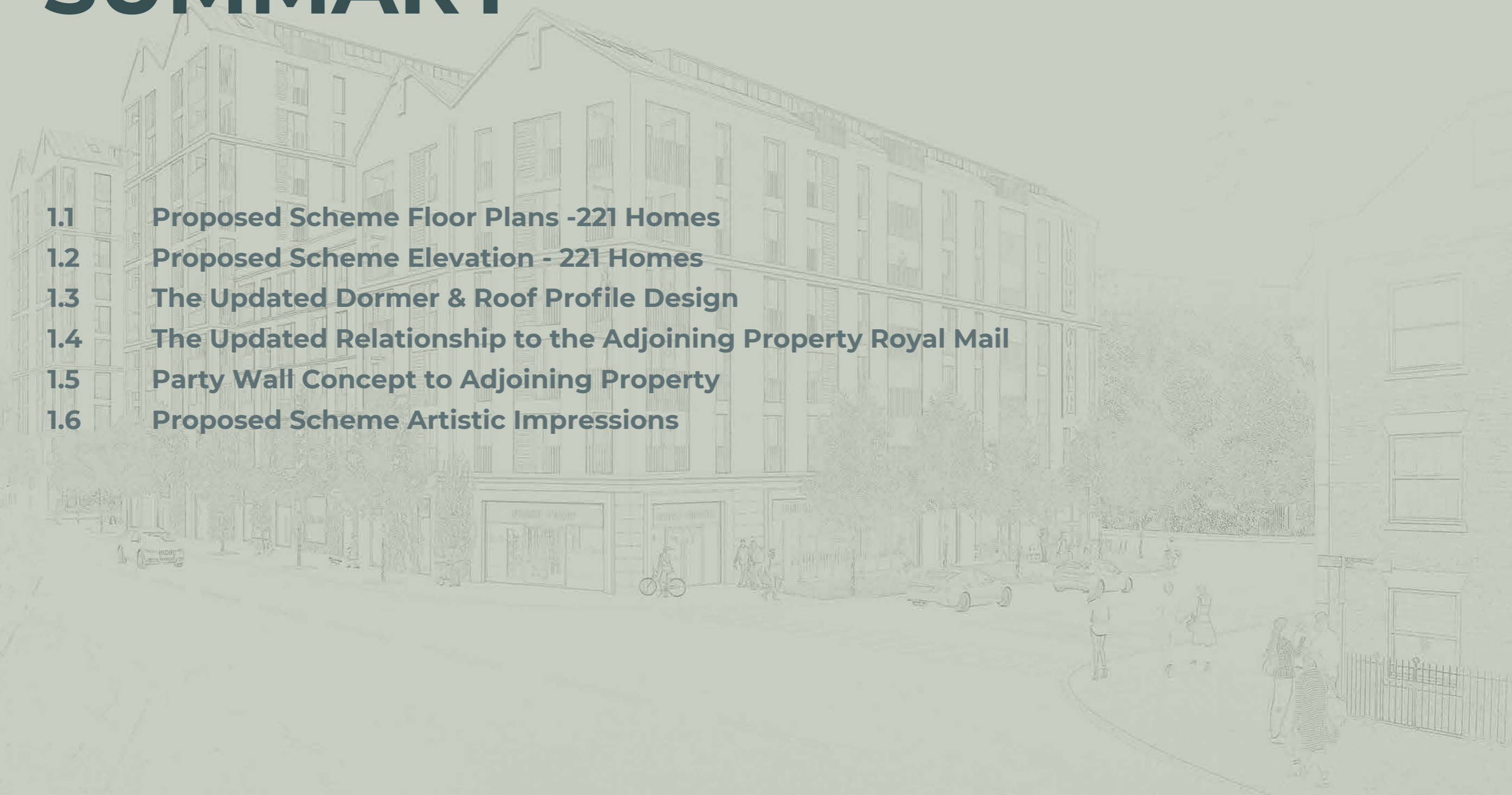


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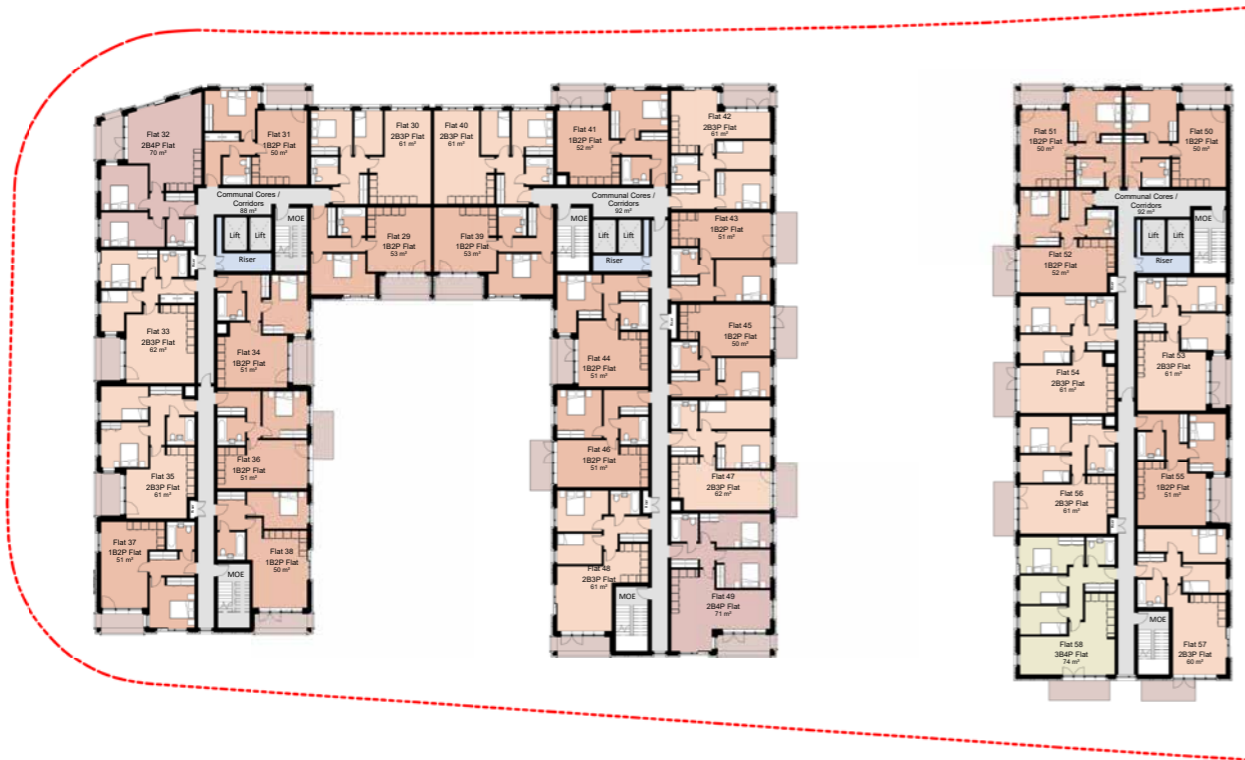
# 1.0 DESIGN UPDATES SUMMARY

- 1.1 Proposed Scheme Floor Plans -221 Homes
- 1.2 Proposed Scheme Elevation - 221 Homes
- 1.3 The Updated Dormer & Roof Profile Design
- 1.4 The Updated Relationship to the Adjoining Property Royal Mail
- 1.5 Party Wall Concept to Adjoining Property
- 1.6 Proposed Scheme Artistic Impressions

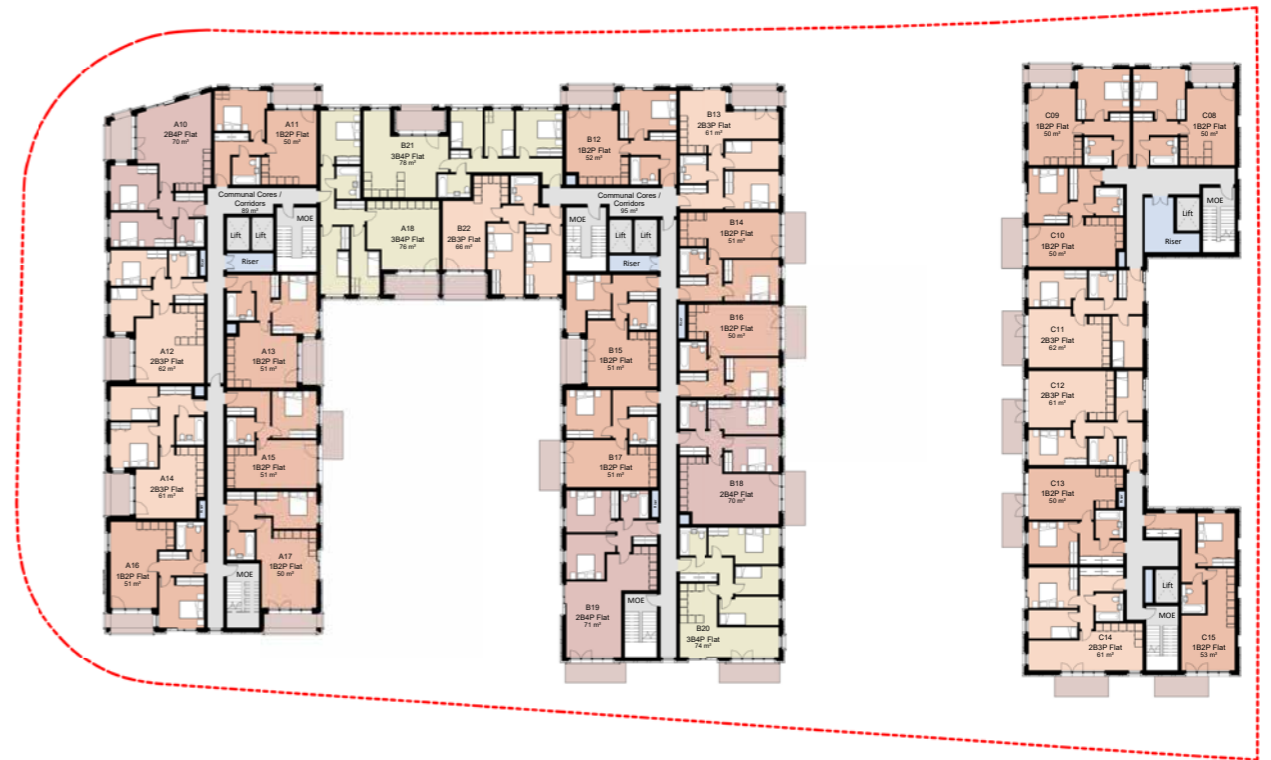


# 1.1 PROPOSED SCHEME FLOOR PLANS - 221 HOMES

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Submitted Scheme -244 Homes

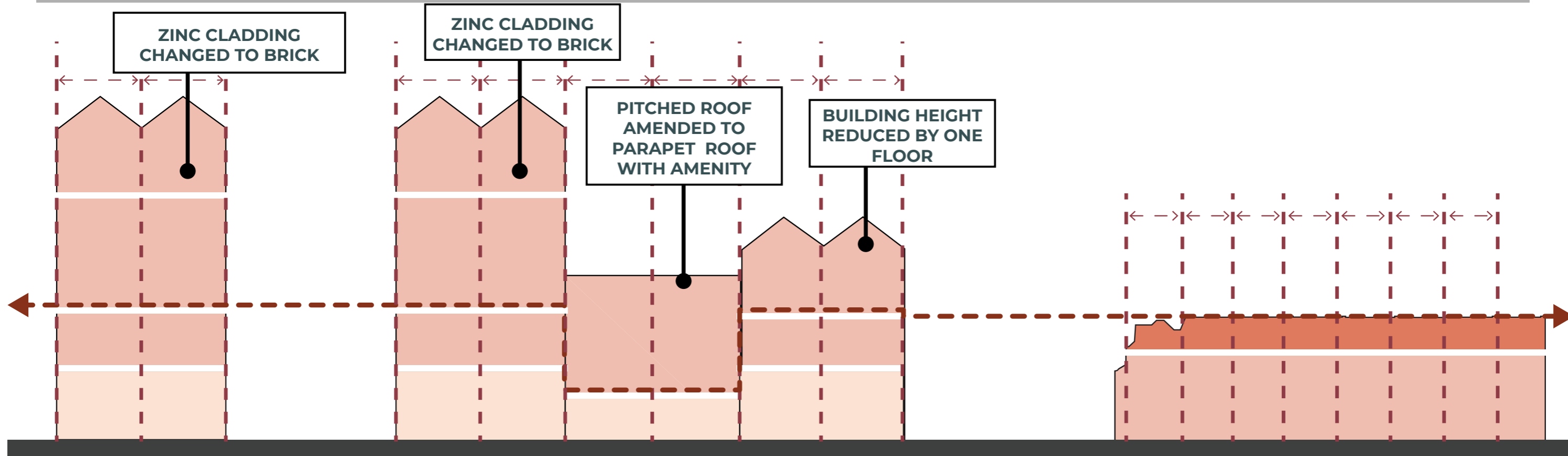


Proposed Resubmission Scheme -221 Homes

# 1.2 PROPOSED SCHEME ELEVATION - 221 HOMES



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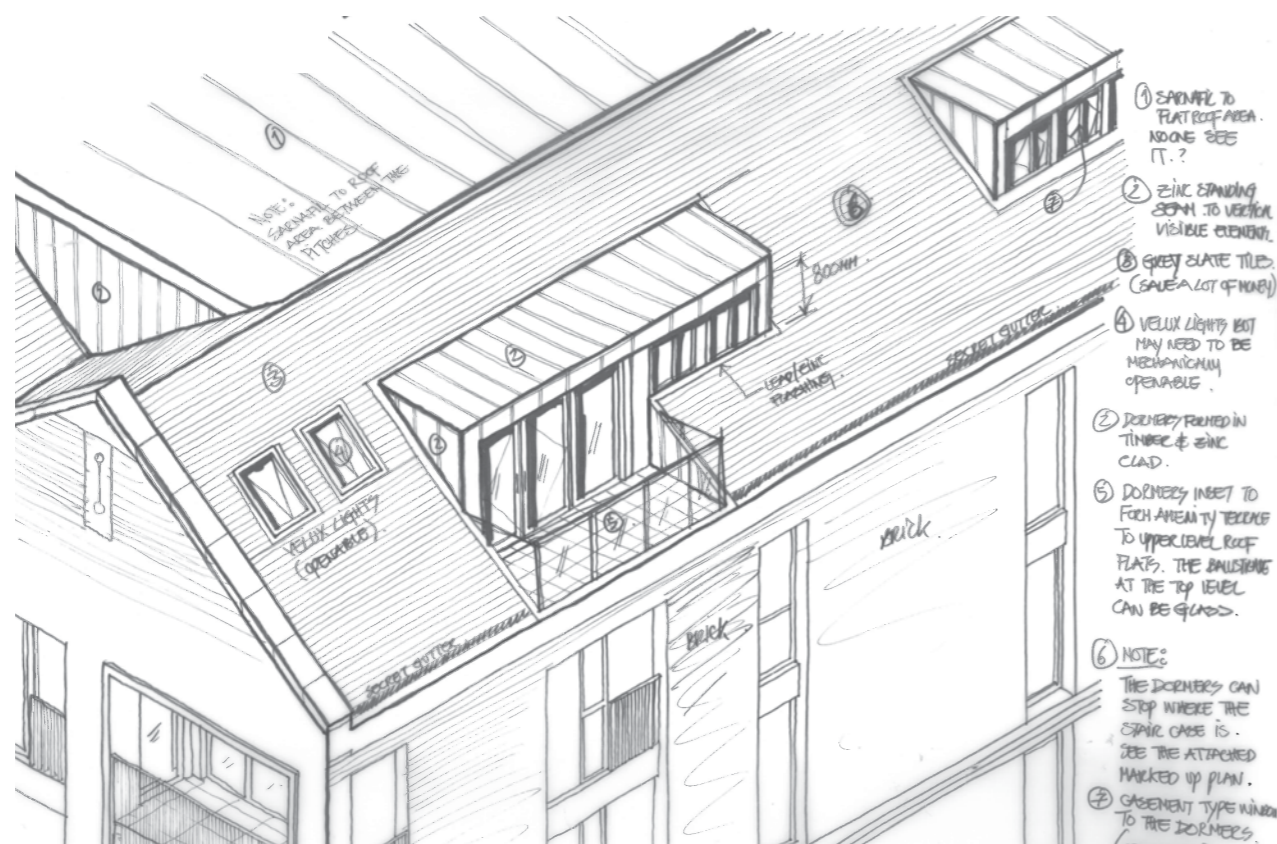


### 1.3 THE UPDATED DORMER & ROOF PROFILE DESIGN



Submitted Scheme - Dormer/Roof Profile & Material

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Proposed scheme design intent sketches



Proposed scheme concept sketches

## 1.4 THE UPDATED RELATIONSHIP TO THE ADJOINING PROPERTY ROYAL MAIL



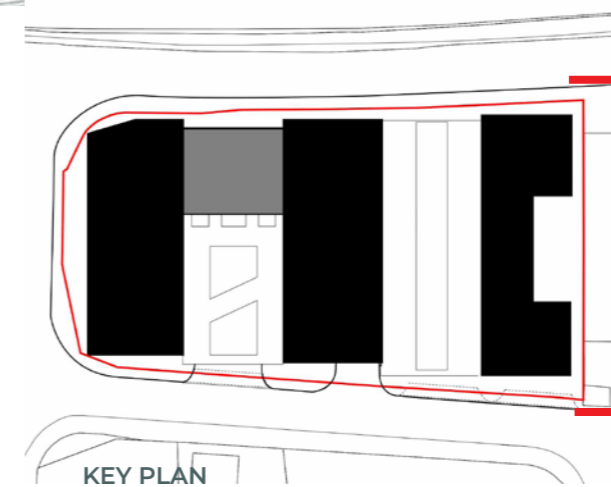
North East Elevation - Submitted Scheme with Overlooking Windows to Adjoining Property



North East Elevation - Proposed Scheme Without Overlooking Windows

# 1.5 PARTY WALL CONCEPT TO ADJOINING PROPERTY

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# 1.6 ORIGINAL SUBMITTED SCHEME

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**Submitted rendered view at junction of York Road and St Luke's Road**

## 1.6 PROPOSED RE-SUBMISSION SCHEME



Updated rendered view at junction of York Road and St Luke's Road

## 1.6 ORIGINAL SUBMITTED SCHEME

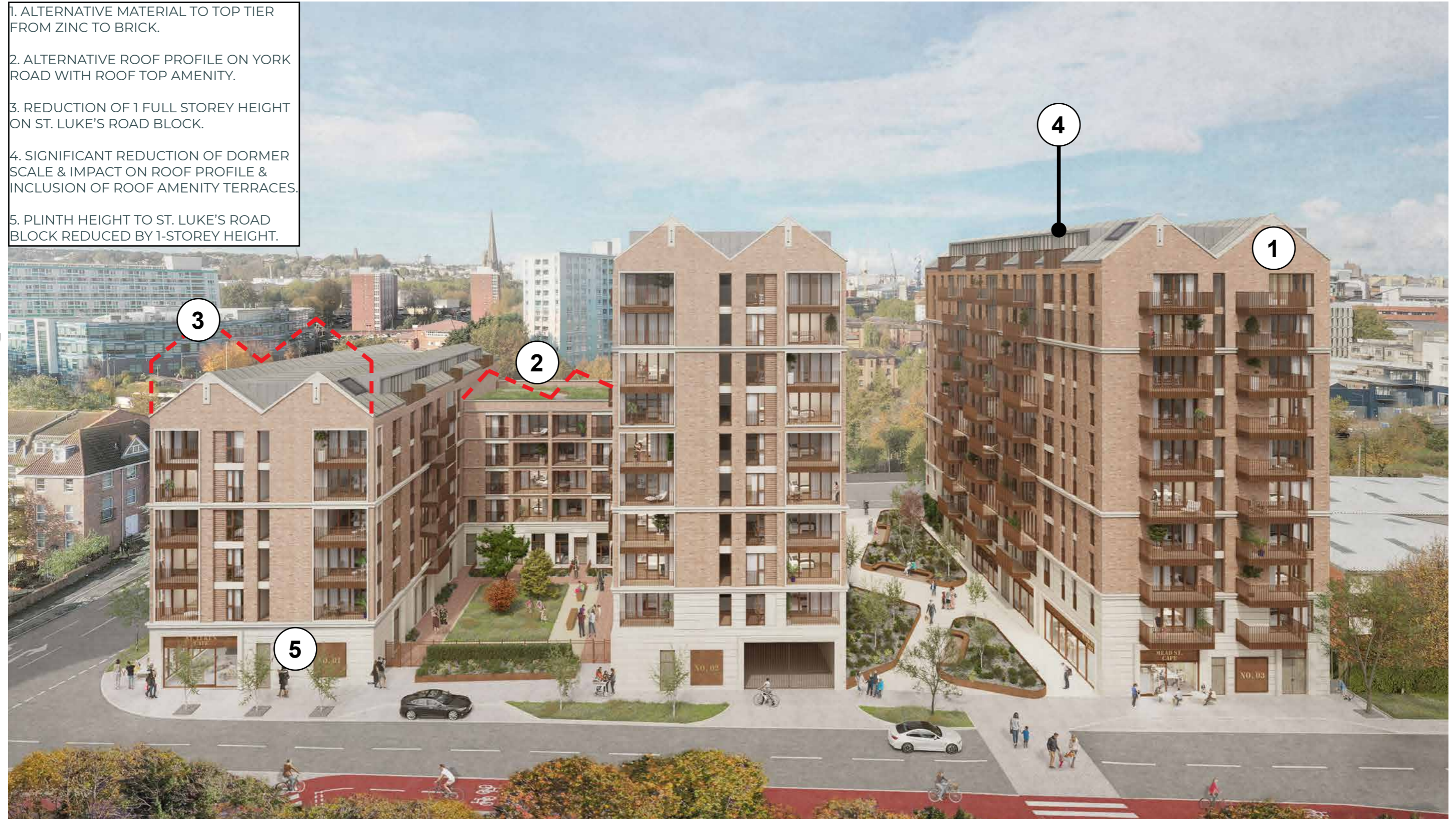
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**Submitted rendered view looking north from escarpment**

## 1.6 PROPOSED RE-SUBMISSION SCHEME

- 1. ALTERNATIVE MATERIAL TO TOP TIER FROM ZINC TO BRICK.
- 2. ALTERNATIVE ROOF PROFILE ON YORK ROAD WITH ROOF TOP AMENITY.
- 3. REDUCTION OF 1 FULL STOREY HEIGHT ON ST. LUKE'S ROAD BLOCK.
- 4. SIGNIFICANT REDUCTION OF DORMER SCALE & IMPACT ON ROOF PROFILE & INCLUSION OF ROOF AMENITY TERRACES.
- 5. PLINTH HEIGHT TO ST. LUKE'S ROAD BLOCK REDUCED BY 1-STOREY HEIGHT.



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Updated rendered view looking north from escarpment

## 1.6 ORIGINAL SUBMITTED SCHEME

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**Submitted rendered view at junction St Luke's Road and Mead Street**



# 1.6 PROPOSED RE-SUBMISSION SCHEME

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- 1. ALTERNATIVE MATERIAL TO TOP TIER FROM ZINC TO BRICK.
- 2. ALTERNATIVE ROOF PROFILE ON YORK ROAD WITH ROOF TOP AMENITY.
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- 5. PLINTH HEIGHT TO ST. LUKE'S ROAD BLOCK REDUCED BY 1-STOREY HEIGHT.

Updated rendered view at junction St Luke's Road and Mead Street

## 1.6 ORIGINAL SUBMITTED SCHEME

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**Submitted rendered view of York Gate new street from York Road**

# 1.6 PROPOSED RE-SUBMISSION SCHEME

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- 1. ALTERNATIVE MATERIAL TO TOP TIER FROM ZINC TO BRICK.
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Updated rendered view of York Gate new street from York Road

## 1.6 ORIGINAL SUBMITTED SCHEME

Page 100



Submitted rendered view looking south from north side of the river Avon.

## 1.6 PROPOSED RE-SUBMISSION SCHEME



Page 101

Updated rendered view looking south from north side of the river Avon.

**WARD:** Lawrence Hill

**SITE ADDRESS:** Trinity Road Police Station Trinity Road Bristol BS2 0NW

**APPLICATION NO:** 21/04338/F Full Planning

**DETERMINATION DEADLINE:** 16 November 2021

**Demolition of existing police station and redevelopment of mixed-use scheme comprising 104 no. one, two and three bed apartments, a police facility and a commercial unit (flexible use class), together with open space, landscaping, parking and associated and ancillary development.**

**RECOMMENDATION:** GRANT subject to Planning Agreement

**AGENT:** Pegasus Planning Group  
 First Floor South Wing  
 Equinox North  
 Great Park Road  
 Almondsbury  
 Bristol BS32 4QL

**APPLICANT:** The Guinness Partnership

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

**LOCATION PLAN:**



**Development Control Committee A – 24 August 2022****Application No. 21/04338/F : Trinity Road Police Station Trinity Road Bristol BS2 0NW****REASON FOR REFERRAL**

The application would deliver a substantial number of homes to Bristol but has faced a significant number of comments objecting to the development from members of the public and key stakeholders, including Trinity Community Arts Ltd and the Old Market Community Association. Officers therefore refer this application to Committee.

**SUMMARY**

Following the review and rationalisation of the Police's needs, Avon and Somerset Police decided to sell Trinity Road Police Station, but still retain a presence at the site in smaller facilities. Guinness Partnership proposes to redevelop the site, and hence planning permission is sought to demolish the existing building and to erect 3 blocks to accommodate 104no. homes, a flexible commercial unit, and a neighbourhood police facility. The site is within: the city centre, the Old Market Quarter Neighbourhood Plan area, the Old Market Conservation Area, and the setting of heritage assets.

Guinness Partnership (the Applicant), who is a registered provider of social housing, has stated their intention to bring forward the development as 100% affordable housing, albeit only 20% can be secured by s.106 Agreement.

Members of the public and other key stakeholders are concerned that the proposed residential development would prejudice the Trinity Centre's ability to operate as a music venue. As the Agent of Change, the development has demonstrated an appropriate scheme of noise mitigation to ensure adequate levels of amenity for future occupiers of the proposal. The development has therefore offered sufficient evidence to suggest that, provided these measures are implemented and maintained as such thereafter, the proposal would not threaten the ongoing viability of the Trinity Centre through the imposition of undue operational constraints. The noise mitigation measures include the proposal's layout, floor plan arrangements, façade insulation (walls and windows), and mechanical ventilation.

The proposal's quality of urban design, impact on heritage assets, and relationship with neighbours have been questioned by members of the public and statutory contributors, including the Old Market Community Association and Historic England. The amount of development proposed does challenge the site's limits, and results in a number of negative outcomes. However, it is to a degree unavoidable to develop sites like this without some urban design/living compromises. Further, officers acknowledge the proposal's less than substantial level of harm to the settings of the Conservation Area and the Grade II\* listed Holy Trinity Church, but advise this harm is outweighed by the development's public benefits. Generally, the Urban Design Team supports the development's urban living principles and considers the proposal to represent an improvement to the Conservation Area.

The proposal is predominantly car-free and includes works in the adjacent highway necessary to make the development acceptable. Transport Development Management do raise limited concerns, but importantly do not object to the development on highway safety grounds. The development is environmentally sensitive, represents the redevelopment of a brownfield site, meets relevant sustainability policies, proposes to connect to the district heat network, retains most of the existing trees, and will achieve a biodiversity net gain.

The remaining report sets out that whilst there are adverse impacts associated with this proposal, on balance, they fail to significantly and demonstrably outweigh the proposal's benefits. The application is therefore recommended for approval subject to conditions and a s.106 Agreement, in accordance with Key Issue O.

**Development Control Committee A – 24 August 2022****Application No. 21/04338/F : Trinity Road Police Station Trinity Road Bristol BS2 0NW****SITE DESCRIPTION**

The application site is Trinity Road Police Station located in Old Market, to the north of West Street. The architectural form of the existing building reflects its current use as a Police Station, having blank elevations at ground floor level formed of red brick. The building is between 1 and 3 storeys and covers most of the site, save for a car parking area accessed from Trinity Walk. The northern and western boundaries of the site are demarcated by an historic stone wall. Immediately to the north of the site is Trinity Walk (home to Somerset House and Gloucester House), Trinity Road to the east, Bragg's Lane to the south, and George Jones Park and Brick Street to the west. George Jones Park is designated as Important Open Space by the Development Plan, as is Lawfords Gate Park (Trinity Gardens) to the north.

The site is within the Old Market Conservation Area and the Old Market Neighbourhood Quarter Planning Area. Further, the development is within the Development Plan's City Centre boundary. The site is also within the setting of a number of heritage assets, and faces a number of constraints associated with the adjacent highway network and noise from music events at the Trinity Centre.

**APPLICATION**

Full planning permission is sought to demolish the existing police station to facilitate the redevelopment of the site to provide a 104no. residential units (Use Class C3), a community police facility, and a flexible commercial unit (Use Classes E, F1 and F2). The development includes three blocks arranged around a central courtyard that will provide amenity space, a small play area, and landscaping. Blocks A and B include refuse and cycle storage, Block B also provides two car parking spaces (one accessible space and one car club space) and other ancillary items such as a plant room. Facing Trinity Road, Block C's ground floor is composed of the community police facility and the commercial unit. Access to the police facility's rear parking compound is from Trinity Walk, as is access to the basement of Block B.

Within the highway on Braggs Lane, pedestrian and cycle way works are proposed, and on Trinity Road works are proposed in the footway/cycle way, predominantly including bollards necessary in the interests of protecting the police facility and pedestrians and cyclists in front of it. The two street trees that bookend the site on Trinity Road will be retained, as will the majority of the trees at the boundary with Somerset House in the north west corner of the site.

The Applicant is the Guinness Partnership, who are a registered provider of social housing, and has stated the intention to bring forward the development as 100% affordable housing, what this means from a planning perspective is discussed in Key Issue F.

The mix of the residential accommodation proposed is set out below:

- Block A includes 52 units (24 X 1beds, 21 X 2beds, and 7X 3beds)
- Block B includes 19 units (11 X 1beds and 8 X 2beds)
- Block C includes 33 units (23 X 1beds and 10 X 2beds)
- Overall mix: 58 (55.8%) X 1beds, 39 (37.5%) X 2beds, and 7 (6.7%) X 3beds



**Development Control Committee A – 24 August 2022****Application No. 21/04338/F : Trinity Road Police Station Trinity Road Bristol BS2 0NW****APPLICATION EVOLUTION**

Over the course of the application, amended plans and further information have been provided in response to concerns from statutory and non-statutory contributors, officers, and members of the public. These include:

- Revised plans to change the layout of Block C, so bedrooms face the courtyard, rather than the Trinity Centre.
- A further noise assessment addendum, and a final noise assessment. Minor reduction to the height of Block B.
- Daylight and sunlight assessments.
- Energy and Sustainability Assessment.
- Public art strategy.
- Plans and information to address overlooking concerns with Somerset and Gloucester House.
- Amendments to the layout of the basement to Block B: cycle storage, parking, and refuse store.
- Amendments to the proposed works in the highway on Braggs Lane and Trinity Road.
- Various clarifications.

**RELEVANT PLANNING HISTORY**

Most of the planning history for the site relates to various police facility-related developments and works to trees, and are not overly relevant to this application. There is a pending planning application at the Trinity Centre, which officers understand is close to a positive resolution. This application is material to this application, details are provided below.

Trinity Centre, ref. 21/05771/F: Installation of temporary external event space (stretch tent marquee) with associated bar and community kitchen pods (operating nine months each year for up to 5 years).

**COMMUNITY INVOLVEMENT**

The submitted statement of community involvement details the community engagement programme the Applicant and their design team delivered. The statement discusses the pre-application process between the Applicant, the Local Planning Authority, and other stakeholders including the neighbourhood planning group. A letter drop occurred in October 2021 to all residential (non-commercial) addresses within a 200m radius of the application, totalling 673 addresses, this included a description of the proposal, including illustrations, and route to provide feedback. A website was also created, which allowed a wider catchment to review the proposals. It is also reported that the Trinity Centre was consulted, as well as local councillors, the neighbourhood planning group, Save Bristol Nightlife, and Design West.

The feedback from interested parties concerned: the car-free nature of the scheme, the impact on the Trinity Centre; the lack of active frontage, and various design and conservation area related issues. Some of these issues have been addressed in a manner expected by the community, but largely the public engagement undertaken as part of the planning application has not been supportive of the application.

**Development Control Committee A – 24 August 2022****Application No. 21/04338/F : Trinity Road Police Station Trinity Road Bristol BS2 0NW****RESPONSE TO PUBLICITY – MEMBERS OF THE PUBLIC**

The application was advertised by site and press notice, and neighbours were notified of the application by letter. In response to the submission of amended plans and further information, additional notification occurred in May/June 2022 and July/August 2022. 115 comments have been received, including 103 objection comments, 10 neutral comments and 3 comments in support of the application. These comments are summarised below.

## i. Impact on the Trinity Centre

- Advice concerning the planning policy situation concerning noise impact and the health and quality of life for future residents and the Agent of Change principle.
- Suggestion that social housing should be provided within an environment without the potential for a negative impact on health and wellbeing.
- Suggestion that it is not appropriate to rely on third parties to instigate mitigation measures (i.e. close windows), or to secure details of mitigation measures by condition as there are flaws in the assessment of noise.
- Acknowledgement of the cultural importance the Trinity Centre represents to the local community and Bristol, including recognition that it represents a long established and much-loved music venue of regional and national importance.
- Concerns that the residential development could prejudice the Trinity Centre's ability to host music events, both inside and outside. Recognition that the proposal represents the Agent of Change.
- Suggestion that soundproofing should be provided to the flats to ensure future residents will not be disturbed by music events held at the Trinity Centre, and to avoid noise complaints. Suggested mitigation includes triple glazing and air conditioning.
- Suggestion that a Deed of Easement should be required to prevent future residents from submitting noise complaints.
- Concerns that the submitted noise report does not adequately reflect the noise emitted from the Trinity Centre during music events.
- Concerns that if residents can open windows, it could lead to noise complaints, especially during the summer.

*Please see Key Issue D for officers' assessment.*

## ii. Principle

- Recognition that Bristol needs more homes, with a focus on affordable homes. General support in principle for new homes.
- Suggestion that the development should have a cultural use, rather than housing.
- Concern that the flats will be 'luxury flats' rather than being affordable for future residents.

## iii. Urban Design and Heritage

- The proposal represents overdevelopment.
- The density is too high.
- The buildings are too high and will dominate the area.
- The elevation design is uninspiring and contrary to the character of the Conservation Area.

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- The development does not take account of all the existing trees.
- iv. Transport and Highway Safety
- Insufficient car parking.
  - Proposals must encourage cycling and provide cycle storage.
  - Concerns regarding the construction period.
- v. Impact on Neighbours
- Concerns that the development will reduce the levels of daylight and sunlight currently enjoyed by Somerset House.
  - Concerns that the development will detrimentally impact the quiet character of the area.
  - General concerns that the development would prejudice neighbouring amenity.
- vi. Music Venue Trust (comments provided prior to most recent amendment of development's layout)
- Request the application is refused due to suggested prejudicial impact on the Trinity Centre's ability to host music events.
  - Suggestion that a new noise report is required to more accurately reflect noise levels produced from music events at the Trinity Centre, including outdoor events.
  - Request that increased levels of sound insulation and internal ventilation are provided.
  - Request that a Deed of Easement is required by planning condition.

**RESPONSE TO PUBLICITY – STATUTORY AND NON-STATUTORY CONTRIBUTORS**

In the interests of brevity, these comments have been summarised. Full comments are available on the website.

- i. **Flood Risk Management / Lead Local Flood Authority (BCC)** - The drainage strategy is acceptable, and Wessex Water supports the proposed drainage plan in principle. A condition is advised to require further details of the sustainable drainage strategy (B35A).
- ii. **Nature Conservation (BCC)** – No objection. Although a revised/new ecological report is required as the submitted ecological report is out of date, this can be secured prior to determination, after the committee. There are some discrepancies with the biodiversity net gain results and metric, but the development is expected to deliver a biodiversity net gain. Conditions are advised based on the original ecology report, further conditions may be necessary following the assessment of the requested updated ecology report.
- iii. **Arboriculture Team (BCC)** – two trees are proposed for removal, both of which are category C trees that do not provide any significant onward amenity, as such their removal is supported. Suitable mitigation is proposed to meet planning policy in the form of the proposed landscape scheme, this includes 21 replacement trees and a number of tree ferns. The proposed tree management is reasonable, as is the proposed pollarding to Tree T9 at the corner of Trinity Walk and Trinity Road. Conditions are advised concerning tree protection, management and compensatory planting.

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- iv. **Sustainability Team (BCC)** – no objection subject to conditions to secure various measure and further information, and a s106 Agreement to secure a connection to the District Heat Network.
- v. **Air Quality Team (BCC)** – no objection. The air quality assessment has demonstrated that the air pollution levels are within legal limits at the site of proposed residential use and that emissions of dust during demolition and construction phases can be adequately mitigated. The dust mitigation measures in Appendix E of the air quality assessment should be conditioned if planning permission is granted.
- vi. **Land Contamination (BCC)** – no objection subject to four standard conditions.
- vii. **Transport Development Management (BCC)** – the principle of the development is acceptable. There are still several outstanding issues, including cycle parking, and the appropriate levels of contributions (planning obligations). Specifically:
- Relocated loading bay to ensure swept paths for loading vehicles not encroach cycle lane, indicating alterations to TRO and number of parking spaces to be lost
  - Removal of any doors opening outwards onto the highway
  - Headspace availability for any cycle stacker units where provided (2.7m min) to ensure cycle parking standard can be met.
  - Waste storage provision and access for Block C
  - Agreement of contributions
  - Further details for cycle parking
- Case Officer Note: a number of these issues have been addressed since these comments were made and are discussed in Key Issue G.*
- viii. **Urban Design Team (BCC)** – The proposed development delivers a large number of needed homes in an inner-city site faced with fairly typical constraints for dense urban areas. As with any development, not all urban design goals can be achieved and some compromises are needed. However, the proposal does overdevelop the site primarily in relation to Block B with the most critical impact being compromised amenity within the courtyard. Nevertheless, the proposal is an improvement on the existing police station, which is a negative building within the Conservation Area. Further, the quality of the proposed architecture is recognised as a benefit to the conservation area.
- ix. **Archaeology Officer (BCC)** – In terms of archaeology, the conclusions in the submitted heritage document are accepted. Conditions are recommended secure the conduct of a watching brief, including pre-commencement WSI and pre-occupation completion of watching brief.
- x. **Housing Enabling Team (BCC)** – The application meets the Council's planning policies for affordable housing in the Inner East/West area which allows for a 'Fast Track' route for applications meeting or exceeding 20% affordable housing. Whilst this application is already policy compliant in both provision and type of provision (the applicant's split of tenure as well as the correct number of homes meets policy), the applicant is a Registered Provider (RP) who has stated the intention to bring forth the development as 100% affordable housing. This will greatly

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support provision for the area and Bristol which the Strategy and Enabling team whole heartedly support. We can only secure the policy compliant levels of affordable housing via a section 106 agreement (S106) (20% for this area under the fast track). Additionality is welcomed but generally for the applicant to decide and deliver. Furthermore, for the RP to deliver this scheme they secure grant funding from bodies such as Homes England. Homes England do not support funding for S106 units. Should this application be achieved planning consent the RP has already secured funding for this site. For this site there should be a twin track approach in the S106 agreement.

- xi. **Pollution Control (BCC)** – the application shows that noise from the Trinity Centre will be dealt with through good acoustic design and have no objection to the application. Conditions should be applied to any approval. Condition 2 regarding sound insulation is usual for this type of application even when a sound insulation scheme is proposed in the application. These will ensure that further, more detailed information is submitted.
- xii. **Old Market Quarter Neighbourhood Planning Group (also known as the Old Market Community Association)** - the Group submitted three sets of detailed and informed comments during the application, which are summarised below:

Support for the mixed-use redevelopment of the site but concerns that too much accommodation is being shoehorned onto the site. The constraint of noise has not been fully addressed, and there should not be residential uses on the ground floor of Braggs Lane. Further, the courtyard is overshadowed and small, and the buildings are fronting Braggs Lane and Somerset House are too high.

The following amendments would overcome the deficiencies in this proposed development. Removal of one floor from the western end of block A and lowering the height of block B would reduce the number of flats by eight to 96. To compensate we would support the addition of four flats in another floor to the southern end of block C, bringing the number of flats to 100 – the figure that is stated in the Design and Access Statement page 16 as necessary to ensure financial viability. Removal of residential use on the ground floor facing Braggs Lane could further reduce the number of flats by two to 98 which would produce a standard density of 256 dwellings per hectare.

Density – the proposal has a density of 297 dph, which is in excess of the Urban Living SPD's prescribed optimum density of 200dph.

Scale and Mass - The east end of the proposed building on Braggs Lane is c.4.5m higher than the grade II\* listed Holy Trinity Church (Trinity Arts Centre), within 0.5m of the parapet of the flat iron building on the corner of Braggs Lane and West Street, and 4.7m above the parapet to no.2 Braggs Lane. The proposed buildings adversely affect these heritage assets and therefore the proposal fails to comply with OMQNDP Policy B1. The building along Braggs Lane should be reduced by one storey. This would overcome the planners concerns about adverse effect on these neighbouring buildings. The end of block A facing Somerset House projects at least 2m above a line drawn upwards at 45 degrees from the centre of ground floor windows of flats in Somerset House. This will adversely affect the quality of daylight in these flats. Whilst the height of Block B has reduced, it is still greater than neighbouring buildings, the height fails the Old Market Quarter Design Code. Two storeys should be removed as per the Urban Design Team's comments.

Noise and the Trinity Centre – The development is the Agent of Change, Bedrooms in Block C should face the Trinity Centre, this amendment has now been made. Concerns that the social housing tenants will be placed in a situation not suitable for housing.

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Design – there should be a continuous built for between Blocks A and C, this would help prevent noise penetrate the courtyard. Front doors should be added to Braggs Lane, this would help improve natural light into the cores.

Urban Living – there are too many single aspect flats, especially where they are liable to overheat. There is insufficient play space, it should be proposed in the courtyard. There is also insufficient communal open space provided, most of which will be overshadowed.

Access balconies – strong objection to Block C’s layout that is reliant on decked access, security and privacy issues are likely.

Appearance - The elevation drawings and materials proposed demonstrate an appropriate response to the Old Market character, the buildings adjacent to the site and the conservation area. However, we consider that the omission of one floor from block A, would enhance the scheme by lessening the current monolithic appearance. Double pitched roofs for Blocks A and C would be more successful.

Trinity Road – concerns the bollards give the wrong impression for this main pedestrian route. Alternatives should be explored, including putting the bollards adjacent to the façade.

Public Art – support for the proposals.

Viability – no evidence has been provided to substantiate viability claims.

Daylight Sunlight- concerns for neighbours in existing properties in Braggs Lane and Somerset House.

Cycle Parking – concerns with the absence of Sheffield stands, as per TDM’s concerns.

Relationship to Neighbouring Buildings – whilst privacy screens and oriel windows have been proposed, they do not address the fundamental issues with Block, which is its height. This is supported by the daylight and sunlight reports. The trees between Blocks A and Somerset House are deciduous and cannot be relied upon for screening.

Accommodation and Tenure – there are differences between submitted documents concerning housing tenures.

- xiii. **Historic England** – Historic England has some design concerns regarding the application on heritage grounds, although they do not object to the principle of the proposed development.

The Grade II\* listed Trinity Church has a group value with the Old Vicarage and Old St Philip’s Library (both Grade II) to the north and most prominent from the easterly approach along West Street, flanked by a mic of good 18th and 19th century shops and houses. The site is also within the Old Market Conservation Area.

In terms of potential impacts upon the setting of the Grade II\* Church, Historic England do not believe key views would be adversely impacted, although the proposed height is over a storey higher than surrounding buildings. The principle change to the setting of the Church would be from southern views along Trinity Road where the primacy of the west towers would be challenged by the extruded elevation of Block C. This could be mitigated by better articulating the massing of this block and activating the ground floor element and public realm in a more positive way.

The character and appearance of the Conservation Area could better inform the design approach, both in terms of building rhythm and proportions. The two principle blocks facing onto Trinity Road and Braggs Lane lack architectural identity when considered in the context of more distinctly varied buildings in West Street and Old Market. The design could be clearer in taking a positive

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steer from the character and appearance of the Conservation Area. Creating a locally distinctive form of develop can deliver positive place shaping and complement the historic environment in a more positive way.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 206 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

- xiv. **Bristol Waste** - acknowledged pre-application involvement with the applicant and welcomed ongoing dialogue with the developers.
- xv. **Bristol Civic Society** - neutral comments, general support for the redevelopment of the site for residential purposes, but concerns relating to the proposal's design, height, impact on neighbours (overlooking and overshadowing), and lack of active ground floor uses. The Society referred to comments they made at pre-application stage to highlight opportunities for improvements to the public realm, including enhancements to the cycle infrastructure adjacent to the site. Further, the Society reiterated concerns as to the residential proposal's impact on the Trinity Centre, with reference to the Agent of Change.
- xvi. **Conservation Advisory Panel** – “The Panel has no objection in principle and welcomed the detailed landscape proposals. However a Tree Report has not been submitted so there is no information on the trees to be removed. It is important that this development does not have any adverse impact on the uses of the venue at Trinity on the other side of the road which is a successful re-use of a heritage asset.”
- xvii. **Crime Reduction Unit (Avon and Somerset Constabulary)** – a number of concerns have not been addressed by the proposal, including open walkways above the Police hub could attract anti-social behaviour, further they express concerns regarding access controls to the development.
- xviii. **Counter Terrorism Security Adviser** - The effects of a vehicle borne improvised explosive device (VBIED) and flying debris such as glass can present a hazard many hundreds of metres away from the seat of the explosion, the number of fatalities and casualties can be significantly reduced if mitigation measures are used. Within this redevelopment, the planned police facility will incorporate an Enquiry Office for members of the public to use and with the residential flats above together with the location in the heart of the City, footfall is likely to increase significantly in the area and of course this will be a publically accessible location. Accordingly, bollards are needed around the police facility on Trinity Road, other measures are also suggested.
- xix. **Avon Fire and Rescue** – the development will result in additional fire hydrant requirements, the cost of which need to be met by the developer. Specifically, a new hydrant will need to be inserted near adjacent to the site at Bragg's Lane and Trinity Road. The cost of a new hydrant is £1,500 + VAT, this should be met by the developer and secured by s106 Agreement.

**Development Control Committee A – 24 August 2022****Application No. 21/04338/F : Trinity Road Police Station Trinity Road Bristol BS2 0NW****RELEVANT POLICIES AND GUIDANCE**

- National Planning Policy Framework, 2021 - referred to hereafter as “**NPPF**”
- Planning Practice Guidance - referred to hereafter as “**PPG**”
- Bristol Core Strategy (Adopted June 2011) – referred to hereafter as “**CS**”, policies starting with “**BCS**” are from this plan
- Site Allocations and Development Management Policies (Adopted July 2014) – referred to hereafter as “**SADMP**”, policies starting with “**DM**” are from this plan
- Central Area Plan (Adopted March 2015) “**CAP**”, policies starting with “**BCAP**” are from this plan
- Old Market Neighbourhood Development Plan – referred to hereafter as “**OMNP**”, policies starting with T,B or C are from this plan
- SPD – Planning Obligations (Adopted September 2012)
- SPD – Urban Living (Adopted November 2018) – referred to as “**UL SPD**”
- SPD7 – Archaeology and Development (Adopted March 2006)
- PAN15 – Responding to Local Character – A Design Guide
- Conservation Area 16, Old Market Character Appraisal, July 2008

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

**KEY ISSUES****(A) Principle of Development**

The site is within the Old Market Neighbourhood Quarter Planning Area, which is subject to the OMNP. Further, the CAP applies, as do the adopted CS and SADMP. The site is subject to site-specific design guidance within the OMNP, being identified as Site MS9.

## i. Old Market Quarter Neighbourhood Development Plan

Police C6 expects proposals to take account of site-specific guidance set out in Appendix 1 of the OMNP. For this site, the guidance states the following:

- Take account of the Old Market Conservation Area in which the site lies;
- Comprise new buildings to replace the existing police station of height and scale that reflect the characteristics of the surrounding area;
- Be predominately residential use, with active use at ground floor level on the street frontages;
- Provide a continuous frontages to Trinity Road and Braggs Lane;
- Consider the potential to retain 2 no. existing street trees;
- Retain existing stone walls to Trinity Lane, Braggs Lane and George Jones Park.

The proposal is a mixed-use development, including 104 residential units, a commercial unit, and a facility for the police. In principle, these land uses meet the expectations of the guidance, being predominantly a residential use, with an active ground floor use at the busier junction at Trinity Road and West Street. Similarly, the police facility will provide an active frontage on Trinity Road. Officers understand the Old Market Community Association’s (OMCA) views, that Block A should have an active ground floor use on Braggs Lane, rather than the proposed residential ground floor use. However, a residential use at ground floor level is in-keeping with character and nature of Braggs Lane, and as such is acceptable in principle. The proposal provides a continuous frontage and retains the two



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existing street trees. The majority of the existing stone walls will be retained, this is discussed more in Key Issue B and C, as will matters of height and scale, and the Conservation Area.

ii. Community Use – Police Facility

Policy C4 supports the creation of community facilities, and Map 4 of the OMNP considers the existing Police Station to be a community facility, as well as the Trinity Centre. Policies BCS12 and DM5 affords protection to existing community facilities. Following the rationalisation/relocation of police functions from the Trinity Road Police Station, the submission reports that the Police and Crime Commissioner (PCC) took the decision to sell the site, whilst retaining a smaller police facility that will provide continued operation of limited duties from the location and continue to provide a visible public presence. As such, the Planning Statement suggests the policing requirements are being met elsewhere, and that the Police are correct body to establish the need for such accommodation. In this way, the Applicant suggests alternative replacement community facilities are provided in a suitable alternative location (criteria iv of policy DM5). Importantly, policy C6 and the site-specific guidance included in the OMNP, advocates the residential-led redevelopment of this site, and does not call for the retention of the police facility. Further, the proposal retains a significant element of floorspace to provide a neighbourhood police facility, that will continue to serve the community. The commercial unit could also be used for community uses. Taking this all into account, the proposed development is acceptable in principle with regard to the loss of the community floorspace.

iii. Flexible Commercial Unit

The Planning Agent has confirmed the proposed uses with officers as Use Classes E (Commercial, Business and Service), F1 (Learning and Non-Residential Institutions), and F2 (Local Community). The majority of these proposed uses will provide an active ground floor use within the commercial unit at the prominent corner of the site, in accordance with OMNP site specific guidance and policy C6. The proposal is also considered to meet the needs of policy C1 as it represents a mixed use development that includes flexible space suitable for accommodating a variety of business uses, integrated into residential development. Further, the flexible use has the potential to support community facilities, meaning it is supported by policy C4.

iv. Housing Provision

Policy BCS2 and BCS6 expects development to deliver 7,400 new homes in the city centre by 2026. Policy BCS2 also encourages higher density, mixed use developments with active ground floor frontages on busier streets, as well as the continued regeneration of areas including Old Market. The proposal meets these expectations, and will meaningfully contribute to the Council's housing land supply.

It also important to consider the Council's housing land supply position. Specifically, the Council currently does not have a 5 Year Housing Land Supply and has failed its most recent Housing Delivery Tests, meaning paragraph 11(d) of the NPPF is engaged and the tilted balance applies. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11(d) of the NPPF is engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Section 11 of the NPPF encourages planning decisions to promote the effective use of land in meeting the needs for homes (para 119), and advises that substantial weight should be allocated in planning decisions to the value of using suitable brownfield land for homes (para 120).

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Given the proposal will deliver housing that positively addresses the expectations of policies BCS2 and BCS6 as well as the broader issue of the Council's housing land supply, significant positive weight should be attached to the development in the planning balance.

v. Summary

The proposal is acceptable in principle. Substantial weight should be attributed to the proposal as it will deliver a significant number of homes on a brownfield site. Similarly, the proposed policy facility represents a further benefit.

**(B) Heritage Assessment**

This section considers the proposal's impact on heritage assets, through initially setting out the relevant policy and guidance, and then assessing the development's impact on heritage assets in accordance with discussed policy and guidance.

i. Relevant Policy and Guidance

A 'heritage asset' is defined in the NPPF (Annex 2) as: *"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)."* 'Significance' is defined (also in Annex 2) as *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

As advised by Historic England, any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("*Forge Field*") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

Section 16 of the national guidance within the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification. Paragraph 200 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, paragraph 201 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be

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demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Finally, paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The setting of a heritage asset is defined within the NPPF (Annex 2) as: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate that significance or may be neutral”*.

The building subject to this planning application is a heritage asset, being Grade II listed, further to this the site is within the north western side of the Old Market Conservation Area which terminates on the adjacent Asher Lane. For clarity, the affected heritage assets are set out below:

- Old Market Conservation Area
- Holy Trinity Church (Grade II\*)
- Holy Trinity Vicarage (Grade II)
- Piers, Perimeter Walls and Railings to Holy Trinity Church (Grade II)
- Trinity Road Library (Grade II)
- Nos. 73 to 85 West Street and no. 2 Bragg’s Lane are considered to be unlisted buildings of merits (non-designated heritage assets) by the Old Market Character Appraisal (Conservation Area 16).

In addition, policy BCS22 states that: *“Development will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including historic buildings both nationally and locally listed... and conservation areas.”* Policy DM31 requires that *“proposals affecting locally important heritage assets should ensure they are conserved having regard to their significance and the degree of harm or loss of significance”*. It goes on to state that: *“Conserving heritage assets: Where a proposal would affect the significance of a heritage asset, including a locally listed heritage asset, or its wider historic setting, the applicant will be expected to:*

- *Demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and*
- *Demonstrate that the works proposed are the minimum required to secure the long term use of the asset; and*
- *Demonstrate how those features of a heritage asset that contribute to its historical, archaeological, social, artistic or architectural interest will be retained; and*
- *Demonstrate how the local character of the area will be respected.”*

The OMNP also includes relevant policy to assessing development’s impacts on heritage assets. Policy B1 expects proposals to pay special regard to heritage assets historic and visual interest, meaning development must:

- *Respect historic materials and fenestration design.*
- *Respect the historic building mass and character; the addition of unsympathetic structures will not be permitted.*
- *Maintain or introduce active ground floor uses where conversions involve ground floors facing onto a street.*
- *Respect historic plot boundaries.*

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Further, policy B2 of the OMNP supplements other Development Plan policies regarding urban design and heritage, in expecting new developments to respect the character and history of an area, the policy states:

*The design of new development must take account of the history and setting of the Old Market Quarter. New buildings should be designed to be sympathetic to the height and design of neighbouring buildings, street width and frontage lines. Development proposals should also have regard to the Old Market Quarter Design Code set out in Appendix 3.*

Further to this, there are also a range of design-related policies relevant to this development that all seek to achieve a high standard of urban design – Policies B1, BCS20, BCS21, DM26, DM27, DM28, DM29, DM30, BCAP30, BCAP31, BCAP34. In addition to these policies, is the UL SPD that includes relevant urban design-related guidance. Whilst the assessment of the proposal's impact on heritage assets is a key element of urban design, officers consider it necessary to focus only on the proposal's impact on heritage assets within this Key Issue, remaining urban design considerations will be assessed in the Key Issue C.

ii. Assessment of the Proposal's Impact on Heritage Assets

<i>Table 1 – Assessment of Harm to Heritage Assets</i>	
<i>Heritage Asset</i>	<i>Degree of Harm Posed by the Development</i>
Old Market Conservation Area	Less than substantial
Holy Trinity Church (Grade II*)	Less than substantial
Holy Trinity Vicarage (Grade II)	No material harm
Piers, Perimeter Walls and Railings to Holy Trinity Church (Grade II)	No material harm
Trinity Road Library (Grade II)	No material harm
Nos. 73 to 85 West Street and no. 2 Bragg's Lane (unlisted buildings of merit)	No material harm

Table 1 sets out the proposal's impact on relevant heritage assets. This is based on the comments of the Urban Design Team, as well as those of Historic England and the OMCA. Officers have also reviewed all relevant comments from amenity groups and members of the public. This assessment section will now explain how officers have reached the judgements set out in Table 1.

As the comments suggest, the most affected heritage assets are the Holy Trinity Church (also known as the Trinity Centre) and the Old Market Conservation Area.

#### *Conservation Area*

The Conservation Area Character Appraisal considers the site to fall within Character Area 2, albeit the Design and Access Statement submitted with the application suggests the site sits at transition of Character Area 1 and 2, which to a degree it does, meaning the development does need to effectively mediate these character areas. Nevertheless, the Appraisal considers the site to be in Character Area 2, an area that contains a mix of warehouse-type buildings, residential buildings, public buildings, open spaces and undeveloped land. The Appraisal warns against the loss of the historic grain through large scale residential development, and highlights the importance of remaining pennant stone walls. The Appraisal considers the existing Police Station to be 'Negative Building', meaning there is good opportunity for the redevelopment of this site to contribute positively to special character of the Conservation Area. Historic England suggest that

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Blocks A and C could better interpret the character and appearance of the Conservation Area, to deliver a positive impact on the historic environment.

Braggs Lane is characterised by narrow single lane road (with on-street parking), which is mostly bordered by a diverse range of buildings. Toward Gloucester Lane, more recent developments are evident, whereas immediately opposite the site, existing development is more historic, most of which are non-designated buildings of merit. Block A's proposed 4.5 storey scale is amplified when considering most of the buildings in Braggs Lane are 4 storeys tall, especially the 2 storey buildings directly opposite the site. As per the OMCA's comments, a 4 storey height may be more appropriate for Block A and in-keeping with the OMNP Design Code, but as buildings in the street have varied heights, including a 5 storey building, officers advise the proposed 4.5 storey scale is in-keeping with the character of Braggs Lane, especially given the sensitive design of the final floor of accommodation. The four storey wing of Block A that extends to the rear and addresses Brick Street and George Jones Park has an acceptable design.

Existing development is less common on Trinity Road, where the listed Trinity Church is the dominant feature. Trinity Road is verdant, with Lawfords Gate Park, street trees, and gardens separating and in some cases screening built form. Further to the north, the listed Old Library and Old Vicarage have a consistent 2.5 storey form, albeit the proposal is suitably distant from these heritage assets, and the 3 storey blocks of flats in Trinity Walk are separated from Trinity Road by Lawfords Gate Park. Block C is adjacent to Trinity Road and has a 4.5 storey scale, which officers consider to be appropriate for this setting. Further, the retention of the large street tree at the junction of Braggs Lane and Trinity Road would soften the development's corner, and maintain the verdant setting, as does the retention of the street tree at the junction with Trinity Road and Trinity Walk.

Blocks A and C are bridged at the junction on Braggs Lane and Trinity Road by an arched gate structure, which together with the commercial unit and proposed public art will activate this corner, enhancing the setting of the Conservation Area. The proposed palette of materials is informed by the dominant character of the area, and the elevational expression of Blocks A and C suitably disaggregates the development's urban grain that is courser than some neighbouring developments, such as those in West Street. Overall, officers advise Blocks A and C responds positively to the existing context.

Turning to Block B, officers advise its scale is out of character with adjacent development, such as the block of flats within Trinity Walk, which are neutral buildings within the Conservation Area. As is explained in Key Issue C iv, officers consider Block B to not meet relevant urban design policies in relation to height and scale. However, officers advise this harm is not in relation to the Conservation Area, as Block B is relatively well-contained within the site. Block B's proposed palette of materials is informed by the prevailing textural and tonal character of the sites immediate context.

The OMNP's site-specific guidance expects the retention of the existing stone walls to Trinity Lane, Braggs Lane and George Jones Park, which do contribute positively to the significance of the Conservation Area. The proposal retains the wall in George Jones Park in its entirety, partially removes sections to provide access and allow development on Trinity Walk, and proposes the total loss of the wall on Braggs Lane. As per the Urban Design Team's comments, the areas of wall being removed allows for the redevelopment of the site, and significant areas of the wall remain, thereby forming suitable justification and maintaining this feature of the Conservation Area to a satisfactory level. Nevertheless, the works to the walls represents a less than substantial level of harm to the Conservation Area. Conditions are recommended to require a demolition plan, and importantly an incorporation plan to demonstrate how the existing stone from the walls will be incorporated into the development.

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The proposed bollards on Trinity Road would result in some limited harm to the Conservation Area. The level of harm is minimal given street furniture is unavoidable for any road, and the harm can be further reduced by securing the most appropriate bollard design by condition. The harm is justified because of counter terrorism measures, and this is accepted. The harm is of a less than substantial scale. The bollards would not materially harm the setting of the listed Holy Trinity Church.

Although there is some identified harm to the Conservation Area, which is contrary to policies BCS22, DM26, DM31, and B1, officers advise that the proposal represents a material improvement in visual appearance when compared to the existing Police Station, and hence overall the development does enhance the Conservation Area.

*Holy Trinity Church*

Trinity Church is designated as Grade II\* listed building, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The NPPF defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'. The Church also has a group value with the Old Vicarage and Old St Philip's Library (both Grade II) to the north and most prominent from the easterly approach along West Street, flanked by a mix of good 18th and 19th century shops and houses. Officers agree with Historic England, that the Church's immediate setting is compromised by the traffic junction, the austere architecture of the Police Station, and mid-20<sup>th</sup> century development to the east and south. Historic England has concerns as to the scale and mass of Block C, suggesting it would challenge the primacy of the Grade II\* Listed Church. They advise the impact could be mitigated by better articulating the massing of the block and activating the ground floor element and public realm. Historic England advises the LPA that when considering the issues and safeguards in their advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 206 of the NPPF.

However, with regard to Block C's impact on the setting of the Church, officers advise that the Church's primacy and setting would remain unharmed and the removal of the Police Station with a suitable replacement represents a benefit to the Conservation Area, as expected by paragraph 206 of the NPPF. There is a sizeable gap between the Block C's proposed elevation facing Trinity Road and the Church itself (in excess of 28 metres). Further, both the proposed and existing buildings have physical setting either side of the road, in the form of the pavement in the case of the proposal, and the car parking area set behind the listed wall and railings for the Church. The intervening distance between the proposal and the Church, combined with the appropriate scale of the development, mostly 4.5 storeys, provides confidence that the development will not reduce the perceived primacy of the Church. In response to Historic England's concerns, the elevation is broken up vertically into four main elements, and the ground floor does include active elements, predominantly in the form of the police station, but also via the two large arched shopfront windows that serve the commercial unit. The submitted Heritage Assessment is correct in its conclusion that key views to the Church, as identified in the Conservation Area Appraisal, facing the Church across the junction of Braggs Lane, Trinity Road, and West Street, will be preserved.

Officers do however hold concerns about the loss of views along Bragg's Lane to the spires of the Church, due to the scale of development on Bragg's Lane. Whilst regrettable, the lesser significance of these views as identified in the Heritage Assessment is accepted. Specifically, these views were established after the Church's construction, given previous extensive development at Bragg's Lane and Brick Street. This impact will reduce the visibility of a wayfinding landmark in the Conservation

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Area, albeit officers do realise this view is not safeguarded or highlighted in the Conservation Area Appraisal. Whilst this outcome is a negative, it is not considered to outweigh the benefits of replacing the existing police building with a higher quality more contextually responsive design. Further, the scale and massing of Block A, which results in the loss of the views of the spires, represents the desired urban design response more closely in-line with the prevailing heights in the area. When considering the scale of this harm, officers suggest it is less than substantial. Overall, officers have seriously considered Historic England's advice concerning the setting of the Church, but advise that the only material harm to the heritage asset will result from Block B obscuring views of the Church's turrets from Bragg's Lane, which is contrary to policies BCS22, DM26, DM31, and B1.

The development will not materially harm the setting of the Grade II listed Piers, Perimeter Walls and Railings to Holy Trinity Church.

*Holy Trinity Vicarage (Grade II), and Trinity Road Library (Grade II)*

The proposal will impact the setting of these listed buildings, as when travelling in either direction of Trinity Road, it is likely the proposal and these assets will be viewed collectively. However, the proposal's impact on these listed buildings has not been identified as harmful by Historic England or the Urban Design Team. Officers advise that the proposal will not materially harm the significance of these listed buildings.

*Nos. 73 to 85 West Street and no. 2 Bragg's Lane (unlisted buildings of merit)*

The proposal would represent an amplified building when compared to the heights of these buildings, but as indicated on the submitted site section plans, the perception of the difference in height will be marginal. The development is therefore not expected to visually overbear these buildings. Further, the material choice and elevation expression of Block A is largely in-keeping with the character of the street, and will not detract from these unlisted buildings of merit. Overall, officers advise that the proposal will not materially harm the setting of these non-designated heritage assets.

## iii. Archaeology

The submitted Heritage Statement identifies that an archaeological watching brief will be needed as there is a potential for remains from the former Police Station. The Urban Design Team agree with these conclusions, and as such a watching brief is recommended to be secured by condition.

## iv. Identified Harm to Heritage Assets vs. Public Benefits

Officers advise that Block A's height and mass will obscure views of the Grade II\* listed Holy Trinity Church, officers have identified this harm to represent a less than substantial scale. Further, the various works to the site's stone walls will represent less than substantial harm to the Conservation Area. Finally, the proposed bollards on Trinity Road would also represent less than substantial harm to the Conservation Area.

In accordance with paragraph 199 of the NPPF, great weight must be applied to the conservation of the Holy Trinity Church and the Conservation Area, as per their importance. Paragraph 202 of the NPPF sets out the procedure for where a development will lead to less than substantial harm to the significance of a designated heritage asset, specifically this harm should be weighed against the

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public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 200 of the NPPF is also material, as it requires decision-makers to require clear and convincing justification for any harm to the significance of a designated heritage asset.

The proposal will obscure views of the Church's turrets, for which clear and convincing justification has been provided, accepted, and discussed within this Key Issue. Similarly, officers advise there is clear and convincing justification for the demolition of limited sections of the stone boundary, and the proposed bollards. Public benefits will flow from this development, including social and economic benefits associated with the provision of 104no. new homes, including the affordable homes that will be secured by s106 Agreement. In addition, the proposal would deliver social benefits to the area through the retention of a police facility in improved facilities. The flexible commercial unit would also deliver economic and social benefits to the area, through employment, business rates and customers purchasing goods or services, for example. The development will also improve the cycling infrastructure on Bragg's Lane, which represents social and environmental benefits. Environmental benefits would result from the proposal's biodiversity impact, and the proposal represents an effective reuse of brownfield land. Further, the Urban Design Team has highlighted the improvement the proposal would represent to the Conservation Area, including the quality of architecture, which represents an additional environmental benefit. Short term economic benefits would flow through the development's construction phase, as would financial benefits in the form of the community infrastructure levy.

Accordingly, officers have weighed the identified public benefits that would flow from this development against the less than substantial harm to the identified designated heritage assets. In undertaking this balancing exercise, officers have attributed considerable importance and weight to the protection of the affected heritage assets, and this has been weighed against the identified public benefits. In this circumstance, officers consider this to be an exceptional case, where the presumption against planning permission being granted has been overridden in favour of the development which is desirable on the ground of the discussed public benefits. As such, and as required by paragraph 202 of the NPPF, the public benefits that would flow from this development are considered to materially outweigh the significant harm that this development would represent to the affected heritage assets.

#### v. Summary

Officers advise that the public benefits that would flow from this development, would act to outweigh the less than substantial harm the proposals would represent to the identified designated heritage assets. The positive weight associated with this development, would also act to outweigh the harm associated with the limited elements of the proposal that fail to meet the expectations of policies BCS22, DM26, DM31, and B1.

### **(C) Urban Design and Residential Amenity for Future Occupiers**

#### i. Relevant Policy, Guidance and Material Considerations

Relevant planning urban design policies include: B2 'Beautiful New Buildings', C6, , BCS18 'Mix and Balance', BCS20 'Effective and Efficient Use of Land', BCS21 'Quality Urban Design', BCS22 'Conservation and the Historic Environment', BCS23 'Noise / Pollution', DM26 'Local Character and Distinctiveness', DM27 'Layout and Form', DM28 'Public Realm', DM29 'Design of New Buildings',



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DM31 'Heritage Assets', BCAP30 'Pedestrian Routes', DM35 'Noise / Pollution', BCAP34 'Coordinating major development in Bristol City Centre', and the UL SPD.

ii. UL SPD

The UL SPD includes questions regarding development quality that are designed for applicants, local authority planners and other stakeholders to use throughout the design development of a scheme. Accordingly, the UL SPD represents guidance as to how to assess developments against Development Plan policies. Officers will therefore consider the guidance (and questions) included within the UL SPD within this section as an aid to assess the quality of the development regarding relevant design policies.

iii. UL SPD Assessment – Part 1: Guidance for all major developments - City

Question 1.1 asks if the scheme adopts an approach to urban intensification which is broadly consistent with its setting.

Overall, the development does represent a suitable approach to realising the effective and efficient use of this site, in a manner that is broadly consistent with its setting. The OMCA suggests the proposal's density is 297dph, which they advise is too high and above the optimal density advised in the UL SPD of 200dph. Officers advise that a more accurate density calculation is 208dph, which is broadly in accordance with the optimal density for this area. Officer's density figure is different to the OMCA's, as officers have followed the density method advocated in the UL SPD for mixed use developments in city blocks: Maccreanor Lavington method. The UL SPD defines optimal density in new development as a balance between the efficient and effective use of land, with aspirations for a positive response to context, successful placemaking and liveability, which is consistent with policy BCS20. The development is of a density that makes an efficient use of the site, the key assessments which follows concerns how the proposal responds to its context, its placemaking credentials, and the quality of living it would provide.

iv. UL SPD Assessment – Part 1: Guidance for all major developments - Neighbourhood

Question 1.2 considers a development's impacts on the neighbourhood and asks if a development would contribute positively towards creating a vibrant and equitable neighbourhood. As Key Issue E explains, the proposed use would contribute positively towards the mix of housing options in the area, and the additional homes attract significant weight in the planning balance. The Housing Enabling Team highlights the positive impact the much needed affordable homes will provide to Bristol. The proposal includes vertical mixing of compatible uses, and the commercial use has a flexible use, that could be a complementary use where people can meet each other. The Pollution Control Teams also advises the proposal should not prejudice the ongoing viability of the Trinity Centre.

Question 1.3 asks if the scheme responds positively to either the existing context, or in areas undergoing significant change, an emerging context. Figure 3 of the UL SPD suggest the site is within an area identified as having a dominant townscape character and high intensity usage, where there is modest potential for infill on small sites through amongst other forms development, new build and infill development. The development is broadly in line with these expectations, it represents a new build development with a high intensity use that respects the dominant townscape character. Officers understand the concerns of interested parties, including statutory consultees such as the OMCA,

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relating to the scale of Blocks A and C, but advise their heights and scales are policy compliant, as per the discussion in Key Issue B.

Block B is within the courtyard and addresses Trinity Walk, it is the less visually prominent part for the site and is more 'backland' in character. The predominant scale and height in the immediate area are the blocks of flats within Trinity Walk, all of which have a 3 storey scale with continuous pitched roofs. The proposal has a 5.5 storey scale elevation facing Trinity Walk, and 5 storeys within the courtyard. This is an amplified height when compared to other development in Trinity Walk. Policy DM26 advises that backland development should be subservient to frontage development, which Block B is not. It also does not meet the OMNP Design Code, which forms guidance when considering policy B2, as well as policy C6. A 3 to 4 storey scale would be more appropriate. In the Applicant's Planning Agent's view, the area has varied heights, which through a questionable interpretation of the UL SPD justifies Block B's height, this assessment is not sound. Although officers recognise the Applicant has reduced the scale of Block B on Trinity Walk in response to officers' requests, there is limited justification for the proposed scale of Block B, other than the aspiration to deliver homes. The Urban Design Team agrees with this assessment. The Applicant suggests removing further storeys of accommodation from Block B would render the development unviable. Members are advised the height of Block B weighs against the development, as it does not represent high quality urban design consistent with planning policy.

v. UL SPD Assessment – Part 1: Guidance for all major developments - Block and Street

Question 1.4 concerns how buildings relate to streets, asking if a scheme would provide people-friendly streets and spaces. The proposal includes works in the highway in relation to cycle and footpaths, which are acceptable. The proposed bollards are unfortunate in urban design terms, but necessary for the purposes of counter terrorism. The proposal activates the junction with Braggs Lane and Trinity Road with an active frontage, the retention of the street tree is also a positive aspect of the development. The scale and massing of the proposal would not overbear public spaces.

Question 1.5 asks if proposal would deliver a comfortable micro-climate for its occupants, neighbours and passers-by. Subsection viii of this Key Issue discusses this further, as does Key Issue E. The proposal would not overbear the park and more generally, the proposal would not create an unacceptable environment for neighbours or passers-by.

Key Issue G is relevant to Question 1.6, which concerns access, car parking and servicing, including cycle parking. The development is predominantly car-free meaning the question is not relevant in parts. The quality of cycle parking has been questioned by TDM, this is discussed in Key Issue G.

vi. UL SPD Assessment – Part 2: Guidance for all major developments - Shared Access and Internal Spaces

Question 2.1 concerns how attractive and welcoming development's accesses. Question 2.2 asks whether schemes will provide internal spaces that are convivial, comfortable and user-friendly.

Officers support direct access at the ground floor level from the public realm, which is proposed for the Police facility, the commercial unit, Block B's basement ancillary area, and two flats within Block A. The general approach to accessing the flats is via the courtyard, which includes the main core accesses. The courtyard has an exciting landscape scheme, including dwell spaces, which is likely to foster a sense of conviviality. Apart from Block A, the cores generally serve no more than 4 to 5 flats,

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which is supported by the UL SPD. Block A has a core serving 8 flats, the UL SPD advises a core should serve 6 flats, this is a downside to the development, especially as unlike other cores it does not benefit from natural light. The Applicant has advised that it is likely that Royal Mail will have access into the courtyard, which will provide access to post boxes either in entrance lobbies or directly to apartments. Parcels or other delivery services will use an intercom system to call individual apartments.

vii. UL SPD Assessment – Part 2: Guidance for all major developments - Outdoor Spaces

Questions 2.3 and 2.4 concern outdoor space, and whether it's sufficient in size and quality.

Question 2.5 concerns children's play.

The proposal includes dedicated children's play space in the north western corner of the site, adjacent to and under a number of trees. Officers do agree with the OMCA that the play area would be better located in the courtyard, but the other pressures on the courtyard prevent this. The location of the play space in relation to existing and future neighbours has been considered in relation to noise, and deemed acceptable, especially when considering similar noise could be generated from the use of the adjacent park. The Design and Access Statement suggests the play area is intended to reflect a natural play theme and would comprise of informal imagination focussed timber play elements suited to children aged under 5, play provision for older children being provided off site, by existing facilities in the area. The UL SPD's child yield calculator estimates that 24 children would live at this development, 10sq.m of play space per child is recommended by the UL SPD, albeit off-site provision can mitigate this expectation in certain circumstances. 240sq.m of play space is expected by the UL SPD based on the Applicant's proposed tenure for a 100% affordable development. The play area is 107 sq.m, which falls short of this expectation.

The UL SPD's child yield calculator estimates 13 of the expected children at the site will be aged below 5, meaning the 107 sq.m of play space, which is aimed at this age group will likely provide an acceptable provision, especially when considering 45% of the flats have private balconies or gardens. There are also play facilities within a 200 metre walking distance from the site, at Newton Park, but this is in excess of the 100 metre walking distance advised in the UL SPD. For older children, there are a number of nearby open spaces that are predominantly green spaces without dedicated children's' play facilities.

The UL SPD advises that proposals should provide 5sq.m of private outdoor space for a 1-2 person unit and an extra 1sq.m for each additional occupant. The outdoor space should be provided as private balconies or gardens, or as communal gardens and roof terraces. Applying this guidance to the development, the proposal should provide 584sq.m of outdoor amenity space. The design has incorporated balconies wherever feasible, and officers acknowledge the potential is limited given balconies would not be appropriate on Trinity Road or Braggs Lane. 47 units have access to private or semi-private amenity spaces, which in total equates to approximately 458.8 sq.m of semi or private outdoor amenity space. The courtyard is suggested by the Open Space Assessment to include 817sq.m, whereas the useable open space within the courtyard that is not circulation space or defensible space is closer to 197sq.m (107sq.m play space + 90sq.m shaded garden). Accordingly, with a total of 655.5 sq.m of outdoor amenity space, the scheme meets the UL SPD expectations. The courtyard will not however benefit from BRE compliant sunlight levels due to the position of Block C and the height of Block B, and as per the OMCA's assessment, the courtyard could feel enclosed by the surrounding blocks, which does weigh against the application.

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## vi. UL SPD Assessment – Part 2: Guidance for all major developments - Individual Homes

Policy BCS18 expects residential development to provide sufficient space for everyday activities and enable flexibility and adaptability by meeting appropriate space standards. Policy BCS21 expects development to create a high quality environment for future occupiers while safeguarding existing surrounding development.

The Urban Living SPD sets out requirements for achieving good quality residential developments at higher densities. The questions associated with 'Individual Homes' in the UL SPD concerns:

- Question 2.6 - Whether the proposal's internal layouts are ergonomic and adaptable.
- Question 2.7 – Does the scheme safeguard privacy and minimise noise transfer between homes?
- Question 2.8 – Does the scheme maximise opportunities for natural illumination of internal spaces avoiding single aspect homes?

The development includes 3 wheelchair accessible units, meaning the development complies with policy DM4, which sets the principle development plan requirements for accessibility. These units are within Block C, at the northern side (units C.1.7, C.2.9, and C.3.9). Question 2.6 of the UL SPD recommends that 90 per cent of new build housing meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation M4(3) 'wheelchair user dwellings'. 2.8% of the homes will be M4(3) compliant, albeit the applicant has confirmed that 90% of the homes has been designed to be M4(2) compliant. The proposal meets the principle policy requirement (Policy DM4), but falls short of the guidance issued within the UL SPD in relation to M4(3) provision. Whilst this is disappointing, Members will be aware of the emerging policies in this regard which will address this discrepancy in time. Further, the Housing Enabling Team views the proposal's accessibility offer positively, advising the 3 X 2B4P M4(3) compliant units will represent a welcome addition to the present housing stock. A single car parking space for disabled people is provided, which meets the policy expectations set out in Appendix 2 of the Site Allocations and Development Management Plan. Officers raise no objection to accessibility and this development, and consider that the officers have suitably discharged the Local Planning Authority's duty under the Equalities Act 2010 to not discriminate when exercising its public function.

As per the expectations of Question 2.7, the proposal's layout generally has similar rooms on party walls to minimise noise transfer. Further, the window-to-window distances within the development are acceptable, there are some tighter distances between Blocks A and B, but these views are mostly at an angle that would obscure direct lines of sight, thereby minimising overlooking.

Approximately 71% of the homes will be dual aspect, benefiting from adequate levels of light and providing an alternative aspect to nearby noise-making uses, such as the Trinity Centre. Officers agree with the OMCA that it is disappointing that Block A houses most of the single aspect units (52%), especially given the constraint to the south of existing built form. Officers have attempted to negotiate on this matter, and since pre-application discussions, this element has improved, but this is not a reason to refuse the application, especially noting the overall number of dual aspect dwellings proposed.

## viii. UL SPD Assessment – Part 3: Guidance for tall buildings – Visual Quality

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The proposal does not represent a tall building when considering the UL SPD's guidance.

ix. Daylight and Sunlight

For the purpose of this section, the UL SPD defines following daylight tests as follow:

- Annual Daylight Factor (ADF) - A room with an ADF of 2% is 'partly day lit', a room with greater than 5% ADF is 'well day lit'. However over 6% can result in glare concerns and problems with over heating during the summer months.
- Vertical Sky Component (VSC) - VSC is a 'spot' measure of skylight reaching the mid-point of a window from an overcast sky.
- No-Sky Line (NSL) - The point at which working plane sees the sky. Areas beyond NSL tend to look gloomy irrespective of external brightness.

The rooms within the ground floor flats in Block A facing Braggs Lane would mostly fail the relevant daylight targets. The desired urban design response for this site is to have built form along Braggs Lane, in line with the proposal. Further, the Daylight and Sunlight Report is correct in suggesting the poor daylight results are due to the existing buildings on the other side of Braggs Lane. As such, officers accept these failures, especially as most of these flats are dual aspect with access to private amenity spaces and rooms often benefiting from good sunlight levels. A number of first floor flats would fail the daylight tests, some of which are north-facing and single aspect (explicitly warned against in policy), officers agree with the OMCA's comments, that this floor would benefit from including more dual aspect flats. Officers understand the Applicant has not amended the design in this respect, as it would result in a reduction of the overall number of units. A small number of second floor flats would not meet the daylight targets, and the remaining floors largely meet their targets, albeit a concerning number of living rooms would not meet the ADF target, but it is acknowledged that they would generally meet the other daylight targets, including sunlight indicators. Most flats meet the relevant daylight and sunlight targets in Block B.

The density and layout of the development is seen in the Daylight and Sunlight assessment for the courtyard-facing rooms in Block C. Specifically, the majority of Level 01 units in this block do not meet the BRE ADF target, but do meet the other BRE daylight targets e.g. VSC and NSL. Level 02 has a similar daylight and sunlight assessment results as Level 01, albeit most rooms pass BRE daylight targets (VSC and NSL).

Taking the constraints the site faces into account, the desired urban design response, and the need to optimise densities of brownfield sites, officers accept that not all flats meet the BRE targets for daylight.

x. Public Art

The Council's Public Art Officer supports the submitted public art plan that focuses on the corner of the development at the junction of Braggs Lane and Trinity Road. Relevant conditions are recommended to secure this benefit.

xi. Public Realm, Landscape, Green Infrastructure

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Policies BCS9, DM29 and BCAP25 expect developments to incorporate new and/or enhances green infrastructure of an appropriate type, standard and size, which is delivered via the proposal's landscaping scheme.

**xii. Crime Reduction**

Officers have reviewed the Crime Reduction Adviser's concerns, some of which refer to matters controlled by non-planning legislation. Most of the matters raised can be addressed by a planning condition to require the submission of a security plan, which is in accordance with the Crime Reduction Advisor's advice. The security plan will predominantly identify how access to the development and its communal areas will be controlled, as well including other measures to reduce the change of crime and anti-social behaviour. Further, we understand some of the ground floor rooms on Braggs Lane have no defensible space, but this relates to only four rooms within the whole development, and is not an uncommon relationship on Braggs Lane. The windows for the residential units facing Trinity Road and the Trinity Centre are on the first floor. The Crime Prevention Advisor has requested that a condition of any permission requires the development to obtain Secured by Design certification. Such a condition would be unreasonable in this case, as the certification it is not necessary to demonstrate compliance with any development plan policy. The development is outward facing and would improve surveillance in the area, which in turn would likely increase the sense of security for those in the adjacent public realm. Officers are also aware that the retention of a police facility of Trinity Road will also support the reduction of crime, as well as the fear of it, within the local area. Subject to the condition discussed within this section, officers recommend that the development meets relevant policy expectations concerning crime and anti-social behaviour (policy DM27 and DM28).

The Counter Terrorism Security Adviser from Counter Terrorism Policing (South West) has commented on the application, making a number of recommendations and observations, most of which have been incorporated into the development. Most notably, the proposal includes hostile vehicle mitigation in the form of bollards to the front of the police facility on Trinity Road. The Applicant has advised that this is necessary in the interests of protecting the police facility, and pedestrians and cyclists directly outside of it, from hostile vehicles. This assertion has been supported by the Counter Terrorism Security Adviser's comments. In urban design terms, the bollards represent further street clutter that does detract from the visual amenity of the area, albeit by a minor degree. Given the established need for the bollards combined with the public benefits the police facility represents, officers advise this is not a reason to resist the application on these grounds. Further details of the bollards will be required by condition to help further mitigate their appearance.

**xiii. Summary**

Block B's height pushes the limits of what the site can take, and visually is too tall, which weighs against the development in relation to policies B2, C2, BCS21, DM26, and DM31. Block A does include a high proportion of single aspect units, which is compounded by poor daylight results for some of them. Further, the quality of amenity space offered by the courtyard is also compromised. Generally, these urban design concerns are caused or worsened by the volume of the development proposed. However, officers recommend most of the homes would benefit from good living environments, and it is to a degree unavoidable to develop sites like this without some urban design /living compromises needing to be made. Further, Blocks A and C have acceptable designs in terms of height, scale, expression, materiality, and general appearance that would suitably respect the character of the area. The negative aspects of the proposal's design should be weighed against approving the application in the planning balance.

**(D) Impact on The Trinity Centre as a Music Venue**

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The Trinity Centre is operated by Trinity Community Arts Ltd, and represents a significant cultural and community venue. The nature and number of public comments received in relation to this application concerning the Trinity Centre demonstrate its importance to Bristol and the wider region. The Trinity Community Arts Ltd's comments reports that the Trinity Centre hosts over 100 gigs and club nights per annum attracting a music audience of over 35,000 people, including regular sound system nights, licensed until 6am, (Fri and Sat). In October to December they advise events take place 4-5 nights a week, and they have also increased their outdoor events in response to COVID19, as is evident in the pending planning application at the site (ref. 21/05771/F). The Trinity Centre has two licences, which are summarised below.

1. Main licence – this allows for music entertainment and sale of alcohol till 2 am Sunday to Thursdays and 6 am on Friday and Saturdays. There are no noise limits on the licence but they have to carry out regular observations at nearby residential properties to ensure that music does not cause disturbance to residents. This licence also allows for 6 large (over 500 people) outdoor events a year. These must finish by 9 pm.
2. Stretch Tent licence – granted earlier this year, this allows for music entertainment outside in the stretch tent between March & September, for up to 500 people between 2 pm and 11 pm. This is exempt from any licence controls but under the stretch tent's current planning application (ref. 21/05771/F), we are looking to restrict entertainment to 30 days a year. Finishing at 21.30 on 25 of those days and at 22.30 for 5 days.

Comments received from members of the public suggest there is a dearth of such music venues in Bristol. In short, the Trinity Centre, members of the public, and other interested parties including the Music Venue Trust and the OMCA, are concerned that locating a residential development near the Trinity Centre will prejudice their ability to operate as a music venue, and result in flats with poor living standards due to noise from music events. There are also criticisms of the mitigation proposed to limit noise levels within the flats. These are valid concerns, which planning policy requires decision takers to address.

- i. Relevant Planning Policy and Guidance

Planning policy is explicit in expecting development to deliver high-quality environments for future occupiers (BCS21, DM27, and DM29). The Development Plan also expects the location and design of new developments to consider existing sources of noise, including the impact of new development on the viability of existing uses by reason of its sensitivity to noise or other pollution (policy BCS23). Policy DM33 reinforces policy BCS23, stating that:

*“In areas of existing noise or other types of pollution, new development sensitive to the effects of that pollution is unlikely to be permitted where the presence of that sensitive development could threaten the ongoing viability of existing uses that are considered desirable for reasons of economic or wider social need, such as safeguarded industrial uses, through the imposition of undue operational constraints.”*

Policy DM35 adds further expectations for noise-sensitive development, highlighting the need for such developments to provide an appropriate scheme of mitigation to ensure adequate levels of amenity for

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future occupiers of the proposed development where they are likely to be affected by existing sources of noise. In assessing such a scheme of mitigation, policy DM35 expects account to be taken of:

- i. *The location, design and layout of the proposed development; and*
- ii. *Measures to reduce noise within the development to acceptable levels, including external areas where possible; and*
- iii. *The need to maintain adequate levels of natural light and ventilation to habitable areas of the development.*

Finally, policy DM35 advises that proposals should not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design.

National planning guidance in the form of the NPPF and PPG are consistent with the policy expectations set out above. Specifically, paragraph 187 of the NPPF states:

*“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*

From the PPG, paragraphs 009 (ref. ID: 30-009-20190722), 010 (ref. ID: 30-010-20190722), and 011 (ref. ID: 30-011-20190722) are all relevant to this application and the understanding of paragraph 187 of the NPPF.

Accordingly, as the Agent of Change, the onus is solely on the Applicant to demonstrate the proposal will meet the policy and guidance expectations set out above. The Applicant must evidence the following in respect of noise from the Trinity Centre:

- The development will provide an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers; and
- The development will not threaten the ongoing viability of the Trinity Centre through the imposition of undue operational constraints.

ii. Assessment

The application has been supported by two noise assessments and an addendum, which considers the music events the Trinity Centre are permitted to carry out, including both indoor and outdoor events. The Council’s Pollution Control Team has assessed the submitted noise assessments and the development, and raises no objection to the development, subject to conditions. To understand what mitigation is required, the Applicant’s noise consultant (MACH) undertook noise measurements of the Trinity Centre. The requirement to demonstrate that successful noise levels will be achieved within habitable rooms of the proposed development is set out in policy DM35’s explanatory text, which expects such rooms to achieve a Noise Rating Curve NR20. This noise level is specifically set where the source of noise is amplified music, such as a club.

In accordance with policy DM35 i, the proposal’s layout forms part of the mitigation. Specifically, the closest affected proposed homes within the development (Block C) are dual aspect and have no



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bedrooms facing the Trinity Centre, apart from a limited number of bedrooms in the very ends of Block C, where alternative bedroom windows facing away from the Trinity Centre are available. There are also three bedroom windows facing the Trinity Centre in Block A's eastern elevation (A.2.1, A.3.1, and A.4.1), albeit officers recognise these windows are a further 19 metres away from the Trinity Centre when compared to the Trinity Road elevation of Block C. The Pollution Control Team also advises that the position of Block C on Trinity Road provides good acoustic screening, for the rest of the development.

As per the expectations of policy DM35 ii, measures to reduce noise within the development to acceptable levels, including external areas where possible, have been proposed. Specifically, the Pollution Control Officer advises that all flats will require a high level of façade insulation (walls and windows) to meet recommended internal noise levels (NR20). In terms of external areas of the development, the Pollution Control Team advises that as most balconies and outdoor spaces face the courtyard, they will be at or below the recommended acceptable noise limit of 55 dBA for outdoor areas when a music event is being held.

Policy DM35 iii recommends that noise mitigation schemes should still allow for adequate levels of natural light and ventilation to habitable areas of the development. As the mitigation is reliant on windows being shut, mechanical ventilation is proposed, which officers advise will ensure that residents have a comfortable environment. The noise mitigation has no impact on levels of natural light.

Officers recommend that the proposed noise mitigation measures represent an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers. The development has therefore offered sufficient evidence to demonstrate that, provided these measures are implemented and maintained as such thereafter, the proposal would not threaten the ongoing viability of the Trinity Centre through the imposition of undue operational constraints.

Members should be aware that the mitigation measures have been questioned. Specifically, in a comment made on behalf of the Trinity Centre (prior to the revisions to Block C or the latest noise report), their Planning Consultant suggests this form of mitigation is unacceptable, as it relies on third parties (the future residents) to instigate the mitigation measures (to shut the windows). Officers disagree with this opinion, it is commonplace to rely on future residents to open or shut windows in response to environmental conditions, including noise. Indeed, this has been the approach utilised by the Council for similar proposals, for example a development on Victoria Street affecting the Fleece (see the Pollution Control Team's comments).

Further, an appeal decision on Victoria Street in relation to the Fleece (ref. APP/Z0116/W/15/3002843), considered this approach to mitigation. The Inspector raised no objection to noise mitigation that is reliant on future residents closing their windows when the impacted venue holds music events, and when doing so relying on alternative ventilation systems to ensure an acceptable living environment. Officers realise the Trinity Centre's Planning Agent referenced two appeal decisions in support of their position, and whilst material, they are not directly comparable to this development and do not dissuade officers from supporting the proposed mitigation.

Officers have also considered the number of music events held by the Trinity Centre, and whether this would undermine the quality of living space provided due to residents often having to shut their living rooms windows. The Trinity Centre hosts over 100 gigs and club nights per annum and is licensed for music entertainment until 2 am Sunday to Thursdays, and 6 am on Friday and Saturdays. Outdoor events can also be held. The Pollution Control Teams has advised:

*"Whilst there is no restriction on the number of events that the Trinity Centre can have a week, from discussions with the centre it would appear that a reasonable worst case scenario, particularly during February, March, October & November, the Trinity Centre would be an average 3 or 4 gigs during the*

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*week (finishing by 11 pm) and 2 late night club nights on a Friday and Saturday. There will therefore be a greater amount of time a week when there will be no music from the Trinity Centre when residents could have windows open or use balconies without any noise concerns”.*

Although music events do occur in the day, most of the music events start in the evening and go on into the night/early morning. The imposition of having to have the windows shut in the living rooms is not unreasonable and would not result in an unacceptable living environment. The dual aspect nature of the flats also provides residents with a quieter aspect for natural ventilation. Specifically, the Pollution Control Team advises courtyard-facing windows could be opened during music events:

*“...it would be unlikely that windows other than those facing into the courtyard could be reasonably opened when night time music events would be held at the Trinity Centre. There are however a number of variables here, including the assessment is based on a loud event, different events having different noise levels and different residents having different tolerances.”*

It is also material to consider paragraph 009 (ref. ID:30-009-20190722) of the PPG, where it acknowledges that whilst the Agent of Change must provide mitigation to address any significant adverse effects that are identified, it may not prevent all complaints from new residents about noise. However, the paragraph goes on to state that suitable mitigation can help to achieve a satisfactory living environment, and importantly *“...help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring)”*. The development's mitigation is therefore compliant with relevant PPG guidance. It is also implicit in this paragraph of the PPG, that relying on future residents to shut windows when the noise is occurring is not unreasonable.

The proposed mitigation measures are also in-keeping with paragraph 011 (ref. ID:30-011-20190722) of the PPG, that suggests *that “noise impacts may be partially offset if residents have access to one or more of:*

- *a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling;*
- *a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced if this area is exposed to noise levels that result in significant adverse effects;*
- *a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings; and/or*
- *a relatively quiet, protected, external publically accessible amenity space (e.g. a public park or a local green space designated because of its tranquillity) that is nearby (e.g. within a 5 minute walking distance)”.*

For example, the Pollution Control Team advises that most balconies and outdoor spaces will be at or below the recommended acceptable noise limit of 55 dBA for outdoor areas when a music event is being held. Further, whilst not designated for their tranquillity, there are four parks within 5 minutes waking distance of the site, some of which do provide quieter spaces, such as St Matthias Park.

In summary, the proposed noise mitigation measures are in accordance with policy DM33, DM35, paragraph 187 of the NPPF, and paragraph 010 (ref. ID: 30-010-20190722) of the PPG. As directed by policy and guidance, officers recommend condition(s) are imposed to require:

- Full details of the noise insulation measures for the residential accommodation including ventilation, in accordance with the recommendations detailed in the Noise Assessment submitted with the application. The implementation and retention thereafter of those noise insulation measures.

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- Full details of the information to be given to future occupants regarding the scheme of mitigation measures and the Trinity Centre.
- Prior to the occupation of the development, an assessment to demonstrate the effectiveness of the scheme of noise insulation measures.

## iii. Deed of Easement

Many members of the public and interested parties have suggested that if the application is approved, the developer should enter a deed of easement. A deed of easement is a legal mechanism that allows residents near venues to agree to a certain level of noise, protecting the venue from future noise complaints, in line with the agent of change principle. This is a relatively new tool to be used in planning control, and as such it is untested. There is limited guidance from Government in relation to using a deed of easement to remove or reduce the threat that noise sensitive developments pose to the ongoing viability of music venues. It is not a tool or mechanism advised within local plan policy, the NPPF or the PPG, albeit there is no explicit advice stating that LPAs should not require new noise sensitive developments to enter into such a legal agreement. At this point, it is important to advise that officers consider the proposal's noise mitigation measures to be sufficient to meet the relevant policies and guidance concerning residential amenity and the safeguarding of the Trinity Centre as a music venue. However, given the comments received from members of the public, and anticipated interest from Members, officers have discussed the use of a deed of easement below.

Two recent planning cases involving applications for residential developments next to the George Tavern in Stepney and the Ministry of Sound nightclub near the Elephant and Castle have highlighted that noise-making venues can be potentially afforded some protection against future nuisance claims through the planning process. In these latter two cases the LPA required, in addition to planning conditions on the residential permission, such as the provision of acoustic barriers and sealed glazing, an obligation for the developer to grant a deed of easement over the new development in favour of the venue for the right to continue to generate noise at pre-determined levels defined in the deed. Further, in relation to the Silverthorne Lane development in Bristol, the Secretary of State applied a condition requiring the developer to enter a unilateral deed of easement on behalf of occupiers of the residential development in favour of Motion Night Club. The underlying idea is the easement becomes binding on any owner/occupiers who purchases the residential units, which then excludes them from complaints of nuisance, provided that the venue continues to operate in accordance with the easement terms.

A deed of easement is not a silver bullet that can be relied on to justify a noise sensitive development near a music venue. Noise mitigation measures such as design, layout and noise insulation are still necessary. There are practical difficulties in using a deed of easement. Noise easements are private property rights between landowners that usually are not material in planning decisions. Significantly, the Council's Planning Enforcement Team would not be able to take enforcement action against a resident of a noise sensitive development subject to a relevant deed of easement if they made a complaint against a music venue. Further, the Licensing regime has its own rules, policy, and legislation concerning noise complaints, property interests are separate from the Council's function as a licensing authority. A deed of easement would also not prevent a resident subject to such an easement applying to the licensing authority for a review, albeit the easement could be considered as evidence in this process. In terms of this application, officers are not aware that the Applicant and the Trinity Centre have agreed the specific noise levels that the deed of easement would refer to, hence the eventual easement may not have the desired effect. It would also be unreasonable for any condition requiring a deed of easement to require agreement with the Trinity Centre, as they are a third party that would therefore have the potential to prevent the development. Finally, the validity of using deeds of easements in this way is yet to be tested in planning terms.

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Overall, officers advise the proposed mitigation is sufficient and will ensure future residents have an acceptable living environment, as such a condition requiring a deed of easement is not necessary to make the application acceptable. However, Members may reach a different decision in respect of whether a condition to require the Applicant to enter a deed of easement is necessary to make this application acceptable. Such a condition has been used by the Secretary of State, hence its use is now established. Further, whilst the Applicant has confirmed their preference is not to pursue a unilateral deed of easement, they have confirmed that should Members consider it appropriate, they would be willing to accept an appropriately worded condition.

## iv. Summary

Over the course of the application officers have requested further information to address several concerns in relation to how the proposal would provide acceptable living environments during music events held at the Trinity Centre. As the Agent of Change, the Applicant has acknowledged their responsibility to provide such information and has done so via three statements/reports concerning noise and mitigation. In addition, the layout of Block C has been amended, to ensure that largely all bedrooms face the courtyard, rather than the Trinity Centre.

In accordance with the Pollution Control Team's advice, officers recommend the proposed noise mitigation measures represent an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers. The development has therefore offered sufficient evidence to demonstrate that, provided these measures are implemented and maintained as such thereafter, the proposal would not threaten the ongoing viability of the Trinity Centre through the imposition of undue operational constraints. Conditions are recommended to ensure the adequate implementation of the noise mitigation measures.

**(E) Impact on Neighbouring Properties**

This Key Issue considers the proposal's impact on neighbouring properties in accordance with Development Plan policies, which require consideration to matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space (see policies BCS20, BCS21, DM27, and DM29).

## i. Daylight and Sunlight Impact

When considering daylight and sunlight, the PPG advises that all developments should maintain acceptable living standards, clarifying that in practice, this assessment "...will depend to some extent on the context for the development as well as its detailed design" (Para 007 ref. ID: 66-007-20190722). Paragraph 215(c) of the NPPF is material when assessing daylight and sunlight impacts resulting from housing developments that would help alleviate a shortage of land for meeting identified housing needs. Specifically, this paragraph advises decision-makers to take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. This is consistent with the Development Plan policy and the UL SPD, as both seek to ensure that existing and future occupiers are not prejudiced, while encouraging developments to make an efficient use of land. This guidance encourages a comparative context analysis, where daylight and sunlight targets need to be informed by comparative contextual analysis. Reference is also given to BRE guidance, Appendix F of the BRE guidance is referred to when understanding comparative context.

*Gloucester House:*

The results demonstrate that most of the windows facing the development will experience a reduction in the amount of available daylight they receive from the sky (VSC test). However, the NSL tests results, which measures the distribution of daylight within rooms by determining the area of the

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working plane which can and cannot receive a direct view of the sky, indicates that the reduction in daylight experienced from those windows would not be noticeable for residents. The exception to this is a bedroom on the first floor, as this room already suffers from compromised daylight due to the layout of the building, the proposal is therefore not the determining factor. Overall, the development's impact on daylight is acceptable.

The results demonstrate that 25 habitable-room windows fail the APSH (Annual Probable Sun Hours) tests, which equates to 12 flats. In each case, the impacted windows currently fail the APSH test due to the physical features of the building (balconies and decked access), which suggests those windows will experience a further reduction in sunlight. Given the existing situation, officers advise this impact is not unreasonable. The same windows also fail the WPSH tests, but most of these windows currently pass the WPSH test, meaning 12 flats that currently experience the advised amount of sunlight in winter will not if this development is approved. 2 other ground floor flat windows would suffer a reduction in daylight in the winter months, albeit in one of these flats, the affected room benefits from additional windows that meets the relevant sunlight targets. Overall, the proposal would result in reduction in the amount of winter sunlight currently experienced by Gloucester House, this partly expected given the low storey nature of the site, but mostly a result of the scale of the development.

*Somerset House, wing facing the development (Block A)*

Approximately 16 windows out of 30 fail the VSC test, however all the habitable rooms pass the NSL test, which means the proposal should not result in a noticeable difference in daylight. The proposal will also have a broadly acceptable impact on the levels of sunlight Somerset House currently benefits from. While approximately 5 windows are expected to experience a reduction in levels of sunlight, four of these windows are in rooms with additional windows that will benefit from acceptable levels of sunlight. The only window that does not benefit from additional windows to provide sunlight is a living room window, that while below the 25% target, is only by a small amount (1.7%). Overall, although the development will result in reductions to daylight and sunlight within Somerset House, the reduction is reasonable and is not a reason to refuse the application.

*Nos. 77 to 85 West Street and no. 2 Bragg's Lane (properties to the south)*

The application is supported by a Daylight and Sunlight Assessment Report, completed by Mach Group and dated 08.12.20. The scope of the assessment is acceptable in terms of the neighbouring existing development, as per Section 4.0 of the Report.

With regard to the proposal's impact on the quality of daylight received by neighbours, officers agree with the Mach Group's report that development will have a negligible impact on all windows at 3 Braggs lane and 1-46 Cabot Court. However, as per Mach Group's report, the windows of 77-85 West Street, 2 Braggs Lane, 1-22 Somerset House and 1-22 Gloucester House will see a reduction in daylight.

The development's expected urban design response necessitates a sizeable building on Braggs Lane, which in turn will impact the quality of daylight and sunlight experienced by neighbours on the opposite side of the street. Further, the existing building at the site does not follow the expected urban design response for the site, given its undersized scale, hence neighbouring buildings in Braggs Lane will therefore experience a reduction in daylight quality due to this development.

This is evident at no. 77 – 85 West Street where 9no. windows within the facing elevation will have a VSC less than 80% of its former value as a result of this development, meaning a NSL assessment was needed and undertaken within Mach Group's report. Of these affected windows, only 3 had an NSL value less than 0.8 times their former values, meaning only 3 windows would notice a reduction

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in daylight levels, which the report suggests to be negligible. All of the windows pass the sunlight tests (APSH and WPSH).

In no. 2 Braggs Lane, the majority of the windows facing the site will experience a noticeable reduction in daylight according to the VSC results in Mach Group's Report. However, all but 2 of those windows will achieve BRE compliant NSL results, which suggests the impact on daylight is on the whole acceptable. All of the windows will experience BRE compliant levels of sunlight.

*Summary*

The proposal would result in a minor loss of daylight to a number of flats within Gloucester House, which officers advise is reasonable given in each case the degree of impact is minor. 12 of the flats would experience a reduction in sunlight, most notably in winter. Whilst this is a negative aspect of the proposal, it does not represent a reason to refuse the application, which is in accordance with the Government's advice concerning daylight and sunlight assessments and potential housing developments.

Officers agree with the OMCA, that reducing the heights of Blocks A and B would reduce the proposal's impact on neighbours. However, policy and guidance advises a flexible approach is taken to applying daylight and sunlight assessments, where they would otherwise inhibit making efficient use of a site. Taking this into account, officers recommend that whilst the development attracts negative weight in terms of its relationship with some neighbouring properties, this is outweighed by nature of the housing the development would realise.

## ii. Privacy

When considering the proposal's impact on the privacy of neighbours, it is important to consider existing relationships in the area and to understand the character of the area, including its urban grain. Near the site, there are some tight window-to-window distances between neighbouring residential properties that are common in the city centre, especially in areas such as Old Market where street patterns are historic. Within the housing development immediately to the north of the site, there are window-to-window distances of approximately 10 metres between Gloucester House and Wessex House, and 16 metres between Somerset House and Gloucester House. To the south west of the site, residential development in Braggs Lane have intervening window-to-window distances of approximately 10.5 metres. The development has similar window-to-window distances with existing neighbouring developments:

- 11.5 metres between Block A's front elevation and nos. 77 to 85 West Street and no. 2 Braggs Lane;
- 12.44 metres between the rear elevation of Block A and the side wing of Somerset House;
- 16.6 metres between Block B's rear elevation and the closest wing of Gloucester House;
- 15 metres between Block C's side elevation and the closest wing of Gloucester House; and
- The intervening distances between the development and the neighbouring properties to the east and west (Cabot Court and the Trinity Centre) are in excess of approximately 40 metres and 29 metres respectively.

Most of these relationships are typical of the area and as such are acceptable, especially those where the windows overlook streets, such as on Braggs Lane and Trinity Walk between Gloucester House and Blocks B and C. Of more concern is the relationship between Block A's rear elevation and Somerset House's southern wing, largely as this elevation is currently private. To mitigate this, an angled window proposed for the bedrooms facing Somerset House, the remaining windows will be obscure glazed, and the balconies will have screens. Similarly, although a greater distance, a condition for balcony screens for units B.1.2, B.2.2, B.3.2, and B.4.2 is recommended as the

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intervening distance is approximately 16.2 metres, and generally balconies can cause a perception of overlooking.

iii. Outlook

The proposed development will reduce the existing outlook available to adjacent existing development (Somerset House, Gloucester House, nos. 77 to 85 West Street and no. 2 Bragg's Lane), predominantly as the existing site has a low-scale form of development, which is out-of-keeping with the predominant scale in the area. The neighbouring properties will however retain an acceptable level of outlook for a residential development in an urban area.

iv. Commercial Unit (Class E, F1 and F2)

The Commercial unit has a flexible use that could pose harm to neighbouring homes, mostly those proposed within this development, if appropriate conditions are not imposed, for example with regard to operating hours or noise. Such conditions are recommended in accordance with the advice from the Pollution Control Team.

v. Summary

Overall, officers recommend the proposal's impact on the residential amenity of neighbours is not a reason to refuse the development. There are challenging aspects of the proposal, predominantly resulting from the proposal's location, scale and massing combined with the existing tight urban grain, where neighbouring development is close to the site's edges. For the reasons discussed within this section, officers consider these impacts to on balance be acceptable.

**(F) Mixed and Balanced Communities (including Affordable Housing)**

i. Affordable Housing

The Planning Statement suggests the proposal will deliver 100% affordable housing, subject to funding. This will likely be delivered at the site, but for the purposes of the Local Planning Authority's recommendation, and eventual decision, the applicant has confirmed only 20% of the homes are offered to be secured as affordable housing by s106 Agreement. This is typical where a Register Provider advances a development. In terms of planning policy, the offer of only 20% affordable housing is acceptable, as whilst policy BCS17 expects 40% affordable housing, the 20% provision meets the expectations of the Council's Affordable Housing Practice Note, which has been confirmed by the Council's Housing Enabling Team. With regard to the 20 of the units proposed to be secured by s106 Agreement, 16 homes would be social rent tenure, including 6 X 1-bed units, 7 X 2-bed units, and 3 X 3-bed units (A.1.5, A.1.6, A.1.7, A.1.8, C.1.5, C.1.6, C.1.7, C.2.7, C.2.8, C.2.9, C.3.7, C.3.8, C.3.9, C.4.6, C.4.7, and C.4.8), and 5 homes would be shared ownership tenure, all of which are 1-bed units (C.1.3, C.1.4, C.2.6, C.2.3, C.4.5).

Overall, it must be recognised that although only 20% affordable housing will be secured via a s106 Agreement, the development is likely to provide 100% affordable housing. However, Members must recognise that when considering the benefits that would flow from the proposal's affordable housing offer, weight should only be attached to the 20% of the units that will be secured by s106 Agreement.

ii. Mixed and Balanced Communities

Policy BCS18 requires that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Policy C5 encourages proposals to be suitable for occupation by families, especially those which have at least three bedrooms. Further, policy BCAP3 expects new residential

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development to include a proportion of family sized homes, consisting of houses with two or more bedrooms or flats with three or more bedrooms and an element of usable outdoor amenity space. The policy directs decision-makers and developers alike to the existing housing profile of the area in order to define the proportion of family sized homes that should be sought. The table included below sets out the composition of accommodation in the Lower Super Output Area, as well as the proposed development.

<i>No. of Beds</i>	<i>LSOA%</i>	<i>Proposed %</i>
1	38.5	55.8
2	46	39
3	9.4	6.7
4+	5.2	0

The development's mix of accommodation cannot be considered to be policy compliant as the mix includes an undersupply of 3 bedroom + (family-sized) accommodation. Specifically, there is an oversupply of 1 bedroom units when compared to 3 bedroom units and the composition of the existing area. Nonetheless, the proposal does include family sized units, through 7nos. 3 bedroom flats with access to private gardens. Further, there are number of larger 2 bedroom units (2B4P) that will provide for families. Nevertheless, the proposed mix does not meet the expectations of policies BCS18, BCAP3 and C5. Against this however, officers are mindful of the Housing Enabling Team's comments should be considered. Specifically, they report WECA LHNA data for Bristol forecasts a need for an extra 5,947 1-bedroom affordable properties by 2040, and the Council's own data suggests a significant demand in the Inner East area, with 763 applications in the Lawrence Hill ward as of April 2021. The Housing Enabling Team also advise that the proposed 3-bedroom flats will help to provide family-sized homes and the creation of a mixed and balanced community. Accordingly officers advise that the identified need for housing outweighs the expectations of policies BCS18, BCAP3 and C5.

iii. Summary

Overall, officers advise the mix of development proposed will help meet identified housing needs, to which significant weight should be attributed.

### **(G) Highway Safety and Transportation**

i Principle

In principle, residential development in this area is acceptable, and the police station use is established. The buildings are on the edge of a predominantly residential area. The area is relatively accessible and within walking distance to the City Centre and other local facilities.

ii Car Parking

Two car parking spaces are proposed within the basement to Block B, which has direct access from Trinity Walk. One space is proposed to be car club space, and the other is wheelchair accessible space. The site is less than 100 metres from West Street, meaning in accordance with policy T3, there is no minimum car parking requirement for developing this site. This is in accordance with policy BCAP29, which expects a significantly lower level of car parking provision in Bristol City Centre, when



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compared to the maximum standard set out in Appendix 2 to the SADMP. There is a minimum requirement for disabled persons parking, which the development meets in providing one accessible space. A condition is recommended to secure the car club space.

iii Development in the Highway

Bollards are proposed at the edge of the pavement on Trinity Road. Whilst a proliferation of bollards is not desirable, and may create a future maintenance liability for the Highway Authority, the issue of increased conflict on the footway / cycleway widths has been reduced to a level considered acceptable by TDM.

On Braggs Lane the Applicant has proposed to relocate the existing utility cabinet and set back the development to allow for a 2 metre wide footway and a 2 metre wide contraflow stepped cycle track across the frontage of Block A, which will link to the contraflow cycle link by the park. The interaction of the cycle infrastructure at the junction of Braggs Lane and Trinity Road will require further design work and clarification that can be secured at the post-planning permission stage.

The development needs a dedicated loading facility, which is being proposed on Braggs Lane. This necessitates the removal of three on-street paid/permitted parking bays, meaning

Parking bays have been relocated away from the new access, to avoid the loss of on-street parking. This encroaches into the build out area in Trinity Walk, and may impact on the tree roots, as these will need to be lowered to carriageway level. In order demonstrate if these works are viable, further arboricultural information is needed. If it is not viable to locate the three spaces closest to the tree, the s10.6 Agreement will have to secure a financial contribution necessary to compensate their loss. Officers request delegated authority post-committee to establish this.

As with all development in the highway further details will be required by condition as well as through consents necessary under s278 of the Highway Act. Traffic Regulation Orders also need amending, and hence a financial contribution to meet that cost is necessary and will be secured by s106 Agreement.

iv Cycle Stores

TDM has consistently raised valid concerns regarding the type of cycle storage proposed. Essentially, 58% of the cycle storage is two-tier stacking cycle racks, with the remaining 42% being Sheffield-type stands. Two-tier stacking racks are not accessible for everyone, as using the higher stand requires the user to partially lift their bicycle onto the rack and then push it up and over the bottom rack. Sheffield-type stands on the other hand are much easier to use but do take up more space. To overcome this concern, TDM advise a condition is imposed that requires the provision of an alternative provision, including cycle share scheme facilities. Officers accept this condition in order to overcome this matter. TDM did query the ceiling height of Block B's store and whether it would be capable of accommodating two-tier stacking cycle racks, to which the Applicant has responded with information to demonstrate it is possible.

TDM also raised issue with the location of the cycle stores. One is at the entrance to the site from junction at Braggs Lane and Trinity Road, the other is at the other entrance to the site from Trinity Walk. Officers consider this to be appropriate, and that it would not discourage future residents from cycling.

v Refuse Storage and Collection

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Following TDM's comments, the waste storage area for Blocks B and C has been amended so it will be able to provide a sufficient capacity for those blocks. TDM confirms that the store in Block A is sufficient in size. TDM has suggested that Block C should have its own refuse store, so residents do not have to carry their waste to Block B. Whilst officers agree with this in principle, there is limited room for additional storage without removing accommodation, which the Applicant has suggested cannot happen. Further, officers advise Members that the distance from Block C to the refuse store in Block B is not unreasonable, and certainly is not a valid reason to refuse this application.

## vi Sustainable Transport

In addition to the car-free nature of the proposal, it is advised that a Travel Plan is secured by condition. It is also recommended that the s.106 Agreement should secure the appropriate monitoring/implementation fee.

TDM has advised that residents of the development will be heavily reliant on buses. They evidence this by highlighting that Census data shows a significant number of people commute by bus, and advise that due to the car-free nature of the development, many residents will have to rely on buses for transport. TDM has recommended that the s.106 Agreement secures a financial contribution of £74,364 to upgrade bus stops on West Street (in bound) and Lamb Street. The works include £33,040 for a new concrete pad at the Lamb Street bus stop, and £33,040 for a new concrete pad and £8,284 for a real time information screen at the West Street bus stop. The Applicant has said they will only agree to pay for the real time information screen at the West Street bus stop, and not the remaining £66,080 for concrete pad upgrades.

TDM advise that damage arises from buses laying over and stopping more frequently and for longer at stops where they do not have concrete pads. As such, they suggest it is appropriate to mitigate against this through the provision of concrete bus pads in the carriageway, in order to prevent damage to the highway and allow buses to operate more conveniently and safely, without expense to the public purse. The Applicant argues that the development will only result in a very slight increase in wait times at bus stops, and hence they do not believe that the request to provide concrete pads to the bus service stops is justifiable. As the Applicant has provided this further information/rebuttal on the eve of the publication of this committee report, officers will reserve judgement of this aspect of the proposal and update Members with their final recommendation through the amendment procedure or at the Committee.

## vii Summary

Overall, there are no objections to the proposal on highway safety grounds. There are concerns from TDM regarding the cycle and refuse storage, but officers do not recommend refusal on this basis.

**(H) Sustainability**

The proposal is supported by an Energy and Sustainability Statement to address how the proposal will comply with relevant planning policies. The Statement only applies to the residential and commercial aspects of the development, and not the police facility as the Applicant is only responsible to finish this facility to 'shell and core'. Conditions are recommended that will require the submission of an Energy and Sustainability Statement prior to commencement. The remaining section considers the residential and commercial aspects of the development, along with drainage for the whole development.

The information provided suggests the development, through the use of photovoltaic cells, will reduce carbon dioxide emissions from residual energy use in the building by 20%, and when considering further energy saving measures included within proposal and the proposed renewable energy

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technology, the development would achieve a reduction in emissions of 55.5% over the baseline. As such, the proposal meets the relevant requirements of policy BCS14. Conditions are recommended to require further details of the photovoltaic system, including compliance with the proposed levels of carbon dioxide reduction.

The submitted Energy and Sustainability Statement confirms the development will connect to the Bristol Heat Network, and officer recommend that this should be secured by s.106 agreement, meaning the relevant requirements of policies BCS14 and BCAP21 are met. Relevant fall-back scenarios will also be included in the case that the Heat Network is not ready.

Policy BCAP20 applies to this development, however given the Government's Housing Standards Review, compliance with the Code for Sustainable Homes can no longer be expected by this policy. The policy does expect residential developments including 100+ dwellings to meet BREEAM 'Excellent'. The Sustainability Team has reviewed the submission, and in line with their approach for BREEAM, have determined that a full BREEAM Communities Assessment is not appropriate for this development. Instead, the Energy and Sustainability Statement sets out which BREEAM credits the proposal will meet. The Sustainability Team has confirmed that the applicable credits the development is proposed to meet is acceptable, and as such the proposal is considered to adequately meet the expectations of policy BCAP20.

Policy BCAP25 and BCS15 expects green roofs/walls to be incorporated into new development. Whilst the development does not include green roofs, walls or decks, the communal landscaped garden area includes sufficient green infrastructure to meet the expectations of these policies.

Policy BCS15 requires new homes and workplaces to include the provision of high-speed broadband access and enable next generation broadband, information has been submitted to demonstrate that in principle this can be achieved, a condition is recommended to ensure this requirement is met.

Policy BCS13 requires new developments to adapt to climate change, and this includes the risk of overheating. In principle, the submission demonstrates that overheating has been suitably addressed, details of discussed mitigation measures, especially for the 2080 scenario, are required and are advised to be secured by condition to ensure the development suitably adapts to climate change.

The Lead Local Flood Authority support the drainage principles outlined in submitted plan ref. 0500 P06. A condition is advised to require further details of the sustainable urban drainage strategy in line with the submitted plan.

Overall, the development suitably meets the relevant development plan policies that seek to ensure new development appropriately mitigates and adapts to climate change. As such, positive weight should be attributed to the development.

**(I) Arboriculture**

There are a number of trees within and adjacent to the site, most notably three sizeable London Plane trees at the site's edges, five sycamore trees adjacent to Somerset House, and a single beech tree in the centre of the site. Of these, two are proposed to be felled, a single sycamore and the beech tree at the site's centre. The Arboricultural Officers raises no objection to this, largely as these are category C trees, with limited amenity value. The proposed landscape scheme includes sufficient planting to mitigate this loss in accordance with policy DM17, a condition is advised to secure this planting. Various tree protection and management measures are proposed, all of which are considered to be acceptable by the Arboricultural Officer, conditions are recommended to ensure the

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submitted measures are implemented in case of approval. A further condition is advised to require the submission and approval of an arboricultural method statement for the works to facilitate the bollards in the vicinity of the tree at the corner of Trinity Walk and Trinity Road.

**(J) Nature Conservation**

The submitted ecological appraisal suggests that breeding birds are the main ecological consideration for the development, and works must be timed appropriately. Officers agree with the submitted ecological assessment, that the existing site has a low ecological value, being composed of mainly hardstanding and a busy large building surrounded by roads and other built form. The proposal predominantly retains all the existing elements of ecological value, save for two trees within the site. The development retains the trees at the boundary of the site, and includes a detailed landscaping scheme. The landscaping provides an opportunity for biodiversity enhancement and biodiversity net gain to be included in the scheme including bat, bird and insect boxes, green infrastructure, and areas of wildflower planting. The Council's Nature Conservation Officer agrees with the submitted biodiversity net gain assessments prepared by Engain that the development will deliver a biodiversity net gain, likely to be greater than the 10% target included in the Environment Act 2021. This evidences compliance with relevant planning policy and paragraph 174 of the NPPF, and represents a benefit of the development that must be recognised in the planning balance. Conditions are recommended to ensure the development delivers the proposed ecological enhancement. In accordance with the targeted biodiversity net gain. Conditions are also advised with respect to limiting works to the walls to outside of nesting season.

Notwithstanding this, the Nature Conservation Officer has recently advised that an updated ecological appraisal is required due to the time that has passed since the initial survey. The Applicant has not had sufficient time to submit such a report in time for this committee. As such, officers advise that the recommendation to grant planning permission is subject to the submission of a revised ecological appraisal, for which delegated authority is requested to review and address accordingly through planning conditions. Should the ecological survey result in a matter that cannot be resolved through conditions, officers will refer the application to members with a revised recommendation.

**(K) Equalities Impact Assessment**

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

**(L) Other Matters**

Land Contamination – in accordance with the Public Protection Team's (Land Contamination) comments, standard conditions requiring initial contamination investigations and any necessary remediation works together with subsequent verification are advised.

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Health Impact Assessment – in accordance with policy DM14 a health impact assessment has been provided as the proposal delivers in excess of 100 new homes. The assessments demonstrate there is acceptable access to existing healthcare facilities and services in a reasonable vicinity to the site. As per Key Issue C, the development will provide a healthy living environment for future residents, and the proposal's car-free nature combined with available cycle stores will adequately promote healthy lifestyle choices. It is considered that the development will not have an unacceptable impact on health and wellbeing.

**(M) Planning Obligations**

Planning obligations must accord with section 122 of the Community Infrastructure Levy Regulations 2010 and paragraphs 55 and 57 of the NPPF, in that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Further, policy BCS11 expects development and infrastructure provision to be coordinated to ensure the growth of the city is supported by the provision of infrastructure, services and facilities needed to maintain and improve quality of life and respond to the needs of the local economy. Developments are expected by this policy to provide or contribute towards the provision of measures to directly mitigate its impact, either geographically or functionally, which will be secured through the use of planning obligations.

Officers advise that the recommended planning obligations discussed in Key Issue O meet the requirements set out above. However, the Applicant did submit further information in respect of the requested financial contribution for bus stop improvements on eve of the publication of this report, and hence officers will update Members with their final recommendation through the amendment procedure or at the Committee.

Provided that all the residential units are to comprise affordable housing, then Social Housing Relief will be able to be claimed for all the Residential CIL. However, the commercial units will need to pay CIL, the exact figure will be confirmed before or at the Committee.

**(N) Planning Balance and Conclusion**

Officers agree with a number of the criticisms levied at the development by the OMCA. Block A does include too many single aspect flats, which has knock-on effects for daylight and sunlight. Further, the courtyard amenity space will be overshadowed, and the blocks surrounding it do not give much relief from built form. Officers also consider Block B's height to be out-of-character with the adjacent development in Trinity Walk, and reducing its height would provide greater relief to the courtyard. The amount of development also challenges the site, and this is seen in limited and specific impacts on neighbours. Significantly, the proposal would also result in less than substantial harm to the Conservation Area and the Grade II\* listed Holy Trinity Church.

As with most major redevelopments of constrained sites in the city centre, the proposal has negative aspects that weigh against approving this planning application, these are identified above. It is to a degree unavoidable to develop sites like this without some urban design /living compromises. Generally, most of the homes proposed would benefit from good living environments. Further, Blocks

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A and C have acceptable designs in relation to their height, scale, expression, materiality, and general appearance. The Urban Design Team suggest the development represents an improvement to the Conservation Area, which is an environmental benefit of this proposal. Perhaps the most significant benefit of the development is its housing offer of 104no. new homes, including the affordable homes that will be secured by s106 Agreement. The development also redevelops a brownfield site, attracting substantial weight as guided by the NPPF. The proposal would deliver social benefits to the area through the retention of a police facility in improved facilities. The flexible commercial unit would also deliver economic and social benefits to the area, through employment, business rates and customers purchasing goods or services, for example. The development will also improve the pedestrian and cyclist infrastructure on Braggs Lane, which represents social and environmental benefits. Environmental benefits would result from the proposal's biodiversity impact, and the proposal accords with sustainability policies and proposes to utilise district heating. Short term economic benefits would flow through the development's construction phase, as would financial benefits in the form of the community infrastructure levy.

In accordance with the Pollution Control Team's advice, officers recommend the proposed noise mitigation measures represent an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers. The development has therefore offered sufficient evidence to demonstrate that, provided these measures are implemented and maintained as such thereafter, the proposal would not threaten the ongoing viability of the Trinity Centre through the imposition of undue operational constraints. Conditions are recommended to ensure the adequate implementation of the noise mitigation measures.

When considering this application, the presumption for the decision-taker is to grant planning permission, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Officers have undertaken this assessment and documented it within this report, and advise that whilst there are adverse impacts associated with this proposal, on balance, they fail to significantly and demonstrably outweigh the proposal's benefits. The application is therefore recommended for approval subject to conditions and s.106 Agreement, in accordance with Key Issue O.

**(O) Recommendation**

- A. That the Applicant be advised that the Local Planning Authority is disposed to grant planning permission, subject to the completion, within a period of six months from the date of this committee, or any other time as may be reasonably agreed with the Service Director, Planning and Sustainable Development and at the Applicant's expense, of a planning agreement made under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended), entered into by the Applicant to cover the following matters:
  - i. Affordable housing contribution – in accordance with the Affordable Housing Practice Note (July 2022), a twin-track obligation that ensures the Owner commits to naming a minimum policy compliant provision of 20% affordable homes, if the permission is not developed as 100% affordable homes.
  - ii. District Heat Network – the Owner commits to connecting to the Bristol Heat Network, a Day 1 connection is expected to be secured, the exact terms of which are subject to further discussion throughout the drafting of the Planning Agreement.

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- iii. Fire Hydrant Contribution – the contribution in the sum of one thousand five hundred pounds (£1,500) Index Linked payable to the Council by the Owner prior to the first occupation of development. This is to pay for the installation of a fire hydrant as per Avon Fire and Rescue’s comments.
  - iv. TRO Contribution - the contribution in the sum of six thousand three hundred and ten pounds (£6,310) Indexed Linked payable to the Council by the Owner prior to the commencement of development.
  - v. Travel Plan - the contribution in the sum of five thousand six hundred and ninety three pounds (£5,693) Index Linked payable to the Council by the Owner prior to the commencement of development for the Council to undertake monitoring and auditing; or the contribution in the sum of twenty two thousand eight hundred and eighty pounds (£22,880) Index Linked payable to the Council by the Owner prior to the commencement of development for the Council to undertake the implementation of the Travel Plan on the Owner’s behalf
  - vi. Bus Stop Improvements - the contribution in the sum of seventy four thousand three hundred and sixty four pounds (£74,364) Index Linked payable to the Council by the Owner prior to the commencement of development for the Council to upgrade bus stops on West Street (inbound) and Lamb Street. Please note this is subject to confirmation by officers in advance of the Committee.
  - vii. Lost On Street Car Parking Space Compensation – officers seek delegated authority to establish the financial contribution the Applicant/Owner will commit to pay to mitigate the number of existing on street car parking spaces that will be lost due to this development.
- B. That the Head of Legal Services be authorised to conclude the Planning Agreement to cover matters in recommendation (A).
- C. That the Applicant be advised that the Local Planning Authority is disposed to grant planning permission, subject to the submission of an updated or revised ecology appraisal, within a period of three months from the date of this committee, or any other time as may be reasonably agreed with the Service Director, Planning and Sustainable Development, for which delegated authority is sought to review the ecology appraisal. Should the ecological survey result in matters that cannot be resolved through planning conditions, officers will refer the application to members with a revised recommendation.
- D. That on completion of the Section 106 Agreement, planning permission be granted, subject to conditions, for which delegated authority is sought to prepare the draft conditions in consultation with the Applicant in line with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. A list of expected conditions is included below, albeit the following list is not exhaustive:

*Procedural*

- Requirement to commence development within 3 years of the date of decision.
- Requirement for the development to be carried and to accord with all approved plans/documents.

*Noise Mitigation*

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- Full details of the noise insulation measures for the residential accommodation including ventilation, in accordance with the recommendations detailed in the Noise Assessment submitted with the application. The implementation and retention thereafter of those noise insulation measures.
- Full details of the information to be given to future occupants regarding the scheme of mitigation measures and the Trinity Centre.
- Prior to the occupation of the development, an assessment to demonstrate the effectiveness of the scheme of noise insulation measures.

*Residential Amenity*

- A condition to require a scheme of obscure glazing and balcony screens for the north-facing elevations in the interests of privacy of Somerset House, units: A.2.10, A.2.1.11, A.3.9, A.3.10, A.4.9, and A.4.10.
- A condition to require a balcony screen for the north-facing elevations in the interests of privacy of Gloucester House, units: B.1.2, B.2.2, B.3.2, B.4.2.

*Urban Design*

- A condition to require further details of the bollards proposed on Trinity Road.
- A condition to require further section plan details to ensure the building's principal facades express verticality, as well as typical details of other important details.
- A condition to require details of the proposed materials.
- A condition relating to public art implementation and design
- A condition to require a demolition plan, and importantly an incorporation plan to demonstrate how the existing stone from the walls will be incorporated into the development.
- A condition to require the submission of a revised landscape scheme to address the amendments made to the proposal.
- A condition to ensure the development delivers the number of accessible units proposed by the Applicant.

*Commercial Unit (Class E, F1 and F2)*

- A condition to require further details of expected noise and required insulation from the commercial unit, in the interests of the residential amenity of future residents.
- A condition to require details for the extraction and dispersal of cooking smells/fumes in the event the units includes a commercial kitchen.
- A condition relating to the collection of refuse.
- A condition relating to deliveries associated with the commercial unit.
- A condition restricting the opening hours of the unit.

*Archaeology*

- Conditions are recommended secure the conduct of a watching brief, including pre-commencement WSI and pre-occupation completion of watching brief.

*Transport and Highway Safety*

- A condition to require the submission of construction management plan.
- A condition to require details and implementation of works in the highway.
- A condition to require details of the extent of the highway proposed for adoption.
- A condition to require a highway condition survey.



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- A condition to require details of structures adjacent to the highway.
- A condition to require details of cycle parking and further mitigation proposals.
- A condition to require the implementation of the refuse stores.
- Conditions to require the implementation of accesses, cycle stores, and car parking.
- Conditions to require the submission and implementation of a Travel Plan.
- Whilst not a condition, a range of advice notes will need to be added to any decision notice.

*Sustainability and Drainage*

- Conditions to require the submission of energy and sustainability statements to demonstrate how the police facility will comply with relevant planning policies.
- Conditions to require the details of the proposed PV system in accordance with the energy strategy, and demonstrate that prior to occupation, the PV system will deliver the forecasted yield.
- A condition to require further details of the proposed overheating measures to be incorporated in a revised Energy Statement.
- A condition to require district heating connection details, if the s.106 Agreement does not require them.
- A condition to require the development to provide high-speed broadband access and enable provision of Next Generation broadband.
- A condition to require further details of the sustainable urban drainage system (B35A).

*Arboriculture*

- A condition to require the implementation of the proposed tree protection measures.
- A condition to require the implementation of the proposed Arboricultural method statement.
- A condition to require the implementation of the proposed landscape scheme, including the replacement tree planting.
- A condition to require the submission and approval of a arboricultural method statement for the works to facilitate the bollards in the vicinity of the tree at the corner of Trinity Walk and Trinity Road.

*Nature Conservation*

- A condition to require detail of ecological enhancement to fulfil the biodiversity net gain target, in the form of a landscape and ecological management plan.
- A condition to ensure nesting birds are not disturbed by the development/works to the walls.

*Contamination*

- Four conditions concerning land contamination investigations, remediation, verification, and unexpected contamination reporting.

*Construction Management*

- A condition to require the submission of a Construction Environmental Management Plan, incorporating Appendix E of the submitted Air Quality Assessment.

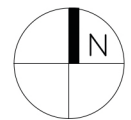
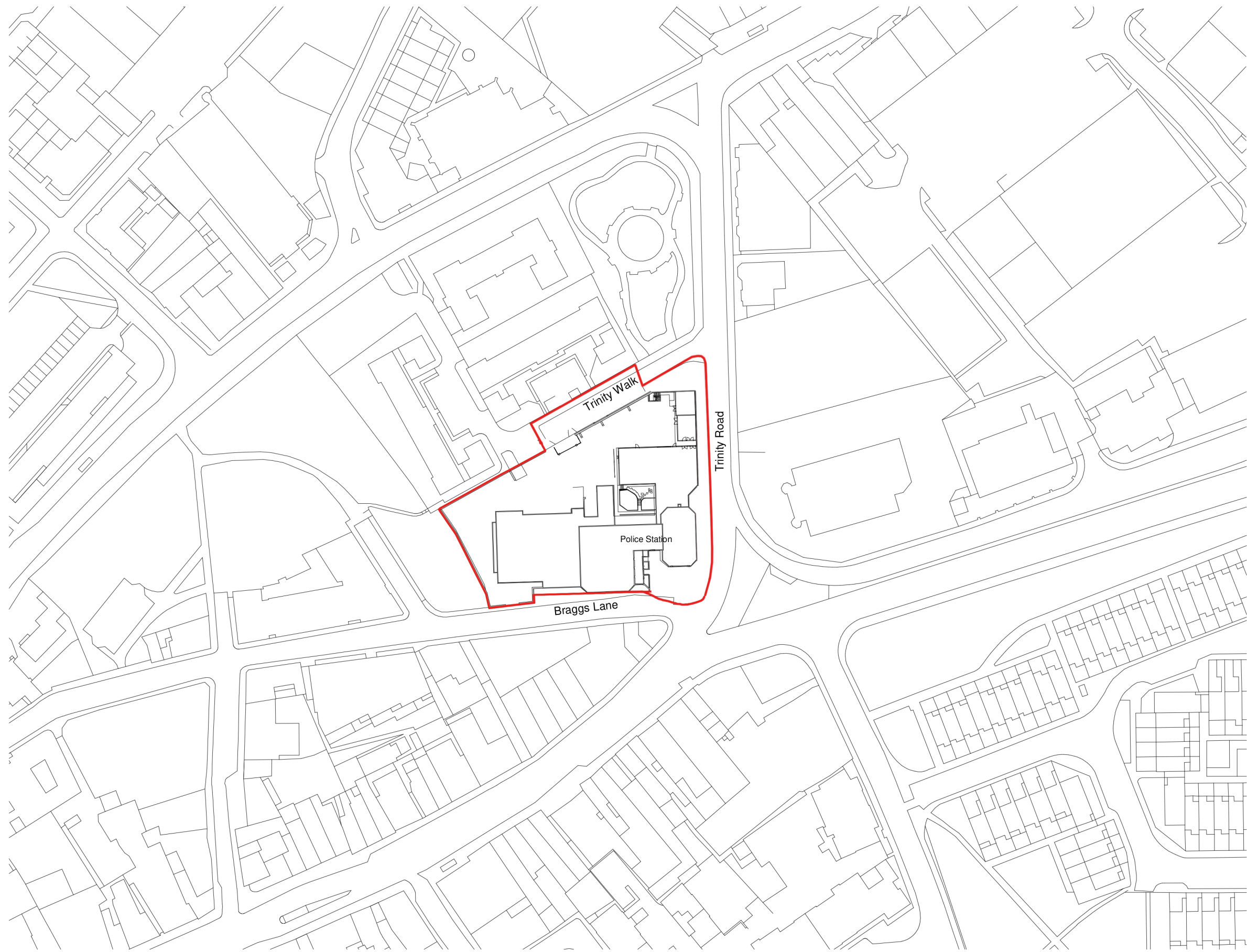
*Fire Hydrant*

- A condition to require details of the position of the fire hydrant.

## **Supporting Documents**

### **2. Trinity Road Police Station, Trinity Road, BS2 0NW.**

1. Site Location Plan
2. Proposed North Elevation – Trinity Walk
3. Proposed East Elevation – Trinity Walk
4. Proposed Plan Level 00
5. Proposed Plan Level 01
6. Proposed Plan Level 05
7. Proposed South Elevation – Braggs Lane
8. Proposed West Elevation – Brick Street



Site boundary

RESPONSIBILITY IS NOT ACCEPTED FOR ERRORS MADE BY OTHERS IN SCALING FROM THIS DRAWING. ALL CONSTRUCTION INFORMATION SHOULD BE TAKEN FROM FIGURED DIMENSIONS ONLY DETAILS AND SIZES SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO CONFIRMATION BY THE RELEVANT SUB CONTRACTOR.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCY IS TO BE REPORTED TO THE ARCHITECTS FOR CLARIFICATION.

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Rev	Description	Date	Drawn	Checked
P1	First Issue	11/12/20	BS	DY
P2	Red line planning boundary altered following planning comments.	02/09/21	JM	JM

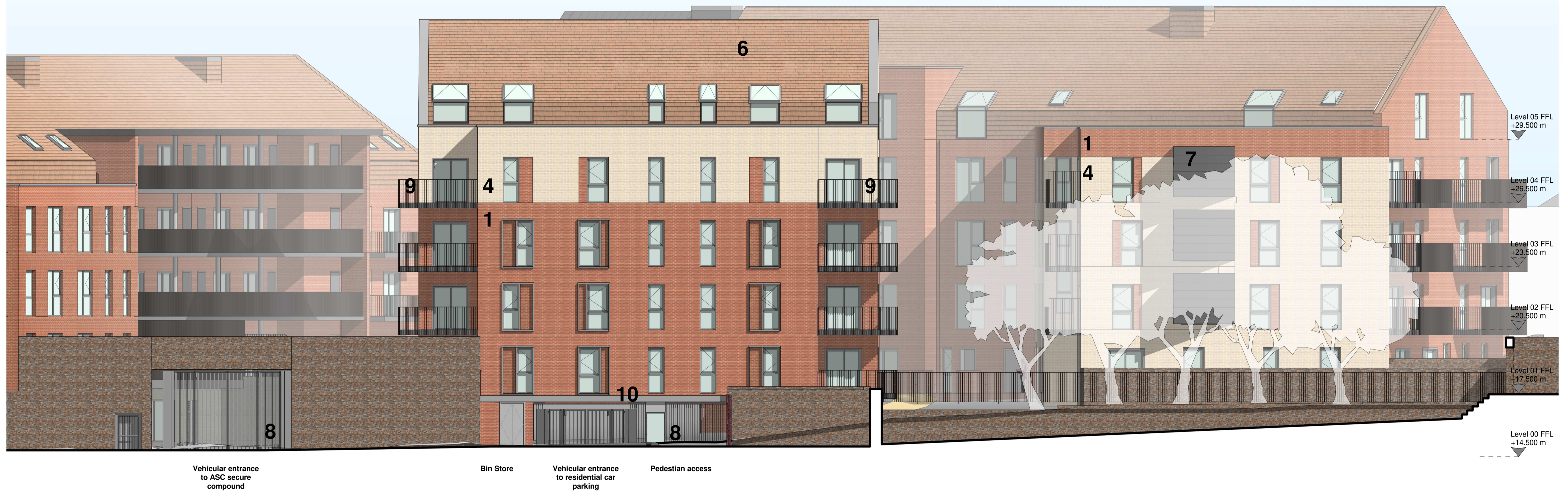
Date	Drawn	Checked
11/12/20	BS	DY
02/09/21	JM	JM

Status Codes
S0: WIP
S1: Coordination
S2: Information
S3: Int. Review
S4: Construction
D1: Costing
D2: Tender
D3: Contractor Design
D4: Procurement
A: Construction
B: Partially Signed-off
AB: As Built

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**Trinity Road**  
 Trinity Road, Bristol  
 Existing Site Location

Scale	Date	AFA Project No.	Drawn by	Checked by
1 : 1250 @A3	11/12/20	5157	BS	DY
Drq.No.			Rev.	Status
TR- AFA - XX - XX - DR - A - 1000			P2	S2

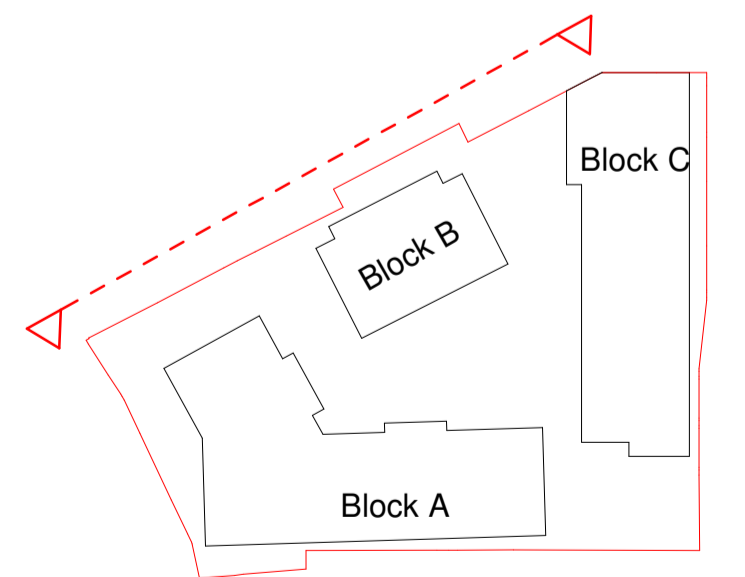


Level 05 FFL +29.500 m  
 Level 04 FFL +26.500 m  
 Level 03 FFL +23.500 m  
 Level 02 FFL +20.500 m  
 Level 01 FFL +17.500 m  
 Level 00 FFL +14.500 m

Vehicular entrance to ASC secure compound  
 Bin Store  
 Vehicular entrance to residential car parking  
 Pedestrian access

Material Key:

- 1. Red Cattybrook Brick
  - 2. Light Red/ Orange Cattybrook Brick
  - 3. Dark Red Cattybrook Brick
  - 4. Buff Brick
  - 5. Forticrete Architectural Masonry
  - 6. Plain Terracotta Tiles
  - 7. Standing seam Zinc - Dark Grey
  - 8. PPC Metal gates
  - 9. PPC Metal balconies
  - 10. PPC Canopy
- \* Opaque Glazing  
 ● Sealed bedroom window



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Rev	Description
P1	Issue for costing
P2	Design team meeting issue
P3	Pre Application issue
P4	Red line outline of existing building shown
P5	Issue for costing
P6	Issue to BCC - 2nd Pre-app submission
P7	Full planning draft issue for consultant, client review
P8	Full Planning Issue
P9	Planning Submission Issue
P10	Elevation Updates
P11	Planning amendments following BCC comments
P12	Updated following client comments
P13	Planning Submission Issue

Date	Drawn	Checked
22/01/20	MKK	DY
27/01/20	MKK	DY
28/01/20	MKK	DY
12/02/20	DY	DY
24/04/20	MKK/DY	JSDY
24/07/20	JM	DY
04/12/20	BS	DY
18/12/20	BS	DY
23/07/21	AW	DY
04/04/22	CC	DY
14/04/22	BS	DY
08/07/22	BS	DY
25/07/22	BS	ND

Status Codes
S0: WIP
S1: Coordination
S2: Information
S3: Int. Review
S4: Construction
D1: Costing
D2: Tender
D3: Contractor Design
D4: Procurement
A: Construction
B: Partially Signed-off
AB: As Built

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 27 Trenchard Street, Bristol, BS1 5AN, T: 01179293011 F: 01179221121  
 E: mail@alecfrench.co.uk www.alecfrench.co.uk

**Trinity Road**  
 Trinity Road, Bristol  
 Proposed North Elevation - Trinity Walk

Scale: 1:100@A1 Date: 26/11/19 AFA Project No: 5157  
 Drawn by: BS Checked by: JS  
 Rev: P13 Status: S2

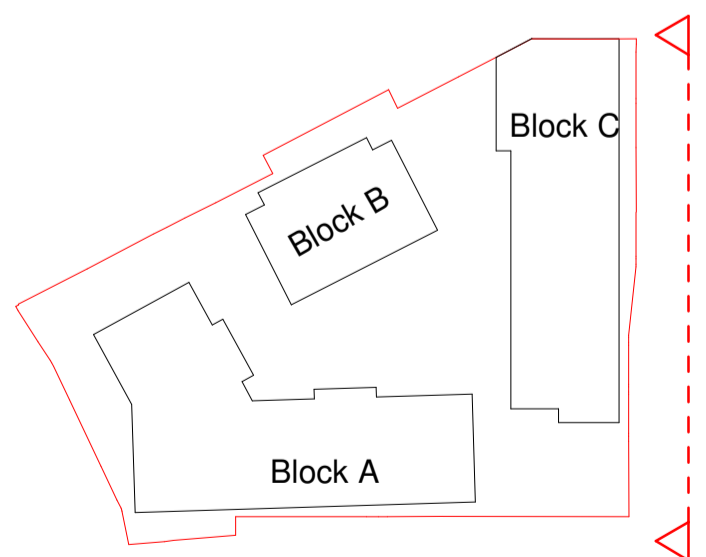
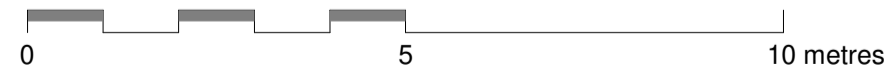
Sheet: RIBA Stage 2



Entrance area to receive Public Art work

Material Key:

- 1. Red Cattybrook Brick
  - 2. Light Red/ Orange Cattybrook Brick
  - 3. Dark Red Cattybrook Brick
  - 4. Buff Brick
  - 5. Forticrete Architectural Masonry
  - 6. Plain Terracotta Tiles
  - 7. Standing seam Zinc - Dark Grey
  - 8. PPC Metal gates
  - 9. PPC Metal balconies
  - 10. PPC Canopy
- \* Opaque Glazing
  - Sealed bedroom window



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Rev	Description
P1	Issue for costing
P2	Design team meeting issue
P3	Pre Application issue
P4	Red line outline of existing building shown
P5	Issue to BCC - 2nd Pre-app submission
P6	Full planning draft issue for consultant, client review
P7	Planning Submission Issue
P8	Planning Submission Issue
P9	Planning amendments following BCC comments
P10	Area of Public Art defined
P11	Planning Submission Issue

Date	Drawn	Checked
22/01/20	MKK	DY
27/01/20	MKK	DY
28/01/20	MKK	DY
12/02/20	DY	DY
24/07/20	JM	DY
04/12/20	BS	DY
18/12/20	BS	DY
23/07/21	AW	DY
14/04/22	BS	DY
09/06/22	DY	DY
25/07/22	BS	ND

Status Codes
S0: WIP
S1: Coordination
S2: Information
S3: Int. Review
S4: Construction
D1: Costing
D2: Tender
D3: Contractor Design
D4: Procurement

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**Trinity Road**  
 Trinity Road, Bristol

**Proposed East Elevation - Trinity Road**

Scale	Date	AFA Project No.	Drawn by	Checked by
1 : 100 @A1	26/11/19	5157	MKK	DY
Draw No.	Rev.	Status	Drawn	Checked
TR- AFA - XX - ZZ - DR - A - 1251	P11	S2		

RIBA Stage 2

**Accommodation Key**

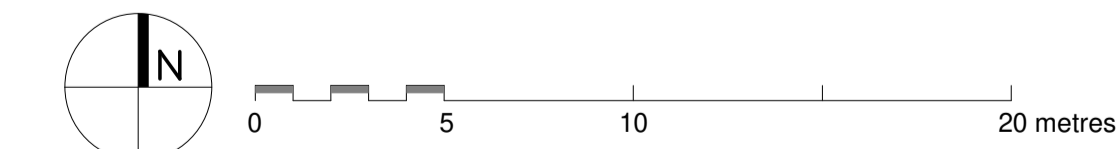
- DH System Plant
- Heating Plant Room
- Life Safety Generator
- Bin Store
- Core
- Sprinkler Water Tank

- Core Entrances to Apartment
- Flat Entrance
- Lobby / Commercial Spaces
- Vehicular Site Entrance at Level 00 (below)
- Pedestrian Entrance to Police Station (Level 00)
- Police Entrance to Police Station (Level 00)
- Site Boundary

For unit numbers and mix % refer to the 'Accommodation Schedule'

WA - Wheelchair Accessible Unit

These layouts show design intent but are subject to amendment following comments received from a specialist fire consultant.



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Rev	Description	Date	Drawn	Checked	Status Codes
P13	Extent of cover over carparking spaces shown hatched	19/08/20	DY	DY	S0: WIP
P14	Public Consultation Issue	19/10/20	DY	DY	S1: Coordination
P15	Client Issue - for approval	20/10/20	DY	DY	S2: Information
P16	Pre Application Issue - FINAL	20/10/20	DY	DY	S3: Int. Review
P17	Full planning draft issue for consultant, client review	04/12/20	BS	DY	S4: Construction
P18	Planning Submission Issue	14/04/21	DY	DY	D1: Costing
P19	ASDC Revised Drawings	14/06/21	DY	DY	D2: Tender
P20	Planning Submission Issue	23/07/21	AW	DY	D3: Contractor Design
P21	Red line planning boundary altered following planning comments	02/09/21	DY	JM	D4: Procurement
P22	Block C footprint adjustments	10/03/22	DY	DY	
P23	Plan Layout Updated	05/04/22	CC	DY	
P24	Planning amendments following BCC comments	14/04/22	BS	DY	A: Construction
P25	Updated following client comments	08/07/22	BS	DY	B: Partially Signed-off
P26	Planning Submission Issue	25/07/22	BS	ND	AB: As Built
P27	Accessible parking reinstated	28/07/22	DY	DY	
P28	Door from Highway into undercroft to Block B now inswinging. Bin provision adjusted	09/08/22	DY	DY	

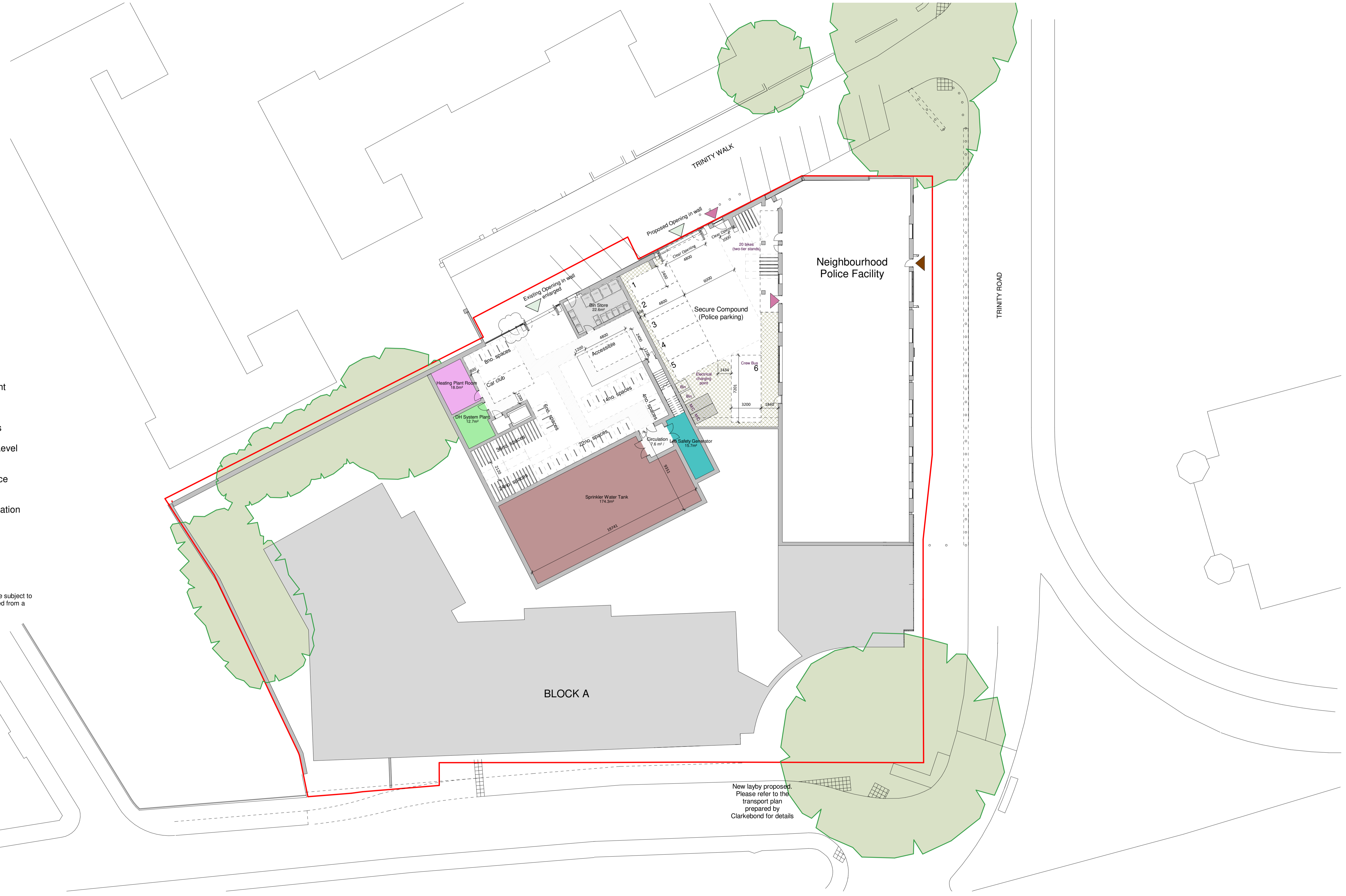
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**Trinity Road**  
 Trinity Road, Bristol  
 Proposed Plan Level 00

Scale: 1 : 200 @A1 Date: 04/11/19 AFA Project No: 5157 Drawn by: DY Checked by: JS  
 Status: P28 S2

TR- AFA - ZZ - 00 - DR - A - 1200

RIBA Stage 2



### Accommodation Key

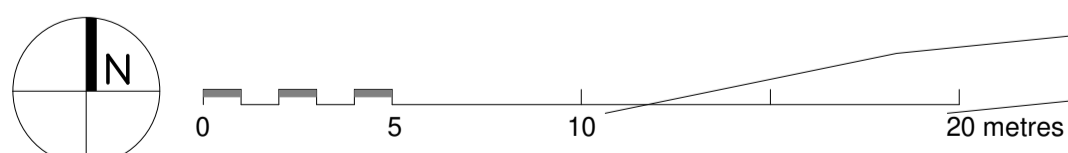
- Affordable Home - 1B2P
- Affordable Home - 2B3P
- Affordable Home - 2B4P
- Affordable Home - 2B4P WA
- Core
- Private Housing - 3B4P
- ★ Denote sealed windows, required due to proximity of protected core
- Denote sealed bedroom windows

- Core Entrances to Apartment
- Flat Entrance
- Lobby / Commercial Spaces
- Vehicular Site Entrance at Level 00 (below)
- Pedestrian Entrance to Police Station (Level 00)
- Police Entrance to Police Station (Level 00)
- Site Boundary

For unit numbers and mix % refer to the 'Accommodation Schedule'

WA - Wheelchair Accessible Unit

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Rev	Description
P13	Issue for costing
P14	Stage 2 issue
P15	Issue to BCC - 2nd Pre-app submission
P16	Public Consultation Issue
P17	Client Issue - for approval
P18	Pre Application Issue - FINAL
P19	Full planning with issue for consultant, client review
P20	Full Planning Issue - Revised
P21	Issue to BCC
P22	ASCC Revised Drawings
P23	Planning Submission Issue
P24	Plan Layout Updated
P25	Planning amendments following BCC comments
P26	Graphic change to Staircase level 01 Block B
P27	Planning Submission Issue
P28	Ramp +550 high from courtyard to Block C Simplified

Date	Drawn	Checked	Status Codes
24/04/20	MKK/DY	JS/DY	S0: WIP
19/06/20	DY	JS	S1: Coordination
24/07/20	JM	DY	S2: Information
16/10/20	DY	DY	S3: Int. Review
20/10/20	DY	DY	S4: Construction
21/10/20	DY	DY	D1: Costing
04/12/20	BS	DY	D2: Tender
14/01/21	DY	DY	D3: Contractor Design
28/04/21	DY	DY	D4: Procurement
14/06/21	DY	DY	
23/07/21	AW	DY	
05/04/22	CC	DY	A: Construction
14/04/22	RS	DY	B: Partially Signed-off
09/06/22	DY	DY	AS: As Built
25/07/22	BS	ND	
29/07/22	DY	DY	

Scale	Date	AFA Project No.	Drawn by	Checked by
1 : 200 @A1	10/30/19	5157	DY	JS
DRY No.			Rev:	Status
TR- AFA - ZZ - 01 - DR - A - 1201			P28	S2

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**Trinity Road**  
 Trinity Road, Bristol  
 Proposed Plan Level 01

Scale: 1 : 200 @A1 Date: 10/30/19 AFA Project No.: 5157 Drawn by: DY Checked by: JS  
 Rev: P28 Status: S2

RIBA Stage 2



**Accommodation Key**

- Affordable Home - 1B2P
- Affordable Home - 2B3P
- Affordable Home - 2B4P

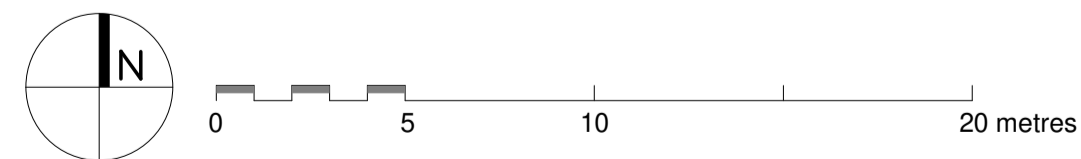
\* Denote sealed windows, required due to proximity of protected core

**Site Boundary**

For unit numbers and mix % refer to the 'Accommodation Schedule'

WA - Wheelchair Accessible Unit

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Rev	Description
P3	Issue for costing
P4	Design team meeting issue
P5	Pre Application issue
P6	Layouts development
P7	WIP issue
P8	Issue for costing
P9	Stage 2 issue
P10	Issue to BCC - 2nd Pre-app submission
P11	Public Consultation Issue
P12	Client Issue - for approval
P13	Pre Application issue - FINAL
P14	Full planning draft issue for consultant, client review
P15	Planning Submission Issue
P16	Plan Layout Updated
P17	Planning amendments following BCC comments
P18	Planning Submission Issue

Date	Drawn	Checked
22/01/20	MKK	DY
27/01/20	MKK	DY
28/01/20	MKK	DY
27/03/20	MKK	DY
20/04/20	MKK	DY
24/04/20	MKK/DY	JS/DY
19/06/20	DY	JS
30/07/20	JM	DY
16/10/20	DY	DY
20/10/20	DY	DY
21/10/20	DY	DY
04/12/20	BS	DY
23/07/21	AK	DY
05.04.22	CC	DY
14.04.22	BS	DY
25.07.22	BS	ND

Status Codes
S0: WIP
S1: Coordination
S2: Information
S3: Int. Review
S4: Construction
D1: Costing
D2: Tender
D3: Contractor Design
D4: Procurement
A: Construction
B: Partially Signed-off
AB: As Built

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**Trinity Road**  
 Trinity Road, Bristol  
 Proposed Plan Level 05

Scale: 1 : 200 @A1  
 Date: 11/03/19  
 AFA Project No: 5157  
 Drawn by: DY  
 Checked by: JS  
 Status: P18 S2

Sheet: **RIBA Stage 2**



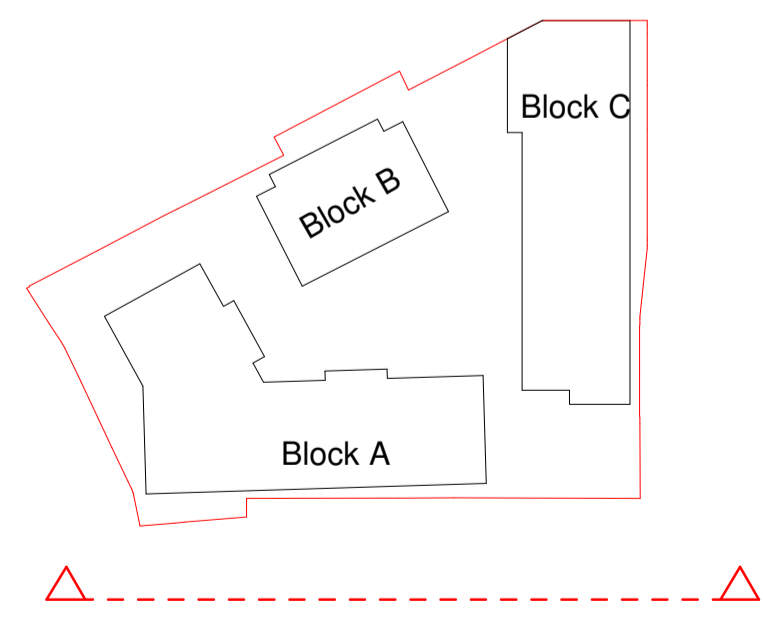
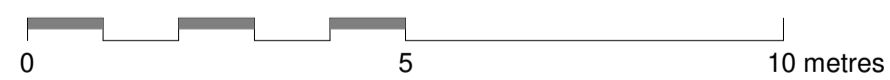


**Proposed South Elevation Block A**  
1 : 100

**Material Key:**

- 1. Red Cattybrook Brick
- 2. Light Red/ Orange Cattybrook Brick
- 3. Dark Red Cattybrook Brick
- 4. Buff Brick
- 5. Forticrete Architectural Masonry
- 6. Plain Terracotta Tiles
- 7. Standing seam Zinc - Dark Grey
- 8. PPC Metal gates
- 9. PPC Metal balconies
- 10. PPC Canopy

\* Opaque Glazing



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Rev	Description
P1	Issue for costing
P2	Design team meeting issue
P3	Pre Application issue
P4	Final the outline of existing building shown
P5	Elevation material appearance altered, Window positions moved.
P6	Issue to BCC - 2nd Pre-app submission
P7	Full planning draft issue for consultant, client review
P8	Full Planning issue
P9	Planning Submission Issue
P10	Planning amendments following BCC comments

Date	Drawn	Checked
22/01/20	MKK	DY
27/01/20	MKK	DY
28/01/20	MKK	DY
12/02/20	DY	DY
09/07/20	JM	DY
24/07/20	JM	DY
04/12/20	BS	DY
18/12/20	BS	DY
23/07/21	AW	DY
14.04.22	BS	DY

Status Codes
S0: WIP
S1: Coordination
S2: Information
S3: Int. Review
S4: Construction
D1: Costing
D2: Tender
D3: Contractor Design
D4: Procurement

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**Trinity Road**  
Trinity Road, Bristol

**Proposed South Elevation - Bragg's Lane**

Scale	Date	AFA Project No.	Drawn by	Checked by
1 : 100 @A1	26/11/19	5157	BS	JS
Draw No.	Rev.	Status	Rev.	Status
TR- AFA - ZZ - XX - DR - A - 1252	P10	S2		

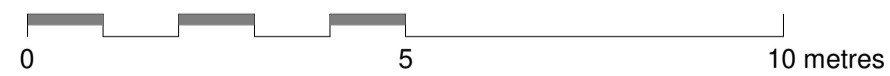
RIBA Stage 2



Material Key:

- 1. Red Cattybrook Brick
- 2. Light Red/ Orange Cattybrook Brick
- 3. Dark Red Cattybrook Brick
- 4. Buff Brick
- 5. Forticrete Architectural Masonry
- 6. Plain Terracotta Tiles
- 7. Standing seam Zinc - Dark Grey
- 8. PPC Metal gates
- 9. PPC Metal balconies
- 10. PPC Canopy

\* Opaque Glazing



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Rev	Description
P1	Issue for costing
P2	Design team meeting issue
P3	Pre Application issue
P4	Red line outline of existing building shown
P5	Issue for costing
P6	Issue to BCC - 2nd Pre-app submission
P7	Full planning detail issue for consultant, client review
P8	Full Planning Issue
P9	Planning Submission Issue
P10	Graphical changes
P11	Planning amendments following BCC comments

Date	Drawn	Checked
22/01/20	MKK	DY
27/01/20	MKK	DY
28/01/20	MKK	DY
12/02/20	DY	DY
24/04/20	MKK/DY	JS/DY
24/07/20	JM	DY
04/12/20	BS	DY
18/12/20	BS	DY
23/07/21	AW	DY
10/08/21	DY	DY
14.04.22	BS	DY

Status Codes
S0: WIP
S1: Coordination
S2: Information
S3: Int. Review
S4: Construction
D1: Costing
D2: Tender
D3: Contractor Design
D4: Procurement

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**Trinity Road**  
 Trinity Road, Bristol  
 Proposed West Elevation - Brick Street

Scale	Date	AFA Project No.	Drawn by	Checked by
1 : 100 @A1	26/11/19	5157	BS	JS
Rev.	Status	Rev.	Status	Status
TR- AFA - XX - ZZ - DR - A - 1253	P11	S2		

RIBA Stage 2

## Development Control Committee A – 24 August 2022

ITEM NO. 3

**WARD:** Central

**SITE ADDRESS:** Pavement Opposite TSB 36-38 Merchant Street Bristol BS1 3EP

**APPLICATION NO:** 21/04946/F Full Planning

**DETERMINATION DEADLINE:** 31 August 2022

**Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens and associated BT phone kiosk removal.**

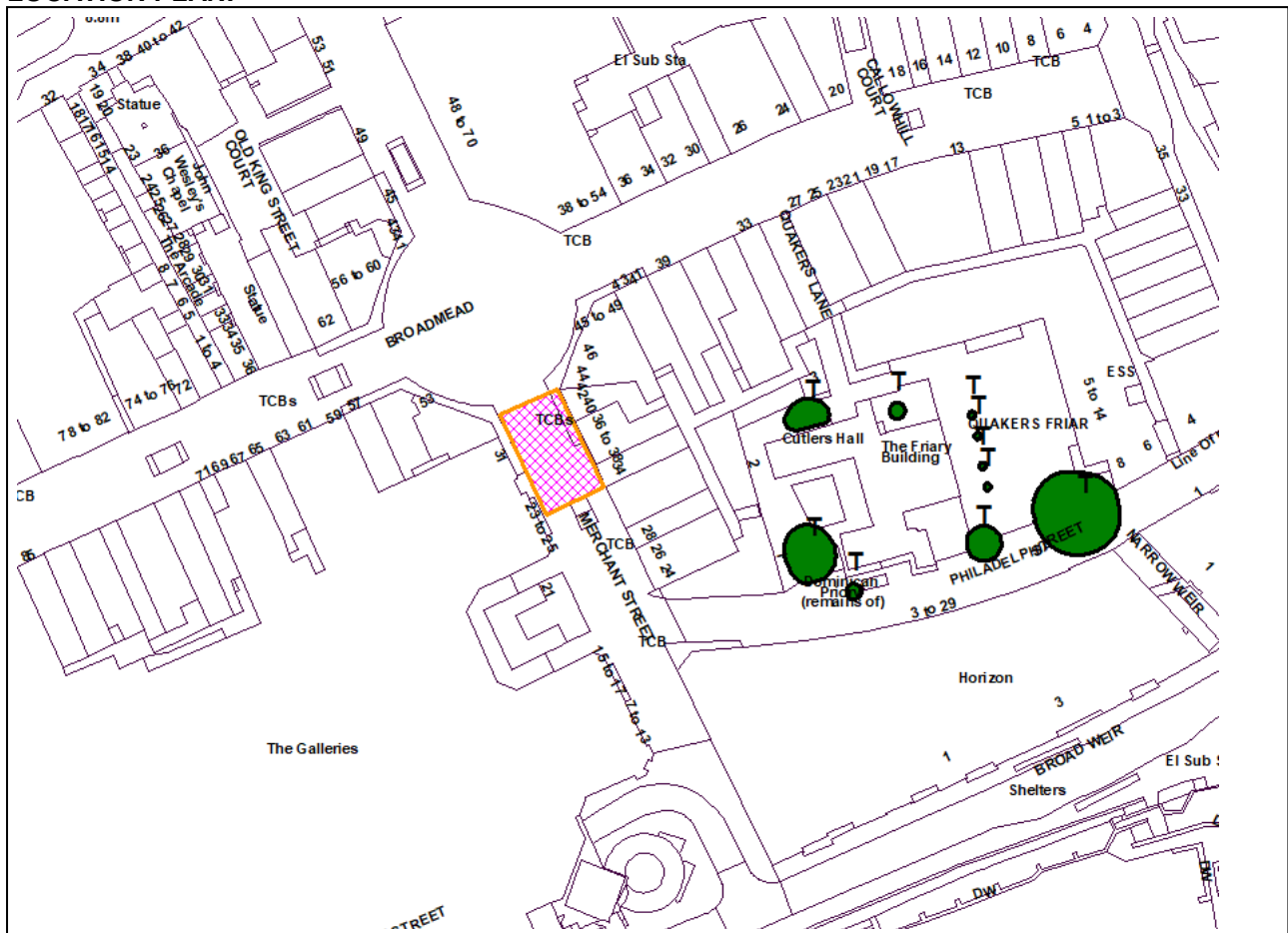
**RECOMMENDATION:** Grant subject to Condition(s)

**AGENT:** Mono Consultants  
Steam Packet House  
76 Cross Street  
Manchester  
M24 2JG

**APPLICANT:** BT Telecommunications PLC  
PP 8.05 Faraday Building  
1 Knightrider Street  
London  
EC4V 5BT

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

**LOCATION PLAN:**



**Development Control Committee A – 24 August 2022****Application No. 21/04946/F : Pavement Opposite TSB 36-38 Merchant Street Bristol BS1 3EP****SUMMARY**

The application would see the installation of a BT Street Hub incorporating two digital advertising screens in place of an existing telephone kiosk with digital advertising on the rear. In addition, a telephone box would be removed from outside 327 Bishport Avenue in BS13. The application is recommended for approval on balance.

**REASON FOR CALL-IN TO COMMITTEE:**

Councillor Stafford Townsend has called in the application on the grounds of design, visual impact, street clutter and accessibility impact.

**SITE DESCRIPTION**

The application site is a pedestrianised street running from The Horsefair opposite the old Debenhams Building through the centre of Broadmead Hub through to Castle Park. There is an array of street furniture including two existing telephone boxes with a poster 6-sheet advertising board on the rear, telecom cabinets, bench seating, rubbish bins, a pavilion with a sales room for Sky TV in occupation.

The street is within the Bristol Shopping Quarter and is not located within a Conservation Area.

**RELEVANT PLANNING HISTORY**

There is a substantial planning history at this site, the most recent relevant applications of which are:

17/05043/A: Proposed display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk. GRANTED on 10.11.2017.

17/05044/A: Proposed display of a single sided LED illuminated sequential display affixed to the frame of the payphone kiosk. GRANTED on 09.11.2017.

12/04946/Y: Proposed payphone kiosk. PRIOR APPROVAL REFUSED on 21.12.2012.

08/03892/A: Installation of a combined payphone and advertisement panel. GRANTED subject to conditions on 26.11.2008.

08/03990/A: Advertising panel measuring 1163mm x 1713mm to be attached to rear of replacement payphone. GRANTED subject to conditions on 26.11.2008.

Concurrent advertising application submitted: 21/049447/A: Installation of 2no. digital LCD display screens, one on each side of the Street Hub unit. PENDING DETERMINATION

**APPLICATION**

Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens and associated BT phone kiosk removal.

The Street Hub includes additional benefits including public service/emergency messaging, the ability to call emergency services or a short call, additional surveillance through cameras within the unit and the ability to monitor air quality, light and noise levels.

Please see plans for full details.

**Development Control Committee A – 24 August 2022****Application No. 21/04946/F : Pavement Opposite TSB 36-38 Merchant Street Bristol BS1 3EP**

## RESPONSE TO CONSULTATION AND PUBLICITY

The application has been publicised via site notice with an expiry date of 20.10.2021.

34 Objections have been received. The key reasons for objection are:

- Design is too big and unpleasant
- Loss of amenity for the local area.
- No public need to replace the existing telephone box.
- Blocking of visual and physics paths of pedestrians.
- Concern over gathering of personal information and surveillance.
- Negative impact on public health, mental health and wellbeing.
- Energy / Sustainability concerns.
- Light Pollution
- Too much street clutter in the area.
- Application is for 10 years, double the usual allowance for advertising consent.
- Stated public benefits are not needed or required.
- Safety risk for visually impaired pedestrians.

**The Bristol Walking Alliance has commented as follows:**

'Bristol Walking Alliance (BWA) objects to the proposed installation of three BT Street Hub advertising signs to the detriment of the amenity of Bristol City Centre.

21/04946/F Opposite TSB 36-38 Merchant Street Bristol BS1 3EP

21/04948/F O/S Number One Bristol, Lewins Mead Bristol BS1 2NR

21/04950/F O/S Pret-A-Manger, 42 Baldwin Street Bristol BS1 1PN

The proposed BT Street Hub units are essentially similar to, though slightly larger than, the previous InLink units which were refused permission by the Council in 2018. We believe the same reasons for refusal should apply to these applications.

We object to these installations for their obstructive siting, their visual effect on the public realm and their potential for invasion of privacy.

Because of the prevalence of mobile phones, the demand for street phones is negligible. For the phone and tablet functions of the proposed units, their use will be inconvenienced by lack of shelter and privacy for the user, and in two of the applications by adjacent road noise.

**Obstruction**

Their intended purpose is for the advertising revenue they could bring to the applicant. Their siting is on busy pavements in the city centre where pedestrian numbers are increasing and where walking is encouraged as a sustainable mode of travel. Bristol Walking Alliance objects to the installation of any unnecessary pavement furniture on the functional grounds that it limits the free flow of pedestrian movement. Pavement obstacles are a particular hazard to those with impaired vision.

The submitted plans are misleading in the amount of space required. The phone and tablet panel are situated on the edge of the monolith, so anyone using the phone or tablet panel will occupy additional pavement space, adding a further (say) 0.5m to the effective width of the monolith.

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We have specific objections to the siting of the proposed BT Street Hub units:

- 21/04946/F: Sited right in the middle of a busy pedestrianised area, out of line with other street furniture, so obstructs pedestrian desire lines and is a hazard to those with impaired vision.
- 21/04948/F: Sited to block approximately half the width of the otherwise unobstructed pavement and also a hazard to long cane users and those with guide dogs who may use the kerb as a navigation aid.
- 21/04950/F: Sited so that the straight line of pedestrian travel is reduced to less than 2m, due to a nearby ramp for disabled access. Pedestrians should not be made to weave around unnecessary obstacles.

## 2 Visual impact

We also object to these monoliths on appearance grounds. Their excessive size is due purely to their advertising potential, since the wifi and 5G functionality could be provided on a simple pole.

Advertising, by its nature, is designed to grab the attention of those who are sighted. It can therefore distract the attention of pavement users, or road users, presenting a potential hazard to those navigating their way along, across or beside roads. This may be particularly true for modern, brightly illuminated, changing display panels.

Two of the sites (21/04948/F, 21/04950/F) are in conservation areas for which their inappropriate appearance detracts from the setting which these designations are supposed to preserve.

Given that their key visual impact is the presentation of advertising, their excessive size is detrimental to the overall streetscape and to the enjoyment of the urban scene for all.

## Privacy

The BT Street Hub monoliths each include three cameras, capable of monitoring activity in the street. This introduces the potential for increased surveillance and invasion of privacy outside local authority control. Advertising companies, such as those involved with these applications, are already exploring the potential of facial recognition for measuring and adapting their messages to individuals.

## Additional advertising considerations

As well as objecting to the siting, visual impact and privacy implications of these units, we believe Bristol City Council should also refuse to approve the use of advertising on these units if such advertising would not have deemed assent, for example if advertisements would be illuminated or would appear on more than one face of the unit (all three applications), or if in a conservation area

(21/04948/F, 21/04950/F).

We also believe that the applicant's request for consent for 10 years is out of line with the normal practice of giving consent for a 5 year period, after which approval could be reviewed if necessary.'

## **Bristol Civic Society has commented as follows:**

'We are in broad support of the BWA objection, particularly with respect to deliberate obstruction of a through route.

**Development Control Committee A – 24 August 2022****Application No. 21/04946/F : Pavement Opposite TSB 36-38 Merchant Street Bristol BS1 3EP**

It also seems optimally placed to obstruct any adjacent redevelopment activity and by being out of line with the other obstructions creates a greater cumulative obstruction.

According to the application form, the applicants have not sought LA guidance and underplay the size of the edifice by quoting the advertising screen size and not the totem. This is in effect a ten-foot stricture of over 4 feet width with additional standing space to the side of it if used as a phone.

Whilst the deleted box was in a long line of easily avoided street furniture, this unit is set right in the middle of Merchant Street so obstructs pedestrian desire lines and is a hazard to those with impaired vision. Within the terms of the traffic hierarchy this is a traffic hazard therefore.

Whilst the advertising is unlikely to be interpretable at distance, the light source will be visible from Castle Park to the former Debenhams store. This is of poor amenity value.

The adjacent built environment is locally listed.

Due to lack of kerbs and the position proposed, there's at least a chance of vehicular interaction with the flying awnings which seem to be omitted from the applicants drawings'.

**OTHER COMMENTS:****The City Design Team has commented as follows:**

'There are similar advertising hubs in the area, given the commercial nature of the area, a single unit would not warrant refusal on design terms. Given the approved advertising in the area and the removal of one telephone box, to refuse on design grounds seems inappropriate and unlikely to stand up to appeal given other recent approvals.'

**The Transport Development Management Team has commented as follows:**

'The applications are for a structure housing advertising, Wi-Fi, and telephone connectivity, and a separate advertising consent. The assessment of the applications in transport terms have been on potential for distraction, and the siting, including servicing requirements, accessibility, visibility, and remaining footway widths.

No highway safety assessment has been provided by the applicants. An assessment has therefore been made by officers.

**Policy:**

- NPPF requires developments to give priority to pedestrian and cycle movements, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and to avoid street clutter. It also requires development to ensure active use of public realm through the promotion of safe and accessible developments, containing clear and legible pedestrian routes.

- Policy DM23 requires development to provide of safe and adequate access within the highway network, and to enhance, where appropriate, the pedestrian environment.

- Policy DM28 requires development to contribute to safe, attractive, high quality, inclusive and legible public realm, and to provide for appropriate levels of movement including convenient pedestrian movement.

- Policy BCS10 sets out a priority for pedestrians above other road users, and require development to maximise opportunities for the use of walking, cycling and public transport and ensure the provision of safe streets, where the needs of people shape the area.

**Development Control Committee A – 24 August 2022****Application No. 21/04946/F : Pavement Opposite TSB 36-38 Merchant Street Bristol BS1 3EP**

- Policy BCS13 requires development to provide for patterns of development which encourage walking. BCAP30 outlines that development that would be harmful to the amenity or accessibility of primary or secondary pedestrian routes will not be permitted.

- City Centre Framework defines movement priority routes for walking, cycling and public transport with an emphasis on improving walking and cycling routes and enhanced public realm through improved legibility, accessibility and safety.

**Distraction:**

Advertising is by its nature designed to attract attention. In an environment where drivers are required to concentrate on the highway, distraction should be limited. Digital adverts, by their nature, can create additional distraction, as the brighter images and change in images can give an impression of movement outside of the driver's cone of vision, or confuse drivers.

Distraction and confusion can be caused by additional cognitive demand on a drivers' attention, leading to an increased risk of accidents. Where a driver is already experiencing significant demand through challenging road layouts or other additional demands on their attention, it is important not to add any further unnecessary distraction, particularly where there are vulnerable road users present. Where there are multiple messages (such as traffic signs, signals, road markings) or pedestrian / cycle desire lines, additional distraction in the form of advertising will be resisted. Where adverts are deemed to be sited acceptably, for the reasons outlined above, any animation on the adverts would not be acceptable. It is therefore imperative to assess each advertisement on its own merits with regard to the site-specific circumstances.

It is not considered in this instance that the proposed advert would create an unacceptable level of additional distraction in this location to the severe detriment of safety.

**Siting:**

The pedestrian environment in this location is wide, as this is a pedestrian precinct, but is very busy during peak shopping periods. The proposed unit would be sited out of line from the other street furniture, and would create additional obstruction and displacement of convenient pedestrian flow in this area.

Arrangements for the servicing of the unit has not been considered in terms of servicing vehicles. The unit would have 4 visits per month (cleaning and inspection). This is sited on a route where loading is prohibited at all times, and no facilities for servicing vehicles have been considered. Servicing of this area takes place outside of shop operating times and access arrangements with the Broadmead Management would need to be agreed, to prevent vehicles parking up on Fairfax Street, which is strictly prohibited for safety and access reasons.

The unit would require a power supply. Any proposed feeder pillars would further narrow the footway, which will be a further constraint on the pedestrian environment. Details of proposed feeder pillars and other above ground structures have not been submitted.

Given the size of the unit, this is likely to be subject to significant wind loads, and the Highway Authority would need to be satisfied with the structural integrity of the unit and its foundations. A condition and informative would be required on any permission.

Each unit would be expected to be limited to lux levels of 300cd/m<sup>2</sup> at night and 600cd/m<sup>2</sup> during daytime to reduce light pollution and reduce distraction. This could be included in any condition on the application. Further conditions would be applied to any permission to limit movement and the types of images to be used, through a standard digital advertising condition.



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## Benefits:

There is no indication that BT have approached Bristol City Council's officers to discuss the outlined benefits such as Real Time Information or traffic monitoring. These benefits are therefore not considered to outweigh any of the issues outlined above. Bristol City Council currently has the ability to broadcast RTI and Council messages on the existing bus stop advertising infrastructure, so any overall benefit would not be material to the Transport and Highway Authorities.

Any proposed removal of existing unsightly and unmaintained units is welcomed as these create obstruction to footways, although if out of use or in need of excessive maintenance, these should be removed anyway without being connected to the proposals for these Hubs. Notwithstanding this, the public benefit of returning road-space to the public is welcomed. The removal of these units would be expected to be secured through a (Grampian) condition to ensure that their removal takes place prior to any use being brought about.

In this case, the removal of the existing unit in Merchant Street would not be significant in its own right, as there is existing street furniture in line with this existing unit which would remain.

The removal of the Bishport Road unit would have minimal impact on the improvement of the highway, as the phone box is not within the pedestrian desire line and is set off the main footway, but is unsightly and unmaintained, so the removal of cutter would be beneficial.

## Conclusion

In summary, by virtue of it siting outside of the envelope of other street furniture creating obstruction to a Primary pedestrian corridor, and insufficient servicing information, the proposal would create an unsafe environment, and unacceptable amenity and accessibility issues. The application is therefore recommended for refusal'

## Further comments following revision of Street Hub Location:

'In terms of location, we would no longer be recommending refusal of this, as this is now in line with existing street furniture and doesn't cause any additional restrictions to pedestrian movements compared to the current situation. We would still like further information on how the unit will be serviced without impacting on Fairfax Street. This can probably take place outside of the closure times – they would need to demonstrate that they can and will do this.'

## The Pollution Control Officer has commented as follows:

'I have no objection. As per the Design and Access Statements I would be happy for the following condition to be added to any approval:

The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m<sup>2</sup>) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professionals' 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.'

## The Avon and Somerset Police Crime Prevention Design Advisor has commended as Follows:

'I am a Crime Prevention Design Advisor (CPDA) with a responsibility for Crime Prevention Through Environmental Design (CPTED) projects within the Bristol area. As a Constabulary we offer advice and guidance on how the built environment can influence crime and disorder.

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Paragraphs 92, 97 and 130 of the National Planning Policy Framework (adopted July 2021) require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 97, 106, 108, 110, 112 and 119 (also require the creation of safe environments within the context of the appropriate section.

The Bristol Development Framework Core Strategy (adopted June 2011) states that one of the overarching issues for ensuring a sustainable future is reducing the opportunity for crime. Bristol Local Plan – Site Allocations and Development Management Policies – (Adopted July 2014) section DM28: Public Realm states that Development should create or contribute to a safe, attractive, high quality, inclusive and legible public realm that contributes positively to local character and identity and encourages appropriate levels of activity and social interaction. Section 4 adds that development will be expected to: Reduce crime and fear of crime by creating a well-surveyed public realm that is well managed and cared for;

I have viewed these planning applications and have the following general comments followed by more information for each site. In addition at the end of this report are comments from the Neighbourhood Policing Team Inspector and Traffic Management Department.

#### Street Robbery

The intention of the Street Hub device is to encourage users to use generally high value mobile devices out in the public realm. Good crime reduction advice does recommend that to protect yourself from street robbery you should keep your mobile phone and valuables out of sight. It therefore becomes a personal safety issue, with users open to street robbery. The sites will also allow a potential offender to reasonably justify a reason for being in the vicinity, claiming that they are using the Wi-Fi facility.

#### Malicious Calls

The 999 button/facility is open to misuse with the button large and prominent on the device; other police constabularies (Metropolitan Police Service) have reported an increase of hoax calls which places a further burden on the police service.

#### Drug Dealing

The other reported issue is the facility being used for drug dealing, a Designing Out Crime Officer (DOCO) in Tower Hamlets has made this point 'Our local cctv operatives at Tower Hamlets have images showing groups of drug users forming an orderly queue to use the phone on these booths to order drugs using the free 30 second call that is provided'.

We note the applicants comment that they can 'temporarily restrict mobile calls where a Street Hub has been misused to buy illegal drugs'. However we would want to prevent this in the first instance.

#### Criminal Damage

The units are open to criminal damage and graffiti, the DAS does not make any reference to how they will be protected from fly posting, spray paint graffiti and glass etching. A colleague in another force area has seen a unit where there has been an attempt to rip out the interactive tablet.

#### Anti-social Behaviour

Some locations covered by these applications are areas frequented by rough sleepers. The Streetwise coordinator for Bristol who is tackling street-based ASB, begging, street drinking and persistent problematic rough sleepers has advised that the charging facility within these units could

**Development Control Committee A – 24 August 2022****Application No. 21/04946/F : Pavement Opposite TSB 36-38 Merchant Street Bristol BS1 3EP**

become an issue with this group. The units could become a 'honey pot' where people gather and linger and cause anti-social behaviour. We note that the applicants comment in that there would be a way of 'disabling the USB port to prevent loitering around the unit' however we would want to prevent this in the first instance.

Merchant Street:

[In the full comments on file] I have listed reported crime for an area of 200 metres x 200 metres centred on the site for a period of 12 months (07/12/20 – 07/12/21)

This location is on a main thoroughfare for the night time economy as a result the misuse of the 999 button could be high in this area. There are a number of rough sleepers and street drinkers in the immediate area using the doorway recesses as shelter, as such inappropriate loitering could increase. Due to the comments above I feel that this application does not meet the safety and security requirements of the National Planning Policy Framework or the Bristol Core Strategy and as such I wish to object to these planning applications.'

**KEY ISSUES:**

A. WOULD THE PROPOSED DESIGN OF THE STREET HUB BE APPROPRIATE AND COMPATIBLE WITH THE SURROUNDING AREA?

B.

Paragraph 136 of the National Planning Policy Framework (July 2021) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of visual amenity and public safety, taking account of cumulative impacts.

Policy BCS21 (Quality Urban Design) in the Bristol Core Strategy (Adopted 2011) states that development should create a multifunctional, lively and well-maintained public realm that integrates different modes of transport, parking and servicing. The policy also advocates that new development should deliver high quality urban design and safeguard the amenity of existing development.

Policy DM26 (Local Character and Distinctiveness) of the Site Allocations and Development Management Plan (Adopted 2014) requires development to contribute positively to local character and distinctiveness. Policy DM27 (Layout and Form) of the same document states that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces, the setting, public function and/ or importance of the proposed development and the location within the townscape.

Policy DM28 (Public Realm) expands on this requirement and states that development should create or contribute to a safe, attractive, high quality, inclusive and legible public realm that contributes positively to local character and identity and encourages appropriate levels of activity and social interaction. In particular development will be expected to:

- Reduce crime and fear of crime by creating a well-surveilled public realm that is well managed and cared for; and

- Enable easy, inclusive access into and through the public realm and to buildings that provides adequately for the mobility needs of all users having regard to age, gender and disability

- Incorporate appropriate street furniture, lighting and surface materials of high quality, environmental performance and durability that enhance the quality, character and appearance of the public realm through their siting and design

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The application site is located on Merchant Street, a pedestrianised street within the Bristol Shopping Quarter. It is located to the south of the Broadmead Hub, the circular public realm surrounded by locally listed buildings that form 'The Podium'. There is already a significant amount of street furniture, broadly aligned to minimise the interruption of sight lines and protect pedestrian routes. Further, this is a busy commercial area where signage and advertising would be expected and is preferable to non-commercial areas or locations where the Street Hub and screens would present a distraction to drivers and be out of keeping with the street scene.

Initially, the proposed location was out of line with the existing street furniture, which includes two existing telephone boxes with a poster 6-sheer advertising board on the rear, telecom cabinets, bench seating, rubbish bins, a pavilion with a sales room for Sky TV in occupation. This was considered unacceptable and would have contributed to a feeling of increased street clutter within the area.

Following Case Officer advice, the applicant revised the application, moving the proposed Street Hub location in-line with existing street furniture, in the same location as the telephone kiosk to be removed. Upon revision, it is considered that there would be minimal difference in views along Merchant Street from the Podium, and the additional screen facing towards Castle Park would be obscured from view by existing street furniture and a tree.

In addition, it is noted that there have been approvals for free-standing digital advertising boards in the area in recent times (applications 17/05283/A, 17/05275/A and 18/03803/A) and on that basis, the City Design Team had commented that it would not warrant refusal on the grounds of design.

Further, the proposal includes the removal of an existing telephone box from the pavement outside of 327 Bishport Avenue in BS13. This is approximately 6km from the application site for the Street Hub and is given little weight, however its removal and the making good of the pavement would be welcomed.

Given the above, the application is considered acceptable in design terms and would not unacceptably harm the street scene or public realm.

**B. WOULD THE PROPOSED INLINK DEVICE LEAD TO ANY PUBLIC OR HIGHWAY SAFETY ISSUES OR TRANSPORT CONCERNS?**

Initially, the Transport Development Management (TDM) Team objected to the application on the grounds of detrimental impact on the amenity and accessibility within the Primary Pedestrian Network.

Upon the submission of the revised location of the proposed Street Hub, TDM withdrew their objection given that the proposed Street Hub would be in-line with existing street furniture and would replace the existing telephone kiosk.

As such, there are no concerns with regard to transport, public or highway safety.

**C. WOULD THE PROPOSAL BE A DANGER TO PUBLIC SAFETY?**

Paragraph 92 of the NPPF (2021) states that planning decisions should aim to achieve healthy, inclusive and safe places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Further, Paragraph 97 states that planning policies and decisions should promote public safety and take into account wider security and defence requirements... informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.

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Policies BCS21 in the Bristol Core Strategy (adopted June 2011) advocates that new development should deliver high quality urban design which deliver safe and well-managed built environments. Policy DM27 in the Site Allocations and Development Management Policies (2014) states that development will be expected to provide safe routes, with Policy DM28 in the same document stating that development should create or contribute to a safe, attractive, high quality, inclusive and legible public realm that contributes positively to local character and identity and encourages appropriate levels of activity and social interaction. It goes on to say that development will be expected to reduce crime and fear of crime by creating a well-surveilled public realm that is well managed and cared for.

It is noted that the Avon and Somerset Police Crime Prevention Design Advisor has objected to the application on the grounds that it could result in an increase of inappropriate loitering. In this instance, it is considered that the location is within an area where there is extensive CCTV and many shops and commercial businesses in the area offer free wifi services. As such, the area already enables many of the services offered and is suitably well surveilled to offer a deterrent to antisocial behaviour. There would be no creation of additional dark spaces or blocking of sight lines given the revised location of the scheme.

The applicant has Anti-Social Behaviour Management Plan which outlines a number of measures to reduce the fear of crime. A condition could be attached to ensure that development is in accordance with the management plan.

With regard to health safety, the application is accompanied by a statement of conformity with ICNIRP Public Exposure Guidelines. Consequently, there are no concerns with regard to public health.

Given the above, it is the view of Officers that the application does not warrant refusal on the grounds of crime, fear of crime or public safety in this instance.

#### D. SUSTAINABILITY AND CLIMATE CHANGE

It is noted that concerns have been raised with regard to energy and sustainability. The proposed Street HUB uses LED screens which are considerably more energy efficient than fluorescent bulb backlit screens. In addition, the applicant submits in the product statement that the power used to supply the Street Hub will be from 100% renewable, carbon free energy.

It is accepted that given the size and location, there is no grounds for refusal in planning terms.

#### CONCLUSION

The application is considered acceptable on balance and recommended for approval subject to conditions.

#### EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

**Development Control Committee A – 24 August 2022**

**Application No. 21/04946/F : Pavement Opposite TSB 36-38 Merchant Street Bristol BS1 3EP**

CONDITIONS:

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.

2 Use of the Street Hub hereby approved shall not commence until both of the existing phone kiosks on the pavement outside 36-38 Merchant Street BS1 3EP and on the pavement opposite 327 Bishport Avenue BS13 0HE have been removed in their entirety and the pavement reinstated to the satisfaction of the Local Planning Authority. Photographic evidence of the removal of the phone kiosks on the pavement outside 36-38 Merchant Street BS1 3EP and on the pavement opposite 327 Bishport Avenue BS13 0HE and reinstated of the pavement shall be submitted to the Local Planning Authority before the use of the Street Hub commences for approval in writing by the Local Planning Authority.

Reason: To ensure that the development contributes to the removal of street clutter and improvement of amenity generally.

3 The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m<sup>2</sup>) between dusk and dawn in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'.

Reason: To protect the amenity of the surrounding area.

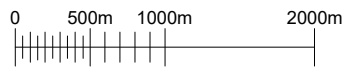
4 List of approved plans and drawings

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.

## Supporting Documents

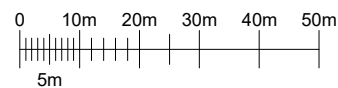
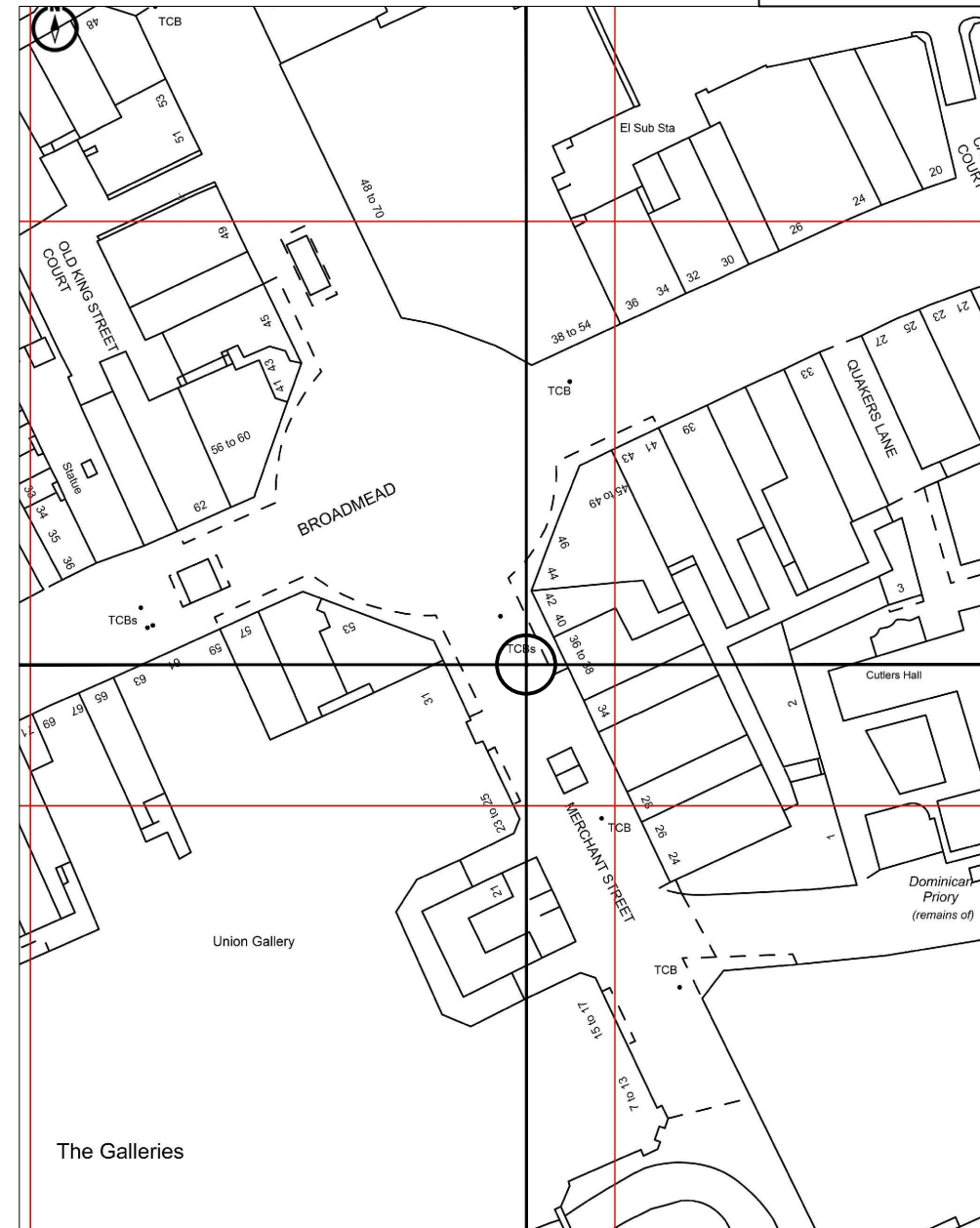
### **3. Pavement opposite TSB 36-38 Merchant Street, BS1 3EP.**

1. Street Hub Site Location Plan
2. Site Layout Plan
3. Elevations and CGI Mark Up



**SITE LOCATION**  
SCALE 1:50000

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office.  
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**DETAILED SITE LOCATION**  
SCALE 1:1250

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**GENERAL NOTES**

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

LAT 51.457398 LONG -2.58887

Rev	Date	Description	Drawn	Chkd
B	07.03.22	New BT Streethub Structure - Amended	MD	JE
A	26.08.21	New BT Streethub Structure	MD	JE

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Drg Status  
**PLANNING**

Cell No. & Name

BST0103

Site Name & Address

Pavement opposite TSB, 36-38  
Merchant Street, Bristol, BS1 3EP

Drawing Title

SITE LOCATION MAPS

Scale As Shown Date 07.03.2022

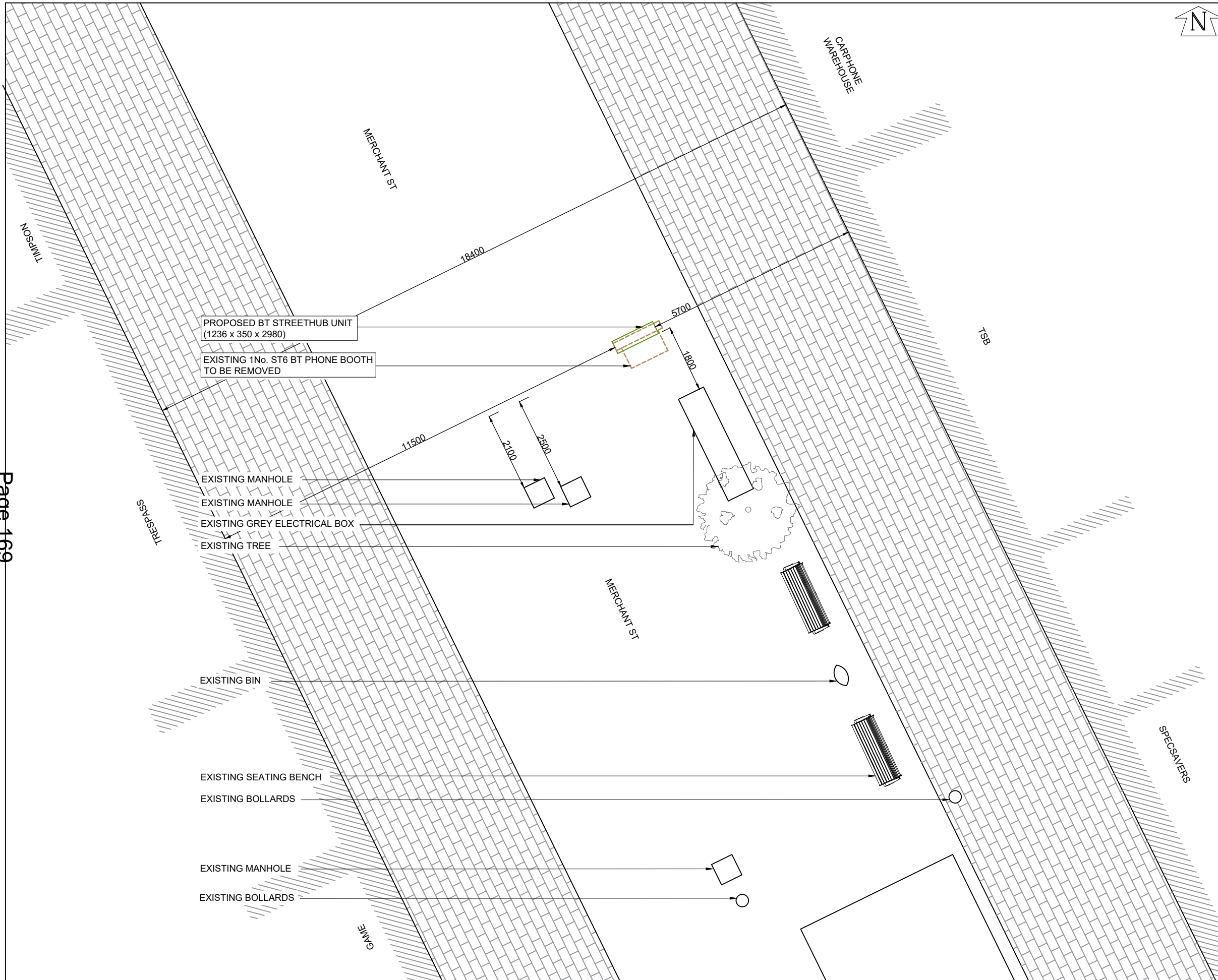
Drawn By MD Checked By JE

Drawing Number 001 Revision B





**GENERAL NOTES**  
 Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.



PROPOSED BT STREETHUB UNIT  
 (1236 x 350 x 2980)

EXISTING 1No. ST6 BT PHONE BOOTH  
 TO BE REMOVED

EXISTING MANHOLE

EXISTING MANHOLE

EXISTING GREY ELECTRICAL BOX

EXISTING TREE

EXISTING BIN

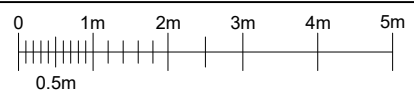
EXISTING SEATING BENCH

EXISTING BOLLARDS

EXISTING MANHOLE

EXISTING BOLLARDS

**PROPOSED SITE PLAN**  
 SCALE 1:100



Page 169

Rev	Date	Description	Drawn	Chkd
B	07.03.22	New BT Streethub Structure - Amended	MD	JE
A	26.08.21	New BT Streethub Structure	MD	JE

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Drg Status  
**PLANNING**

Cell No. & Name  
**BST0103**

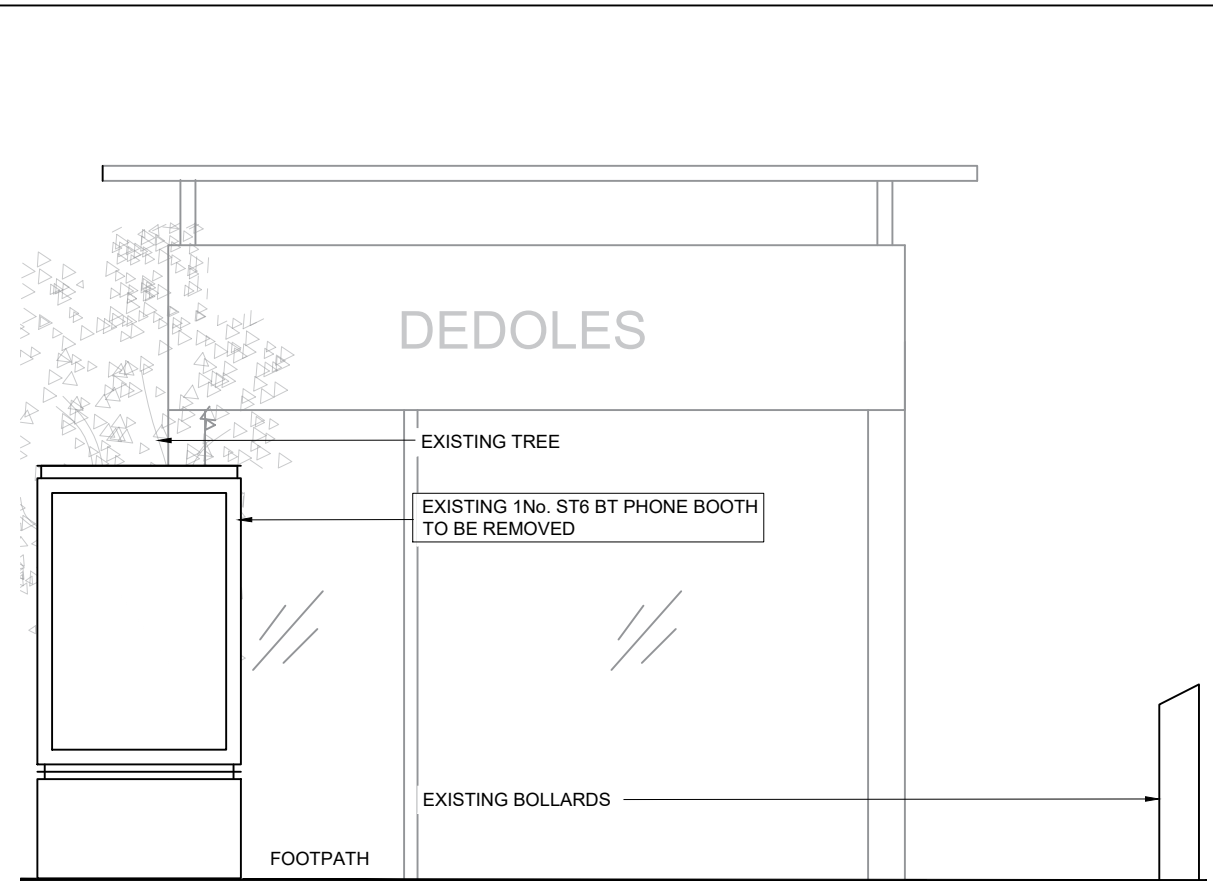
Site Name & Address  
 Pavement opposite TSB, 36-38  
 Merchant Street, Bristol, BS1 3EP

Drawing Title  
**PROPOSED SITE PLAN**

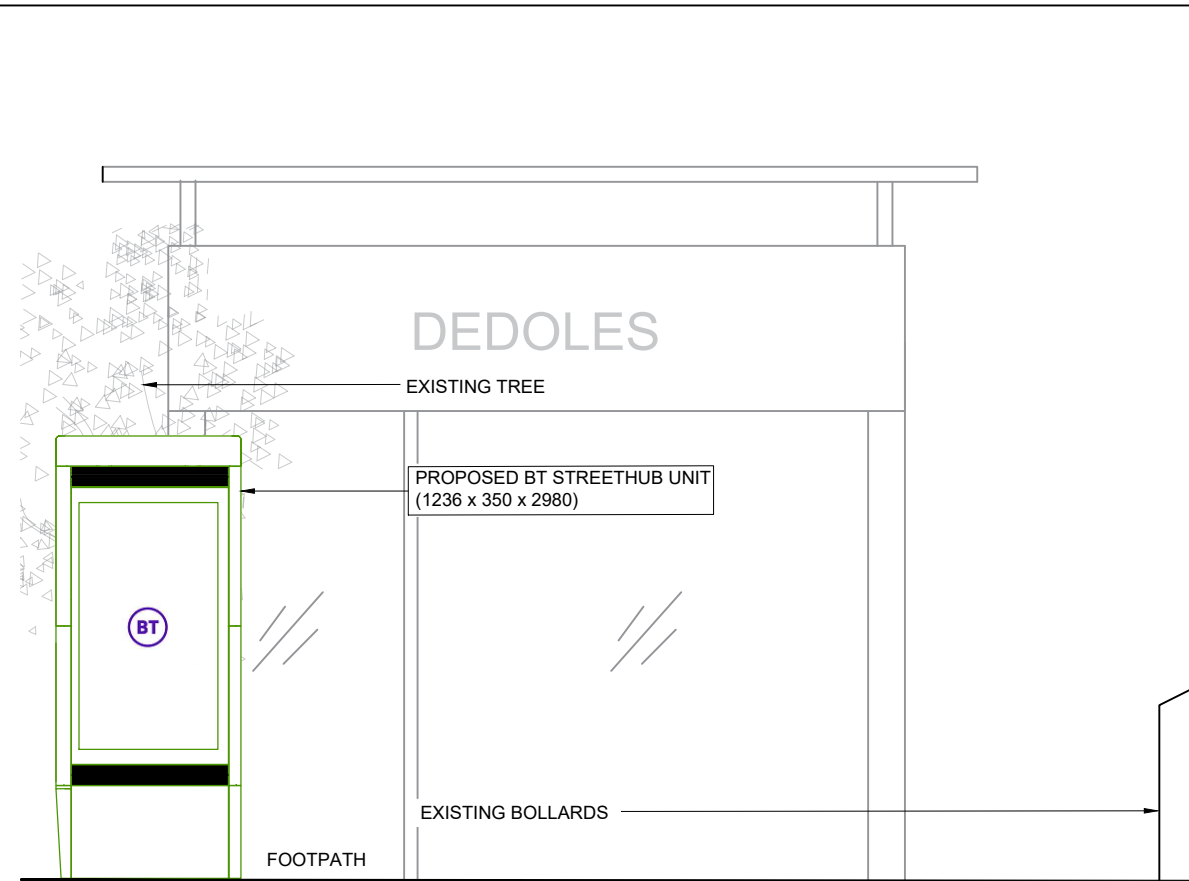
Scale 1:100 Date 07.03.2022

Drawn By MD Checked By JE

Drawing Number 002 Revision B



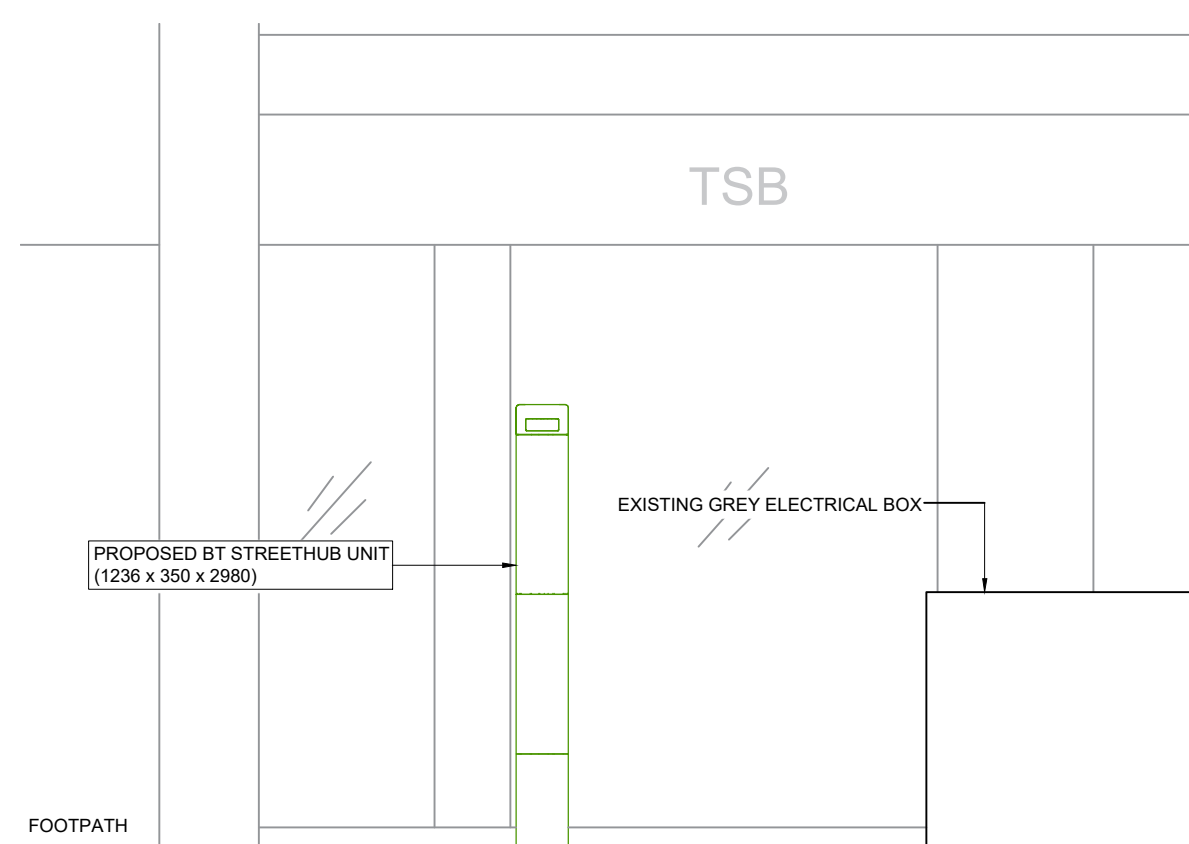
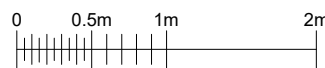
**EXISTING FRONT ELEVATION**  
SCALE 1:50



**PROPOSED FRONT ELEVATION**  
SCALE 1:50



**PROPOSED PHOTOMONTAGE**  
NTS



**PROPOSED SIDE ELEVATION**  
SCALE 1:50

**GENERAL NOTES**  
Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

Rev	Date	Description	Drawn	Chkd
B	07.03.22	New BT Streethub Structure - Amended	MD	JE
A	26.08.21	New BT Streethub Structure	MD	JE

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Drg Status  
**PLANNING**

Cell No. & Name  
**BST0103**

Site Name & Address  
Pavement opposite TSB, 36-38  
Merchant Street, Bristol, BS1 3EP

Drawing Title  
**EXISTING AND PROPOSED  
ELEVATIONS**

Scale 1:50 Date 07.03.2022

Drawn By MD Checked By JE

Drawing Number 003 Revision B