

Development Control A Committee Agenda



Date: Thursday, 4 March 2021

Time: 2.00 pm

Venue: Virtual Meeting - Zoom Committee Meeting
with Public Access via YouTube

Distribution:

Councillors: Donald Alexander (Chair), Chris Windows (Vice-Chair), Fabian Breckels, Stephen Clarke, Mike Davies, Paul Goggin, Margaret Hickman, Olly Mead, Steve Smith and Mark Wright

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Date: Wednesday, 24 February 2021



Agenda

1. Welcome and Introductions

(Pages 4 - 6)

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 held on Wednesday 10th February 2021.

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

(Pages 7 - 11)

5. Appeals

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

(Pages 12 - 23)

6. Enforcement

To note recent enforcement notices.

(Page 24)

7. 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 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 5pm on Friday 26th February 2021.**



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 Noon on Wednesday 3rd March 2021.**

Anyone who wishes to present their public forum statement, question or petition at the zoom meeting must register their interest by giving at least two clear working days' notice prior to the meeting **by 2pm on Tuesday 2nd March 2021.**

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.

Please note, your time allocated to speak may have to be strictly limited if there are a lot of submissions. This may be as short as one minute.

8. Planning and Development

(Page 25)

- a) **20/03286/F - Swift House, Albert Crescent, Bristol** **(Pages 26 - 49)**
- b) **18/05023/F - 493 to 499 Bath Road, Brislington Bristol BS4 3JU** **(Pages 50 - 81)**
- c) **20/04934/P - St Catherine's Place, East Street, Bedminster, Bristol** **(Pages 82 - 138)**

9. Date of Next Meeting

The next meeting is scheduled to be held at 2pm on Wednesday 31st March 2021.



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 <https://www.bristol.gov.uk/council-meetings>

Covid-19: changes to how we hold public meetings

Following changes to government rules, we will use video conferencing to hold all public meetings, including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny.

Councillors will take decisions remotely and the meetings will be broadcast live on YouTube.

Members of the public who wish to present their public forum in person during the video conference must register their interest by giving at least two clear working days' notice to Democratic Services of the request. To take part in the meeting, you will be required to register for a Zoom account, so that Democratic Services is able to match your named Zoom account to your public forum submission, and send you the password protected link and the instructions required to join the Zoom meeting to make your statement or ask your supplementary question(s).

As part of our security arrangements, please note that we will not permit access to the meeting if your Zoom credentials do not match your public forum submission credentials. This is in the interests of helping to ensure a safe meeting environment for all attending or observing proceedings via a live broadcast.

Please note: Members of the public will only be invited into the meeting for the duration of their submission and then be removed to permit the next public forum participant to speak.

Changes to 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. 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. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.
- **Your intention to attend the meeting must be received no later than two clear working days in advance. The meeting agenda will clearly state the relevant public forum deadlines.**



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, published on the website and 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.
- Public Forum will be circulated to the Committee members prior to the meeting and published on the website.
- If you have arranged with Democratic Services to attend the meeting to present your statement or ask a question(s), you should log into Zoom and use the meeting link provided which will admit you to the waiting room.
- The Chair will call each submission in turn and you will be invited into the meeting. 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, and you may need to be muted if you exceed your allotted time.**
- If there are a large number of submissions on one matter, a representative may be requested to speak on the group's behalf.
- If you do not attend the meeting at which your public forum submission is being taken your statement will be noted by Members.

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

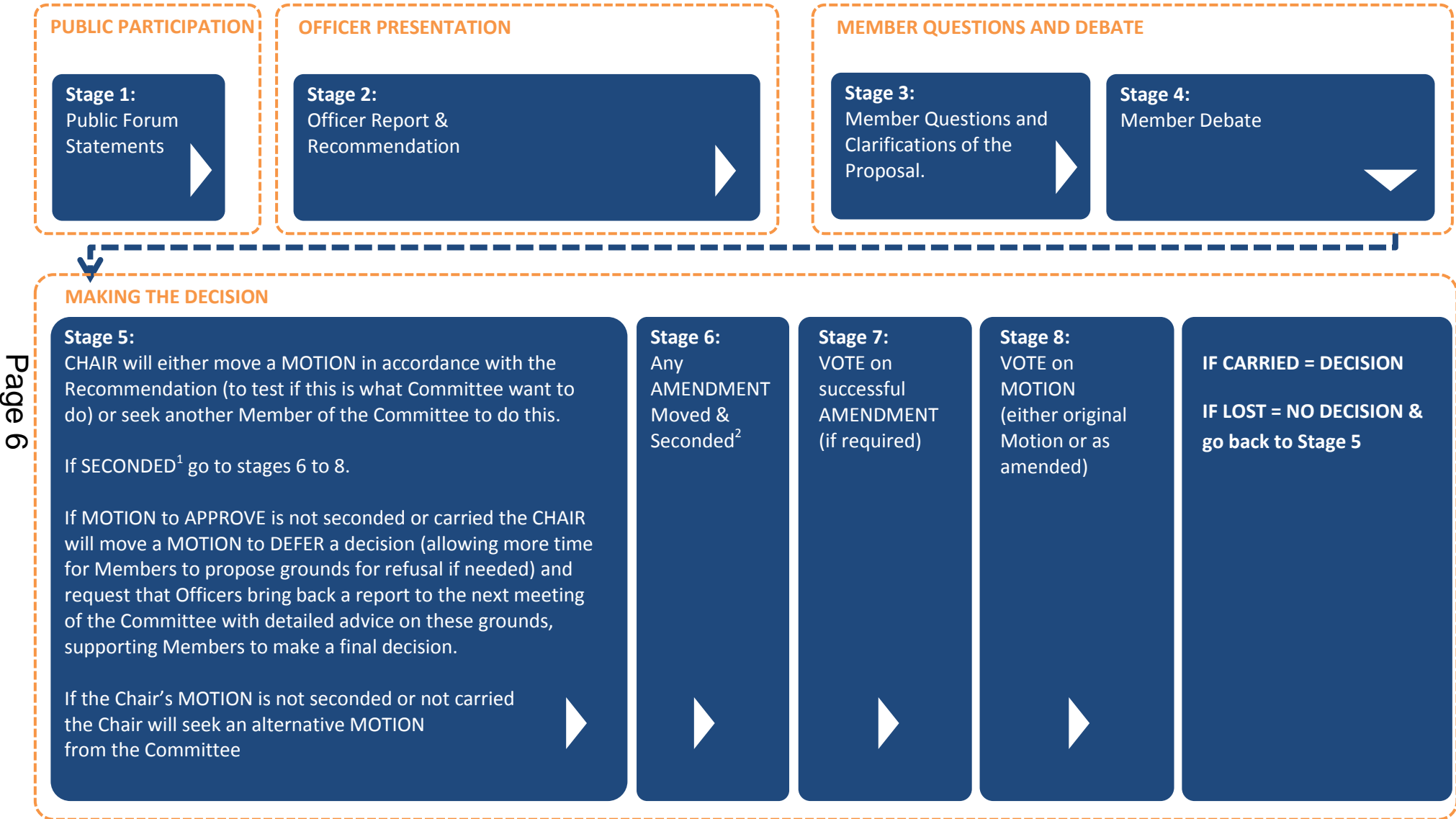
Members of the public attending meetings or taking part in Public forum are advised that all virtual public meetings including Full Council and Cabinet meetings are now broadcast live via the council's [webcasting pages](#). The whole of the meeting will be broadcast (except where there are confidential or exempt items).

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.



Development Control Committee Debate and Decision Process



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

² 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 Stage 7, then this becomes the Motion which is voted on at Stage 8



Bristol City Council
Minutes of the Development Control A
Committee



10 February 2021 at 2.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Mark Wright, Fabian Breckels, Paul Goggin, Stephen Clarke, Mike Davies, Margaret Hickman, Steve Smith and Fi Hance

Officers in Attendance:-

Claudette Campbell (Democratic Services Officer) and Gary Collins, Head of Development Management

1. Welcome, Introductions and Safety Information

The Chair welcomed all parties to the Meeting.

2. Apologies for Absence and Substitutions

Apologies for absence was received from Councillor Chris Windows.

Councillor Fi Hance substituted for retired Councillor Clive Stevens.

3. Declarations of Interest

The following Declaration of Interest was received and noted:

- Cllr Mike Davies advised that his Ward was in the locality of the application and he had been made aware of this development but confirmed that he was not predetermined.

4. Public Forum

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



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

5. Minutes of the previous meeting

Resolved: that the Minutes of the meeting held on the 25th November 2020 be confirmed as a correct record and signed by the Chair.

6. Appeals

The Head of Development Management introduced the report bringing the following to Committee's attention:

- Item 12: Giant Goram Barrowmead Drive – the appeal was the subject of an Informal Hearing and it had been dismissed. The Inspector considered that it had not been demonstrated that the pub was no longer economically viable or that there was a diverse range of public house provision in the locality. The pub was considered to be defined as a community asset and it was the last of the original five pubs in Lawrence Weston, a community that had lost other facilities and was the location of future development. This was contrary to policies in the Local Plan and the Neighbourhood Development Plan. The pub was also locally listed and a heritage asset which would be completely lost, however not every option for its retention had been explored. Applying the planning balance, the obvious benefit of seven new homes did not outweigh the harm that had been identified.
- Item 13 & 14: Former Pring & St Hill site, Malago Road – the appeal was also the subject of a Hearing held in December. There were two proposals, one for mainly student accommodation and some residential units and also a scheme for 100% student accommodation; the decision is expected shortly.
- Item 15: St Catherine's Place Shopping Centre, East St – this appeal was the subject of a recent Public Inquiry and the decision was expected in a few weeks' time.
- Item 16 & 17: Land and Buildings on the South Side of Silverthorne Lane - the Committee had resolved to grant permission for this proposal but there had been an outstanding objection by the Environment Agency on flood grounds; the Secretary of State had called-in the application for his determination and an Inspector had been appointed to hold a Public Inquiry to hear evidence from all parties and recommend a decision to the Secretary of State.
- Item 64-70 Hamilton House Stokes Croft - Appeal on 7 applications; 4 allowed and 3 dismissed. The key issues were the technicalities around what could be defined as a "planning unit" and also whether specific parts of the building could be proven to have been in lawful office use in May 2013.
- Item 94 Poster Panel on Marketside Industrial Site Albert Road - appeal following the decision of the Committee to refuse permission, whereas officers had recommended approval. The refusal was on the grounds of harm to road users; the appeal was allowed as the Inspector considered that no obvious harm could be found.



- Item 96 & 97 85 Whiteladies Road - the Committee had refused this application, whereas officers had recommended approval, on the grounds of breaching the 10% HMO threshold in the locality as referred to in the adopted SPD. Whilst the Inspector gave weight to the breaching of the 10%, he allowed the appeal on the basis that there was no demonstrable harm to the local area that would be caused by exceeding 10%.

7. Enforcement

The Head of Development Management Introduced provided a brief summary on matters listed.

8. Planning and Development

9. Application 19/04802/F Former Gas Holder Site Glenfrome Road Bristol BS2 9UZ

- The Application has been called in for determination by the local Ward Councillors Councillor Tincknell and Councillor Kirk.
- The application is for the construction of a new deport facility including offices, yard and car parking for Wales & West Utilities, who are currently occupy the larger site on the opposite side of Glenfrome Road. This is a relocation of operations across the road.
- The Application site is located on the north-western side of Glenfrome Road, and is bounded to the south-west by a railway line; to the north east by large commercial units, including a builders merchant, and an open space intersected by a public right of way. Residential properties are located to the north on Narrowways Road. The site is also near to a local school.
- Committee were shown and provided with an overview of the plans and ariel photographs of the layout of the site and local area.
- The application was subject to two rounds of consultation resulting in approx. 85 responses, 13 additional comments received after the report had been prepared; areas of concern expressed including: air quality; highway safety, pedestrian safety as Glenfrome Road is the walking route to the local school; existing contamination on site; the appropriateness of the site for industrial use had also been questioned.
- On the issue of the contamination left following the decommissioning of the Gas Works in 2013 committee was referred to the comments of the statutory consultees. The Environment Agency and BCC Land Contamination Officer comments are accompanied with the necessary conditions to be attached if permission is granted.
- A prominent theme amongst the responses received was the suggestion that the pedestrian walkway, that measures in places 1.6-1.7 metres should be widen by demolishing the red brick boundary wall and widen the footway to 2 metres. This was discussed between all parties with the Applicant making the case that such a request was disproportionate.
- The applicant proposes to widen the access entrance to 15 metres; to keep the gate open during the hours of operation; said to be from 07:30hr to 18:30hrs and 08:00hrs to 13:00hrs on a Saturday; together with the proposed Traffic Regulation Order imposing two restrictions; firstly double yellow lines on the opposite side of the road and a right turn ban directing traffic exiting



the site towards the M32 away from the direction of the school. These measures combined with a number of other conditions set out in the report, would support road safety giving all road users better visibility, including HGV vehicles entering and exiting the site.

- i. The Transport Development Manager (TDM) concluded that; there is no net increase of trips on the local network and no new exposure, therefore no concerns regarding air quality for this development. Public Forum respondents have taken issue with the conclusion drawn, expressing concerns about the increase to traffic along Glenfrome Road and claiming that there will be an impact on air quality.
- j. The Officer Recommendation is for the Application to be Granted subject to Planning Agreement and conditions set out in the Amendment sheet.

Questions for clarification were answered as follows:

- k. Officers confirmed the management of the exit off site would be secured by a legal agreement that is, a Traffic Regulation Order, and any breaches would be enforceable.
- l. Members challenged the conclusion drawn by the TDM Officer and sought further assurances on this together with the matter of pollutants from the increase traffic flow along Glenfrome Road.
- m. Officers acknowledged that the area was subject to congestion at peak times but explained that the conclusion drawn by the TDM Officer was based on the relocation of the business, no additional traffic was being added to the existing network. However, should a future application for use of the vacant site be made, consideration would then be given to the cumulative impact on the local road network and also air quality.

Debate

- n. Cllr Breckels remained concerned about the issues surrounding peak traffic flows on Glenfrome Road; the need to do more to support visibility for pedestrians; wondered whether a review of the boundary wall could be further considered by Officers via delegated authority. Officers responded that such a requirement would not be appropriate in this case because mitigation was required by the regulations to be related to the impacts of the development in scale and kind.
- o. Cllr Smith viewed the business operation as both new to that locality and additional strain on the networks, to Glenfrome Road in particular; acknowledged and accepted the advice from TDM that it is not reasonable to expect the applicant to address an inherent issue on the highway.
- p. The Chair moved, Cllr Wright seconded, that the Officers recommendation to Grant together with the additional conditions set out in the amendment sheet.
- q. When put to the vote:
- r. Resolved (7 - for; 2 - Abstentions: 0 – Against) that the application be granted as set out in the Officer recommendation with additional conditions set out in the Amendment sheet.

10 Date of Next Meeting

Thursday 4th March at 2pm



Meeting ended at 3.40 pm

CHAIR _____



DEVELOPMENT CONTROL COMMITTEE A

4th March 2021

REPORT OF THE DIRECTOR: DEVELOPMENT OF PLACE

LIST OF CURRENT APPEALS

Householder appeal

Item	Ward	Address, description and appeal type	Date lodged
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	St George West	1 Ebenezer Street Bristol BS5 8EF Conversion and extension of outbuilding, to from ancillary accommodation and associated works. Including raised eaves of roof to east elevation (amendment to consent granted under app.no. 19/00429/H). Appeal against refusal Delegated decision	07/12/2020
3	Bishopsworth	1 Little Headley Close Bristol BS13 7PJ Two storey side and single storey rear extensions. Appeal against refusal Delegated decision	11/12/2020
4	St George Troopers Hill	3 Northfield Road Bristol BS5 8PA Two storey side extension, to provide additional living space. Appeal against refusal Delegated decision	12/01/2021
5	Southmead	26 Charlton Road Brentry Bristol BS10 6NG Demolition of outbuilding and erection of two storey side extension. Appeal against refusal Delegated decision	12/01/2021

6	Redland	8 Zetland Road Bristol BS6 7AE Erection of single-storey rear extension and external alterations to sui generis HMO. Appeal against refusal Delegated decision	22/01/2021
7	Hillfields	6 Esson Road Bristol BS15 1NP Proposed two storey rear extension. Appeal against refusal Delegated decision	28/01/2021
8	St George Central	278 Two Mile Hill Road Bristol BS15 1AT Formation of dropped kerb. Appeal against refusal Delegated decision	29/01/2021
9	Hartcliffe & Withywood	3 Four Acres Bristol BS13 8NQ Demolition of existing garage and erection of single storey side extension. Extend roof canopy over front door/window on front elevation. Appeal against refusal Delegated decision	29/01/2021
10	Clifton Down	5 Woodbury Lane Bristol BS8 2SE Replacement and enlargement of existing masonry shed/store to front elevation to form new kitchen. Appeal against refusal Delegated decision	16/02/2021

Informal hearing

Item	Ward	Address, description and appeal type	Date of hearing
11	Southville	Former Pring And St Hill Ltd Malago Road Bristol BS3 4JH Redevelopment of the site to provide 74 No. student cluster units and 40 No. affordable housing units (social rented), flexible ground floor community/commercial use (Use class A1-A5/D1/B1). Landscaping , access and public realm works and associated works to the Malago Road. (Major Application) Appeal against refusal Committee	15/12/2020
12	Southville	Former Pring And St Hill Ltd Malago Road Bristol BS3 4JH Redevelopment to provide student accommodation across four development blocks, landscaping, access, public realm works and associated works to the Malago River. Appeal against non-determination Delegated decision	15/12/2020

Public inquiry

Item	Ward	Address, description and appeal type	Date of inquiry
13	Lawrence Hill	<p>Land And Buildings On The South Side Of Silverthorne Lane Bristol BS2 0QD</p> <p>Phased development of the following: site wide remediation, including demolition; (Plot 1) outline planning permission with all matters reserved aside from access for up to 23,543m² GIA of floor space to include offices (B1a), research and development (B1b), non-residential institution (D1) and up to 350m² GIA floor space for cafe (A3); (Plots 2 and 3) erection of buildings (full details) to provide 371 dwelling houses (C3), offices (B1a), restaurants and cafes (A3); (Plot 4), redevelopment of 'Erecting Sheds 1A and 1B' (full details) to provide offices (B1a); (Plot 5) erection of buildings and redevelopment of 'The Boiler Shop' (full details) to provide a 1,600 pupil secondary school (D1); (Plot 6) erection of buildings (full details) to provide 693 student bed spaces (Sui generis); infrastructure, including a new canal side walkway and associated works.</p> <p>Committee</p>	TBA
14	Lawrence Hill	<p>Land And Buildings On The South Side Of Silverthorne Lane Bristol BS2 0QD</p> <p>Redevelopment of the site for: (Plot 1) Removal of the Shed 4 western gable wall; (Plot 2) Removal of Shed 4 (excluding wall to canal), insertion of opening into boundary wall and lowering/removal of material; (Plot 3) Removal of Shed 3, removal of Sheds 2a-c; (Plot 4) Insertion of pedestrian access opening into the northern boundary wall of shed 1b, alterations to the South wall of Shed 1b/north wall of Shed 2b, Restoration/rebuild of Shed 1a; (Plot 5) Reduction in height of the walls attached to the North Gateway, removal of western Hammer Forge Wall, reduction of Northern Hammer Forge Wall, demolition and rebuild of Eastern Hammer Forge wall. Works to the Boiler Shop, including new openings in the Western gable end, replacement of asbestos cement roof, removal of post-war cladding and glazing between piers, internal works including new floor level; (Plots 2-5) Potential stabilisation to the early 19th century Feeder Canal rubble stone wall.</p> <p>Committee</p>	TBA

Written representation

Item	Ward	Address, description and appeal type	Date lodged
15	Stoke Bishop	<p>Casa Mia Bramble Lane Bristol BS9 1RD</p> <p>Demolition of existing dwelling (Casa Mia) and erection of four detached residential dwellings with associated garages, refuse storage, internal access road and landscaping (resubmission of application 17/07096/F).</p> <p>Appeal against non-determination</p> <p>Delegated decision</p>	24/02/2020
16	Easton	<p>77 - 83 Church Road Redfield Bristol BS5 9JR</p> <p>Outline application for the erection of a four-storey building comprising 2no. ground floor retail units and 9no. self-contained flats at first, second and third floor levels, with matters of scale, layout and access to be considered (landscaping and design reserved).</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	12/05/2020
17	Frome Vale	<p>67 Symington Road Bristol BS16 2LN</p> <p>One bedroom single storey dwelling in the rear garden of the existing property.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	19/05/2020
18	Clifton Down	<p>41 Alma Vale Road Bristol BS8 2HL</p> <p>Enforcement notice appeal for use of ground floor and basement levels of building as domestic storage.</p> <p>Appeal against an enforcement notice</p>	14/08/2020
19	Bishopston & Ashley Down	<p>Land At 281A-D & 283A Gloucester Road Bishopston Bristol BS7 8NY</p> <p>Enforcement notice for the erection of canopy structure without planning permission.</p> <p>Appeal against an enforcement notice</p>	28/08/2020
20	Redland	<p>36 Woodstock Road Bristol BS6 7EP</p> <p>Erection of a structure on garage roof.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	01/09/2020
21	Redland	<p>36 Woodstock Road Bristol BS6 7EP</p> <p>Enforcement notice appeal for installation of timber/glazed structure at end of rear garden without planning permission.</p> <p>Appeal against an enforcement notice</p>	01/09/2020

22	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
23	Westbury-on-Trym & Henleaze	47 Henleaze Avenue Bristol BS9 4EU Retrospective application for removal of wall and formation of vehicular access and hardstanding. Appeal against refusal Delegated decision	16/09/2020
24	Westbury-on-Trym & Henleaze	47 Henleaze Avenue Bristol BS9 4EU Enforcement notice appeal for the removal of boundary wall and formation of parking space. Appeal against refusal	16/09/2020
25	Avonmouth & Lawrence Weston	6 Springfield Lawns Station Road Shirehampton Bristol BS11 9TY 6 x Lawson Cypress - Felling including stubbing out to the rear of 6 Springfield Lawns. TPO 097. Appeal against refusal Delegated decision	28/09/2020
26	Avonmouth & Lawrence Weston	122 Portview Road Bristol BS11 9JB Proposed demolition the existing buildings, erection of a three storey building to accommodate 6 no. flats. Appeal against refusal Delegated decision	30/09/2020
27	Eastville	12 Lodge Causeway Bristol BS16 3HY Change of use from existing family dwellinghouse (C3) to a House of Multiple Occupation (HMO) with 8 bed-spaces (sui generis), incorporating a single-storey rear extension and all associated works. Appeal against refusal Delegated decision	12/10/2020
28	Cotham	24 Cotham Vale Bristol BS6 6HR Enforcement notice appeal without planning permission the change of use of the property to a HMO. Appeal against an enforcement notice	21/10/2020
29	Clifton	31 West Mall Bristol BS8 4BG Application for a Certificate of Existing Use/Development - use of upper floors as self contained maisonette. Appeal against refusal Delegated decision	02/11/2020

30	St George Central	61 Cecil Avenue Bristol BS5 7SE Extension of existing house to create 4no. self-contained flats and 1no. single-dwelling house, with associated works. Appeal against refusal Delegated decision	02/11/2020
31	Hotwells & Harbourside	173 - 175 Hotwell Road Bristol BS8 4RY Demolition of existing lock-up garage and construction of residential apartment building containing 8 units over car park, refuse, recycling & bicycle storage. Appeal against refusal Delegated decision	10/11/2020
32	Hengrove & Whitchurch Park	84 Westleigh Park Bristol BS14 9TQ First floor extension to form new 1 bed dwelling. Appeal against refusal Delegated decision	25/11/2020
33	Hartcliffe & Withywood	181 Highridge Green Bristol BS13 8AA New dwellinghouse within the existing curtilage. Appeal against refusal Delegated decision	30/11/2020
34	Hengrove & Whitchurch Park	1 Maidenhead Road Bristol BS13 0PS New dwelling to side of existing with removal of garages and outbuildings. Appeal against refusal Delegated decision	01/12/2020
35	Eastville	15 Bridge Street Eastville Bristol BS5 6LN Enforcement notice appeal for the erection of a two storey rear extension with door access onto the roof from first floor level to rear without planning permission. Appeal against an enforcement notice	01/12/2020
36	Southville	Unit A & B Baynton Road Bristol BS3 2EB Erection of building three storey building containing 7no. residential flats, and associated works. Appeal against refusal Delegated decision	03/12/2020
37	Frome Vale	10 Probyn Close Bristol BS16 1JR Erection of 2 Bedroom Dwelling (Self Build). Appeal against refusal Delegated decision	03/12/2020

38	Frome Vale	Open Space Gill Avenue Bristol Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	07/12/2020
39	Southville	215 North Street Bedminster Bristol BS3 1JH Demolishing existing single storey building and replacement with new two storey residential unit. Appeal against refusal Delegated decision	15/12/2020
40	Clifton	Beaufort Cottage Suspension Bridge Road Bristol BS8 4AN Single storey front extension. Appeal against refusal Delegated decision	18/12/2020
41	Redland	7 Belvedere Road Bristol BS6 7JG Change of use from 3 x flats to a 17 x bed extension to the nursing home at 8-9 Belvedere Road. Appeal against refusal Committee	23/12/2020
42	Clifton Down	175 Whiteladies Road Bristol BS8 2RY Proposed replacement the current valley roof with a new attic roof, to form two bedrooms and to form a new bathroom over the present rear extension. Appeal against refusal Delegated decision	29/12/2020
43	Bishopsworth	58 Dancey Mead Bristol BS13 8DF To erect an attached house. Appeal against refusal Delegated decision	30/12/2020
44	Westbury-on-Trym & Henleaze	7A North View Bristol BS6 7PT Erection of rear roof extension to create 1 no. new flat (Class C3) - resubmission of planning application ref: 19/05608/F. Appeal against refusal Delegated decision	07/01/2021
45	Hengrove & Whitchurch Park	32 Widcombe Bristol BS14 0AS Erection of new 2 bed dwelling attached to side of existing house. Appeal against refusal Delegated decision	18/01/2021

46	Westbury-on-Trym & Henleaze	Orange Mast Lime Trees Road Bristol BS6 7XW Application to determine if prior approval is required for a proposed - Monopole and cabinets to be installed. Appeal against refusal Delegated decision	18/01/2021
47	Clifton Down	23 Burlington Road Bristol BS6 6TJ Replacement of 3no. aluminium windows to the front elevation, at mansard roof level, with 3no.double glazed single pane sliding aluminium windows. Replacement of rear first and second storey aluminium windows with 6no. six pane double glazed timber sash windows. Appeal against refusal Delegated decision	25/01/2021
48	Clifton Down	23 Burlington Road Bristol BS6 6TJ Replacement of 3no. aluminium windows to the front elevation, at mansard roof level, with 3no.double glazed single pane sliding aluminium windows. Replacement of rear first and second storey aluminium windows with 6no. six pane double glazed timber sash windows. Appeal against refusal Delegated decision	25/01/2021
49	Central	6 Pipe Lane City Centre Bristol BS1 5AJ Proposed single storey rear extension, replacement rear windows, addition of secondary glazing and internal alterations. Appeal against refusal Delegated decision	26/01/2021
50	Central	6 Pipe Lane City Centre Bristol BS1 5AJ Proposed single storey rear extension, replacement rear windows, addition of secondary glazing and internal alterations. Appeal against refusal Delegated decision	26/01/2021
51	Eastville	4 Island Gardens Bristol BS16 1BU Application for a Certificate of Proposed Development - detached outbuilding. Appeal against refusal Delegated decision	29/01/2021
52	Stockwood	211 Whittock Road Bristol BS14 8DB Proposed 2 bed, two storey single dwelling house, attached to the side of the existing property. Appeal against refusal Delegated decision	01/02/2021

53	Cotham	Ground Floor Flat 3 Victoria Walk Bristol BS6 5SR New window to side elevation. Appeal against refusal Delegated decision	01/02/2021
54	Clifton Down	Whiteladies Residential Home 22 Redland Park Bristol BS6 6SD Proposed demolition of coach house and conversion of Nursing Home into one 1 bedroom (2 bedspace) flat four 2 bedroom (3 bed space) flats, two 2 bedroom (4 bed space) flats, one 3 bedroom (6 bed space) flat and the rebuilding of the two storey coach house to form a new 2 bedroom (4 bed space) cottage, with associated bin and cycle storage and parking. Appeal against refusal Delegated decision	03/02/2021
55	Redland	125 Redland Road Bristol BS6 6XX Replace existing upvc top hung dormer windows at second floor level and replace with enlarged dormer windows with side hung timber windows. Appeal against refusal Delegated decision	08/02/2021
56	Ashley	The Jamaica Inn 2 - 4 Grosvenor Road Bristol BS2 8XW Outline planning application (including consideration of Access, Appearance, Layout and Scale) for the demolition of the existing building and the erection of 10 no. self-contained flats (Use class C3) with associated cycle storage, private amenity space and refuse storage. Appeal against refusal Delegated decision	08/02/2021
57	Bishopston & Ashley Down	7 Selborne Road Bristol BS7 9PH Enforcement notice appeal for development not in accordance with the plans approved as part of planning permission 19/00729/H. Appeal against an enforcement notice	08/02/2021
58	Henbury & Brentry	The Hazels Sheepwood Road Bristol BS10 7BS T3 conifer cypress - Fell.(TPO 398) Appeal against refusal Delegated decision	10/02/2021

59	Horfield	TA Centre Dorian Road Bristol BS7 0XL The installation of supporting steelwork accommodating 6no antenna apertures and 2no transmission dishes, plus 4no equipment cabinets and ancillary development thereto. As part of this application, 2no existing telecommunications flagpoles (measuring 5m and 7m, respectively), and two existing equipment cabinets, will be removed. Appeal against refusal Delegated decision	17/02/2021
60	Central	Tower House Fairfax Street Bristol BS1 3BN High level signage and entrance signage. Internally illuminated. Appeal against refusal Delegated decision	18/02/2021

List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
61	Central	Slug And Lettuce 26 - 28 St Nicholas Street Bristol BS1 1UB Refurbishment of existing customer external seating area to include provision of two wooden pergolas and a seating Appeal against refusal Delegated decision	Split decision 05/02/2021
62	Central	9A Union Street Bristol BS1 2DD Change of use of first and second floors from a Class A1 use (Retail) to a House in Multiple Occupation, with 7no. bedrooms (sui generis). Proposed solar panel array at roof level. Appeal against non-determination	Appeal allowed 17/02/2021 Costs not awarded
63	Avonmouth & Lawrence Weston	8 St Andrews Road Avonmouth Bristol BS11 9EU Change of use from single dwelling house, to two self-contained 2no. bed flats (Retrospective). Appeal against refusal Delegated decision	Appeal dismissed 03/02/2021

64	Southville	<p>St Catherines Place Shopping Centre East Street Bedminster Bristol BS3 4HG</p> <p>Full planning application for comprehensive redevelopment of the site to provide mixed use development comprising 205 residential dwellings (Class C3), 1288sqm of new retail, leisure and commercial space including a cinema (Class A1, A3, D2), refurbishment of existing retail facilities together with parking and amenity space, vehicular access, servicing arrangements, public realm, landscaping and associated works. (Major).</p> <p>Appeal against refusal</p> <p>Committee</p>	<p>Appeal dismissed</p> <p>19/02/2021</p>
65	Lawrence Hill	<p>1 Milsom Street Bristol BS5 0SS</p> <p>First floor extension to rear, with external staircase, and light well to front.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	<p>Appeal dismissed</p> <p>10/12/2020</p> <p>Costs not awarded</p>
66	Filwood	<p>Inns Court Avenue Bristol</p> <p>Application to determine if prior approval is required for a proposed telecommunications upgrade. Proposed 20.0m AGL Phase 7 monopole c/w wraparound cabinet at base and associated ancillary works.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	<p>Appeal dismissed</p> <p>18/02/2021</p>
67	Clifton Down	<p>6-8 Belgrave Hill Bristol BS8 2UA</p> <p>Proposed development of a single dwelling (Use Class C3) with associated external works (Self Build).</p> <p>Appeal against refusal</p> <p>Committee</p>	<p>Appeal allowed</p> <p>19/02/2021</p> <p>Costs awarded</p>
68	Southmead	<p>183 Ullswater Road Bristol BS10 6ED</p> <p>Two storey side extension to accommodate a 4no. bed dwelling.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	<p>Appeal dismissed</p> <p>01/02/2021</p>
69	Windmill Hill	<p>Telecoms Site Adj To Open Space Bushy Park Bristol</p> <p>Proposed Phase 7 monopole c/w wraparound cabinet at base and associated ancillary works.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	<p>Appeal dismissed</p> <p>15/02/2021</p>

70	Bedminster	<p>53 Ruby Street Bristol BS3 3DX</p> <p>Application for variation of condition no. 2 (List of Approved Plans) of permission 20/00813/H - rear roof extension - now proposed amendment to external material from render to timber.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	<p>Appeal allowed</p> <p>19/02/2021</p>
71	Hotwells & Harbourside	<p>13/15 St Georges Road Bristol BS1 5UU</p> <p>Proposed construction of 1no. ground floor retail unit (Use Class A1) and 3no. one bed flats (Use Class C3).</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	<p>Appeal dismissed</p> <p>18/02/2021</p>
72	Hotwells & Harbourside	<p>13/15 St Georges Road Bristol BS1 5UU</p> <p>Proposed construction of 1no. ground floor retail unit (Use Class A1) and 3no. one bed flats (Use Class C3). Works include the partial demolition of the rear wall</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	<p>Appeal dismissed</p> <p>18/02/2021</p>
73	Avonmouth & Lawrence Weston	<p>5 Wellington Mews Bristol BS11 9YN</p> <p>Replace 2.no rooflights with single dormer roof extension to front elevation.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	<p>Appeal allowed</p> <p>18/02/2021</p>

DEVELOPMENT CONTROL COMMITTEE A

4th March 2021

REPORT OF THE DIRECTOR: DEVELOPMENT OF PLACE

LIST OF ENFORCEMENT NOTICES SERVED

No Enforcement Notices to report

Development Control Committee A 4 March 2021

Report of the Director: Development of Place

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Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Lawrence Hill	Grant	20/03286/F - Swift House Albert Crescent Bristol BS2 0UD Erection and operation of a waste transfer station and ancillary structures, including a trailer shelter, a weighbridge and weighbridge office.
2	Brislington West	Refuse	18/05023/F - 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).
3	Southville	Grant subject to Legal Agreement	20/04934/P - St Catherines Place East Street Bedminster Bristol Hybrid application for phased comprehensive redevelopment of the site to provide mixed use regeneration comprising: Phases 1- 4 inclusive - Full application for up to 180 residential dwellings (Class C3) and 815 sqm new commercial floorspace (Class E), parking and amenity space, public realm, vehicular access servicing arrangement, landscaping and associated works; Phases 5 - 7 inclusive - outline application for access only - residential and commercial floorspace (Class E) (reserved matters to comprise scale, layout, appearance and landscaping). Major.

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Development Control Committee A – 4 March 2021

ITEM NO. 1

WARD: Lawrence Hill

SITE ADDRESS: Swift House Albert Crescent Bristol BS2 0UD

APPLICATION NO: 20/03286/F Full Planning

DETERMINATION DEADLINE: 15 January 2021

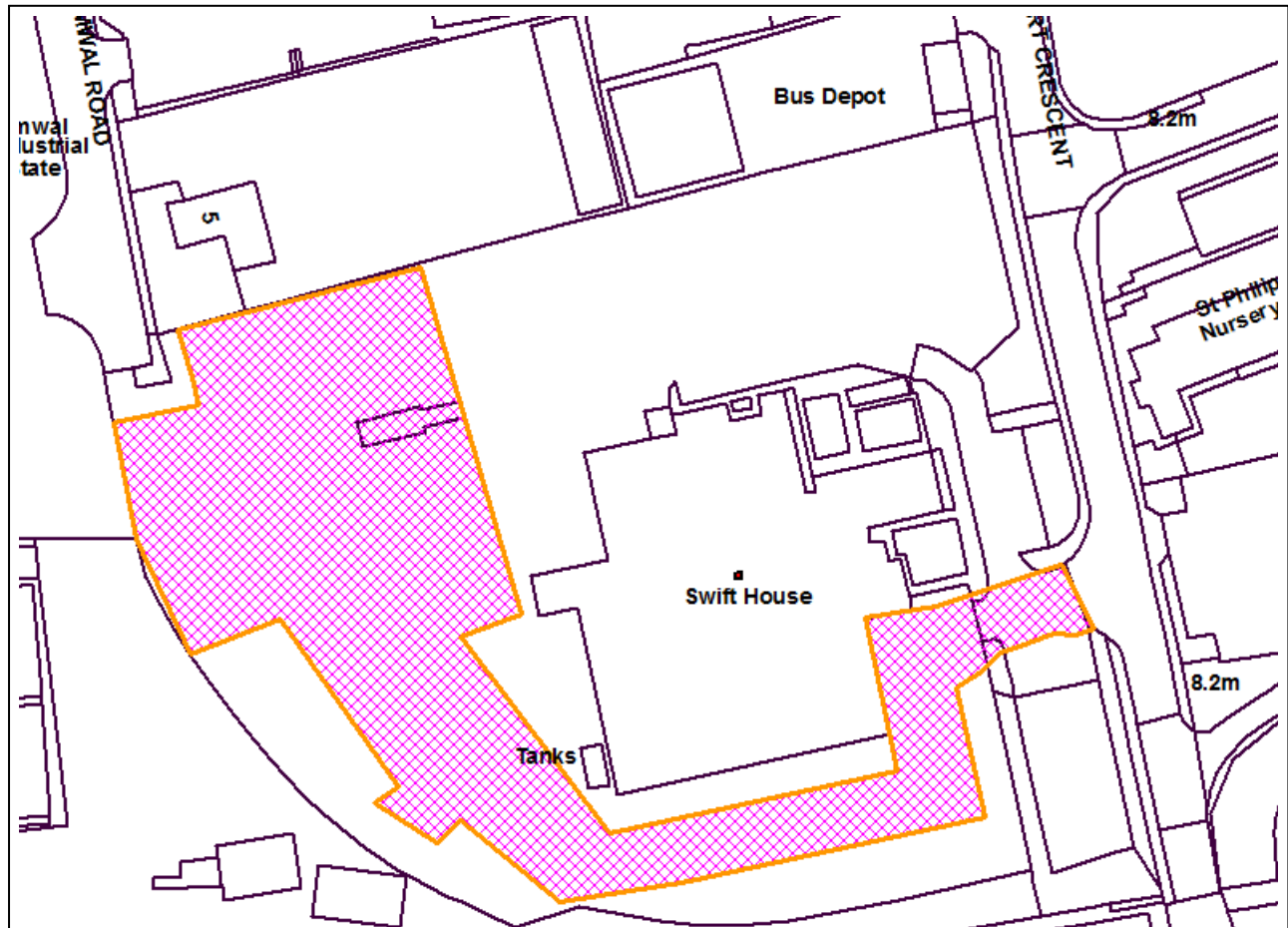
Erection and operation of a waste transfer station and ancillary structures, including a trailer shelter, a weighbridge and weighbridge office.

RECOMMENDATION: Grant subject to Condition(s)

APPLICANT: Grundon Waste Management Limited
Estates Office
Grange Lane
Beenham
Reading
RG7 5PY

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

LOCATION PLAN:



Development Control Committee A – 4 March 2021**Application No. 20/03286/F : Swift House Albert Crescent Bristol BS2 0UD****SUMMARY**

The application is for full permission planning for a waste transfer station in the St. Philips Marsh area of Bristol. The provision of waste facilities in this area, which is allocated for industry and warehousing, is considered to be in accordance with the development plan policies.

Notwithstanding compliance with the allocation policies, the Local Planning Authority are required to consider the environmental impacts of the development. The nature of the operation, with most of the activities being carried out inside of the buildings, is considered to limit the environmental impacts, and where there are external impacts, such as odour, it is considered that these impacts can be mitigated. The Council's Pollution Control, Air Quality and Transport teams have found no material reasons to object to the application. It should also be noted that operations on the site would be subject to Environmental Permit to monitor the impacts.

The application has been subject to considerable concern in the local community, particularly with reference to the potential impacts on the St. Philip's Nursery, which is adjacent to the access. As a result, the application was called to committee by Councillor Jama to allow consideration of the amenity impacts. However, Officers have found no reason to object to the application, and therefore the proposal is recommended for approval, subject to relevant conditions.

SITE DESCRIPTION

The application relates to the former Gulliver's truck hire site within the St. Philips Marsh area of Bristol. The overall site measures around 1.5 hectares and currently contains a large warehouse type building, surrounded on all sides by hard standing. The application itself only relates to the area of hardstanding, mostly to the west of the site, although utilising the existing access from Albert Crescent to the east of the site. As such, it measures around 0.62 hectares. It is understood that the rest of the former Gulliver's truck hire site is also under the ownership of the applicant, and will partly be used for vehicle maintenance or be leased out to a third party.

The site is currently allocated as Primary Industrial and Warehouse Area (PIWA). The site has also been identified as being within an area of flood risk. According to the Environment Agency flood mapping the site is partly within Flood Zone 2, with a small area around the vehicle entrance to the site being in Flood Zone 3. However, it is acknowledged that the Council has recently published a revised Strategic Flood Risk Assessment, which contains revised modelling reflecting the potential impact of Climate Change. This suggests that by 2080 (reflecting the approximate lifespan of the development) much of the site will be at high risk of flooding, apart from the area around the western boundary of the site.

RELEVANT HISTORY

It appears that the use of the site for commercial vehicle distribution, including service and repair shop, was originally permitted in the later 1960s. Numerous applications for minor developments have been made since then, including applications for advertisement consent. However, these are not considered to be directly relevant to the current application.

It is noted that planning permission has been granted for an additional access to the site, from Camwell Road, in the early 1980s (ref. 81/02621/P). It is not clear if this permission was implemented, but the access is not currently in use.

Development Control Committee A – 4 March 2021**Application No. 20/03286/F : Swift House Albert Crescent Bristol BS2 0UD****APPLICATION DETAILS**

The application is for full planning permission to use the eastern part of the site as a Waste Transfer Station. In effect, this will involve waste collected from local commercial sources being sorted, and then transferred elsewhere.

As a consequence the main element proposed is a Waste Transfer Station Building, which would be located in the north east corner of the site. The building would measure 42 metres long, 26 metres wide and 12 metres to the ridge. The building would be clad in grey cladding, and open fronted to the south to allow for access. The open elevation will be fitted with a PVC curtain.

It is also proposed to provide a smaller, open sided, building to act as trailer store. This will allow for the storage of 6 trailers. It is also proposed to provide a weigh bridge and small office (housed in a single portacabin) adjacent to the western boundary of the site.

No dedicate parking is proposed within the application site, but it is understood that there are 30 car parking spaces on the wider site (within the blue line), and it is understood that those parking spaces will be used in association with this development.

PRE APPLICATION COMMUNITY INVOLVEMENT

A Statement of Community Involvement has been submitted with the application, which highlights the following process:

i) Process

The statement makes reference to the fact that there are no residential properties near to the site, and the fact that the application was largely prepared during the Covid pandemic, and as such a public engagement event was not undertaken.

However, it is noted that Grundon (the applicant) operate Community Liaison groups where there is significant public interests, and would consider establishing one here, if it were considered to be beneficial.

ii) Fundamental Outcomes

Given that no public feedback was sought no changes to the plans resulted from community engagement.

RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised by a site notice erected close to the site, by advertisement in a local newspaper and by writing to 15 neighbouring properties. As a result, 92 representations were received. This included 74 objections and 18 supporting comments.

In objection to the application the following issues were raised:

Principle of Development (see key issue A)

* Development of the site should be subject to an Environmental Impact Assessment.

Land Use Issues (see key issue B)

* The area has been identified for further residential development, and other sensitive development has been permitted in the area, and the introduction of a waste transfer station would be incompatible with this;

* The proposal risks the future of the nearby Day Nursery, which is an important local amenity;

Development Control Committee A – 4 March 2021**Application No. 20/03286/F : Swift House Albert Crescent Bristol BS2 0UD**

- * The proposal could lead to significant job losses through blighting the area, particularly in relation to food preparation businesses in the area;
- * There are already Waste Transfer facilities in the area, and an additional one is not required.

Impact on Amenity (see key issue C)

- * Concerns relating to amenity largely relate to the impact on the nearby Day Nursery (located adjacent to the access of the site), as well as the Adolescent Learning Centre (next to the Nursery);
- * The proposal would result in the introduction of further heavy vehicles, which would lead to detrimental impacts on air quality;
- * The proposal would lead to additional dust;
- * The proposal would lead to additional noise and disturbance, including outside of normal working hours, and the assessments carried out are inadequate;
- * The proposal would lead to unpleasant smell;
- * The proposal will encourage flies and vermin to the area;
- * Information from the Residents Against Dirty Energy (RADE) monitoring suggest that the air quality in the area is worse than stated in the submitted reports;
- * The proposal would lead to light pollution.

Flood Impacts (see key issue D)

- * The submitted flood risk assessment fails to take account of the impact of climate change;
- * Flood water could be easily polluted by waste stored on site.

Transport Impacts (see key issue E)

- * The proposal would lead to additional HGV movements, which would be dangerous given the location adjacent to the Day Nursery, and would lead to traffic jams;
- * There can be no guarantee that the source of waste will be local, and may come from further afield;
- * Areas for parents to drop off and pick up children should be safeguarded;
- * The type of traffic is likely to make the roads unpleasant for pedestrian, and push more people into cars.

Ecology (see key issue H)

- * The proposal would have a negative impact on wildlife, by attracting vermin to the site.

Other Issues

- * The pre-application public engagement was poor (Officer comments: It is acknowledged that the public engagement from the applicant in this case has been poor, however, this could not be supported as a reason for refusal on the application, and instead reference must be made to the planning merits of the scheme);
- * The application should make provision for a financial fund to improve the fabric of the Nursery building, and allow excursions from the Nursery (Officer comments: The Local Planning Authority has no mechanism to secure such a contribution between two private operators).

Supporting Comments Include:

- * The proposal represents a significant investment in Bristol and will bring employment opportunities;
- * The proposal will reduce the need to transport waste long distances, and therefore reduce CO2 emissions;
- * The proposal would be a modern facility on an existing industrial site, and therefore would have a reduced impact;
- * The applicant is a family run business, with a good reputation and environmental record;
- * There is a requirement for additional waste handling facilities in Bristol.
- * The site is within an industrial area, and is already likely to be subject to a lot of the concerns that have been raised in objection to the application;
- * Bringing the site back into use will reduce the risks associated with anti-social behaviour.

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An objection has been received from the Arnos Vale Resident's Association on similar grounds to those raised above. This includes that the development should be subject to Environmental Impact Assessment, that there would be impacts on the amenities of the Day Nursery and other sensitive receptors, the Flood Risk Assessment does not take into account the impacts of climate change and additional vehicle movements would lead to traffic jams and would be detrimental to air quality.

It is noted that the application has been called to committee by Councillor Jama. In her commentary to this she has raised a number of issues outlined above, specifically the following:

- * The need for EIA;
- * Noise;
- * Additional flies and vermin;
- * Light pollution;
- * Flooding;
- * Additional vehicle movements;
- * Lack of community engagement;
- * Source of waste.

OTHER COMMENTS

Pollution Control have commented as follows:

As stated in the Planning Application Supporting Statement if granted suitable management of noise, odour, dust and pests would be controlled in accordance with an Environmental Permit issued and enforced by the Environment Agency. This permit would also control the emission of noise from the site. I note that the Environment Agency has commented on the application but only with regards to flooding and not any pollution issues that would be covered by the Environmental Permit.

With regards to concerns over the potential for noise and odour issues from the site I would comment as follows:

Noise

The acoustic report says that 'normal' operating hours for the site for general waste management operations will be 07.00-18.00 Monday to Friday and 08.00-1300 Saturday. The report further says that the site will operate 24 hours/day for bulk HGV movements and some waste deliveries that would just tip in the building and leave.

I am satisfied that the noise assessment suitably covers the potential for noise from the site affecting neighbouring businesses, although there is still potential impact at night. A condition is therefore recommended to control activities during the night.

Much of the control of noise is based on materials only being tipped and loaded within the confines of the waste transfer building. If granted then this would need to be conditioned.

Odour

The air quality report finds that the effects of odour at the nursery are judged to be significant. This is based on the findings of a risk assessment that have identified moderate adverse effects from odour at the nursery. The report notes that the nursery school will only be occupied during school hours and thus the exposure to odours will be limited to approximately six to eight hours each day, with no exposure on weekends. Whilst this is true I do not feel it can justify any odour at the nursery from the site.

The report details however that if the measures detailed below are implemented and maintained and the waste transfer station can be operated in accordance with an Odour Management Plan and

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implements best-practice measures for odour mitigation, then the risk of odour effects at the nursery will be reduced as far as practicable, and the overall effects will be 'not significant'. The measures are:

- if possible, orientate WTS building away from the nursery, so that the main vehicle entry door is facing to the south;
- utilise an odour neutralising spray both on the tipped waste, and across the vehicle entry opening; and
- ensure that the stand containers, when stored outside, are tightly sealed to minimise odour releases.

The applicant has confirmed that these measures will be incorporated in the development.

Transport Development Management have commented as follows:**Local Conditions**

The site is on Albert Crescent, an unclassified road within the St Philips Marsh Industrial area that acts as one of the main distributor routes for HGVs in the area.

St Philip's Marsh Nursery School is located on the opposite side of Albert Crescent from the proposed development. It caters for children aged 2-5 years and as such we would not expect there to be any unaccompanied minors accessing the school but instead children would be accompanied by their parents/ carers. The school has guardrailing on the footway adjacent to it as well as a designated crossing point with dropped kerbs and tactile paving and School Keep Clear markings. Visibility is good and the site is within a 20mph zone. Furthermore, the proposal would not be expected to result in significantly different vehicle movement patterns to the previous site use. As such we do not consider that the proposal poses any greater risk than the existing use.

The TA analyses the collision data for 1/10/16 to 30/9/19 for the area bounded by (and including) Feeder Rd, Albert Crescent, Albert Rd and a short section of Bath Rd either side of Totterdown Bridge. It finds 15 collisions resulting in 18 casualties (16 slight/ 0 serious/ 2 fatal). The TA concludes; "Given the traffic intensity in the local area, the number of accidents recorded can be considered to be low. There were no accidents in the last three years involving trucks of the type that will operate from the proposed WTS." We consider that this is a reasonable conclusion and so there is nothing in the pattern of collisions that would make the proposal, which would only have a minor traffic impact compared to the existing use, unacceptable.

Trip Generation

The application is for a Waste Transfer Station with capacity to handle 50,000 tonnes per annum. The site will accept deliveries throughout the day, mostly consisting of RCVS and roll on/ roll off trailers. Bulk waste will then be loaded on the stand trailers which will be moved around the site by shunters. Trucks will collect the trailers from the site mostly during the evenings and at night.

The TA estimates, based on the TRICS database, that the current use (on just the development site) could have resulted in 530 staff trips and 329 visitor trips. These estimates appear high for a site of this size.

However, the traffic generation of the previous use of this site is academic and does not alter our conclusions as the TA then goes on to assess the gross impact of the development (ie without discounting for the previous use) so looks at the whole impact of the new site added to the network. This is considered a robust approach. It predicts 94 RCV and 22 bulk trips resulting in 116 HGV trips per day.

These figures are plausible given the maximum of 50,000 tonnes of throughput for the site. The maximum throughput would need to be conditioned.

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The number of staff movements would be small. The trips have been assigned to the network taking in to account height restrictions. The development is found to have minimal impact at the two main junctions where the traffic would meet the network.

For the priority junction at Feeder Rd/ Short St the TA shows that the junction would operate within capacity with the development. As set out above these figures are considered to be robust as the modelling has been done with gross figures (ie without offsetting the impact of the existing use on the site) and so the impact of the site would be less than this when the existing use is taken in to account. The impact on the local highway network of the development is therefore considered to be acceptable.

Access

The site would reuse an existing industrial access on to Albert Crescent. This is considered acceptable. The TA has acceptable swept paths for the maximum articulated truck size (16.5m and 44 tonnes).

Parking

The proposal is to reuse the parking spaces associated with the previous use. This is considered appropriate. There will also be parking for 6 stand trailer spaces. The application is for 1,486 sqm of Sui Generis Use Class. If the B8 cycle parking standard were applied then there would be a requirement for secure parking for 2 cycles.

Travel Planning

The site has reasonable access to a range of public transport in the form of buses and proximity to Temple Meads railway station. It is also close to a number of main cycle routes. However, the nature of the site is that most trips will have to be made by HGV. The number of staff on site is small and likely to be similar to the previous use so the additional impact is likely to be negligible.

Conditions

A condition would be required limiting the maximum tonnage that passes through the site annually to 50,000 tonnes as this is the basis on which the trip generation has been calculated and considered to be acceptable.

Environment Agency (Sustainable Places) has commented as follows:-

Following the submission of a revised Flood Risk Assessment the EA have removed their objection to the application, subject to a condition that the development shall be constructed in accordance with the FRA. In addition, the development has been designed to have a 40 year life span, and therefore this should also be limited by condition.

Whilst the EA do not normally comment on the adequacy of flood emergency response procedures the PPG and NPPF state that the ability of users to safely access and exit the site in a design flood, and evacuate before an extreme flood needs to be considered.

The findings of the FRA in relation to the likely duration, depth, velocities and flood hazard rating indicates that there will be danger for all in a flood event. In the event of where warnings and emergency response is fundamental to managing flood risk, we advise Local Planning Authorities to formally consider the emergency planning and rescue implications of new development.

Air Quality has commented as follows:-

I have reviewed the air quality assessment for this development, which concludes that the impact of the development on air quality is negligible. The modelling is conducted according to the relevant

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guidance and uses an accepted dispersion model and modelling approach. The receptors are characterised appropriately and the nearby nursery school is included as a receptor.

While the additional local traffic generated by the development will cause a small increase in concentrations of nitrogen dioxide, this is below the threshold that would cause the impact to be described as adverse and would likely raise an objection from us. I therefore do not have an objection on the grounds of air quality.

Contaminated Land Environmental Protection has commented as follows:-

We have reviewed the desk study we have to advise the applications that the description of the landfill is incorrect.

'4.14.1 The Groundsure report indicates there is one historic landfill within 250m of the site, which is 168m NE. This was identified within the historical maps. The area has since been redeveloped for a sports ground and industrial use and given the distance this is not considered a risk.'

The closest landfill is 168m away to the East but it is not a sports ground (the nearest landfill that is a sports ground is Netham Road)

We do acknowledge that the site will be hardstanding and all drainage will be going to the sewer network (and controlled in essence by the future permit). Section 6.4.3 states that the building designs will have open sides meaning risks from ground gases/vapours are mitigated.

Nonetheless this is a development in an industrial area so the following condition is recommended to be applied to any future planning consent:

Reporting of Unexpected Contamination

In the event that contamination is found at any time that had not previously been identified when carrying out the approved development, it must be reported immediately to the Local Planning Authority.

Nature Conservation Officer has commented as follows:-

There is some vegetation on the boundary of the site. It is recommended that an advice note is attached to any permission granted to advise the developer that any site clearance should be carried out outside the bird nesting season.

Floodlights are proposed as part of this proposal and this is considered acceptable on ecological grounds in this location.

In accordance with Policy DM29 in the Local Plan, the provision of a living (green/brown) roof which does not include Sedum, perhaps located on the proposed weighbridge office portakabin, is recommended to provide habitat for wildlife.

Network Rail has commented as follows:-

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

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Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months' notice before works start.

Sustainable Cities Team has commented as follows:-

Given the limited impact of the development and scope to secure improvements, it is recommended that an additional Energy Statement is secured by condition, to demonstrate how energy demand for heating and power will be minimised through improvements in fabric efficiency, air permeability and controlled ventilation, the selection of energy efficient lighting and appliances, and heating and lighting controls.

RELEVANT POLICIES

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations 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 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

West of England Joint Waste Core Strategy 2011.

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

KEY ISSUE**(A) DOES THE APPLICATION REQUIRE ENVIRONMENTAL IMPACT ASSESSMENT?**

It is noted that a number of objectors to this application have stated that the application should be subject to an Environmental Impact Assessment. The regulations that relate to EIA are the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. These divide significant development proposals between schedule 1 developments, which require an Environmental Statement, and schedule 2 development, which may require an ES, depending on their characteristics and impacts.

The proposal is not covered by schedule 1 of the regulations. Schedule 2 includes under part 11(b), Installations for the disposal of waste. However, in this case the proposal does not involve any actual disposal of waste, but instead the processing and transportation of the waste. In addition, the indicative thresholds included under this part of the schedule include the following:

- (i) The disposal is by incineration; or
- (ii) the area of the development exceeds 0.5 hectare; or
- (iii) the installation is to be sited within 100 metres of any controlled waters.

The proposal does not involve incineration, and would fall below the other thresholds.

As a consequence, it is considered that the proposal would not require an Environmental Statement. However, it is noted that notwithstanding this the Local Planning Authority have to assess the environmental impacts of the proposed development, and the applicant are required to provide an adequate level of information to allow this.

Development Control Committee A – 4 March 2021**Application No. 20/03286/F : Swift House Albert Crescent Bristol BS2 0UD****(B) IS THE PROPOSAL ACCEPTABLE IN LAND USE TERMS?**

The application site is located within the St. Philips Marsh area, which is currently allocated as Principal Industrial and Warehousing Area (PIWA) in the adopted Local Plan. In accordance with policy BCS8 of the Core Strategy, these areas are identified to be retained for employment uses. Policy DM17 of the Development Management Policies sets out that uses including B1(b)-B8 uses are acceptable on these sites, as are other uses including 'Essential Public Utilities Development'.

In this case, whilst the proposed use is classified as a Sui Generis use, outside of the usual use classes, it does share many of the characteristics of the relevant 'B' class uses, and Officers are satisfied that this would be classed as an 'Essential Public Utility'.

In addition, the West of England Joint Waste Core Strategy (2011) includes policies relevant to the location of waste handling facilities. Policy 2, which refers to non-residual waste facilities, including waste transfer stations, should be located on land allocated for industrial or storage use, on previously developed land or on existing waste management sites. In this case, therefore, the proposed development would comply with this part of the development plan.

It is noted that the 2019 Draft Local Plan identifies St. Philips Marsh as a major regeneration area, which will include provision being made for residential development, as well as a range of employment uses. To facilitate this work is ongoing on a Spatial Framework. However, it is clear that in making the decision on this application the starting point is the adopted development plan, indeed section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act) requires that, where regard is to be had to the statutory development plan in determining an application for planning permission, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. Whilst the emerging policy has some weight in determining the application, that weight is currently limited, and would not exclude the use of parts of the area for industrial uses. The Spatial Framework is not currently in a format that is considered to have any significant weight in the decision making process, and therefore would not supersede the current development plan policies.

As such, it is considered that the proposal would comply with the locational policies in the adopted development plan, which indicate that this site would be appropriate for the type of use proposed, subject to other policies in the plan.

(C) WOULD THE PROPOSAL UNACCEPTABLY AFFECT THE AMENITY OF THE AREA?

Policy BCS21 of the Core Strategy, as well as requiring development to be of a high quality design, also requires new development to safeguard the amenities of existing development. In addition, policy BCS23 also requires development to be designed so as not to have a detrimental impact on the surrounding environment, and not impact on the viability of existing uses through additional pollution.

- Residential Impacts

The site is relatively central to the St. Philips Marsh employment area. As such, the nearest residential area currently would be at Paintworks, which is over 300 metres to the south of the site. It is noted that objections have made reference to existing waste processing businesses being a source of noise and disturbance to existing residents, however, these are generally closer, being towards the south of St. Philips, and having less in the way of screening.

Reference is also made in the objections to the application to other proposed and permitted residential development in the area. Of those in the area only the proposed student flats on Temple Island currently benefit from planning permission. There is also a resolution to grant planning permission for residential development at Silverthorne Lane, to the north of the site, although this is subject to call-in from the Secretary of State. However, both of these sites are a similar distance from

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the site to Paintworks, and therefore it is considered that the impacts would be similar.

- Other impacts

Most of the other neighbouring uses are industrial, and therefore are not considered to be sensitive to the introduction of a use of this nature. However, the main exception to this is the St. Philip's Marsh nursery, which is directly opposite the access. Also nearby is the Learn@MAT facilities, which appear to offer training to young people. With regards to planning policy, both of these facilities are encouraged within industrial areas, because they can support the functioning of that industrial area. However, these facilities are sensitive to pollution, and therefore the impacts on these of the proposed development are material to the decision on the application.

In addition, it should be noted paragraph 182 of the NPPF introduces the 'agent of change principle'. In effect, this means that where a development would introduce a new use into the area which has the potential to be sensitive to the existing uses, the applicant (the 'agent of change') is responsible for mitigating the impact of that development such that those businesses do not have unreasonable restrictions placed on them.

- Air Quality

In this regard the application is supported by an Air Quality Assessment. Whilst concerns have been raised about existing Air Quality in the area, it is noted that the site does lie outside of the existing Air Quality Management Area. The assessment submitted measures the impact of the development in respect of Nitrogen Dioxide and Particulates, and compares the scenario of no development of the site against the impacts of the development. This is measured at a number of locations, including at the nursery, and the residential properties on Bath Road.

This found that the highest concentrations of pollutants tended to be in the Bath Road area, mostly related to road traffic, however no exceedances of the relevant standards were predicted in any locations. The impact of the development was found to be negligible (an increase of less than 1%), taking into account the worst case assumptions in the model.

This has been reviewed by the Air Quality team of the Council, who confirm that given the impacts are negligible, and there would be no exceedances, there are no grounds for objection on these grounds.

- Noise

The noise assessment submitted with the application is based on noise readings taken at two sites close to the site (one directly outside of the nursery). These indicate that the noise levels around the site are already relatively high, both from industrial sources and road traffic (the nursery being more affected by road traffic currently).

The noise assessment goes on to provide an indication of the noise levels predicted in connection with the development, which are likely to be lower than the background noise levels. This assessment is predicated on the fact that most of the activities will be contained within the building, which can be secured by a condition on any permission. The Council's Pollution Control Officer is satisfied with this assessment, although it is noted that the assessment is largely based on day time noise levels, whereas it is the intention to operate the facility, albeit on a limited capacity, throughout 24 hours. Clearly, any operations outside of normal working hours would not impact on the nursery, or other commercial properties nearby. However, whilst it is not expected that these activities would impact on the residents nearby, any intensification of these activities may do. However, the operations of the site could be limited by a suitability worded condition, and therefore it is not considered that the proposal would warrant refusal on these grounds.

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- Odour

The submitted Air Quality Assessment includes an Odour Risk Assessment, which considers the potential of odour from the development impacting on nearby land uses. This considers the same receptors as the Air Quality Assessment above, including the potential to impact on the nursery. Considering issues such as prevailing wind direction and sensitivity of the receptor this concludes that there is risk of odour having a moderate adverse impact on the nursery, although all other impacts are considered to be negligible (either on the basis that the receptor is of low sensitivity, or that odours are unlikely to carry to the other locations identified).

As a consequence, the report suggests mitigation that could be employed to limit the impact on the nursery. Broadly, this includes the orientation of the building, with the entrance facing south, the use of odour neutralising spray and ensuring that any external containers are steeled. Subject to these measures, which can be secured by condition, the Pollution Control Officer is satisfied that the impacts on the nearby nursery will be mitigated.

- Lighting

Concerns have also been raised about the impact of external lighting at the site. The submitted plans show a number of LED floodlights on the site, set at nine metres high. The plans indicated that the lighting would be angled to reduced light spill to other areas. It is noted that external lighting is not uncommon on employment sites in the area, many of these are closer to existing residential development. It is also noted that these would only come into use outside of normal working hours, and therefore would not impact on other commercial properties in the area. As such, it is not considered that these would warrant the refusal of the application.

- Vermin

In addition to the management issues referenced above, it is also apparent that the applicant's management strategy for the site includes mitigation for vermin (rodents/flies/birds). Again, this involves keeping the waste inside of the building, or in sealed containers. In addition, it is material that the intention is to keep the waste on site for a limited period only.

- Environment Agency Permits

It should also be noted that the operation of the site would be subject to a Permit from the Environment Agency. It is understood that the applicant is yet to apply for a permit, but this would largely cover such issues as odour, dust and vermin. Whilst the Local Planning Authority must still consider land use issues in deciding a planning application (i.e. is this an appropriate location for an activity or development), the individual polluting activities that result from the management of the site fall under the remit of the Environment Agency to determine and monitor.

Therefore, officers are satisfied that a waste transfer station can be located on this site without an unacceptable impact on the amenities of nearby residents and businesses. It has been identified that there is potential for odours from the proposed development to impact on the neighbouring nursery, and for the intensification of activities outside of normal business hours to impact on nearby residents. However, in both cases a way of mitigating this has been identified, and officers are satisfied that mitigation can be secured through a condition requiring an appropriate site management plan. As stated above, the site will also require an Environmental Permit, and as such the individual polluting impacts of the development would be for another regime to consider, and as such there are no planning grounds to refuse the application for amenity reasons.

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(D) WOULD THE PROPOSED DEVELOPMENT BE AT RISK FROM FLOODING, HAS A SEQUENTIAL APPROACH BEEN TAKEN TO LOCATING THE DEVELOPMENT, AND WOULD IT INCREASE THE RISK OF FLOODING ELSEWHERE?

The application site is largely in flood zone 1 (present day) as identified by the Environment Agency, although parts of the access and areas to the east of the site are within flood zones 2 and 3 (being medium to high risk of flooding). However, the more recent modelling undertaken to inform the 2020 revision of the Strategic Flood Risk Assessment suggests that in 2080, when account is taken of climate change, the whole site would be at risk of flooding.

The NPPF and policy BCS16 require that a sequential approach is taken to the location of development, locating developments in areas with the lowest risk of flooding first. However, the site is also allocated as a Principle Industrial and Warehousing Area, as referred to in policy BCS8 of the Core Strategy, and that allocation in itself has been sequentially tested. Whilst the actual use class of the site is Sui Generis (rather than Industrial or Warehousing use class) it is noted above that the use shares many of the characteristics of these uses, and indeed the Waste Plan for the area suggests that such waste transfer stations should be located on sites allocated for industry. The applicant has undertaken a search of available sites for the proposed development, and has identified a number of sites in Avonmouth as being suitable for the development. However, none of these sites are sequentially preferable, given that these are at the same or greater risk of flooding as the application site.

In addition to the need for a sequential test, the relevant planning policies also require that applications demonstrate that the development will be safe from flooding in a design flood event, for the lifetime of the development, taking account of the impacts of climate change. It is usually regarded that the lifetime of a commercial development would be 60 years, and therefore the use of the 2080 modelling, as referred to above, is relevant. However, in this case the applicant has argued that the specific nature of the use of the site suggests a lifespan of 20 to 40 years. Therefore, a flood event is likely to be less severe than suggested in the 2080 modelling. It is also noted that the proposed structures are on the part of the site at lowest risk of flooding, and are designed such that water could flow freely through the buildings, meaning that any displacement of flood waters would be kept to a minimum. The threshold of the waste transfer building would also be above the maximum flood depth (even in 2080), and therefore the waste would be kept out of any flood water.

It is noted that the access to the site would be subject to significant depths of flood water in an extreme flood event (potentially in excess of 1.5 metres). As such, the site would not be accessible in a flood event. Therefore, it would be proposed that users of the site would sign up for relevant flood warnings, which would usually provide 24-48 hours warning of a flood event, and the site would be evacuated in good time for any flood event. At the time of writing, the evacuation procedures are being reviewed, but final details can be secured by condition, and therefore there is no objection to the development on these grounds.

Given the scale of the site, the policy does require a reduction in surface water flows. However, the nature of the site and development, being dominated by existing hardstanding, means that a significant reduction in flows would not be possible to achieve without significant intervention. The applicant has suggested mitigation, which is being reviewed by the Council's flood team, and can be secured by condition if appropriate.

As such, whilst the Environment Agency originally raised some concerns about the proposal, these objections have been withdrawn. Officers considered that revised flood risk assessment has demonstrated that the site can be made safe in a flood event, and access and surface water details can be secured by condition. As such, there are no objections to the application on these grounds.

Development Control Committee A – 4 March 2021**Application No. 20/03286/F : Swift House Albert Crescent Bristol BS2 0UD****(E) WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?**

Development Plan policies are designed to promote schemes that reflect the list of transport user priorities outlined in the Joint Local Transport Plan, which includes pedestrian as the highest priority and private cars as the lowest (BCS10). In addition, policy DM23 requires development to provide safe and adequate access to new developments.

The site is considered to be in a sustainable location, in close proximity to the city centre, and Temple Meads station. However, the nature of the use is such that it will depend on motor vehicles, including Refuse Collection Vehicles and HGVS, and therefore these vehicle movements will be added to the network. It is noted that the site was previously used for commercial vehicle hire, and the transport assessment for the site suggests that there were over 800 vehicle trips a day in connection with that use, and significantly less in connection with the proposed use. Officers are not satisfied that this estimate of the previous use is sufficiently evidenced to be given significant weight in the decision on the application, although it is clear that the previous use would have generated vehicle movements. However, the transport assessment does assess the impact of development (without discounting for the previous use), so concerns over the previous use are largely academic.

On the basis of the site processing 50,000 tonnes of waste per year the transport assessment predicts a total of 116 HGV trips per day. The site would be run with limited staff numbers so the number of staff trips associated with the development would be very small. On this basis the assessment shows that there is capacity on the existing road network for the number of vehicle trips proposed. It is noted that the intention is to collect refuse locally by refuse collection vehicle and then transfer waste to larger vehicles in order to transport it for processing/disposal. Theoretically, this should be more efficient than transporting waste longer distances in smaller vehicles. However, as has been referred to in objections to the proposals, it is very difficult to control the source of the waste through the planning process. However, it is considered reasonable to limit the amount of waste processed at the site by condition, to 50,000 tonnes, which is likely to limit the number of vehicle movements around the site in line with that set out in the transport assessment.

It is noted that the number of vehicle movements associated with the development would impact on road safety, particularly in relation to the nearby nursery. In this respect it is noted that the previous use of the site would have resulted in HGVs using the access. Visibility at the access is generally considered to be very good, and there is nothing in the accident records for the area to suggest that the vehicle movements associated with the site would result in any additional danger to road users. Whilst the location of the nursery does suggest particularly vulnerable road users, it is noted that the nature of the road use in the area of the nursery would not significantly change from the historic position. As such, it is not considered that there are any highway grounds to reject the application.

(F) WOULD THE PROPOSED DEVELOPMENT HARM THE CHARACTER OR APPEARANCE OF THIS AREA?

Policy BCS21 of the Core Strategy promotes high quality design, requiring development to contribute positively to an area's character, promote accessibility and permeability, promote legibility, clearly define public and private space, deliver a safe, healthy and attractive environment and public realm, deliver public art, safeguard the amenity of existing development and future occupiers, promote diversity through the delivery of mixed developments and create buildings and spaces that are adaptable to change. The adopted development management policies reinforce this requirement, with reference to Local Character and Distinctiveness (DM26), Layout and Form (DM27), Public Realm (DM28) and the Design of New Buildings (DM29).

The area is currently characterised by utilitarian industrial buildings, and there are no heritage assets of buildings of architectural interest nearby. Many of the existing buildings are large scale sheds constructed from a mixture of brick and metal cladding. The proposed buildings, also large scale,

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metal clad sheds, would be in keeping with the current context. The buildings would be located in what is currently a large area of hardstanding, previously used for storage of commercial vehicles. Therefore, the proposal would not impact on any existing features of merit, including green infrastructure. As such, it is considered that the proposal responds appropriately to the context, and meets the policy requirements listed above.

(G) WILL THE PROPOSED DEVELOPMENT MAKE AN ADEQUATE CONTRIBUTION TO THE SUSTAINABILITY AND CLIMATE CHANGE GOALS OF ADOPTED PLANNING POLICIES?

Policies BCS13, BCS14 and BCS15 of the adopted Core Strategy give guidance on sustainability standards to be achieved in any development, and what measures to be included to ensure that development meets the climate change goals of the development plan. Applicants are expected to demonstrate that a development would meet those standards by means of a sustainability statement.

In this case the proposed buildings would be largely open and would not be heated. Overall, the power requirements of the development are very low, largely related to lighting, and therefore the scope to reduce CO2 emissions is limited. The only heating requirements for the development relate to the pre-fabricated weigh-bridge office, and as this is an 'off the shelf' product at this stage it is not clear what improvements could be made. As such, the sustainable city team have advised that the best way of meeting the policy requirements, and ensuring energy demands and CO2 emissions are kept to a minimum, is through a condition requiring an additional Energy Statement prior to development. Subject to such a condition, there are no objections to the development on these grounds.

(H) WILL THE PROPOSAL HAVE A HARMFUL IMPACT ON TREES, WILDLIFE AND ECOLOGY IN THE SURROUNDING AREA?

Policy BCS9 of the Core Strategy states that 'Individual green assets should be retained wherever possible and integrated into new development'. It also states that 'Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site.'

Currently there is limited scrub vegetation, mostly around the boundaries of the site. This vegetation will not be impacted by the development. Whilst concerns have been raised that pollution (including light pollution) or vermin associated with the development would impact on wildlife in the area, there is no evidence that this would be the case, and the Council's nature conservation officer is satisfied that there would be no harmful impacts of the development.

It is noted that the nature conservation officer has recommended the use of living roofs to improve the biodiversity of the site. However, the applicant has responded to this by suggesting that the lightweight construction of the proposed buildings would not support the additional weight of a living roof. Instead, it has been suggested by the applicant that they could incorporate bird boxes as part of the proposed development. Given the ecological impact of the development is considered to be limited, this is considered to be a reasonable compromise, and can be secured by condition.

(I) DOES THE PROPOSAL ADEQUATELY ADDRESS CONTAMINATED LAND ISSUES?

Policies BCS23 and DM34 relate to the need for any development to address and mitigate contamination, and to ensure that it does not impact on future occupiers or neighbours of the site. A ground conditions report and contamination risk assessment has been submitted with the application. In this case, the development site is largely hardstanding, any drainage will be going to the sewers (and will be covered by the Environmental Permit), and the buildings will be open sided to mitigate against ground gas. As such, subject to a condition requiring the reporting of any unexpected contamination, it is considered that the risks associated with the development will be adequately

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mitigated.

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. 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.

CONCLUSION

The application is for full permission planning for a waste transfer station in the St. Philips Marsh area of Bristol. This area is currently allocated as a Principle Industrial and Warehousing Area, and the Local Waste Plan for the area directs such developments to previously developed land allocated for industrial uses. Notwithstanding the allocation, it is acknowledged that there sensitive uses close to the site. However, Council Officers are satisfied that the environmental impacts will be limited, or can be successfully mitigated. It is also noted that the use of the site will be subject to an Environmental Permit, which will monitor and regulate any potentially polluting activities at the site. In relation to highway impacts it is noted that the previous use of the site was for commercial vehicle hire, and that the nature and volume of the impacts would not change significantly (indeed the transport statement suggests that the volume of traffic would significantly reduce).

It is noted that this area has been identified as a future redevelopment area, and the Council are currently considering ways to increase the density and diversity of development in the St. Philips Marsh area. Whilst this has been referred to in the draft local plan, at this stage this has limited weight, and it is not at all clear that it would restrict such uses in this area.

As such, it is considered that the application is accordance with current planning policies, there are no detrimental environmental impacts that would warrant the refusal of the application, and there are no emerging policies with sufficient weight to warrant refusal. As such, the application is recommended for approval, subject to relevant conditions.

This development is liable for CIL, however the CIL rate for this type of development, as set out in the CIL Charging Schedule, is £nil and therefore no CIL is payable.

RECOMMENDED GRANT subject to condition(s)**Time limit for commencement of development**

1. Full Planning Permission

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

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

Pre commencement condition(s)

2. Further details of office before relevant element started

Detailed drawings or specific illustrative material of the proposed office building shall be submitted to and be approved in writing by the Local Planning Authority before the relevant

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part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

Reason: In the interests of visual amenity and the character of the area.

3. Energy Statement

Prior to commencement of development an Energy Statement shall be provided demonstrating how energy demand for heating and power will be minimised through improvements in fabric efficiency, air permeability and controlled ventilation, the selection of energy efficient lighting and appliances, and heating and lighting controls. The development shall be constructed and operated in accordance with the approved statement.

Reason: To minimise energy demand and associated carbon dioxide emissions as required under BCS14.

4. Bird nesting opportunities

The development hereby approved shall not be carried out until details of bird nesting opportunities, either incorporated into the buildings or provided elsewhere within the site, have been submitted and approved in writing by the Local Planning Authority. The bird nesting opportunities shall be constructed in accordance with the approved plans prior to the occupation of the development.

Reason: To enhance biodiversity at the site.

Pre occupation condition(s)

5. Flood Risk Assessment

The development shall be constructed and operated in accordance with the submitted flood risk assessment note by Enzygo dated 24 November 2020 (ref CRM.049.020.HY.L.001) and the following mitigation measures it details:

- o Buildings designed to flood freely
- o Retention of waste in the building during a flood

These mitigation measures shall be fully implemented prior to first operation. They shall thereafter be retained and maintained throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development.

6. Reporting of Unexpected Contamination

In the event that contamination is found at any time that had not previously been identified when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the Environment Agency's 'Land Contamination: risk management' guidance and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice. Where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning

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Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in line with paragraph 170 of the National Planning Policy Framework.

7. Noise and Odour

The development hereby approved shall only be operated in accordance with the recommendations of the following reports:

- * Noise Assessment Report by WBM Acoustic Consultants (dated 9th July 2020)
- * Noise Technical Note by WBM Acoustic Consultants (dated 22nd October 2020)
- * Air Quality Assessment by Air Quality Consultants (dated September 2020)
- * Odour additional note by Air Quality Consultants (dated 4th November 2020)

Reason: To protect the amenity of nearby developments.

8. Operational Management Plan

Prior to the occupation of the development an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall provide details waste management operations outside of 07.00-18.00 Monday to Friday and 08.00-1300 Saturday, including providing details measures to limit noise impacts on nearby residents and details of the complaints management procedure.

The site shall only operate in accordance with the Operational Management Plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents.

9. C26 Flood Evacuation Plan - Commercial Property

No building or use hereby permitted shall be occupied or the use commenced until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall include the following information:

- * command & control (decision making process and communications to ensure activation of FEP);
- * training and exercising of personnel on site (H& S records of to whom and when);
- * flood warning procedures (in terms of receipt and transmission of information and to whom);
- * site evacuation procedures and routes; and
- * provision for identified safe refuges (who goes there and resources to sustain them).

The FEP shall be reviewed at intervals not exceeding 3 years, and will form part of the Health & Safety at Work Register maintained by the applicant.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site

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No building or use hereby permitted shall be occupied or the use commenced until provision for two cycle parking spaces, in accordance with details submitted to and approved in writing by the Local Planning Authority, have been completed. Thereafter, the Cycle Parking Spaces shall be kept free of obstruction and available for the parking of cycles only.

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

Post occupation management**11. Limited period (temporary) permissions - uses**

The use hereby permitted shall be discontinued and the land restored to its former condition prior to 40 years from the date of this planning permission.

Reason: In accordance with the application and because the impact of climate change to potential flooding at the site will cause unacceptable risks after this period.

12. Maximum Weight of Refuse

The development hereby approved shall store and process no more than 50,000 tonnes of waste in any single calendar year.

Reason: In accordance with the submission and to ensure the impacts of the development is no greater than set out in supporting statements in respects of highways and amenities.

13. Restriction of the use of open Areas of the site

No open storage or display of goods, materials, finished or unfinished products or parts, crates or refuse shall take place on any open area of the site without the written permission of the council.

Reason: To ensure that vehicle movements are not obstructed and to ensure that the appearance of open areas of the site is acceptable.

List of approved plans**14. 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.

DG_EST_BRI_WTS_01 Location plan, received 25 August 2020
 DG_EST_BRI_WTS_02 Planning application and ownership areas, received 25 August 2020
 DG_EST_BRI_WTS_03 Proposed layout plan, received 25 August 2020
 012819-4 Office unit plan and details, received 25 August 2020
 A08901015 Transportable weighbridge, received 25 August 2020
 DG.EN.BRI.WDL.1157 Proposed waste transfer building, received 25 August 2020
 DG.EN.BRI.WDL.1158 Proposed trailer shelter, received 25 August 2020
 DG.EN.BRI.WDL.1161 Proposed lighting layout, received 25 August 2020

Reason: For the avoidance of doubt.

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- 1 Nesting birds: Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.
- 2 This development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply, more information on exempt activities can be found here:

<https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

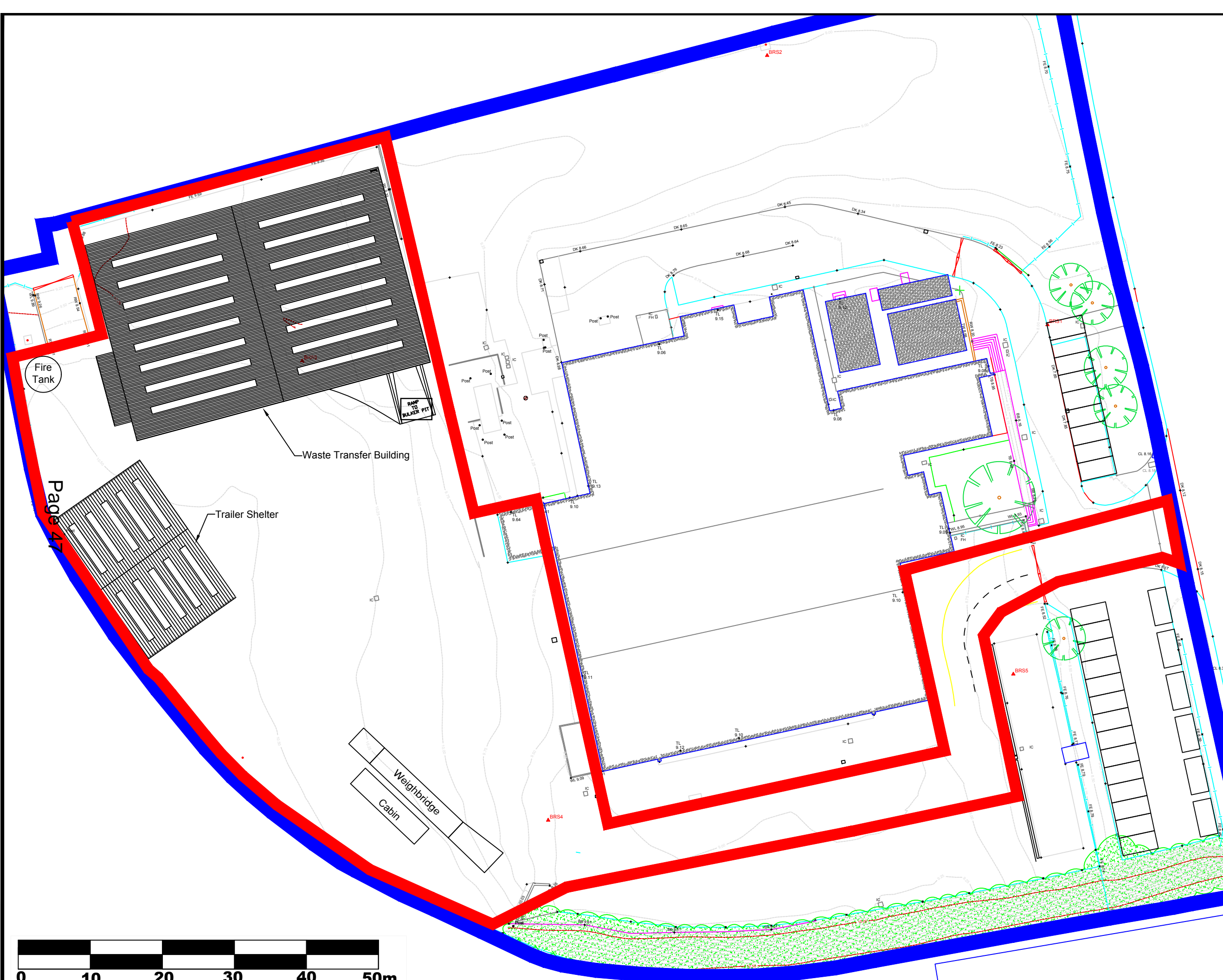
The applicant is advised to contact the Environment Agency on 03708 506506 discuss the issues arising from the permit application process.

- 3 Any works on this land shall be undertaken following engagement with Network Rail Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the applicant should contact assetprotectionwestern@networkrail.co.uk.

Supporting Documents

1. Swift House Albert Crescent, BS2 0UD.

1. Proposed Site Layout
2. Planning Application & Landownership Area
3. Proposed Waste Transfer Building



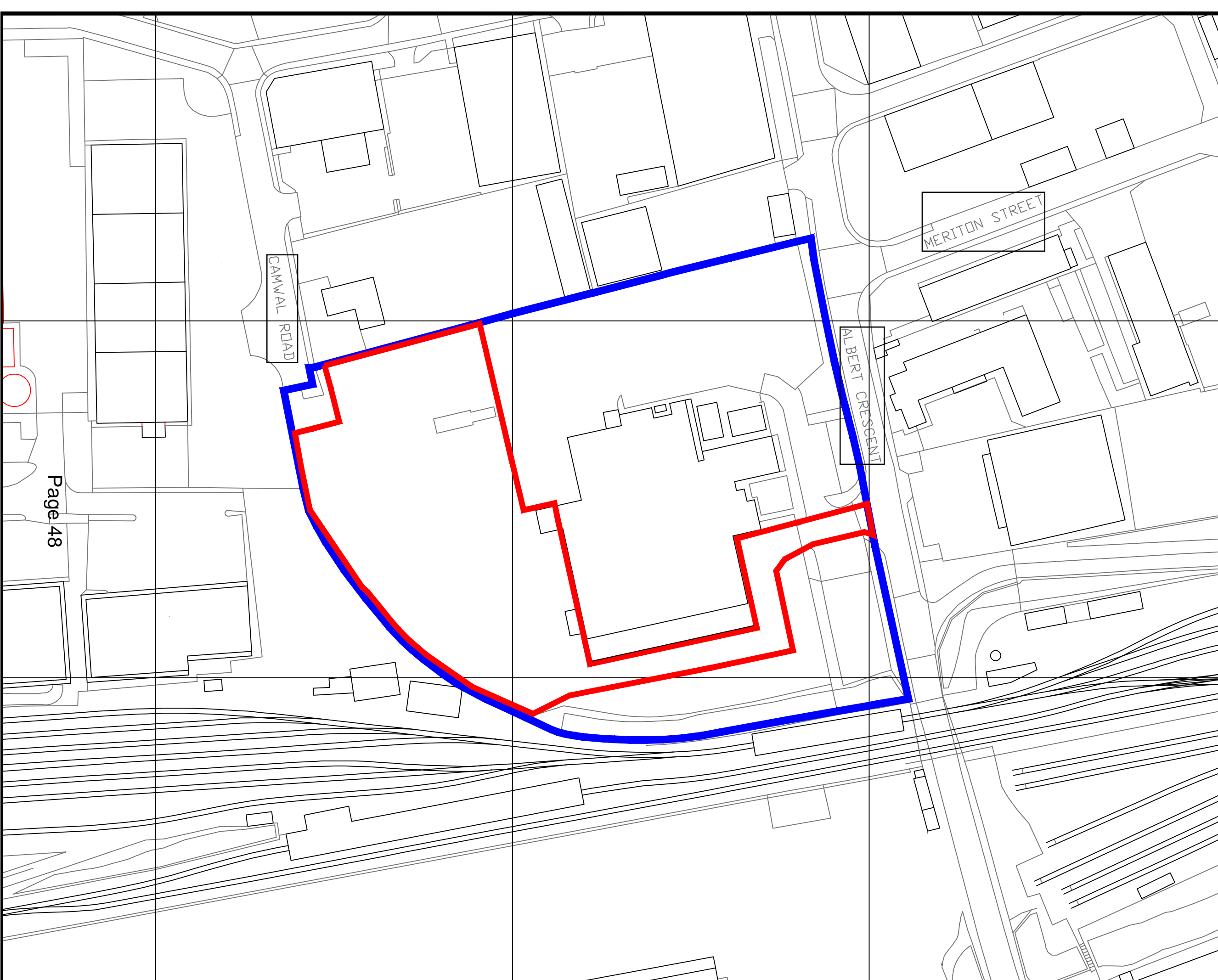
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Key

Application Area

Other Land in Control of the Applicant

Issue	Date	Comments
Notes		
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Site		
BRISTOL		
Project		
ALBERT CRESCENT WTS		
Title		
PROPOSED SITE LAYOUT		
Scale	Date	
1:500@ A3	JUNE 2020	
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DG/EST/BRI/WTS/03		



Key



Application Area



Other Land in Control of the Applicant

Issue	Date	Comments
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Notes

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GRUNDON

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Site
BRISTOL

Project
ALBERT CRESCENT WTS

Title
PLANNING APPLICATION &
LANDOWNERSHIP AREA

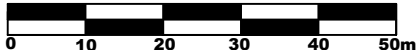
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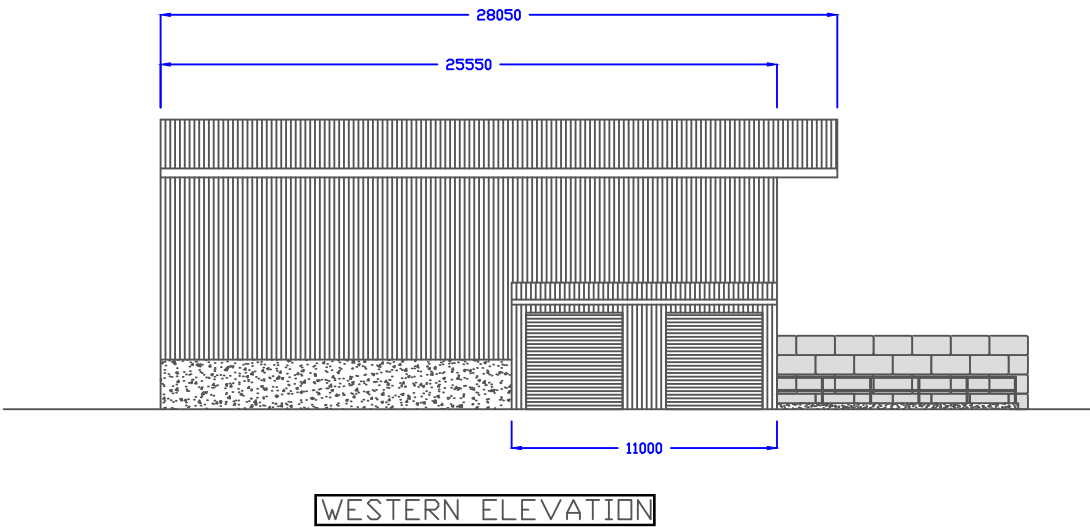
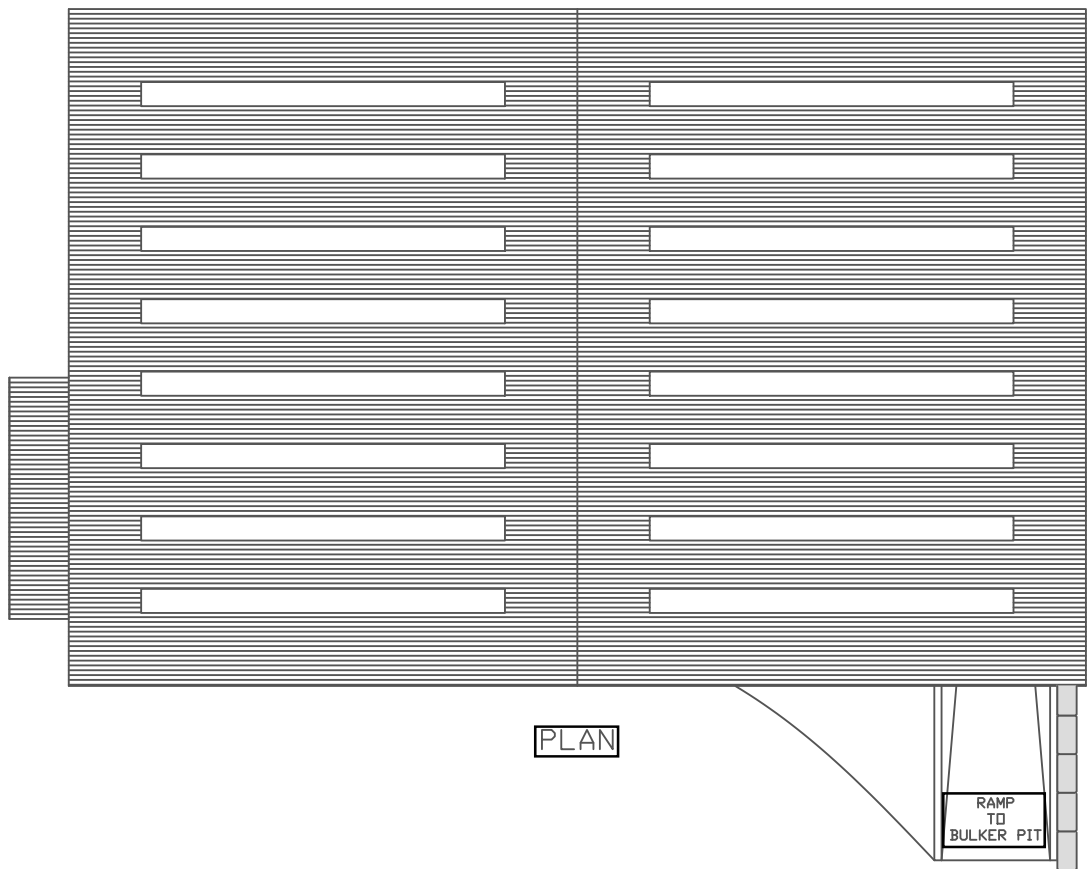
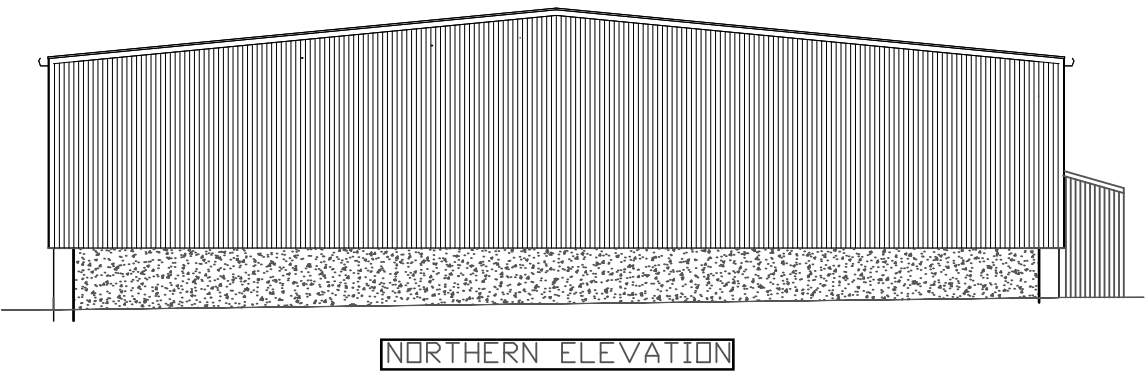
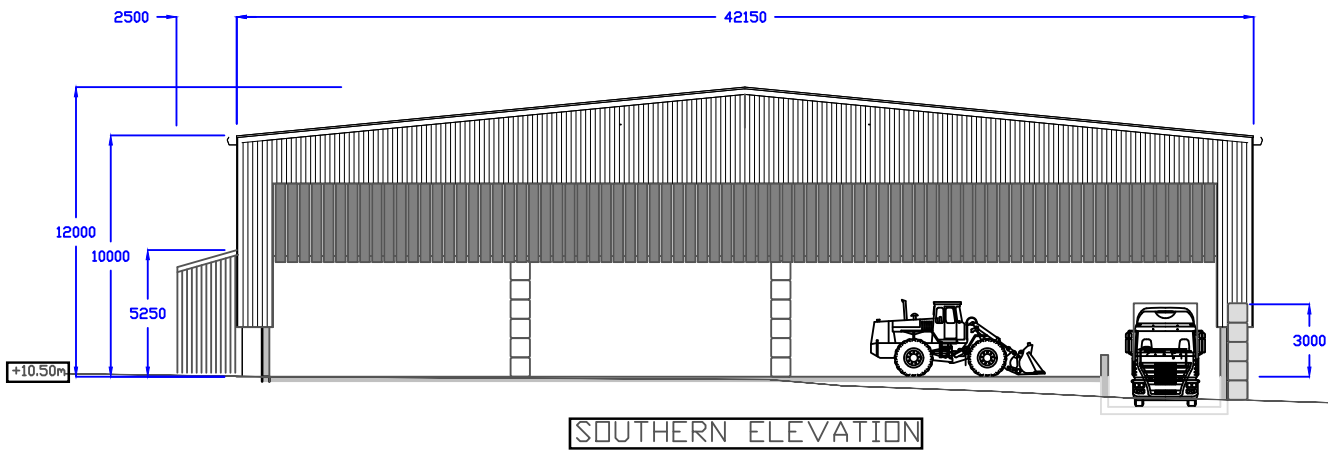
Date
JUNE 2020

Drawn By
MG

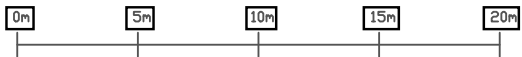
Checked By
VB

Drawing No
DG/EST/BRI/WTS/02





- Notes:
- Building to be clad in goosewing grey profiled cladding
 - The rear (Northern) elevation to be insulated either by composite sheet or built-up construction. External finish to be goosewing grey profiled cladding
 - Cast in situ concrete push walls to remain exposed up to 2m high
 - The southern elevation shall be fitted with PVC strip curtain from 5m above finished floor level up to the gable
 - A legoblock wall of height approximately 3m above finished floor level shall run along the eastern edge of the bulker pit.
 - Roof to have 15% translucent panels



ISS.No.	DESCRIPTION	DATE
Issue 2	8/6/2020	

GRUNDON WASTE MANAGEMENT LTD.
Lakeside Road, Colnbrook,
Slough. SL3 0EG

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TITLE

Bristol

Proposed Waste Transfer Building

DRAWN	CHECKED	DATE	SCALE
EWFF	--	6/03/2020	---@A3
DRG.No.			
DG/EN/BRI/WDL/1157			

Development Control Committee A – 4 March 2021

ITEM NO. 2

WARD: Brislington West

SITE ADDRESS: 493 - 499 Bath Road Brislington Bristol BS4 3JU

APPLICATION NO: 18/05023/F Full Planning

DETERMINATION DEADLINE: 29 March 2019

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).

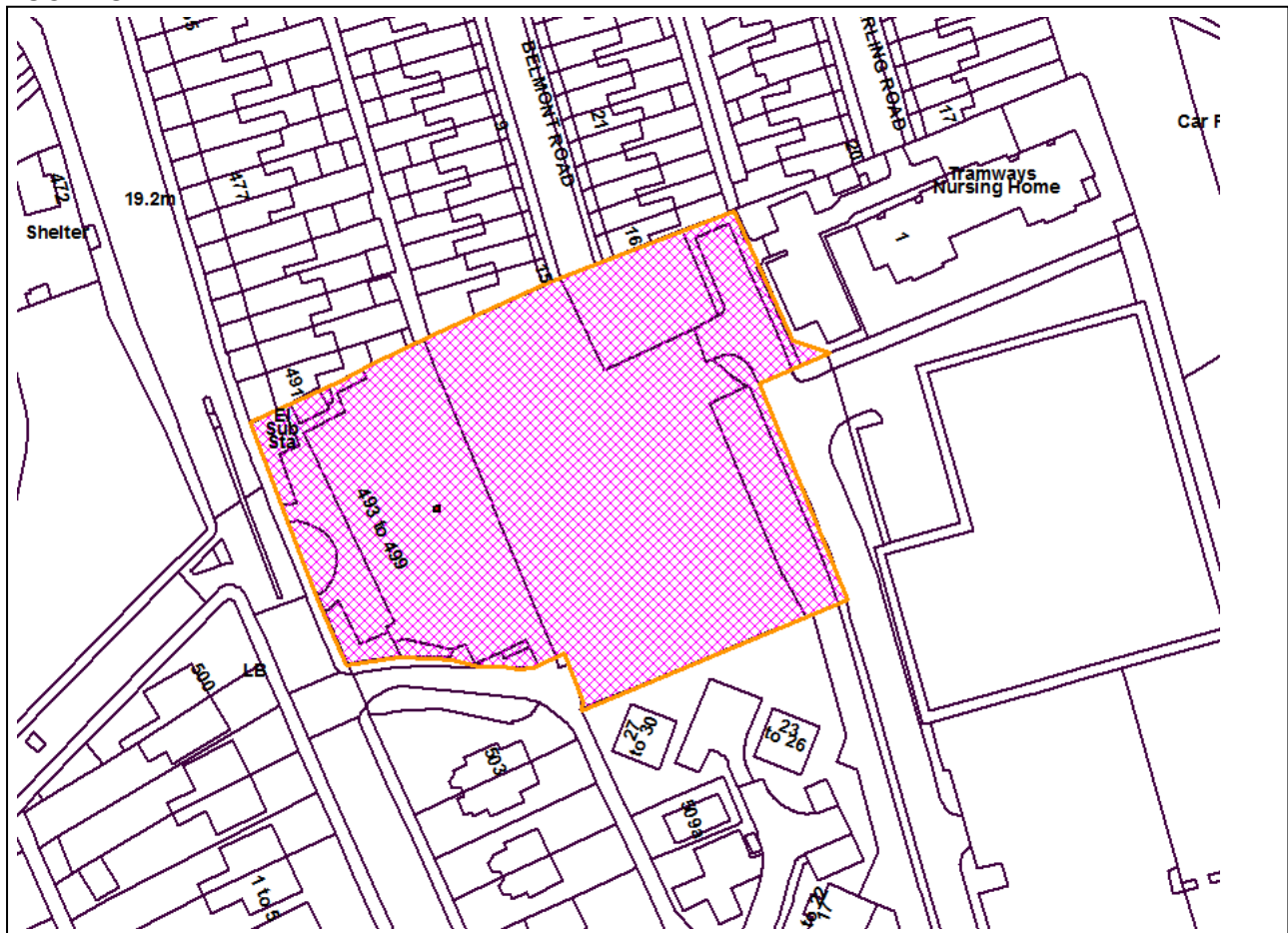
RECOMMENDATION: Refuse

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

APPLICANT: Sovereign Housing Association
C/o Savills

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

LOCATION PLAN:



Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU****INTRODUCTION**

This is an update to the Committee Report and Amendment Sheet presented to Development Control Committee A on 2 September 2020.

The application presented to Members on 2 September 2020 was recommended for refusal on three grounds:

- 1. The proposed development would not provide an energy solution which sits within the Heat Hierarchy set out in Policy BCS14 of the Bristol Core Strategy and the submitted Technical and Financial Appraisal: The Heat Hierarchy, Communal Heating and Heat Pumps (Updated Strategy and Consolidated Report), has not demonstrated adequately that it is not viable or not feasible to meet the heat hierarchy. This is contrary to Policy BCS14 of the Core Strategy, as well as guidance within Section 14 of the National Planning Policy Framework.*
- 2. The proposed development by reason of its height, scale, massing, public realm, and overall design quality, would be unacceptable in design terms and the impact on the amenity of future occupiers. This would be contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); and the Urban Living SPD (November 2018).*
- 3. The proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.*

At the meeting of Development Control Committee A on 2 September 2020, the motion passed was:

“Resolved – that a decision on the application be deferred until a future Meeting of the Committee pending compliance with Heat Hierarchy measures, the amenity space and relationship between Blocks A and B being improved, wider design issues including the long corridors and light entering the dwellings being improved.”

The Committee Report for the meeting on 2 September 2020 notes the policy compliant aspects of the application for key issues relating to residential amenity for existing neighbouring properties; transport; contamination; flood risk/drainage; and air quality. These key issues were all considered to be acceptable subject to conditions/obligations and are not repeated within this Update Report.

This Update Report is focussed on the grounds that this application was previously recommended for refusal and the matters on which decision on the application was deferred. Members should not and cannot confine their consideration of the application solely to the updates made since September 2020. Members must consider the whole application on its merits against all of the relevant policies and all material planning considerations.

OVERVIEW OF CHANGES TO THE APPLICATION SINCE SEPTEMBER 2020

Following the Committee Meeting, a Briefing was provided by the Applicant to Members of Development Control Committee A on 30 September 2020.

Since the Committee Meeting and the Briefing, the following changes have been made to the application for determination.

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU**Compliance with Heat Hierarchy measures:

- Revised Energy Strategy: The Applicant has increased the number of units served by air source heat pumps from 12 dwellings (8.2%) to 37 dwellings (25%), with electric resistive heating to be used for the remaining 109 dwellings (75%).

The amenity space and relationship between Blocks A and B being improved:

- Design Changes: Amendments have been made to the internal configurations of the apartments in Block B, this has comprised the relocation of the patio doors to face the courtyard between Blocks A and B; and the relocation of a 2 bedroom unit to the apex.

Wider design issues including the long corridors and light entering the dwellings being improved

- No wider design changes have been made.
- No improvements have been made to the corridors or the light entering the dwellings.

SITE DESCRIPTION

This application relates to land to the east of Bath Road, south Bristol within the Brislington West ward of the city.

The western part of the site is currently occupied by a four-storey vacant building known as 493 – 499 Bath Road, formerly in use as a tailoring factory and occupied by the Russian Anglo Oil Company and the eastern part is hardstanding formerly occupied by Bristol Commercial Vehicles.

The site is bounded to the north and south by residential properties and to the east by Tramway Road which features a residential care home and business / retail units.

The surrounding area is characterised by two- and three-storey terraced residential properties.

The application site is allocated for Housing (site reference: BSA1207) in the Bristol Local Plan Site Allocations and Development Management Policies.

On the western side of Bath Road is Arnos Court Park, a designated Conservation Area, Local Historic Park and Garden, and Important Open Space. A Grade II Listed former convent to the rear of Parkside Hotel is located approximately 180 metres to the north.

To the east of the site lies the Wildlife Corridor Site, known as 'Dismantled Railway near Tramway Road'. The site is located within an Air Quality Management Area.

APPLICATION

The application seeks full planning permission for the erection of 146no. dwellings, including flatted dwellings and dwellinghouses (use class C3) with associated car parking and landscaping. The existing buildings on site would be demolished to enable development.

The application proposes 32 affordable units (22%) for social rent to be secured by a s106 planning obligation, with the remaining 114 units (78%) to be provided as affordable housing.

The scheme proposes 5no. blocks of varied heights:

- Block A: 4 – 5 storeys
- Block B: 6 storeys
- Block C: 7 storeys
- Block D: 2 – 4 storeys
- Block E: 2 storeys

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU**

The housing mix is:

- 143no. self-contained apartments:
 - o Block A: 21 apartments
 - o Block B: 53 apartments
 - o Block C: 60 apartments
 - o Block D: 9 apartments
- Block E: 3no. three-bedroom terraced dwellinghouses

The bed space mix is:

Type of dwelling	No. of dwellings
1 bed, 2 person	63
2 bed, 3 person	74
2 bed, 4 person	6
3 bed, 5 person dwellinghouse	2
3 bed, 6 person dwellinghouse	1
Total	146

The proposed blocks would be constructed in brick, render and metal cladding with stone capping and would have glass balconies, windows and doors.

The proposed cycle and car parking would be:

Block	Cycle Parking	Car Parking
A	130	44
B	0	0
C	94	35
D	8	9
E	6	6
Visitor	42	3
Total	280	97

PRE-APPLICATION COMMUNITY CONSULTATION

The Applicant submitted a Statement of Community Involvement with the application, which states that pre-application consultation with the local community was carried out between December 2016 and July 2018. This consisted of; letters sent to councillors and community groups in December 2016; a presentation to the Greater Brislington Neighbourhood Planning Partnership in March 2017; and, a community consultation event held in July 2017. Leaflets were distributed to approximately 2,000 local residents and the event had an estimated attendance of 46 people. The feedback received from the event is provided in the Statement of Community Involvement submitted by the Applicant.

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. 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. In this case the design and access to the development have been assessed with particular regard to disability, age and pregnancy and maternity issues.

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU****RESPONSE TO PUBLICITY AND CONSULTATION**

The application was submitted and validated in October 2018. In response to the proposals as submitted, 13no. comments were received from interested parties to the application. All 13 comments received were in objection.

Revised plans were submitted in March 2019 comprising the following changes: amendments to the car parking design and layout; creation of additional amenity spaces; amendments to main entrances to the buildings and façade detailing.

Neighbours were reconsulted in April 2019. In response to the revised plans, 11 comments were received from interested parties. Of the 11 comments, 10 comments were in objection and 1 neutral comment was received in response to the revised plans.

Further revised plans were submitted in February 2020 comprising the following changes: removal of top floor of Block A and re-distribution of 3no. flats to Block B; internal re-ordering of Blocks A, B and C to achieve increased dual aspect and relocate the stair cores. Neighbours were re-consulted in February 2020. In response to the revised plans, 10 comments were received all in objection to the proposed development.

Issues raised were consistent at each stage and included the following concerns:

- Lack of parking and impacts on traffic and access.
- Over development of the site.
- Building heights, particularly Building A fronting Bath Road and Building C to the rear.
- Massing and scale of the scheme not considered in keeping with the local architecture.
- Design quality and living environment for future residents.
- Opening of access at the top of Belmont Road for pedestrians and cyclists.
- Impact on privacy, amenity, light/air pollution for existing residents.
- Demolition of existing building and lack of mixed uses proposed.
- Insufficient number of affordable homes.

Following the publication of the 2 September Committee Report for this application, two further public comments were received. One comment was neutral (neither in support or objection to the application); and one comment was in support of the application.

In terms of the neutral comment this did not object to the redevelopment of the site, it related to Roman Walk and car parking pressures in the area.

In terms of the comment in support of the application, it cited:

- The lack of affordable and social housing in Bristol and the length of the waiting list for council property, and the length of time that this site is still not under construction.
- Brislington is a sought after area for housing and the demand is likely to increase after the new university campus opens.
- Consider that the site has been well designed; the blocks are not too high, there is public space with planting, and good availability of bicycle and car parking.
- Consider this type of development is preferable to the spread of HMOs in existing terraced housing which is considered a problem in Brislington.
- Cite that this is not the easiest site and the application makes good use of it.
- There have not been a huge number of local objections.
- Note the disagreement over the proposed heating systems and suggested if this could be made a condition of acceptance.

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU**

Overall the comment in support of the application states, the application offers a good number of social and affordable units which are desperately needed, in a location in reach of the city centre employment, and they would not want to see further delays in the utilization of the site.

INTERNAL CONSULTEES

In this report, only consultation responses are included from internal consultees relevant to the grounds that this application was previously recommended for refusal and the matters on which decision on the application was deferred

SUSTAINABLE CITY AND CLIMATE CHANGE TEAM – Objection

Bristol City Council Sustainable Cities and Climate Change Team made the following comments in response to the Committee Meeting on 2 September 2020, the briefing by representatives of Sovereign Housing to Members on 30 September 2020, and the submission of the presentation slides (updated November 2020), the 'Heat Hierarchy Summary Matrix' and Revised Energy Strategy Summary (November 2020).

Detailed comments from the Sustainable City and Climate Change Team (9 pages) are appended to this Report.

A summary of comments from Sustainable City and Climate Change Officer are included below:

- We acknowledge that the carbon intensity of grid electricity was significantly higher when current planning policies were adopted in 2011 than today. Despite this reduction and the fact that resistive electric heating is the cheapest form of heating to install, this is not in our judgement justification for allowing the use of electric resistive heating in new dwellings.
- Electric resistive heating continues to be excluded from the BCS14 heat hierarchy for the following reasons:
 - Electric resistive heating is not as efficient as other forms of renewable heating such as heat pumps which are allowable under the heat hierarchy, and therefore generate more CO2 emissions (approx. 2 – 5 times more).
 - Widespread use of resistive electric heating will significantly increase the annual demand and peak demand for electricity (on top of the increased demand from the electrification of transport and heat through heat pumps), increasing the amount of energy that will have to be generated renewably for the grid, making it harder to decarbonise the energy system as a whole.
- This is in line with government policy as set out in the Future Homes Standard Consultation (2019), the Future Buildings Standard Consultation (2021) and independent advice provided to the council on the decarbonisation of heat, which is not advocating the use of electric resistive heating in new dwellings.
- Under the current proposals only 37 units (25%) comply with policy BCS14. 109 units (75%) do not comply. We consider that it is technically feasible and financially viable to deliver significantly more units on this site in compliance with policy BCS14 as follows:
 - From a technical standpoint (in addition to the individual air source heat pumps already proposed in other units), there is scope to provide heating and hot water to a number of additional units (58-75 no.) using a communal ground source heat pump system. This system is not a new concept. It has been used extensively in the refurbishment of existing buildings including flatted developments, including those owned by local authorities and housing associations, often to replace electric resistive heating, and in new-build. The suggested extra-over costs per unit for this type of system are, in our judgement, unrealistically high and have not been justified with supporting information and have not taken into account the availability of funding from BCC for some of these costs.
 - A communal air source heat pump system using an ambient loop is technically feasible. The suggested costs do not appear to consider whether the option of

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU**

omitting the metering and billing and instead aggregating the cost of the provision of ambient heat into the service charge could be possible, nor do they consider the availability of funding from BCC for some of these costs.

- We continue to have concerns about the energy running costs of electric resistive heating which reflect concerns raised by the government and advice from the Centre for Sustainable Energy. Electric resistive heating is less efficient and therefore more costly to operate than heat pumps.
- For these reasons we continue to object to this application.

CITY DESIGN GROUP – ObjectionComments on the revised plans submitted in November 2020:

Comments on the revised plans submitted in November 2020 are set out below:

It is disappointing that the current revision has yet not tackled the fundamental issue of reducing the excessive intensity of the proposed development. The height, scale and massing of blocks A, B and C are still unacceptable. The minor design reconfiguration of block B does not overcome the issues previously mentioned of the amenity value of the courtyard.

Comments on the revised plans submitted in February 2020 below remain adding the following:

Outdoor Spaces:

The Urban Living SPD states:

Private open space can make an important contribution to quality and liveability of new housing developments. Private and communal open space should be designed to be safe, accessible, inviting and well used, without the fear of crime. It should encourage an appropriate sense of ownership and should be managed to ensure that it remains useful and welcoming to all residents

There is no provision of private amenity space to Block C, nor to Block D. UL SPD recommendations for Block C is 372m² and Block D is 51m². These have not been followed.

Density and Liveability

The Urban Living SPD promotes an optimum density on all sites in Bristol. This site is not an exception. Allocated for housing in the *Sites Allocation and Development Management Local Plan*, the site was marked with an estimated number of 85 units. Although the increase of estimated residential units is not uncommon when a scheme is worked up in more detail, expanding from 85 to 146 dwellings in this site means 208 units/ha. This is 3.4 times higher than the prevailing density in the area which is approximately 60dph; and differs from the recommended 120dph identified as optimum in the SPD.

Although design recommendations have been given through the planning process to overcome fundamental shortcomings, it is disappointing to see no progress to unlock what would be an important affordable housing scheme. Making the offer 100% affordable does not mean that all Urban Living objectives have to be overlooked, the opposite is true for schemes which propose densities significantly higher than those set out in guidance.

Given the lack of wider design changes, the comments from CDG on the Committee Report presented to Development Control Committee A on 2 September 2020 below.

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU**Comments on the revised plans submitted in February 2020:

Detailed comments and an assessment against the Urban Living SPD were provided on the proposed development in January 2019.

Comments on the revised plans submitted in February 2020 are set out below:

The revised application and the detailed explanation on the DAS dated 31st January 2020 for February re-submission are welcome. The design work taken to address outstanding issues is acknowledged and improvements of some aspects are evident. However, the proposal has not reduced the excessive intensity of development. Therefore, it is considered that the fundamental issue of unacceptable height, scale and massing of blocks A, B and C is still unresolved. Together with the lack of response to address the recommendations given on the Urban Living SPD, the scheme cannot be supported on design grounds.

The following comments are focused on the design issues headlines:

1. Bath Road Elevation
2. Building A/B Courtyard
3. Liveability

1) Bath Road Elevation

The reduction of a top floor and the rationalised stepping of the façade to a single step are considered positive. However, even with these improvements, the proposed block does not positively contribute to the local character and distinctiveness of this area along Bath Road as established in DM26. The height is still excessive and incongruous; the design still fails to harmoniously blend with the neighbouring properties; and the block still obstructs the south west sunlight penetration to the courtyard behind it. Report on Daylight and Sunlight and Shadow Analysis have not been submitted.

2) Building A/B courtyard

The amenity value of this courtyard space is still compromised. Considerations expressed on DAS page 27 give no comfort to compliance of DM29. In the absence of following advice given and no further amendments, previous comments remain.

3) Liveability

Dual aspects - Swapping stair cores with adjacent flats to increase the number of corner flats is welcome. However, the missed opportunity of increasing dual aspect units on the first and second floor of Block A and on Block B is disappointing. Having more than half of the units as single aspect is still not acceptable and does not allow the support of such intense development.

Internal circulations – Although repositioning of stair cores works well for increasing number of corner flats there is no change in the fact, they serve more than six flats per core. We disagree with the assertions on DAS page 25. There would not be light infiltration to the long internal corridors.

A recommendation is given in the Urban Living SPD:

“Avoiding long, narrow internal corridors - each core should be accessible to generally no more than six dwellings on each floor. Where numbers exceed this, ‘dwell’ spaces should be designed in which are naturally lit, perhaps with bay window seating, access to a communal balcony or enlarged areas of circulation with the introduction of daylight and views.”

This has not been followed.

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU****RELEVANT POLICIES**

Revised National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations 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 2016, Lawrence Weston Neighbourhood Development Plan 2017, Urban Living SPD (November 2018) and Progressing Bristol's Development (October 2020).

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. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE AND IS THE HOUSING TYPE AND MIX APPROPRIATE?**Principle:

Section 5 of the NPPF sets out the approach to 'Delivering a sufficient supply of homes'. It states the importance of having a sufficient amount and variety of land coming forward to meet housing requirements.

Policy BCS5 sets out that the Core Strategy (2011) aims to deliver new homes within Bristol's existing built up areas to contribute towards accommodating a growing number of people and households in the city. Between 2006 and 2026, 30,600 new homes will be provided in Bristol.

Policy BCS18 supports a neighbourhood with a mix of housing tenures, types and sizes to meet the changing needs and aspirations of its residents.

Policy BCS20 of the Core Strategy states that development should maximise opportunities to re-use previously developed land.

The Bristol Local Plan – Site Allocations and Development Management Policies - Adopted July 2014 allocates this site (Site reference: BSA1207) for housing, with an estimated number of homes of 85.

In providing 146no. residential units, the proposed development would contribute to meeting the Core Strategy minimum target of providing 26,400 new homes in the period 2006-2026 and reflects the Core Strategy approach to the location of new housing by developing new homes on previously developed sites. The principle of residential development is therefore found acceptable in land use terms and would contribute positively to the stock of housing in Bristol in accordance with policies BCS5.

The surrounding area has a largely residential context and the proposed development would be situated on a brownfield site, of which the existing buildings on site are vacant and underused. Therefore, the proposed development represents a good use of land in line with part of Core Strategy Policy BCS20 Effective and Efficient Use of Land.

The site is in a sustainable location approximately 300m from the shops and services of Sandy Park Road Local Centre and close to the supermarket at Castle Court and bus routes along Bath Road.

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU**Housing Type and Mix:

The site is situated within both the Kensington Park and Bath Road Local Super Output Areas (LSOA). Within the Bath Road LSOA, 76% of dwellings are houses; with the remaining 23% are flats, maisonettes or apartments; versus 77% houses and 22% flats in Kensington Park. In terms of dwelling size; 19% of dwellings in the Bath Road LSOA have one 1 bedroom, 9% of dwellings have 2 bedrooms, 47% of dwellings have 3 bedrooms. Whilst 12.5% of dwellings in Kensington Park have 1 bedroom, 13.8% have 2 bedrooms and 60% have 3 bedrooms.

The proposed development would provide 63no. one-bedroom dwellings, 80no. two-bedroom dwellings and 3no. three-bedroom dwellings. This demonstrates that the prevailing dwelling-type would be smaller residences, rather than family-sized accommodation. It is considered that the proposed development would provide a diverse housing mix to cater to a variety of needs within the local area and would contribute to creating a mixed community.

Summary:

The application site is allocated within the Development Plan. Therefore, the development of the site for housing is considered to be acceptable and complies with the NPPF, BCS5, BCS18 and BCS20 (in so far as it relates to the reuse of previously developed land).

The application would provide additional housing which is a benefit that should be afforded significant weight in the planning balance.

B. IS THE PROPOSED DEVELOPMENT VIABLE, AND DOES IT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?

The proposed development falls within Use Class C3 of the Use Classes Order, meaning that it is required to address the Council's Affordable Housing Policies. It comprises 146 dwellings and therefore it is required to comply with Core Strategy Policy BCS17, which seeks the provision of up to 30% affordable housing (44 affordable dwellings) subject to scheme viability.

The National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance (PPG) were revised in 2019, and these revisions are pertinent to the assessment of scheme viability.

In simple terms, a development is considered to be viable if the Residual Land Value (RLV) of the development is greater than the Benchmark Land Value (BLV).

The RLV is calculated by ascertaining the value of the completed development, and subtracting from this all the costs involved in bringing the development forward (e.g. build costs, professional fees, legal costs, financing costs etc.) and the developers profit. All inputs are based on present day costs and values.

The revised PPG includes the following statements about BLV:

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner.

The Applicant had originally claimed that, to remain viable in planning terms, the proposed scheme was unable to provide any affordable housing. A detailed viability appraisal and supporting commentary was submitted by Savills on behalf of the Applicant in support of the claimed viability position. This was undertaken on the basis that the scheme would comprise 86 open market

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU**

dwellings, and a block comprising 60 Private Rented Sector (PRS) dwellings. It should be noted that the Description of Development as set out by the Applicant, does not differentiate between open market and PRS dwellings, it merely states that 146 residential units are being applied for.

The viability of PRS is assessed differently from open market dwellings, and will result in a different result, and therefore a different level of affordable housing provision. As the viability undertaken by Savills on behalf of the Applicant has been based on a PRS / open market mix, officers are of the view that should a consent be granted, a condition should be applied requiring the housing mix to be as per that submitted for viability testing.

As set out elsewhere in this report, the Council and the Applicant have not been able to reach agreement on issues relating to the provision of Heat Hierarchy measures, and this has been the case since the application was first submitted. The provision of Heat Hierarchy measures will have a significant impact on the viability of the scheme. Based on the information provided by the Applicant, Heat Hierarchy measures over and above those preferred by the Applicant would increase costs by £968,000 (Communal Heating), £845,000 (Communal Air Source Heat Pumps), or £963,000 (Ground Source Heat Pumps). In addition, renewable energy costs in the form of PV cells would cost a further £577,931. The Applicant has agreed that the PV cells will be provided.

Officers commissioned BNP Paribas to assess the viability information and advise the Council as to whether the Applicant's claim that no affordable housing could be provided was reasonable. However, due to the Heat Hierarchy issue, BNP Paribas were asked to exclude the costs of Heat Hierarchy measures from their assessment. This would enable an assessment to be made of the level of affordable housing that could be provided (excluding Heat Hierarchy measures), with the intention that once Heat Hierarchy measures were agreed; the relevant costs could be input to identify what impact this had on the level of affordable housing.

BNP Paribas disagreed with a number of the inputs used by Savills including key elements such as development values, build costs and the Benchmark Land Value. Following significant levels of correspondence and discussions between Savills and BNP Paribas, in November 2019, BNP Paribas concluded that (excluding Heat Hierarchy measures) the scheme could provide 32 affordable dwellings (22%), and that is the position that officers have taken.

In February 2020, the Applicant submitted a Planning Statement Addendum, in which they reiterated their view that they disagreed with the conclusions reached by BNP Paribas. However, in the Planning Statement Addendum they stated the following:

“... Sovereign have recently discussed the proposals with Homes England and BCC's Housing Enabling Team. As a result of these discussions and to seek to find a positive resolution to this situation, Sovereign are offering to enter in to a S106 that would secure 22% affordable housing ...”

The Applicant has requested that all of the affordable dwellings secured via the Section 106 Agreement are to be for Social Rent, and the Council's Housing Enabling Team are agreeable to this request.

Consequently, if no additional Heat Hierarchy measures are to be incorporated, officers are satisfied that the provision of 32 affordable dwellings (22%) for Social Rent is an appropriate level of affordable housing, and is in compliance with Core Strategy Policy BCS17.

As part of the viability process, BNP Paribas undertook sensitivity testing including Heat Hierarchy costs at £950,000, and the PV cells. At the time of writing this report it is understood that the Applicant is not offering to provide the Heat Hierarchy measures. However, if this position were to change, the sensitivity testing indicated that by incorporating Heat Hierarchy measures, the level of affordable housing would drop to in the region of 6% (approximately 9 affordable dwellings). The

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU**

exact level of reduction would not be known until the cost of the relevant Heat Hierarchy measures was clarified.

Conclusion:

Assuming Heat Hierarchy measures are not included, the provision of 32 affordable dwellings (22%) for Social Rent is an appropriate level of affordable housing, and is in compliance with Core Strategy Policy BCS17. This should be secured through a Section 106 Agreement.

If Heat Hierarchy measures are offered and subsequently prioritised by committee, then a lower level of affordable housing would be appropriate. The level would need to be identified through further viability testing which would need to be undertaken after this committee meeting. The resulting amount should be secured through a Section 106 Agreement.

Should committee be minded to refuse the application, then one of the reasons must be due to a lack of affordable housing provision. This is because there is currently not a Section 106 Agreement in place to secure the affordable housing. However, if the Applicant wished to appeal the refusal, the lack of affordable housing reason could be overcome by the Applicant and the Council concluding a Section 106 Agreement to secure the affordable housing, and presenting it to the inspector prior to the subsequent appeal.

C. DOES THE PROPOSED DEVELOPMENT GIVE SUFFICIENT CONSIDERATION OF SUSTAINABLE DESIGN AND CONSTRUCTION?

Policy BCS13 sets out that development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions.

Policy BCS14 sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.

Policy BCS15 sets out that sustainable design and construction should be integral to new development in Bristol. Consideration of energy efficiency, recycling, flood adaption, material consumption and biodiversity should be included as part of a sustainability or energy statement.

Section 14 of the NPPF sets out how the planning system should support the transition to a low carbon future in a changing climate.

Paragraph 148 of the NPPF sets out that:

*“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that **contribute to radical reductions in greenhouse gas emissions**, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; **and support renewable and low carbon energy and associated infrastructure.**”*

Paragraph 150(b) states that:

“New development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design.”

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Paragraph 151(a) states that:

“To help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that the adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).”

As noted in the previous comments from the Sustainable City and Climate Change Team and the Members Briefing there has been a series of discussions with the Applicant on the proposed energy strategy since 2017. Matters relating to sustainable design and BREEAM have largely been resolved by way of further information provided or subject to details that could be resolved by way of condition.

Compliance with BCS14 and the proposed energy strategy for the scheme has been the principal matter not agreed between both parties. Set out below is a summary of the compliance of the proposed energy strategy with Policy BCS14 as a whole, taking account of amendments made since the 2 September Committee Report.

Policy BCS14

“Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy, including large-scale freestanding installations, will be encouraged. In assessing such proposals the environmental and economic benefits of the proposed development will be afforded significant weight, alongside considerations of public health and safety and impacts on biodiversity, landscape character, the historic environment and the residential amenity of the surrounding area.

Development in Bristol should include measures to reduce carbon dioxide emissions from energy use in accordance with the following energy hierarchy:

- 1. Minimising energy requirements;*
- 2. Incorporating renewable energy sources;*
- 3. Incorporating low-carbon energy sources.*

Consistent with stage two of the above energy hierarchy, development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. An exception will only be made in the case where a development is appropriate and necessary but where it is demonstrated that meeting the required standard would not be feasible or viable....”

The energy strategy in the Planning Application as originally submitted in 2018 proposed an electric heating and hot water system serving the apartments (Blocks A – D) and gas boilers serving the houses (Block E) supported by photovoltaics to achieve a 20% reduction in carbon dioxide emissions.

The energy strategy submitted in February 2020 proposed an electric heating and hot water system serving Blocks A, B and C (132 dwellings), with air source heat pumps serving Blocks D and E (12 dwellings) supported by photovoltaics to achieve a 20% reduction in carbon dioxide emissions.

Since the 2 September Committee Meeting, the revised energy strategy submitted in November 2020, the PV quantum has been altered to allow for further heat pumps. Overall CO2 savings from renewable energy from the revisions proposed would be 23%, up from the previous provision of 20%. In terms of the requirement of the first part of BCS14 regarding the incorporation of renewable energy to reduce residual energy use by 20%, the proposed energy strategy would achieve this.

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“... The use of combined heat and power (CHP), combined cooling, heat and power (CCHP) and district heating will be encouraged. Within Heat Priority Areas, major development will be expected to incorporate, where feasible, infrastructure for district heating, and will be expected to connect to existing systems where available.

New development will be expected to demonstrate that the heating and cooling systems have been selected according to the following heat hierarchy:

- 1. Connection to existing CHP/CCHP distribution networks*
- 2. Site-wide renewable CHP/CCHP*
- 3. Site-wide gas-fired CHP/CCHP*
- 4. Site-wide renewable community heating/cooling*
- 5. Site-wide gas-fired community heating/cooling*
- 6. Individual building renewable heating”*

In terms of the heating and cooling systems proposed Blocks D and E (12 dwellings) would use air source heat pumps. Since the September Committee, the revised energy strategy submitted in November 2020, now also proposes the inclusion of 25 no. air source heat pump units for Blocks A, B and C serving a further 25 dwellings.

The Applicant has therefore increased the number of units served by air source heat pumps from 12 dwellings (8.2%) to 37 dwellings (25%). The energy strategy for this part of the proposed development would be in accordance with BCS14.

In relation to the proposed electric heating and hot water system for the remaining 109 dwellings (75%), the proposed system is not on the heat hierarchy set out above. In cases where it can be demonstrated that systems on the heat hierarchy are either not feasible or not viable, alternative systems that are not on the hierarchy may be acceptable. This is not the case for this development. The Sustainable City and Climate Change Team in their comments consider that it is technically feasible and financially viable to design this development to be policy compliant.

In relation to the policy direction of travel on the heat hierarchy, whilst of limited weight, the Draft Policy CCS2: Towards zero carbon development of the Bristol Local Plan Review (March 2019) shows the emerging Heating and Cooling Systems and electric resistive heating is not listed. This is in alignment with government policy set out in the Future Homes Standard Consultation, which is not advocating the use of electric resistive heating in new dwellings and independent advice provided to the Council on the decarbonisation of heat, as referenced in the detailed comments of the Sustainable City and Climate Change Team.

Considering the Policy as a whole, it is stated that:

“An exception will only be made in the case where a development is appropriate and necessary but where it is demonstrated that meeting the required standard would not be feasible or viable.”

With regards to technical feasibility, as detailed in the comments from the Sustainable City and Climate Change Team they remain of the view that to date, the Applicant has not demonstrated adequately either that it is not feasible or not viable to meet policy BCS14 on this scheme.

Based on an assessment of the information provided on this development and the delivery by other developers, of successful compliant heating systems at numerous sites in Bristol, the Sustainable City and Climate Change Team consider that it is technically feasible to design a development of this type which is policy compliant.

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From a technical standpoint (in addition to the air source heat pumps already proposed), the Sustainable City and Climate Change Team consider that there is scope to provide heating and hot water to a number of units (58-75 no.) using a communal ground source heat pump system; and/or a communal air source heat pump system using an ambient loop, subject to further consideration of costs and funding options.

In terms of viability, this has been considered within Key Issue B of this Report. As part of the viability process, sensitivity testing was undertaken including Heat Hierarchy costs. The sensitivity testing indicated that by incorporating Heat Hierarchy measures, the level of affordable housing would drop to in the region of 6% (by approximately 9 affordable dwellings). The exact level of reduction would not be known until the cost of the relevant Heat Hierarchy measures was clarified; however, this has not been forthcoming from the Applicant.

Summary:

On review of the justification as to why electric heating and hot water system should be allowable in this case, the Sustainable City and Climate Change Team is not persuaded that there is sufficient justification to set aside the provisions of BCS14 for this development. It is considered that there are feasible and viable heating systems in the Heat Hierarchy that could be implemented, and therefore, in the absence of further amendments to the Energy Strategy, their recommendation is to refuse this application.

D. WOULD THE PROPOSED DEVELOPMENT BE OF A SUFFICIENTLY HIGH-QUALITY DESIGN?

Policy BCS20 sets out that an appropriate density should be informed by the characteristics of the site and the local context.

Policy BCS21 advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development. Policies DM26-29 (inclusive) of the Site Allocations & Development Management Policies require development to contribute to the character of an area through its layout, form, public realm and building design.

The Urban Living SPD is clear that an optimal density in new development is considered to be one that balances the efficient and effective use of land, with aspirations for a positive response to context, successful placemaking and liveability.

The NPPF, in Paragraph 124, is clear that high quality design is a key aspect of sustainable development. The Urban Living SPD advocates a design-led approach to optimising density based on an evaluation of the site's attributes, its surrounding context, capacity for growth and the most appropriate development form, as supported by Paragraph 126 of the NPPF.

Detailed comments and an assessment of the application proposals against the Urban Living SPD by City Design Group (CDG) was provided to the Applicant in January 2019. In those comments it was noted that:

It is acknowledged that density is only a measure. It is a product of design, not a determinant of it.

Allocated for housing in the Sites Allocation and Development Management Local Plan, the site was marked with an estimated number of 85 units. Although the increase of estimated residential units is not uncommon when a scheme is worked in more detail, expanding from 85 to 146 dwellings in this site means 208 dwellings per hectare. This is 3.4 times higher than the prevailing density in the area which is approximately 60dph.

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A design-led approach will face serious challenges managing this kind of density if the trade-off is a high quality of life, excellent urban quality and outstanding architecture design in a sustainable location.

A series of revisions were made to the application proposals to address CDG comments. The work taken to address outstanding issues is acknowledged and improvements of some aspects are evident. However, the proposal has not reduced the excessive intensity of development. Therefore, CDG consider that the fundamental issue of height, scale and massing of blocks A, B and C is still unresolved. Together with the lack of response to address the recommendations given on the Urban Living SPD, the scheme cannot be supported on design grounds.

The outstanding design issues relate to the following aspects of the proposals.

i) Height, scale and massing

Bath Road Elevation

The reduction of a top floor and the rationalised stepping of the façade of Block A to a single step are considered positive. However, even with these improvements, the proposed block does not positively contribute to the local character and distinctiveness of this area along Bath Road as established in DM26. The height is still excessive and incongruous; the design still fails to harmoniously blend with the neighbouring properties; and the block still obstructs the south west sunlight penetration to the courtyard behind it.

Height of Blocks B and C

At six and seven storeys respectively, Blocks B and C are considered to be out of character with the surrounding area. The buildings would be between 40 and 50 metres in width and more than 15 metres in depth. This, coupled with the height, would result in a development of excessive massing compared to the immediate context and the character of the area, contrary to Policy BCS21, DM26 and DM27.

ii) Liveability/Amenity for Future Occupiers

Space standards

The Urban Living Assessment indicates that each of the proposed dwellings would meet the nationally described space standards in terms of total floorspace, bedroom sizes and built-in storage.

Single aspect/dual aspect

City Design Group raised concerns that proposed development as submitted included 77% of the proposed apartments (110 out of the total 143 apartments) which were single aspect. Following CDG advice, revised plans were submitted re-ordering the internal layout and making changes to stair cores to increase the number of corner flats to provide 66 apartments out of 143 as dual aspect (ca. 46%), with 77 out of 143 apartments as single aspect (ca. 54%).

CDG consider there was a missed opportunity of increasing dual aspect units on the first and second floors of Block A and on Block B. The proposals still include a majority of units as single aspect, this is still not considered to be acceptable and would not support the case for such an intense development.

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU***Block A / Block B and Courtyard*

'Proposed Site Plan Rev 11' 'demonstrates that Block B would be located between 2 and 13 metres from the rear elevation of Block A of which both elevations feature windows. The proposed distance between flats would be unacceptable and would result in unacceptable levels of overlooking for future occupiers.

The amenity value of the courtyard space between Block A and Block B is still considered to be compromised. The close proximity of the two blocks would likely result in this space being frequently in shadow, with limited levels of daylight and sunlight, and the buildings would create an unpleasant sense of enclosure.

Considerations expressed on DAS page 27 give no comfort to compliance of DM29 (and no Daylight and Sunlight Assessment or Shadow Study has been provided). In the absence of following the advice given by CDG and no further amendments, previous concerns remain.

Block B / Block C

Windows on Block C would be located approximately 17 metres from the rear elevation of Block B. Whilst less than ideal, a distance of ca. 17 metres could be considered acceptable given the urban nature of the surrounding area. However, the separation distances are worsened by the fact that 60% of the flatted dwellings would be single aspect, no private amenity space is provided to Block C and would therefore not create high quality living environments for future occupiers.

In terms of daylight and sunlight; a 45-degree shadow assessment was carried out and the proposed development would not cross the 45-degree line on plan or elevation.

Internal circulation

Although repositioning of stair cores has increased the number of corner flats, there is no change to the number of flats served by each core. CDG also consider that there would be limited light infiltration to the long internal corridors proposed.

Summary:

It is considered that the application proposals do not comply with Core Strategy BCS21; and Site Allocations and Development Management Plan DM26, DM27, DM28 and DM29.

The proposed development would result in an unacceptable impact upon residential amenity in terms of overlooking and overbearing and would fail to create a high-quality living environment for future occupiers, contrary to Policies BCS21 and DM29.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENTHousing Delivery Position Since September 2020

Progressing Bristol's Development published in October 2020 confirmed that the Council does not have a five year deliverable housing supply and therefore the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the Revised NPPF is applicable in Bristol.

Paragraph 11(d) of the Revised NPPF provides that in the context of the presumption in favour of granting planning permission for sustainable development, decision making entails that:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [7], granting permission unless:

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- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [6]; 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.*

There is a footnote to “out-of-date”. Footnote 7 referenced in Paragraph 11(d) is set out below:

[7] This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

This application involves the provision of housing. As aforementioned., the LPA does not have a five year deliverable housing supply. Ministry of Housing, Communities & Local Government published the Housing Delivery Test Results 2020 on Tuesday 19 January 2021. The Housing Delivery Test 2020 is an annual measurement of housing delivery in the area of relevant plan-making authorities.

The 2020 results showed that Bristol delivered 72% (4,703 homes delivered) of the delivery target (6,505 homes required) over the three year period 2017 to 2020. Therefore, the delivery of housing in the HDT Results 2020 was substantially below (less than 75% of) the housing requirement over the previous three years.

There is another Footnote referenced in Paragraph 11(d)(i). Footnote 6 is set out below:

[6] The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

In relation to this application there are no policies in the Framework that protect areas or assets of particular importance which would provide a clear reason for refusal.

For this application Paragraph 11(d) is engaged, and the presumption in favour of sustainable development applies.

Weighing the benefits and disbenefits of the application

The proposed development would give rise to a number of benefits, which are assessed and summarised, before moving on to consider the disbenefits, which arise as a result of conflict with the Development Plan. In assessing the likely benefits / disbenefits of the proposal, there has also been regard to how they might assist / impact on fulfilling the economic, social and environmental objectives of achieving sustainable development, as set out in Paragraph 8 of the Revised NPPF. The NPPF states that the three overarching objectives are interdependent and need to be pursued in mutually supportive ways.

Benefits

The proposal would deliver 146 new homes, giving rise to some economic benefits as a result of the jobs created during the construction phase and the increased spending power of new residents within the local economy. They do constitute economic benefits which should be acknowledged. It

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is considered that these economic benefits should carry moderate weight, and would go towards satisfying the NPPFs economic objective, in the context of achieving sustainable development.

The first part of the social objective, as set out in the NPPF, is to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The proposed development would go some way towards satisfying this objective, by providing 146 much needed new homes through a mix of 1 and 2 bedroom apartments geared towards 'urban living' and three 3 bed terraced dwellings.

This would result in an increase in the housing stock, which has to be seen as being of a clear benefit at a time when the Council is failing to keep up with the required rate of housing delivery. It is considered that the provision of new homes through this scheme should carry significant weight.

The proposed development would also provide 22% affordable dwellings, which in this case would amount to 32 new affordable homes. This amount of affordable housing should be seen as a significant benefit and it should also be afforded significant weight. This would assist in achieving the Framework's social objective.

The environmental objective of sustainable development is to contribute to protecting and enhancing the natural, built, and historic environment, including making effective use of land and using natural resources prudently. As the proposed development would deliver an allocated site in the Development Plan and would take place on previously developed land, it would accord with the thrust of this objective, and this would be a clear benefit of the proposal.

The provision of a pedestrian and cycle way through the heart of the scheme linking through to Belmont Road is seen as an overall benefit. The connection would be available to the wider community, and not just residents of the proposed development.

Disbenefits

Disbenefits flow from matters where there is conflict with the Development Plan or NPPF, as has been detailed above.

It is considered that the proposed development would provide an energy solution which conflicts with the Heat Hierarchy set out in Policy BCS14. This is also considered to be in conflict with achieving the NPPFs environmental objective as it relates to mitigating and adapting to climate change and moving to a low carbon economy.

The disbenefits of the proposal to use electric resistive heating is as follows:

- Electric resistive heating is not as efficient as other forms of renewable heating such as heat pumps which are allowable under the BCS14 heat hierarchy, and therefore increase energy consumption and generate more CO2 emissions (approx. 2 – 5 times more).
- Concerns about the energy running costs of electric resistive heating which reflect concerns raised by the government and advice from the Centre for Sustainable Energy. Electric resistive heating is (approx. 2-5 times) less efficient and therefore (2-5 times) more costly to operate than heat pumps.
- Widespread use of resistive electric heating would significantly increase the annual demand and peak demand for electricity (on top of the increased demand from the electrification of transport and heat through heat pumps). This is in opposition to NPPF Paragraph 148 requirement for the planning system to help shape places that 'support renewable and low carbon energy and associated infrastructure'.
- The use of resistive electric heating will mean that more renewable and low carbon energy and associated infrastructure will be required to decarbonise the national grid, making it harder to decarbonise the energy system as a whole than if a BCS14 heat hierarchy compliant heat pump system was installed. This does not align with NPPF paragraph 151(a)

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because it does not increase the use of renewable heat, and it creates adverse impacts on the energy system as a whole i.e. it makes decarbonisation of the national grid harder.

The social objective also seeks a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

It is not considered that the proposed development would comprise high quality design that would enhance the character and appearance of the surrounding area. As set out in Key Issue D the proposed development is not considered to present a positive response to its context in relation to Block A with Bath Road, and the height, scale and massing of Blocks B and C. The relationship between Block A and Block B is not considered to be acceptable. This is in conflict with achieving NPPFs social objective of achieving a well-designed built environment.

Concerns have been raised regarding the living conditions for future residents. Overall, the majority of units (54%) are single aspect, this is not considered to support the case for such an intense development. Despite amends made to the internal configuration of the units within the apex of Block B, this elevation is still located between 2 – 13 metres from Block A, with unacceptable levels of overlooking for future occupiers.

Dwellings within Block B (facing the courtyard) have limited outlook and are considered to be likely to be in shadow for long parts of the day. This conflicts with the NPPFs social objective in the context of supporting communities health, social and cultural well-being, as adequate levels of daylight/sunlight are not achieved.

The proposed development is not considered to provide acceptable amenity space for future residents. No private amenity space is provided to Block C or Block D. For Block A and Block B the amenity value of the courtyard space for future occupiers is considered to be compromised as outlined above. The close proximity of the two blocks would likely result in this space being frequently in shadow, with limited levels of daylight and sunlight, and the buildings would create an unpleasant sense of enclosure.

This is considered to be in conflict with the NPPFs social objective requires open spaces that reflect current and future needs as well as requirement of the Urban Living SPD for developments to provide attractive, well designed and well maintained private outdoor spaces. Overall, Officers consider that the proposed development would not provide a high quality environment for all future residents.

These conflicts are considered to be disbenefits of the proposal, and as such it is considered that overall, the proposed development would not satisfy the social objective of sustainable development.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination made under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

Having regards to the matters detailed above, applying the presumption in favour of sustainable development as set out in Framework Paragraph 11(d)(ii) means 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 this Framework taken as a whole.

For the reasons set out above, and reported to Members in September 2020, the proposed development fails to comply with a range of Development Plan policies related to sustainable

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energy, design, and living conditions for future occupiers. Despite the further changes that have been made by the Applicant, Officers consider that the proposed development conflicts with the Development Plan as a whole.

The policies that are most important for determining the application are deemed out of date by virtue of NPPF Footnote 7 and the Council not having a 5 year housing land supply. The NPPF at Annex 1: Implementation, Paragraph 213 it states that “*due weight*” should be given to existing policies “*according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*”

The NPPF, at Paragraph 148, outlines that the planning system should help: “*shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*” The BCS14 heat hierarchy is in alignment with this paragraph.

The NPPF, at paragraph 150(b) also states that: “*New development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design.*” The BCS14 heat hierarchy is in alignment with this paragraph.

Paragraph 151(a) states that: “*To help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that the adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).*” The BCS14 heat hierarchy is in alignment with this paragraph.

Policies BCS21 and DM26 to DM29 are considered to be consistent with Paragraph 124 of the NPPF, which states that good design is “a key aspect of sustainable development”, and Paragraph 127, which lists design considerations for planning decisions. Within the terms of the Urban Living SPD, the need for a positive response to context and the need to achieve successful placemaking must also be considered. This is consistent with Paragraph 126 of the NPPF.

The requirements of existing Development Plan policies BCS14, BCS21 and DM26 to DM29 have to be taken into account.

It is considered that the proposed development conflicts with the Development Plan and the NPPF, when read as a whole. The starting point is therefore that permission should be refused in accordance with the statutory presumption in favour of the Development Plan. The policies of the Development Plan relevant to decision making in this application are considered to be consistent with the NPPF and should therefore be given significant weight.

In the assessment of the application by Officers, balancing the benefits and disbenefits as detailed above, indicates that the adverse impacts of approving this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The application is not considered to constitute sustainable development, for the reasons set out above, and therefore the Officer Recommendation is that this application should be refused for the reasons as listed below.

Should Members form a different view in your consideration of the application, that adverse impacts do not significantly and demonstrably outweigh the benefits when assessed against the Development Plan and the NPPF, then Officers would need to work with the Applicant on a schedule of conditions and a Section 106 Agreement to secure the 32 affordable housing dwellings proposed.

Development Control Committee A – 4 March 2021**Application No. 18/05023/F : 493 - 499 Bath Road Brislington Bristol BS4 3JU****COMMUNITY INFRASTRUCTURE LEVY**

This development is liable for CIL totalling £747,662.73.

Development that incorporates social housing is entitled to mandatory relief from CIL on the social housing element of the development. In this case, as the whole of the development will be social housing, the CIL liability would be reduced to £0.

RECOMMENDED REFUSE

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

1. The proposed development would not provide an energy solution which sits within the Heat Hierarchy set out in Policy BCS14 of the Bristol Core Strategy and the submitted Technical and Financial Appraisal: The Heat Hierarchy, Communal Heating and Heat Pumps (Updated Strategy and Consolidated Report), has not demonstrated adequately that it is not viable or not feasible to meet the heat hierarchy. This is contrary to Policy BCS14 of the Core Strategy, as well as guidance within Section 14 of the National Planning Policy Framework.
2. The proposed development by reason of its height, scale, massing, public realm and overall design quality, would be unacceptable in design terms and the impact on the amenity of future occupiers. This would be contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); and the Urban Living SPD (November 2018).
3. The proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.

Supporting Documents

2. 493 - 499 Bath Road, Brislington, BS4 3JU.

1. Sustainable City Team – Further comments with reference to DC Committee 02-09-2020.



Bristol City Council

Sustainable City Team

To: David Grattan

From: Mark Letcher and Amy Harvey

Subject: Further comments with reference to presentation to DC committee 02-09-2020

Planning ref: 18/05023/F

These comments have been prepared in response to the committee hearing on 2nd September 2020, the briefing by representatives of Sovereign Housing to committee members on 30th September 2020, the submission of the presentation slides (updated Nov 2020) the 'Heat Hierarchy Summary Matrix', and the Revised Energy Strategy Summary (November 2020).

They address points raised in the discussion with members following the briefing presentation, particularly with respect to the implications for BCC planning policies of the decarbonisation of (grid) electricity. They also provide further commentary on the technical feasibility and cost of complying with policy BCS14 for this scheme.

Much of the commentary provided by the applicant focusses on a comparison between electric resistive heating and heat supplied from the heat network or a communal gas system. As indicated previously Bristol City Council is *not* seeking connection to the heat network or a communal gas system in this instance, therefore we have not provided further commentary on the comparison between heat supplied from the heat network or communal gas and electric heating. Heat pumps would be a BCS14 heat hierarchy compliant system, and we have therefore provided further details on the differences between electric resistive heating and heat supplied by heat pumps.

'Electric resistive heating', also known as 'direct electric heating', refers to space heating from electric panel heaters, (which are being proposed by the applicant) as well as electric boilers, night-storage heaters, and includes hot water supplied by an electric immersion heater. Resistive heating provides 1 unit of heat for 1 unit of electricity consumed. 'Heat pumps' refer to individual air source heat pumps, communal ground source heat pumps¹ and hybrid heat pump systems². Heat pumps provide between 2-5 units of heat for 1 unit of electricity consumed.

These comments should be read in conjunction with previous comments on this planning application.

¹ Communal ground source heat pump systems: a ground source heat pump in each dwelling served by a communal ground array in which boreholes are used to extract heat from the ground.

² For example communal heat pump systems where a centralised air source heat pump produces ambient temperature heat (20 deg C) which is circulated around the building. An individual water to water source heat pump in each unit is used to raise the temperature of this heat for space heating and hot water.

General remarks

Implications of the reduction in the carbon intensity of grid (mains) electricity for BCC's policy on sustainable energy

- During the briefing to members on 30th September 2020 it was suggested that the reduction in the carbon intensity of grid electricity has come as a surprise to sustainability officers and that we have failed to take this into account in the interpretation and implementation of policy. In fact, we have been considering the implications for current and emerging policies on energy and climate change, and the heat hierarchy³, since early 2016.
- In 2011 when current planning policies were adopted the carbon intensity of grid electricity was 0.441kgCO₂/kWh⁴. Between 2008 and 2018 the carbon intensity of grid electricity reduced by almost 60%⁵ from 0.495kgCO₂/kWh to 0.207kgCO₂/kWh. The figure for carbon intensity of grid electricity most recently consulted upon as part of the next iteration of the building regulations Part L calculation methodology (SAP 10.1) is 0.136kgCO₂/kWh. This reduction is welcome and extremely important in reducing CO₂ emissions from electricity use within Bristol and nationally. However, for the reasons discussed below, it does not in our judgement justify relaxation of the heat hierarchy, which excludes the use of electric resistive heating.
- The government and advisory bodies such as the Committee on Climate Change expect this downward trend in emissions from electricity to continue in the future. This is essential if the UK is to reach net zero emissions across all sectors. It is particularly important given the electrification of heat through the use of heat pumps and heat networks⁶ replacing fossil-fuel heating (i.e. gas, oil, and coal) and the electrification of transport, displacing petrol and diesel vehicles with electric vehicles.
 - It is important to note that the projected and on-going decrease in the carbon intensity of electricity is not a foregone conclusion and is based on a broad range of assumptions about energy generation and energy demand up to 2050, for example.
 - The planned retirement of some nuclear power plant and anticipated increase in electricity demand from heating and transport mean that nationally low carbon generation will need to increase by 15TWh each year between now and 2030 to achieve the government's interim target of reducing the carbon intensity of electricity to 0.100kgCO₂/kWh⁷.
- In our judgement the reduction in the carbon intensity of mains electricity leads to two changes in the way we need to consider current and emerging policies on sustainable energy and carbon reduction:
 - Firstly, we need to consider the cumulative impact of individual developments and whether the energy strategy proposed by developers will make it easier or harder to decarbonise the

³ Under policy BCS14 heating and hot water systems are expected to be selected in accordance with the heat hierarchy.

⁴ <https://interactive.carbonbrief.org/how-uk-transformed-electricity-supply-decade/#>

⁵ <https://interactive.carbonbrief.org/how-uk-transformed-electricity-supply-decade/>

⁶ Where ultimately heat will be generated renewably or come from the recovery of waste heat.

⁷ <https://www.carbonbrief.org/analysis-uk-low-carbon-electricity-generation-stalls-in-2019>

energy system as a whole. This has *always* been the case but it is particularly important now given the objective of decarbonising both heat and transport at the same time and implications in terms of the generation, supply and local distribution of electricity in Bristol.

- A study⁸ undertaken by the Centre for Sustainable Energy on behalf of Bristol City Council suggests that demand for electricity in Bristol will need to increase by 50% by 2030, (as result of the electrification of heating and transport), and that *‘if resistive electric heating (direct electric like panel radiators or storage heaters) were installed instead of heat pumps, the demand increase will be at least double this and heating bills would similarly be very significantly higher.’* This is supported by another study undertaken by Element Energy for BCC⁹, which notes that *‘for every direct (resistive) electric heater that is installed in place of a heat pump, the carbon emissions are expected to be 2 to 5 times greater’*. Additional electricity demand increases the requirement for new power generation and capacity of the electrical distribution network the costs of which are expected to be met by consumers through their energy bills.

In the applicant’s submission 'Technical and Financial Appraisal: The Heat Hierarchy, Communal Heating and Heat Pumps' (Feb 2020) JS Lewis suggests that a report by Element Energy 'Hybrid Heat Pumps - Final report for Department for Business, Energy & Industrial Strategy' (December 2017) shows that heat pumps provide 'little benefit' over electric resistive heating. We do not consider this to be true, the reasons for which are appended to these comments (appendix A).

- Secondly, CO₂ becomes less important as a measure or indicator of energy efficiency. Under the current Building Regulations (Part L 2013) the performance standards for new dwellings are based on the CO₂ emissions of the dwelling. However, as the carbon intensity of electricity reduces, in new dwellings heated electrically CO₂ becomes a less important measure of performance because ultimately the electricity will come from a grid that produces very low or zero emissions.
 - For example a new but very poorly insulated and draughty dwelling, heated using electric panel heaters, could be classed as ‘low carbon’. Similarly, a ‘G-rated’ appliance such as a fridge-freezer or washing machine could also be low carbon. Both result in low in-use CO₂ emissions, but neither would be ‘sustainable’, and they would have very high energy use and running costs, and require more low carbon electricity to be generated and transmitted to meet their power demands.
 - The government has recognised the implications of lower carbon electricity in assessing the performance of new buildings. In the 2019 Future Homes Standard Consultation it proposed an amendment to Part L of the Building Regulations. This would replace CO₂ as the key metric for measuring performance with four metrics: a

⁸ Bristol net zero by 2030: The evidence base Report to Bristol City Council of analysis of how the city can achieve net zero greenhouse gas emissions (scopes 1 and 2) by 2030 Centre for Sustainable Energy with Ricardo and Eunomia. December 2019.

⁹ An evidence based strategy for delivering zero carbon heat in Bristol, Element Energy. October 2018.

primary energy¹⁰ (target), a CO₂ emission target, a householder affordability rating, and minimum standards for fabric and fixed building services, illustrating the shift away from CO₂ as the primary indicator of sustainability.

Alignment with government policy and independent advice on the decarbonisation of heat in Bristol

- We remain strongly of the view that our implementation of the heat hierarchy, which excludes electric resistive heating, aligns with government policy and thinking on the decarbonisation of heat, and the independent advice we have received on the decarbonisation of heat in Bristol.
- Despite the fact that electric resistive heating is by far the cheapest form of heating to install and maintain and the reduction in the carbon intensity of grid electricity discussed above, the government is *not* advocating the widespread adoption of electric resistive heating in new dwellings as the means of decarbonising heat.
 - Section 2.13 of the government's 2019 Future Homes consultation says¹¹: *'We anticipate that direct electric heating will play a minor role in our plan for the future of low carbon heat. Direct electric heating is a well-established technology that produces heat through a near-100% efficient process, with no emissions at the point of use. Despite this, direct electric heaters can be very expensive to run, and if deployed at scale may have a significant effect on the national grid. Under some circumstances it may be an appropriate technology in applications where heat demand is particularly low, for instance where a home is built to the very highest fabric standards.'*
 - 'The very highest fabric standards' is not defined. However, given that the government has stated that it anticipates electric heating playing a minor role for the future of low carbon heat, it is clear that the updated Part L building regulations standards themselves are not intended to be reflective of the 'very highest fabric standards'. Comparing the proposed fabric specification for this development with the revised Part L 2021 building regulations notional standards shows that the proposed fabric specification is likely to be broadly similar in performance to a development built to comply with Part L 2021, and is therefore not reflective of 'the very highest fabric standards'.
 - BCC's position set out in the Climate Change and Sustainability Practice note is that 'the very highest fabric standards' are equivalent to the fabric standards required to meet the certified Passivhaus standard.
- 'An evidence based strategy for delivering zero carbon heat in Bristol'¹² produced by Element Energy on behalf of Bristol City Council in October 2018 made the following point on the cumulative impact of electric resistive heating: *'The impact on the electricity grid of deploying direct (resistive) electric heating for new buildings is likely to be significant. The peak electric load of direct (resistive) electric heaters*

¹⁰ Primary energy means energy from renewable and non-renewable sources that has not undergone any conversion or transformation process. Primary energy differs from delivered energy in that, delivered energy is that consumed by the building, and reflects how efficiently a building meets its energy demand.

¹¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/852605/Future_Homes_Standard_2019_Consultation.pdf

¹²

<https://www.bristol.gov.uk/documents/20182/3368102/An+evidence+based+strategy+for+delivering+zero+carbon+heat+in+Bristol.pdf/39cb877b-6de0-c2d0-9865-d8cc4c8d599c>

relative to heat pumps is likely to be greater by at least a factor of their efficiency (2 to 5). The additional load associated with electric heating may require costly grid reinforcements that could therefore be reduced by using a more efficient form of heating, such as heat pumps’.

- A criticism of heat pumps, and argument made in favour of direct electric heating by the applicant is that efficiency of air source heat pumps (also known as the Coefficient of Performance¹³) reduces with external temperature. The Element Energy study acknowledges this, as do we, but also notes that: ‘a recent report by Element Energy¹⁴ for BEIS suggests that even when operating at an external temperature of -7°C, the efficiency of a heat pump can be above 2 with a heat supply temperature of 45°C – which is sufficiently high for energy efficient new buildings. Therefore, the peak electricity demand should be reduced by at least a factor of two relative to direct (resistive) electric heating. The contribution of direct (resistive) electric heaters versus heat pumps to the peak electricity demand may be even higher than a factor of 2 – 5. This is because heat pumps are likely to be used in a more continuous, less ‘peaky’ way than direct (resistive) electric heaters’.

Summary of key points on grid decarbonisation and cumulative impacts of electric resistive heating

- The reduction in the carbon intensity of grid electricity since 2011, and the further reductions expected between now and 2030 are welcome and critical to reducing CO₂ emissions from buildings and transport in Bristol and across the UK.
- Sustainability and planning policy officers have been considering the implications of these changes for current and emerging planning policies, since 2016.
- Though welcome this reduction does not justify relaxation of the heat hierarchy or suggest that the use of electric resistive heating is now appropriate in new development.
- The reduction in the carbon intensity of grid electricity does reduce the significance of CO₂ emissions as an indicator of energy efficiency and sustainability. It also requires us to consider the cumulative impacts of the energy strategies for new development, and whether these will make it harder and more expensive to decarbonise heat and transport in Bristol.
- The implementation of current policy (BCS14) and heat hierarchy which excludes the use of electric resistive heating, aligns with government thinking (as indicated in the 2019 Future Homes consultation) and is supported by the independent advice provided to the council by the Centre for Sustainable Energy and Element Energy Ltd on the strategy for decarbonising heat in Bristol.

Technical feasibility

¹³ The Coefficient of Performance (CoP) is the ratio of electrical energy used to operate the heat pump to useful heat produced by heat pump. A heat pump with a CoP of 3 produces 3 units of heat for one unit of electricity. This is also referred to as an efficiency of 300%. Electric resistive heating has an efficiency of 100% equivalent to a CoP of 1.

¹⁴ Element Energy for BEIS, Hybrid Heat Pumps (December 2017)

Individual Air Source Heat Pumps: The applicant has revised the proposal to include 25 units to be served by individual ASHPs in addition to the previously proposed 12 ASHPs. This is a welcome change, however 109 units (75% of the units) are still not compliant with planning policy, which we do not consider to be acceptable given that there are additional technically feasible solutions available as listed below.

Communal ground source heat pump system: The applicant has suggested that technically it would only be feasible to serve 58 of the units with a communal ground source heat pump system. Advice to us from Kensa Heat Pumps Ltd is that this could be increased to 75 units.

The applicant has also suggested that this type of system is a 'new concept'. In fact this type of system has been used extensively in the refurbishment of existing buildings including flatted developments, including those owned by local authorities and housing associations, often to replace electric resistive heating, and in new-build.

As discussed in previous comments recent examples of this approach in Bristol include Alderman Moores (Ashton Rise) developed by Bristol City Council, Hartcliffe Campus, and Passage Road:

Alderman Moores Land To Rear Of Silbury Road (Ashton Rise), Alderman Moores, Bristol. Planning ref: 17/06559/FB. Erection of 133no. dwellings with associated access, landscaping and services.

Approved energy strategy is for space heating and domestic hot water to be provided using ground source heat pumps using shared ground arrays.

Hartcliffe Campus, Hawkfield Road, Bristol. Planning ref: 19/02242/M Application for approval of reserved matters following outline approval 18/02055/P - Reserved matters (appearance, landscaping, layout and scale) for 350 residential dwellings, along with associated open space and landscaping, including information pursuant to outline planning permission (ref. 18/02044/P).

Approved energy strategy is for space heating and domestic hot water to be provided using ground source heat pumps with shared ground arrays.

Brandon Trust, 185 Passage Road, Henbury. Planning ref: 16/06016/F. Demolition of existing building and erection of 2-storey supported housing development, comprising 8 self-contained flats and supporting accommodation.

Approved energy strategy was for ground source heat pumps to provide space heating and domestic hot water.

Communal air source heat pump system (ambient loop): The presentation to committee (16.11.20) refers to an assessment of communal air source heat pump (ambient loop). This type of system would see a communal air source heat pump which circulates low temperature heat around the building and individual heat pumps inside each unit where heat would be upgraded further, giving residents greater control over their individual heat use and costs. The applicant concludes that this system would be technically feasible for the development. The costs associated with metering and billing the heat associated with the central plant have been raised as a key concern by the applicant, however the option of aggregating the cost of the provision of ambient heat to the development into the service charge and omitting the need to meter and bill residents separately does not appear to have been considered. Should this be possible, this could significantly reduce the costs for the applicant and residents and provide another option for a heat hierarchy compliant system.

Cost of compliance with BCS14

The applicant has suggested that the extra-over cost of using a communal ground source heat pump system (of the sort used at Ashton Rise) would be £18,000 per unit when taking into consideration the wider implications for site management, programme costs and site preliminaries, meaning financial viability of this option is not achievable. There is a reference in the Heat Hierarchy Summary to ‘application submission material’ but justification of this figure has not been provided. We consider this figure to be unrealistically high. Evidence from the communal ground source heat pump system installed at Ashton Rise is that extra-over cost was ~£7000 per unit, which takes into consideration the costs for site management, programme costs and site preliminaries.

We also draw attention to the funding made available by Bristol City Council under Supplementary Grant Arrangements, discussed in previous comments, for the delivery of corporate objectives. This provides up to £10,000 per unit (subject to a grant application) for rented or shared ownership units on schemes delivered principally on private land to assist Housing Associations to deliver BCC policy requirements through the heat hierarchy.

Affordability

We continue to have very strong concerns about the affordability and energy running costs of electric resistive heating. This reflects concerns raised by the government in the Future Homes Consultation and Centre for Sustainable Energy in their ‘*Bristol net zero by 2030*’ report. Both heat pumps and electric resistive heating require electricity to operate, however electric resistive heating is (approx. 2-5 times) less efficient and therefore (2-5 times) more costly to operate than heat pumps.

There is good evidence to show that unless dwellings are constructed in accordance with very strict quality control processes (such as that required to certify the Passivhaus Standard) the actual energy demand and running costs are likely to be higher than figures predicted at the design stage. This difference is known as the ‘performance gap’. Actual energy demand has been shown to be 2 to 4 times greater than predicted demand, increasing the energy demand and running costs of homes where electric resistive heating is installed.

Conclusions

The conclusions from their comments are:

- We acknowledge that the carbon intensity of grid electricity was significantly higher when current planning policies were adopted in 2011 than today. Despite this reduction and the fact that resistive electric heating is the cheapest form of heating to install, this is not in our judgement justification for allowing the use of electric resistive heating in new dwellings. Electric resistive heating continues to be excluded from the BCS14 heat hierarchy for the following reasons:
 - Electric resistive heating is not as efficient as other forms of renewable heating such as heat pumps which are allowable under the heat hierarchy, and therefore generate more CO2 emissions (approx. 2 – 5 times more).
 - Widespread use of resistive electric heating will significantly increase the annual demand and peak demand for electricity (on top of the increased demand from the electrification of transport and heat through heat pumps), increasing the amount of energy that will have to be generated renewably for the grid, making it harder to decarbonise the energy system as a whole.

This is in line with government policy as set out in the Future Homes Standard Consultation (2019), the Future Buildings Standard Consultation (2021) and independent advice provided to the council on the decarbonisation of heat, which is not advocating the use of electric resistive heating in new dwellings.

- Under the current proposals only 37 units (25%) comply with policy BCS14. 109 units (75%) do not comply. We consider that it is technically feasible and financially viable to deliver significantly more units on this site in compliance with policy BCS14 as follows:
 - From a technical standpoint (in addition to the individual air source heat pumps already proposed in other units), there is scope to provide heating and hot water to a number of additional units (58-75 no.) using a communal ground source heat pump system. This system is not a new concept. It has been used extensively in the refurbishment of existing buildings including flatted developments, including those owned by local authorities and housing associations, often to replace electric resistive heating, and in new-build. The suggested extra-over costs per unit for this type of system are, in our judgement, unrealistically high and have not been justified with supporting information and have not taken into account the availability of funding from BCC for some of these costs.
 - A communal air source heat pump system using an ambient loop is technically feasible. The suggested costs do not appear to consider whether the option of omitting the metering and billing and instead aggregating the cost of the provision of ambient heat into the service charge could be possible, nor do they consider the availability of funding from BCC for some of these costs.
- We continue to have concerns about the energy running costs of electric resistive heating which reflect concerns raised by the government and advice from the Centre for Sustainable Energy. Electric resistive heating is less efficient and therefore more costly to operate than heat pumps.
- **For these reasons we continue to object to this application.**

Appendix A – Heat Pump efficiency compared to resistive electric heating

BCC has given the cumulative impact of electric resistive heating on electricity demand as one of its reasons for its exclusion from the heat hierarchy in BCS14.

In the applicant's submission *'Technical and Financial Appraisal: The Heat Hierarchy, Communal Heating and Heat Pumps'* (Feb 2020) JS Lewis suggests that a report by Element Energy *'Hybrid Heat Pumps - Final report for Department for Business, Energy & Industrial Strategy'* (December 2017) shows that heat pumps provide 'little benefit' over electric resistive heating. The Sustainable City Team do not consider this to be an accurate statement for the following reasons:

- The report is primarily focused on the potential role of hybrid heat pumps (meaning systems combining a heat pump and gas boiler) for the decarbonisation of heat. As stated in JS Lewis's report it suggests that under certain conditions the coefficient of performance (efficiency) of an air source heat pump can reduce to between 1.26 and 1.0 on the coldest day in a 'one-in-20' year. (For comparison electric resistive heating is 100% efficient and has a coefficient of performance of 1.0).
- The variation in the energy efficiency an air source heat pump is a physical characteristic of the heat pump itself. The efficiency with which the heat pump converts electrical energy into useful heat is related to the difference between temperature of the heat source (the external air in the case of an air source heat pump) and the temperature of the heat being supplied - to the radiators in the case of domestic space heating. If the temperature of the heat supplied to the radiators remains constant the efficiency of the heat pump will fall as the outside air temperature decreases, and the efficiency will increase as the air temperature rises.
- Whilst we do not dispute the seasonal variation in the efficiency of an air source heat pump the figures quoted in the Element Energy report should not in our view, be taken as indicative of the minimum energy efficiency of an air source heat pump operating in this development for the following reasons. The figures quoted from Element study refer to a semi-detached dwelling rather than a flat. And they relate to a 'typical' semi-detached dwelling which will have lower thermal efficiency than a new flat constructed to current Building Regulation standards (and BCC planning policies). Because they relate to an exceptional (one-in-20) year they should not be taken as indicative of average efficiency.
- Whilst not disputing the variation in the efficiency of an air source heat pump, for the majority of time the efficiency of a heat pump will be significantly higher than resistive electric heating which cannot increase above 100%. The seasonal efficiency (meaning the average efficiency across a year) of an air source heat pump is in the order of 250%, and 300% for a ground source heat pump. This compares with electric heating which has a seasonal efficiency of 100%. This means that less energy has to be generated to produce the heat. In a dwelling requiring 5000kWh of heat a year, 5000kWh of electrical energy will be required when using direct electric heating. This drops to 2000kWh a year when using an air source heat pump (with an efficiency of 250%), and 1667kWh when using a ground source heat pump (with an efficiency of 300%).

Development Control Committee A – 4 March 2021

ITEM NO. 3

WARD: Southville

SITE ADDRESS: St Catherines Place East Street Bedminster Bristol

APPLICATION NO: 20/04934/P Outline Planning

DETERMINATION DEADLINE: 18 January 2021

Hybrid application for phased comprehensive redevelopment of the site to provide mixed use regeneration comprising: Phases 1- 4 inclusive - Full application for up to 180 residential dwellings (Class C3) and 815 sqm new commercial floorspace (Class E), parking and amenity space, public realm, vehicular access servicing arrangement, landscaping and associated works; Phases 5 - 7 inclusive - outline application for access only - residential and commercial floorspace (Class E) (reserved matters to comprise scale, layout, appearance and landscaping). Major.

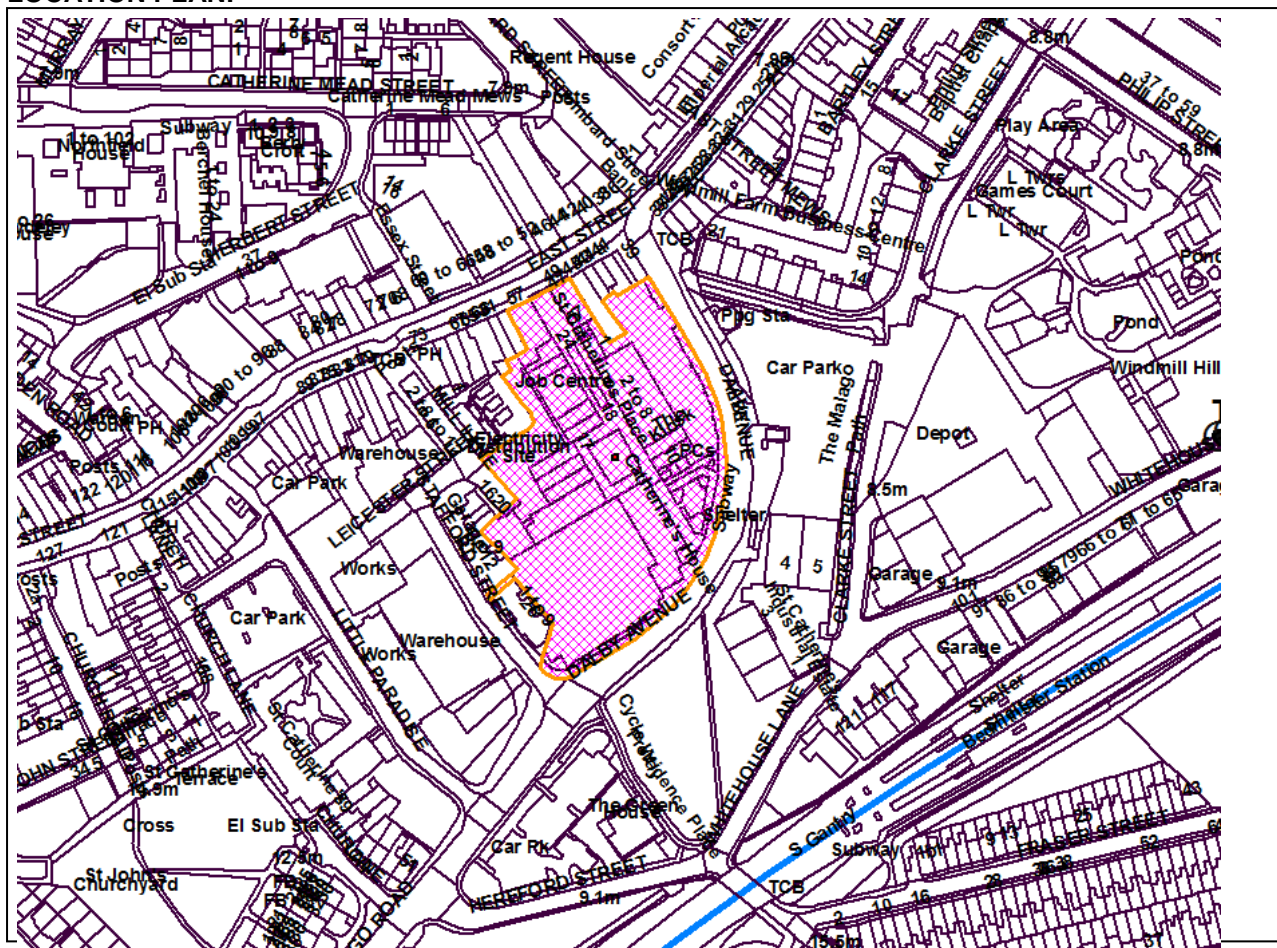
RECOMMENDATION: GRANT subject to Planning Agreement

AGENT: CSJ Planning Consultants Ltd
1 Host Street
Bristol
BS1 5BU

APPLICANT: Firmstone Consortia One Limited
C/o Agent

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

LOCATION PLAN:



Development Control Committee A – 4 March 2021**Application No. 20/04934/P : St Catherines Place East Street Bedminster Bristol****SITE DESCRIPTION**

The application site is known as 'the 'St Catherine's Place' site in Bedminster (Plot 2' in the Bedminster Green Framework). It is located within the Southville ward, in the south of Bristol.

The application site is ca. 1.03 hectares and is located ca. 0.5 kilometres to the south of Bristol City Centre, within the Bedminster town centre primary shopping area as defined in the Bristol Core Strategy (adopted in 2011). The site is located almost entirely within Flood Risk Zone 2, although a small area in the far west is located in Flood Risk Zone 1. The site is also located within an Air Quality Management Area.

To the north the site partially fronts onto East Street with other parts of the site's northern boundary abutting existing retail and commercial properties which lie outside the boundary of development. The site is bounded to the south and east by a curved section of the A38 Dalby Avenue, and to the west by residential and commercial buildings fronting onto Stafford Street and Mill Lane.

The north of the application site is on the boundary of the Bedminster Conservation Area, the retail units fronting onto East Street within the application site fall within the Conservation Area. One of these, No. 57 East Street, is identified as an unlisted building of merit in the Bedminster Conservation Area Appraisal. There are no buildings, structures or monuments on the application site which are subject to statutory or local listing.

There are two vehicular access points directly from Dalby Avenue into the service yard (to the rear of the Iceland store), and one vehicular access point via Stafford Street/Leicester Street accessed from Mill Lane.

The site as existing is in mixed use comprising of commercial floorspace with residential maisonettes above. The majority of the commercial units are vacant or underused.

The site contains St Catherine's House, a former office building converted to residential units by the Applicant through implementation of two separate applications. The first application (reference: 17/03849/COU) sought prior approval for the conversion of the office block to 40no. dwellings, while the second application (reference: 17/05699/F) extended the building upwards by two storeys to provide a further 14no. residential dwellings.

In June 2017, planning permission was granted on the southern part of the application site (reference 13/05616/P) for a ground plus 8-storey building (in detail) for 45 residential dwellings, along with a ground plus 15-storey building (in outline) for 143 residential dwellings (188no. dwellings in total). Both buildings included flexible commercial floorspace at ground floor level amounting to ca. 600 square metres.

This planning permission has now expired. The expired permission proposed to demolish the St. Catherine's House office building as part of the development. It is considered that this could no longer be implemented as previously approved due to the conversion of the St. Catherine's House office building to residential use under the Prior Approval (reference: 17/03849/COU) and planning permission (reference: 17/05699/F) described above. The subsequent retention, conversion, and occupancy of this building in residential use needs to be considered as part of any application coming forward on the site.

A full planning application was previously submitted by Firmstone Consortia One Ltd (the Applicant) on 8 October 2018 in relation to the application site. That application was considered at Development Control Committee A on the 20 November 2019 and 22 January 2020. The application was refused at

Development Control Committee A – 4 March 2021**Application No. 20/04934/P : St Catherines Place East Street Bedminster Bristol**

Committee on 22 January 2020, in line with the Officer's recommendation with one reason for refusal as follows:

"The proposed development by reason of its height, scale, massing, inadequate public realm and overall design quality, would be unacceptable in design terms and impact on existing residential amenity. This would be contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); Urban Living SPD (November 2018); and Bedminster Green Framework (March 2019)."

An appeal was made under section 78 of the Town and Country Planning Act 1990 by Firmstone Consortia One Limited against the decision of the Council. The Appeal Decision was issued on 19 February 2021. The appeal was dismissed. The conclusion of the Inspector in relation to the Appeal is set out below:

"In my assessment, these adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. For these reasons, and having had regard to all other matters raised, I conclude that this appeal should be dismissed."

As Members will be aware, each application must be assessed on its own merits. The revised application as submitted by the Applicant has responded to the previous reason for refusal and policies cited within it. The application overall is considered by Officers to represent a better response to the endorsed Bedminster Green Place Making Framework (March 2019).

The application is considered to demonstrate a positive approach to addressing the previous reason for refusal and policies cited within it. The Applicant has worked with Officers to reach positive resolution on further information and refinements requested during the determination of this application. As such, the Officer recommendation for this application is to grant planning permission subject to conditions and obligations as detailed within subsequent sections of this Report.

RELEVANT HISTORY

Set out below is the relevant planning history for the application site.

Application	Description of Development	Decision
Planning Appeal: APP/Z0116/W/20/3257200	The development proposed is comprehensive redevelopment of the site to provide mixed use development comprising residential (Class C3), new retail, leisure and commercial space including a cinema (Class A1, A3, D2), refurbishment of existing retail facilities together with parking and amenity space, vehicular access, servicing arrangements, public realm, landscaping and associated works.	The appeal is dismissed. The inquiry sat for 6 days on 25-29 January and 1 February 2021.
20/04514/F	Development to convert first floor to HMO (sui generis) to accommodate up to 12 persons. Space above the British Heart Foundation.	Pending consideration.

Development Control Committee A – 4 March 2021**Application No. 20/04934/P : St Catherines Place East Street Bedminster Bristol**

Application	Description of Development	Decision
20/03461/COU	Application to determine if prior approval is required for a proposed change of use of part of ground floor of building from retail (Use Class A1) to 2no residential dwellings (Use Class C3).	Prior Approval GIVEN, 2 October 2020
20/03462/COU	Application to determine if prior approval is required for a proposed change of use of part of ground floor of building from retail (Use Class A1) to 4no residential dwellings (Use Class C3).	Prior Approval GIVEN, 2 October 2020
18/05310/F	Full planning application for comprehensive redevelopment of the site to provide mixed use development comprising 205 residential dwellings (Class C3), 1288sqm of new retail, leisure and commercial space including a cinema (Class A1, A3, D2), refurbishment of existing retail facilities together with parking and amenity space, vehicular access, servicing arrangements, public realm, landscaping and associated works.	Refused 2 February 2020.
17/05699/F	Two storey extension and external alterations to St Catherine's House to provide an additional 14 residential units.	Implemented.
17/03849/COU	Prior approval for the change of use from office floor space within use Class B1(a) to residential accommodation falling within Class C3 (40.no. Flats).	Implemented.
13/05616/P	Hybrid outline application for demolition of existing buildings on the site and phased redevelopment of site, comprising full application for Phase 1 and outline application for Phase 2.	Expired on 21 June 2020. It is not considered that this previous permission could be implemented as approved due to the retention and conversion of the St. Catherine's House to residential use.

APPLICATION

This application 20/04934/P was received and validated on 19 October 2020.

This single application is made in two parts as a “hybrid application”.

Development Control Committee A – 4 March 2021**Application No. 20/04934/P : St Catherines Place East Street Bedminster Bristol**Part 1) Full permission

The first part of the application seeks full permission for Plots 1 – 4 for:

- 180 residential dwellings:
 - 6no. 1 bedroom, 1 person dwellings
 - 66no. 1 bedroom, 2 person dwellings
 - 64no. 2 bedroom, 3 person dwellings
 - 42no. 2 bedroom, 4 person dwellings
 - 2no. 3 bedroom, 4 person dwellings
- 815 sqm of commercial floorspace:
 - 2no. commercial units within Plot 2
- 10 no. disabled car parking spaces
- 320 no. cycle parking spaces
- New public realm hard/soft landscaping
- Vehicular access, servicing arrangements and associated works

The two existing vehicular access points from Dalby Avenue will be retained with the existing vehicular access to the north being marginally narrowed and the other existing access being moved northward. Access from Mill Lane for servicing/refuse collection has been retained, with a temporary servicing layby and refuse collection point being provided.

The proposed development would require the removal of 4no. trees across the site, comprising one Category B tree and three Category C trees. A total of 33no. new trees are to be provided within the public realm as part of the application.

The landscaping of the scheme would include amenity space for residents (and the wider area), comprising:

- A pocket park adjacent to Dalby Avenue providing public amenity and play space.
- A courtyard between Plot 3 and St Catherine's House providing shared private amenity space.
- Additional external public realm ('a greenway') is proposed along Mill Lane to improve connections through to East Street.

Accommodation Schedule for the Plots seek full planning permission

The proposed development would comprise of a schedule of accommodation for Plots 1 – 4 as follows.

Plot 1 / Phase 1 (Ground floor)

This would contain 2 dwellings on the ground floor of St Catherine's House:

- 2no. 2 bed, 4 person dwellings

Plot 2 / Phase 2

This would contain 2 commercial units and 37 dwellings (up to 6 storeys):

- 5no. 1 bed, 1 person dwellings
- 19no. 1 bed, 2 person dwellings
- 4no. 2 bed, 3 person dwellings
- 7no. 2 bed, 4 person dwellings
- 2no. 3 bed, 4 person dwellings

Plot 3 / Phase 3

This would contain 121 dwellings (up to 14 storeys):

- 1no. 1 bed, 1 person dwellings
- 39no. 1 bed, 2 person dwellings
- 53no. 2 bed, 3 person dwellings
- 1no. 2 bed, 3 person dwellings (duplex)

Development Control Committee A – 4 March 2021**Application No. 20/04934/P : St Catherines Place East Street Bedminster Bristol**

- 27no. 2 bed, 4 person dwellings

Plot 4 / Phase 4

This would contain 20 dwellings (7 storeys):

- 8no. 1 bed, 2 person dwellings
- 6no. 2 bed, 3 person dwellings
- 6no. 2 bed, 4 person dwellings

Part 2) Outline permission

The second part of the application seeks outline permission for Plots 5 – 7 establishing the principle of residential use (not the quantity or type), with details of access to be determined at this outline stage.

Details of scale, appearance, layout, and landscaping are identified as “Reserved Matters”; i.e. matters to be submitted and assessed at a later date only following (any) grant of outline planning permission.

At the point at which reserved matters applications for Plots 5 to 7 are submitted, the Applicant will need to provide the details of the quantity and type of housing proposed; as well as the detail of matters relating scale, appearance, layout, and landscaping.

PRE-APPLICATION COMMUNITY CONSULTATION

The Applicant submitted a Statement of Community Engagement (SCE) with the application, which details of the extent of the community engagement with the local community and stakeholders. Consultation activity was recorded as being mainly online, utilising a web-based interactive engagement platform and utilising video conferencing technology with a consultation hotline for any members of the public unable to access consultation materials online.

In summary, the Applicant has:

- Attended virtual events with the Bristol Civic Society, BS3 Planning Group and Windmill Hill and Malago (WHaM) Planning Group to provide updates on the principles of the proposed development, pre application progress and respond to any queries.
- Consulted with Catherine’s House residents on a one to one basis, recognising they are the closest residents to the proposed development.
- Held briefings with Cabinet Members, local and adjacent ward members, and Bedminster BID.
- Set up a consultation website so residents could give their views and feedback via an interactive map and survey form on.
- Held an online consultation survey for a period from 21 August – 2 October 2020, with 78 survey responses reported.

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. 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. In this case the design and access to the development have been assessed with particular regard to disability, age and pregnancy and maternity issues. There is vehicular access provided to 10 disabled parking spaces. The number of disabled parking spaces has been provided in accordance with Policy DM27 and Appendix 2 of The Bristol Local Plan – Site Allocations and Development Management Policies – Adopted July 2014.

Development Control Committee A – 4 March 2021**Application No. 20/04934/P : St Catherines Place East Street Bedminster Bristol****ENVIRONMENTAL IMPACT ASSESSMENT**

In respect of Environmental Impact Assessment (EIA) the Local Planning Authority has provided Screening Opinions in relation to the previous applications, confirming that application 13/05616/P was NOT EIA Development requiring an Environmental Statement (in March 2014) and confirming that application 18/05310/F was NOT EIA Development requiring an Environmental Statement (in November 2019).

In relation to the most recent appeal (APP/Z0116/W/20/3257200), the Secretary of State provided a negative screening direction in December 2020 that EIA was not required.

In relation to the most recent application comprises a scheme that is reduced in scale and nature from 18/05310/F (reduction in dwellings from 205 to 180; and commercial floorspace from 1,288sqm to 815sqm), as such it is considered that the above conclusions in respect of EIA development would apply to this application and that 20/04934/P is NOT EIA Development requiring an Environmental Statement.

RESPONSE TO PUBLICITY AND CONSULTATION**General response from the public**

In response to the application as submitted in October 2020, a total of 96 public comments were received. This includes comments received from local councillors and amenity groups, which are detailed below.

Of the responses received, 52 responses were in objection to the scheme, 40 responses were in support of the scheme, with 4 neutral responses.

In summary, the comments in objection to the scheme raised the following concerns:

- Lack of affordable housing
- Lack of family housing
- The proposed height, scale, and massing, particularly of Plot 3 to the south of the application site
- Impact on the character of the area and St Catherine's House
- Impact on the Conservation Area
- Overshadowing of adjoining residences and amenity spaces
- Impacts on amenity – loss of light / noise
- Impacts on parking and traffic

In summary, the comments in support of the scheme cited the following reasons:

- Support for new housing
- Support for the proposed mixed uses on the site
- A need for regeneration in the area
- A need for redevelopment of this specific site
- Support the revitalisation of the shopping precinct and benefit for local businesses
- Support for the wider regeneration of East Street and Bedminster
- Consider the revised plans to be better than the previous application
- Support for the new green space on Dalby Avenue

Minor revisions and further technical details were provided on 25 January 2021 and 8 February 2021.

On the 25 January 2021 the following technical documents were provided:

- Preliminary Ecological Appraisal
- Hydraulic modelling Technical Note and supporting information – response to the Environment Agency

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- Surface Water Drainage Technical Note – response to the Lead Local Flood Authority

On the 8 February 2020 revised details and documents provided in relation to:

- Revised plans and elevations showing minor changes to Plots 2, 3 and 4
- Updated Context Site Sections
- Updated Landscape General Arrangement
- Updated Arboricultural Assessment and Method Statement
- Updated Tree Protection Plan
- Updated Ecological Appraisal
- Further cycle storage details
- Refuse, Servicing and Disabled Parking Strategy
- Proposed Stopping Up of Public Highway and Highway Works
- Servicing Strategy
- Indicative Accommodation Schedule for Plots 5 – 7

Response from interest groups and organisations**COUNCILLOR COMMENT**

Councillor Lucy Whittle stated objection to the application:

- *I support and look forward to a sympathetic development that will house a mix of family types and tenures to re-invigorate the area, in a low carbon and environmentally friendly housing solution.*
- *The current plans are too tall and do not look suitable for families with children.*
- *I would like to see more affordable and social housing, and more places for recreation and play.*
- *This development will be the form the character of Bedminster, and the quality of life for local people, for generations.*
- *Currently it is out of step with the scale, massing, and character of the area, and will severely reduce levels of day light in the nearby buildings, and I'm particularly concerned that this scheme creates an empty passageway at pedestrian level with no active frontage.*

[the full comment from Cllr Whittle is available on the BCC online planning portal]

WINDMILL HILL AND MALAGO COMMUNITY PLANNING GROUP (WHAM) – OBJECT

The Windmill Hill and Malago Community Planning Group (WHaM) object to the application.

WHaM acknowledge improvements in this application: open space and planting; a less intense development of residential apartments is included to the North facing on to East Street sitting within and adjacent to the conservation area.

WHaM raised concerns with the application relating to: height, scale and massing of Plot 3 (14 storeys) to the south of the site; the overshadowing created by this building on open spaces; daylight/sunlight impacts on the amenity of residents in St Catherine's House and Stafford Street apartments; Plot 3 is considered to remain bulky/out of context; and the lack of affordable housing.

In summary, WHaM considered that the taller element sitting at the southern end of the application has created multiple problems for what they state would otherwise be a laudable development.

In relation to positive comments on the application:

The group is aware that East Street needs regeneration and forms a hub for the community. Many of our members have lived in the area over the years and have watched the decline of St Catherine's Place. For this reason, the revitalisation of the shopping precinct is seen as a positive thing and there are many positive things to recommend the design:

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- *The group found that the scale of development to the north was entirely appropriate and generated a positive and welcoming approach from East St into the heart of the scheme.*
- *The group also felt that the stepping up approach used at this end of the scheme (plot 2) was a suitable approach, pulling the tallest part of this block toward the centre of the plan.*
- *Plot 4 was felt to be a good inclusion to the south Eastern corner of St Catherine's, and that the positioning of this block to provide a wider entry point to the shopping courtyard looks like a positive contribution to the scheme.*

In relation to the concerns raised in objection to the application:

- *The group remained particularly concerned about the height, massing, and general bulk of plot 3, to the South. As with previous schemes we are concerned that this will create a number of problems for the development. The tallest part of this block is a 14 storey tower set at the southernmost point of the site.*
- *In contrast to the buildings at the Northern side of the scheme, those at the south do not step up away from the street but instead present sheer faces to Dalby Avenue, where it is likely to channel air currents and create a looming presence over the green.*
- *To the northern side of this tower the new courtyards will also be placed in shadow, which could make them undesirable spaces for some parts of the day. A reduction in height would reduce the overshadowing and encourage more use of these spaces throughout the day and over the year.*
- *The group notes that a lot of the forthcoming East Street improvements hinge on the open spaces on and around East Street being enjoyable. Careful consideration of that environment, and the production of shadow studies of the open spaces, would guarantee that the scheme is not self-defeating in terms of its design.*
- *This taller block is also placed in close proximity to the existing renovated and occupied plot 1 in the form of St Catherine's House. As a result of this proposed development it is noted that some of the occupants of St Catherine's House could see a reduction in daylight of up to 62% and a loss of privacy due to the windows that will look into the windows which face directly opposite.*
- *The scale of the development will also have a similar effect on the existing residents of Stafford Street, who in turn could suffer a loss of daylight of up to 85%. This must be seen as unacceptable for the amenity of existing residents. Overshadowing like this will cause those existing residents to rely more on artificial lighting and the loss of solar gain means increased use of heating, driving up the energy use of those residences and subsequently their running costs. The smaller existing residences of Stafford St have solar panels installed to the roof, their level of renewable energy generated will also be reduced by this proposed block, which is in contravention of the recommendations of the SPD on urban living.*
- *It is also noted that, due to the high levels of air pollution, the windows of the flats facing onto Dalby Avenue will be fixed shut. In conjunction with this, a number of the larger windows face due south and as such will be subject to large levels of solar gain without immediate methods of reducing the heat at the glass line, instead this is proposed to be through mechanical extract increasing the energy use of the building.*
- *In terms of the elevation, the taller section of the building does represent an improvement on the previous schemes, but the scale of the taller element to the south is not sufficiently broken down by the groupings of windows and remains a bulky, out of context element to the end of the scheme.*
- *It is disappointing that the scheme does not contain any affordable housing, when the (now completed) development at St Catherine's house was first brought to WHaM's attention we were informed that affordable housing would be included in the subsequent stages of the development.*
- *We are now seeing these stages brought forward and there is a no affordable housing brought into the scheme. Bedminster is a vibrant community that needs affordable housing and we think some provision must be made to support lower income families looking to get on the housing ladder.*

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- *As with earlier previous schemes the group feels that the taller element sitting at the southern end of the development has created multiple problems for what would otherwise be a laudable development.*

[full comments from WHaM are available on the BCC online planning portal]

BEDMINSTER BUSINESS IMPROVEMENT DISTRICT (BID) – SUPPORT

The Bedminster BID stated the following in support of the application:

The Bedminster BID and Town Team has spent nearly a decade trying to reinvigorate East Street, once the thriving retail heart of South Bristol. We have had wonderful support and involvement from the local community - and enjoyed some successes. However, it remains a huge challenge, with a much worsening retail outlook given the current crisis - sadly reflected in dozens of empty shops, and a proliferation of charity shops, pawnbrokers, vapes shops etc.

Given the impact of austerity over the past ten years and now Covid, the prospect of significant and much needed investment by the public sector continues to be bleak. We believe therefore the best prospect for East Street and the many small business owners and their employees is to turn the area around via significant new local demand. An ongoing challenge for the businesses here is the low level of immediate catchment - for several years this has been our number one priority to address hence our firm support for developers whose buildings collectively will bring several thousand new regular shoppers.

The proposed regeneration of St Catherine's Place is absolutely critical to the future of East Street given the blight the run down site currently causes for this end of the street and indeed the entire 'gateway' to East Street from the wider city. The various developments outlined in the Bedminster Green Framework, of which St Catherine's Place is a crucial part, will create an estimated £3-5m worth of additional economic demand and transform the prospects for existing businesses and their employees and create the incentive for others to open here and finally turn the tide.

The continued growth and impact of the internet on retailing, the impact and consequences of Covid, plus the recent closure of four of the five largest retailers on East Street means the time to act on East Street is indisputably now - because if not then soon when you do go there... there will be no there there!

BRISTOL CIVIC SOCIETY – NO OBJECTION

The Bristol Civic Society stated the following in relation to the application:

The Society generally welcomes this revised scheme which provides a range of benefits to the local area.

This is a complex proposal, a retail and residential led regeneration scheme which will be implemented on a phased basis. The Society had the benefit of a presentation from the development team which greatly aided its assessment of the proposals.

The proposed improvements to Mill Lane will make a significant difference to accessibility between Dalby Avenue, Bedminster Green and East Street. The Society welcomes these proposals. The improved pedestrian route through St Catherine's Place will also deliver a significant improvement, with new residential accommodation providing a degree of surveillance.

Overall, the Society welcomes the approach adopted by the developer and considers it a significant improvement on the previous application, which was refused planning permission earlier this year.

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The response from the Environment Agency (EA) on the revised details submitted is provided below:

Environment Agency position

We withdraw our objection to the proposed development, subject to the comments outlined in this letter and the inclusion of the conditions detailed below in any grant of planning consent.

Flood Risk:

We have carefully considered the additional modelling analysis presented. This provides a more detailed assessment of potential flood risk impacts at the site (limited to the areas fronting East St and Dalby Avenue to the north and east of the site) and appropriate selection of proposed finished floor levels for more vulnerable uses.

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the planning conditions are included.

[Full comments from the EA and suggested conditions are available on the BCC online planning portal.]

HISTORIC ENGLAND – NO OBJECTION

Historic England have stated no objection to the application on heritage grounds.

The response stated:

The plans are for the redevelopment of St Catherine's Place, a post war shopping arcade located immediately South of East Street, Bedminster. East Street is part of the Bedminster Conservation Area, which is a long, linear conservation area covering much of the commercial and retail core of the neighbourhood from Bedminster Parade through to North Street.

The character and appearance of the conservation area is derived from the varying street frontages of its buildings, which are predominately Victorian. There is variety in building heights, details, and materiality. The conservation area has a tight urban grain, focussed on the main shopping street but with historic alleys and side roads running off to either side. The creation of Dalby Avenue in the 1960s removed much of the traffic from the High Street, but savagely truncated the land South of the High Street and North of the railway line, which remains a post-industrial no-man's land.

Historic England strongly supports the principle of the St Catherine's Place redevelopment. East Street - often referred to as South Bristol's High Street - has suffered as a retail destination in recent years with the loss of several well-known chain stores. Strangely the East Street periphery has fared better, with multiple independent outlets opening in recent years around North Street. However, it is clear that action is needed on East Street itself.

This application proposed construction of 180 apartments and 815 sqm of new commercial floorspace on land currently occupied by the St Catherine's Place centre, the bulk of which is now empty. The creation of significant numbers of new homes on land, which is close to the city centre, to transport connections and to East Street itself appears a logical move. The new residents will support East Street and contribute to its regeneration. There will be significantly more new residential apartments in subsequent phases of the development.

The plans will not have an adverse impact on the character and appearance of the Bedminster Conservation Area in Historic England's view. While the development is of significant scale and massing in its Southern part, the element which falls within the conservation area will retain elements of those buildings which contribute to its character. The new-build elements which would rise up

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behind the retained frontage buildings reference the historic juxtaposition of domestic scale shop frontages set against larger warehouses on land to the rear which can be seen further up East Street in the Robinson building.

If we have a comment to make on the design, it is that it appears rather inward-looking, focussing on the series of internal courtyard spaces to be created. While not strictly speaking a heritage consideration, we think it important that this development creates a pleasant, well-overlooked periphery which will foster better connection between the development and its immediate surroundings. A development which improves upon the inhospitable character of Dalby Avenue and creates a more pedestrian-friendly environment will be of overall benefit to the conservation area.

AVON FIRE AND RESCUE – NO OBJECTION

Further to the planning application reference 20/04934/P – St Catherine's Place, Bedminster. Avon Fire & Rescue Service will have additional Hydrant requirements associated with this application, please see attached plan as to our hydrant requirements. The costs will need to be borne by developers through developer contributions.

Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 + vat per hydrant. Importantly, these fire-fighting water supplies must be installed at the same time as each phase of the developments is built so that they are immediately available should an incident occur, and the Fire & Rescue Service be called.

[Full comments are available on the BCC online planning portal.]

BRISTOL WASTE – NO OBJECTION

With 5 or more individual bin stores and collection points the numbers of containers for most materials would need to be rounded up to provide sufficient bins for all materials in each store. The refuse element would need further consideration as to how much capacity is provided for each block to keep within reasonable capacities for each core of the development.

[Full comments are available on the BCC online planning portal.]

Response from internal consultees**CITY DESIGN GROUP – NO OBJECTION**

The City Design Group provided initial comments to the application in October 2020, recognising the substantial improvements that have brought to the application proposals, the daylight sunlight performance of the scheme, the public realm and private amenity spaces. Overall, CDG were encouraged to see the substantial progress made to overcoming the previous reason for refusal.

Relevant extracts of the CDG comments are set out below:

Overview

Noteworthy improvements have been brought to the proposal during an intensive pre-application process. The significant reduction in the height and massing of Building 3 has allowed substantial improvement to the daylight and sunlight performance of the scheme and enables a more positive relationship with the existing St Catherine's House.

Improvements to both the public realm and private amenity space are also welcomed and bring great benefit not only to the future residents of the scheme, but also the surrounding area.

The changes to Building 2 have allowed for a more sympathetic and appropriate response to the East Street context.

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The new route proposed between East Street and Malago Road would respond well to the demand of an increased population generated not only by this scheme but by others in close proximity and has the potential to successfully repair and reinforce the existing block and street structure within the Bedminster Green regeneration area.

Cumulatively, these changes have made substantial progress to overcoming the previous reason for refusal and, subject to a small number of minor changes and design refinement, could represent a positive addition to the Bedminster Green regeneration area.

Areas of focus for further amendments, together with recommendations and/or requests of further clarification, are presented below.

CDG requested further refinement and information in a couple of specific areas, mainly relating to Plot 2 and Plot 4.

- Plot 2: Further design refinement to the form and architectural expression of the 6th storey element to mitigate the visual impact from Bedminster Parade.
- Plot 4: Reduction in height by 1 storey to achieve more appropriate response to context.

Revised plans and elevations showing minor changes to Plots 2, 3 and 4 were provided on 8 February 2021.

In response to these revised plans and elevations CDG responded to state:

The current proposal is much improved, and it is reassuring to see how the scheme better responds to the endorsed Bedminster Green Place Making Framework (March 2019) prepared by NASH Partnership. The proposed amendments demonstrate a positive approach to addressing the previous reason for refusal. Additionally, within the scope of this planning application, CDG worked with the Applicant to reach positive resolutions of further design amendments.

The only outstanding point of disagreement has been Building 4: which needs reduction in height by 1 storey to achieve more appropriate response to context and achieve a harmonious profile at the 'urban entrance' of the regeneration area.

Having expressed this point of disagreement and acknowledging the important improvements on the rest of the project, CDG does not object to approval of the scheme subject to conditions.

[Full comments are available on the BCC online planning portal.]

TRANSPORT DEVELOPMENT MANAGEMENT – FURTHER DETAILS REQUESTED

Relevant extracts from TDM detailed comments (11 pages) have been incorporated within Key Issue F, on matters relating to specific on site issues such as: car parking; cycle parking; refuse and servicing; waste storage; travel planning; construction management; as well as covering s.106 obligations to encourage viable sustainable travel choices for the 504 future residents.

On the application as submitted, TDM requested further details to be provided and matters addressed:

- Plot 1 waste storage, cycle parking and servicing provision
- Amended St Catherine's House waste and servicing provision
- Comprehensive refuse and servicing strategy
- Confirmation regarding the travel plan implementation
- Highway works General Arrangement plan
- Plan demonstrating extent of adoption, stopping up of highway and any new highway dedication
- Alterations to cycle parking

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On the 8 February 2020 revised details and documents provided in relation to initial TDM comments, including: further cycle storage details; Refuse, Servicing and Disabled Parking Strategy; Proposed Stopping Up of Public Highway and Highway Works Plan; Servicing Strategy; and an Indicative Accommodation Schedule for Plots 5 – 7.

Discussions between the Applicant and TDM are ongoing, the outstanding issues relate to:

- S278 Highway Works Plan – extent and design.
- Phase 4 cycle parking – the entire parking provision is in the form of double stacked units with Sheffield stands underneath. TDM require some Sheffield stands be provided without overhead cycle parking allowing safe and adequate cycle parking for adapted cycles and increasing their usability.
- Clarifications on the swept path analysis plans to show a key/legend.
- Further swept path is required for the servicing yard for plot 2 within the future phases scenario.
- Plans to show a treatment alongside the temporary loading bay adjacent to Mill Lane to prevent over run of the footway.
- Clarification on BCC undertaking travel plan on behalf of the Applicant.

An update to Members on the outstanding matters of detail outlined above will be provided by way of the Amendment Sheet and the Officer Presentation at the Committee Meeting.

TREE OFFICER – NO OBJECTION SUBJECT TO CONDITIONS

The Tree Officer stated an objection to the application as submitted and requested updates to the Arboricultural Assessment and Method Statement; Tree Protection Plan; and Landscape General Arrangement. These documents were provided on 8 February 2021.

In response to these updated documents the Tree Officer responded to state no objection subject to conditions.

In summary, the Tree Officer stated that the proposed seeks to remove 4 trees, 1 of which is a category B tree, as defined within the Arboricultural Report. This is a reasonable loss of established trees to enable the re-development of the site along with the high quality proposed tree planting plan will enhance the public realm into the future.

Bristol City Council is the first Local Authority in the country to state we are in climate emergency and have made a commitment to increase the canopy cover within Bristol by 25% by 2036 and to double the city's canopy cover by 2046. This cannot be achieved on BCC land alone and we now require high quality tree planting schemes within private development to achieve this target to reduce the impact of Bristol's climate Emergency statement.

Relevant extracts of the Tree Officer's comments are set out below:

Tree Removal & Retention Plan

Trees 12-14 are a group of 3 "C" category trees located within raised bricked planters, alongside the south eastern corner of St Catherine's House. The trees are small mediocre specimen that only offer a moderate visual amenity to the existing and proposed development area. I have no objections to their removal and mitigation through replacement planting on site. The removal of these trees will require 9 replacement trees in accordance with the tree replacement standard.

Tree 19 is a mature magnolia located within an internal courtyard area of the current shopping centre. The tree provides a reasonable amenity within the internal space but does not contribute visually outside of this space. I therefore have no objection to the trees removal. 2 replacement trees are necessary to fulfil the planning obligations SPD.

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T9 London plane is an early mature highway specimen located in close proximity to trees 12-14. It is a category B tree and therefore its removal is not ideal, however, it is recognised that some trees do need to be removed to facilitate the redevelopment of the site and its loss will be mitigated through the proposed tree planting as part of the soft landscaping of the site.

The proposed Planting Plan (Dwg 153843-STL-XX-XX-DR-L-XXXX-09140 Rev:PL02) is a high quality plan with good quality species selection appropriate to the space allocated. This plan is a significant improvement from the previous application that seeks to provide green infrastructure internally and externally to the development. This plan needs to be conditioned as part of the decision notice.

DM17: Development Involving Existing Green Infrastructure: Trees

The revised retention of trees 6, 7 & 8 within the current Iceland car park with the removal and replacement of existing surface retains the vast majority of high quality trees that provide a significant amenity contribution to the area and provide a continuity of green infrastructure along Dalby Avenue from the Bedminster conservation area to Bedminster Green and St Johns Church yard within the Bedminster West Conservation area. The proposed is policy compliant considering DM17.

DM15: Green infrastructure provision

The proposed planting plan provides a positive contribution that improves on the existing public realm tree planting and therefore fulfils the requirements of DM15.

A number of conditions were requested relating to:

- Protection of Retained Trees during the Construction Period
- Cellular Confinement Systems
- Arboricultural method statement – during construction
- Landscaping (Tree Planting) condition
- Arboricultural Supervision

FLOOD RISK TEAM – FURTHER DETAILS REQUESTED

See Key Issue G for further details.

PUBLIC PROTECTION (CONTAMINATED LAND) – NO OBJECTION SUBJECT TO CONDITIONS

The Public Protection (Contaminated Land) Officer stated:

With respect to human health risk assessment we are broadly satisfied with the information provided thus far. Soft landscaping does appear to be a provision within the current reiteration of the scheme therefore some remedial works are to take place. Further sampling has been proposed following demolition.

A number of conditions were requested relating to:

- Risk assessment and remediation strategy
- Implementation of approved remediation scheme
- Reporting of unexpected contamination

AIR QUALITY – NO OBJECTION

The Air Quality officer has recommended that conditions are applied to any consent if granted.

The Officer's comments in full stated:

The application is for a car free development, with the exception of a limited number of parking spaces reserved for disabled use. As a result, the development does not exceed the threshold for additional vehicle movements, set by the Institute for Air Quality Management and Environmental Protection UK, to require the assessment of air pollution from this source. Within the air quality assessment, it is stated that “*The development is expected to have its heating and hot water demand served by the district heating network proposed for the area. If this is not possible electrically powered*

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air source heat pumps will be used. Neither of these technologies will have any emissions into the local area". The proposed energy strategy will not result in on-site emissions to air.

Emissions of dust during the demolition and construction phases of the project have been assessed in accordance with Institute of Air Quality Management guidance. The assessment concludes that if a suitable dust mitigation plan is developed and adopted then the impact of this phase will be described as low to negligible. The dust mitigation measures outlined in Appendix A of the air quality assessment need to be conditioned and incorporated into a dust management plan/CEMP and approved before commencement of demolition and construction activities.

Existing air pollution levels on Dalby Avenue are close to or exceeding annual nitrogen dioxide objectives. As a result, the suitability of existing air pollution levels for new residential uses facing onto Dalby Avenue has been considered in the air quality assessment. Within the report it is stated that *"at the time of writing cumulative trip data from the surrounding area was not available. Therefore, future concentrations at the façade of the development site have not been assessed"*. Whilst there is still some uncertainty in regard to cumulative trip data it has been possible to estimate future cumulative vehicle movements. This has been done with two recent planning applications submitted for the Bedminster Green area with an opening year of 2023. As a result, it would have been possible to estimate future cumulative vehicle trips and to assess future pollution levels.

As no assessment of future air pollution levels along Dalby Avenue has been carried out, a precautionary approach to mitigation has been proposed in the air quality assessment. An assumption has been made that it is likely that exceedances of air pollution objectives will occur at ground floor flats with facades onto Dalby Avenue. To mitigate this impact, the Applicant has proposed the following mitigation:

- Windows on the Dalby Avenue side of the building should be fixed.
- Mechanical ventilation should be included for those units, with the inlet located at roof level.
- A high specification of air tightness on the windows and doors should be incorporated on the affected floors so when they are closed the rooms will be ventilated by clean air from the mechanical system.
- Provide residents with a guidance pack containing air quality information and advice on protection against pollutant concentrations.

Fixed shut windows and mechanical ventilation has the potential to cause negative consequences for amenity, energy demand and overheating; therefore, it is only considered appropriate to use it where evidence shows that it is needed to stop residents of new developments being exposed to air pollution levels above UK objectives. Recent planning applications for development on sites adjacent to plot 2 show that in 2023 it is expected that compliance with air quality objectives will be achieved on Dalby Avenue in the vicinity of Plot 2. On the basis of evidence from these assessments, which include consideration of the cumulative impacts from other developments in the Bedminster Green area, it is considered that mitigation on the Dalby Avenue façade, as described in Section 5.1 of the air quality assessment, will not be necessary.

On the basis of evidence provided in the air quality assessment I do not object to the development proposals on grounds of air quality. Mitigation of dust from the demolition and construction phases will need to be mitigated as described in this response.

ARCHAEOLOGY – NO OBJECTION

The Archaeology Officer stated:

This WSI is in accordance with previous discussions about the archaeology on the site. Therefore, a pre-occupation condition to secure the completion of archaeological works in accordance with this WSI should be attached to any consent for development on this site.

ECONOMIC DEVELOPMENT – NO OBJECTION

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The Economic Development Officer commented as follows:

BCC Economic Development, while supporting in principle those elements of the proposal that relate to the renewal of commercial (retail) space, suggests clarification be sought as to the precise amount of space involved – the application form cites 815 sqm while reference is made in the Design & Access Statement to 556 sqm. Notwithstanding this, the proposal has the potential to contribute positively to the regeneration of East Street, and as such we would encourage the renewal of this commercial space to be undertaken as early in the overall development as possible.

[Case Officer Note: The amount of commercial space proposed is 815 sqm as cited in the application form, the description of development and as assessed within the Viability Review.]

POLLUTION CONTROL (ENVIRONMENTAL HEALTH) – COMMENT

The Pollution Control (Environmental Health) Officer commented as follows:

Plots 1-4 Residential and retail ground floor plot 2

I would confirm that I am happy with the contents of the Noise Planning Report with regards to the facade insulation of the residential parts of plots 1-4 against existing noise environment. We would just need to ensure, by condition that the façade insulation measures are carried out.

The report states that noise from commercial sources and plant that suitable design strategies and mitigation are adopted and again I would just need to ensure this by condition. If the ground floor to plot 2 is only to be retail, then this doesn't give me too many concerns as long as the retail use and opening times can be restricted. If the commercial use is intended to be more flexible here and could include say a café or restaurant then I may have to consider further conditions.

Plots 5-7

As for the commercial parts of plot 2 the acoustic report states that noise from commercial sources and plant that suitable design strategies and mitigation are adopted and again, I would just need to ensure this by condition.

I therefore have no objection to the application but would ask for the following conditions should the application be approved.

A number of conditions were requested relating to Plots 1-4:

- Construction Management Plan Cellular Confinement Systems
- Residential sound insulation (general)
- Sound Insulation between residential & commercial plot 2
- Noise from plant & equipment
- Artificial light (external)
- Noise from plant & equipment affecting residential
- Use of Refuse and Recycling facilities (commercial uses)
- Deliveries (commercial uses)
- Artificial Lighting (external)
- Opening hours (commercial uses)

A number of conditions were requested relating to Plots 5-7:

- Construction Management Plan
- Sound insulation – residential
- Noise from commercial premises
- Details of Kitchen Extraction/Ventilation System

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- Artificial light (external)
- Noise from plant & equipment affecting residential
- Use of Refuse and Recycling facilities
- Deliveries
- Artificial Lighting (external)
- Opening hours (commercial uses)
- Outdoor dining/eating areas (commercial uses)

SUSTAINABLE CITIES TEAM – FURTHER INFORMATION REQUESTED

The Sustainable Cities team provided initial comments in January 2021, requesting further information. In general, the proposals were considered to be in line with planning policy with the exception of the additional information requested in relation to overheating risk.

The Applicant has responded to state that an Overheating Risk Assessment Addendum will be provided with the 2050 and 2080 tabulated data and clarification on which flats have been modelled under natural ventilation / MVHR strategies. An update will be provided to Members by way of the Amendment Sheet on this matter.

Further information was requested and responded to as noted below.

Overheating

The submission states: “2050 and 2080 weather files have also been reviewed and suitable mitigation measures can be explored to reduce overheating risk in future climates.”

- Please provide results and proposed mitigation measures including corresponding updated design drawings to include the proposed mitigation measures.

It is noted in section 6.4.2 of the report that “The scheme will utilise a natural ventilation strategy where appropriate, but mechanical ventilation with heat recovery (MVHR) will be utilised where acoustic and/or air quality concerns deem it necessary.”

- Please confirm that the natural ventilation strategy will work for all units, and whether those units that cannot be supplied with natural ventilation have been modelled in the overheating risk analysis. If not, please provide this analysis, results and any mitigation measures required.

[Case Officer Note: The Applicant has responded to confirm that An Overheating Risk Assessment Addendum will be provided with the 2050 and 2080 tabulated data and clarification on which flats have been modelled under natural ventilation / MVHR strategies. An update will be provided to Members by way of the Amendment Sheet on this matter.]

Energy efficiency

The proposed measures result in a 13% reduction in CO2 emissions below the Part L baseline, which is welcomed.

Heat Hierarchy

The proposal set out includes for DH connection or ‘individual’ ASHPs.

- The Applicant should contact BCC’s Energy Infrastructure team to seek confirmation of whether a Day 1 connection can be provided or whether DH ready is required – either way a S106 agreement is likely to be required to secure this.
- For the heat pump scenario, the Applicant should confirm where the heat pumps will be located and whether the proposal is for 1 individual heat pump per dwelling or a communal heat pump system? – this should be shown on updated drawings.

The energy statement confirms that the individual ASHP proposal will be DH ready in accordance with

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the Bedminster Green spatial framework.

Further information on this should be provided including:

- Location of single plant room, located adjacent to the planned/most likely heat network route, producing all hot water, including engineering measures to facilitate the connection of an interfacing heat exchanger.
- Further details of the wet distribution system and confirmation of how this works with the proposed individual ASHP solution.
- Space identified for the heat exchanger.
- Provisions made in the building fabric such as soft-points in the building walls to allow pipes to be routed through from the outside to a later date.
- External pipework routes identified and safeguarded.
- Heat delivery, distribution and control systems that are designed to achieve low return temperatures, and that these services are designed in accordance with current CIBSE guidance on connection to district heating (please refer to Heat networks: Code of Practice for the UK, CP1, 2015, CIBSE).

[Case Officer Note: The Applicant has undertaken further discussions with the BCC Energy Services team since the application was submitted. An Energy and Sustainability Addendum has been submitted: Energy and Sustainability Statement Addendum (08012-HYD-XX-XX-DN-Y-5000) dated 21 January 2021. The addendum clarifies the proposed energy strategy, see Key Issue H for further details on this.]

Renewable Energy

For the DH option PV will be installed to meet the 20% CO₂ reduction requirement. The energy statement suggests this would be installed at 0 degrees. This is too shallow for the panels to self-clean. To maintain the energy yield modelled in the Energy Statement the panels will need regular and frequent cleaning throughout their operational life, which may not be practical or realistic. Ideally the mounting would be redesigned to increase the tilt angle to at least 20 degrees from horizontal (though 30 degrees would be preferable from the perspective of solar yield).

- The Applicant should provide revised calculations based on an updated tilt angle.
- Any shortfall would need to be met through a carbon offset payment via S106.

For the ASHP option, this will achieve the 20% requirement without the need for additional PV, though the energy statement suggests that additional renewables in the form of rooftop solar photovoltaic modules could be provided to further reduce on-site emissions. Additional PV would be encouraged.

[Case Officer Note: The Applicant has responded to this matter to clarify that:

“Amending calculations to a 30° tilt angle generates an additional c. 10,000kWh/yr for the array as currently sized which would increase the annual carbon saving to approximately 32,600kgCO₂/yr for the development (or 24% saving on residual emissions). The overshadowing of panels would, however, need to be taken into account. Allowing for suitable panel spacing to avoid overshadowing, the total roof area required for the array increases to c. 640m². Whilst this area can fit on the available roof space, it is sensible to allow for further design development which may impact available area (i.e. access for maintenance). As a minimum, 65kWp of solar PV will be provided to ensure that the 20% residual emissions are offset as per policy BCS14.”]

BCS15

The sustainability statement sets out how the requirements of policy BCS15 have been met, including waste & recycling, water efficiency, materials, biodiversity, and broadband connectivity. As a supermajor development, policy BCS15 requires a BREEAM communities assessment. The Applicant has submitted a pre-assessment identifying which credit criteria can be achieved. I'd recommend that a condition is applied securing construction in accordance with the approved BREEAM communities assessment.

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Conditions were requested relating to:

- Energy and Sustainability in accordance with statement
- BREEAM communities
- Broadband

RELEVANT POLICIES

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations 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 2016, Lawrence Weston Neighbourhood Development Plan 2017, Urban Living SPD (November 2018), Progressing Bristol's Development (October 2020) and Bedminster Green Framework (March 2019).

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. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?**

Policy BCS1 of the Bristol Core Strategy sets out that South Bristol will be a priority focus for development and comprehensive regeneration, including the delivery of new office floorspace, industrial and warehousing land and the provision of 8,000 new homes.

Policy BCS20 of the Core Strategy states that development should maximise opportunities to re-use previously developed land.

The proposed development is for residential and commercial use in South Bristol on previously developed land. The principle of redevelopment of the site for residential and commercial uses has been established by the previous planning permission granted in 2017 (application reference: 13/05616/P). This permission granted consent for the construction of 188no. residential units and approximately 600sqm commercial floorspace.

I) POLICY RELEVANT TO RESIDENTIAL USE:

Section 5 of the NPPF sets out the approach to 'Delivering a sufficient supply of homes'. It states the importance of having a sufficient amount and variety of land coming forward to meet housing requirements.

Policy BCS5 sets out that the Core Strategy (2011) aims to deliver new homes within Bristol's existing built up areas to contribute towards accommodating a growing number of people and households in the city. Between 2006 and 2026, 30,600 new homes will be provided in Bristol. Of these, 8,000 new homes are to be delivered in South Bristol.

The building known as St Catherine's House, which sits inside the site boundary, has recently been redeveloped from vacant offices to 54no. residential units under the Prior Approval office-to-residential scheme (reference: 17/03849/COU) and a subsequent consent (reference: 17/05699/F).

The proposals would not constitute a material change of use from that of the existing site or the scheme previously consented. The principle of residential development is therefore found acceptable in land use terms and would contribute positively to the stock of housing in Bristol in accordance with policies BCS5.

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Policy BCS7 states that retail development and leisure/entertainment uses will be primarily located in or adjoining town, district and local centres as identified in the Core Strategy. It states that mixed-use development at accessible centres will be particularly promoted where it takes advantage of under-used land, and uses which contribute to the vitality, viability and diversity of centres will be encouraged. Active ground floor uses will be maintained and enhanced throughout the centres.

Policy BCS7 is supported by policies DM7 and DM8 of the Site Allocations and Development Management Policies Document (2014), which further sets out the expectation that town centre uses such as retail and leisure are located within centres identified by the plan and should protect and enhance existing Primary or Secondary Shopping frontages. The loss of retail in defined centres and shopping frontages is to be resisted under all policies.

The proposed development also proposes to retain and enhance two commercial retail units on the site comprising 815sqm. The site is located within the defined Bedminster Town Centre and Primary Shopping Area. The principle of enhancing the existing retail offer and providing new retail, leisure and food and drink uses within a defined town centre, is wholly supported by and in accordance with policies BCS7, DM7 and DM8.

Policy BCS8 aims to deliver new premises for employment across the city to support its continuing economic growth and competitiveness. It is considered that the application would strengthen the economic performance of the city by providing a sufficient and flexible supply of premises and floorspace for commercial use in accordance with Policy BCS8.

The proposed commercial uses are considered to be complimentary to the existing retail uses and considered to support the regeneration of the Bedminster Town Centre, the aims of the Bedminster Business Improvement District (BID) and making this part of the commercial area of East Street more attractive to users.

III) SUMMARY:

The use of this land is for a mixed-use development that accords with the requirements Policies BCS1, BCS5, BCS7, BCS20, DM7 and DM8.

The second part of the application seeks outline permission for Plots 5 – 7 establishing the principle of residential use (not the quantity or type). At the point at which reserved matters applications for Plots 5 to 7 are submitted, the Applicant will need to provide the details of the quantity and type of housing proposed; as well as the detail of matters relating scale, appearance, layout, and landscaping. The principle of residential use on the application site has been established by virtue of the existing maisonettes and the previous permissions on the application site.

The principle is therefore supported within the Development Plan and is established by previous consents. The application would provide additional housing which is a benefit that should be afforded significant weight in the planning balance.

B. IS THE PROPOSED DEVELOPMENT VIABLE, AND DOES IT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?

This Key Issue relates solely to Phases 1 to 4 (the element of the application for which full planning permission is sought). The issue of affordable housing provision in respect of Phases 5 to 7 will need to be addressed when full or reserved matters applications are submitted, and this is covered below.

Phases 1 to 4 comprise a mixed use development including a significant level of residential accommodation that falls within Use Class C3 of the Use Classes Order, meaning that it is required to address the Council's Affordable Housing Policies. 180 dwellings are proposed and therefore the

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scheme is required to comply with Core Strategy Policy BCS17, which seeks the provision of up to 30% affordable housing (54 affordable dwellings in this case) from development schemes in South Bristol, subject to scheme viability.

It should be noted that St. Catherine's Place is a challenging site to develop, and that a number of proposals have been considered for the site over the last decade. Various consultants, on behalf of both the Council and Applicant, have assessed the viability of the site during this time, and concluded that development has been unable to provide affordable housing.

The Applicant has claimed that the Phase 1 to 4 development is unable to provide affordable housing and has commissioned Knight Frank to produce a Viability Report evidencing this. Officers commissioned Lambert Smith Hampton to assess the viability information and advise the Council as to whether the conclusion of the Knight Frank Viability Report was reasonable.

Lambert Smith Hampton, whilst not agreeing with all the Knight Frank inputs, have concluded that the scheme is currently unable to support any affordable housing, however they do not consider that the scheme is anywhere near as unviable as Knight Frank have concluded. This is important because any subsequent viability reviews use the viability position concluded at the planning application stage as the starting point.

The main areas of difference between Lambert Smith Hampton and Knight Frank relate to the Benchmark Land Value and the Profit Margin.

In simple terms, a development is considered to be viable if the Residual Land Value of the development is greater than the Benchmark Land Value.

The Residual Land Value is calculated by ascertaining the value of the completed development, and subtracting from this all the costs involved in bringing the development forward (e.g. build costs, professional fees, legal costs, financing costs etc) and the developers profit. All inputs are based on present day costs and values.

The following table summarises the conclusions of the Viability Reports.

	Benchmark Land Value	Residual Land Value	Deficit
Knight Frank	£1,853,344	- £2,222,020	£4,075,364
Lambert Smith Hampton	£875,000	- £572,033	£1,447,033

Officers agree that, based on the Lambert Smith Hampton conclusions, the scheme is unable to provide any affordable housing. However, it is considered that the Knight Frank conclusions show a level of deficit, which if realised, could potentially make the scheme undeliverable, let alone unviable in planning terms. Therefore, it presents an unduly pessimistic view of the scheme viability.

Consequently, it is recommended that the Phase 1 to 4 element of the development is approved with no requirement to provide affordable housing. However, it is also recommended that upward only viability reviews, based on the conclusions of the Lambert Smith Hampton report, are required as follows:

- A viability review to be undertaken if development has not commenced within 18 months of a planning consent being granted; and
- A viability review to be undertaken 6 months after the Phase 3 development commences.

In respect of Phases 5 to 7 of the application, outline consent only is sought at this stage, with only the principle of residential accommodation being sought, not the quantity or type. Consequently, at the point at which reserved matters applications for Phases 5 to 7 are submitted, either the Applicant will need to offer a policy compliant level of affordable housing, or submit viability evidence explaining why

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this cannot be provided.

Such issues are not normally considered as part of reserved matters applications. Therefore, it is further recommended that a planning obligation is used to require the Applicant to either:

- Submit an Affordable Housing Statement as part of reserved matters applications submitted in respect of Phases 5 to 7, confirming that a policy compliant 30% affordable housing will be provided; or
- Submit an Affordable Housing Statement as part of reserved matters applications submitted in respect of Phases 5 to 7, confirming the level of affordable housing that can be provided, along with a viability report justifying the level of provision proposed.

C. WOULD THE PROPOSED HOUSING TYPE AND MIX BE APPROPRIATE?

Policy BCS18 of the Core Strategy supports a neighbourhood with a mix of housing tenures, types, and sizes to meet the changing needs and aspirations of its residents.

In terms of housing mix, the proposed 180 dwellings would consist of 72no. one-bedroom dwellings, 106no. two-bedroom dwellings and 2no. three-bedroom dwellings. This demonstrates that the prevailing dwelling-type would be smaller residences, rather than family-sized accommodation.

Whilst more family sized dwellings (three-bedroom and above) would be preferred, Officers have considered the previous consents on the application site, the Urban Living SPD, and the Bedminster Green Framework.

To assist with making the most of the development land available within the city, the Urban Living SPD has the aim of making successful places at higher densities. The Foreword to the Urban Living SPD explains that in the last 20 years there has been a dramatic shift with people returning to live in or close to the city centre, and that this has led to apartment living being commonplace in Bristol. It goes on to say that the more successful schemes combine homes with cafés, shops, community uses and workplaces, to create vibrant spaces with a high quality public realm. It also makes it clear that the aim of the SPD is not just about increasing densities, but also about raising design quality.

The Bedminster Green Framework notes that: *“The Bedminster Green area is suited to smaller households due to its constrained urban nature close to the centre of Bristol. Provision of this nature will contribute to the housing mix within the wider area and provide opportunities for a range of people choosing an urban living lifestyle with proximity to town and city centre facilities, green space and public transport.”*

The Bedminster Green Framework and the Urban Living SPD have been endorsed by the Council, and thereby make it clear that the Council endorses the aim of pursuing higher-density development in this area, in accordance with the aims of the Urban Living SPD, as detailed above.

The recent publication of the Government’s 2020 HDT results show that the Council’s housing delivery over the last 3 years amounts to 72% of its requirement. The application would provide much-needed new housing, at a time when the Council is failing to keep up with the required rate of housing delivery.

Overall, the housing type and mix proposed is considered to be acceptable.

D. WOULD THE PROPOSED DEVELOPMENT BE OF A SUFFICIENTLY HIGH-QUALITY DESIGN AND SUPPORT THE AIMS OF THE BEDMINSTER GREEN FRAMEWORK?

Policy BCS20 sets out that an appropriate density should be informed by the characteristics of the site and the local context.

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Policy BCS21 advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development. Policies DM26-29 (inclusive) of the Site Allocations & Development Management Policies require development to contribute to the character of an area through its layout, form, public realm and building design.

The Urban Living SPD is clear that an optimal density in new development is considered to be one that balances the efficient and effective use of land, with aspirations for a positive response to context, successful placemaking and liveability.

The NPPF, in Paragraph 124, states that high quality design is a key aspect of sustainable development. The Urban Living SPD advocates a design-led approach to optimising density based on an evaluation of the site's attributes, its surrounding context, capacity for growth and the most appropriate development form, as supported by Paragraph 126 of the NPPF.

The application site lies within an area covered by the Bedminster Green Framework, a non-statutory 'Place-Making Framework' which is a material consideration. The Framework's role is to act as a high-level document which sets broad principles and parameters to help shape and integrate individual site-based development proposals, as they come forward through the planning and design process, to create a high quality new urban quarter.

The Framework has had regard to the Urban Living SPD, which states that the areas with potential for optimising densities are those which are centred on local train stations, including Bedminster. The framework contains indicative 'parameter plans', covering 'Access', 'Public Realm and Landscape', 'Green Infrastructure and Hydrology', 'Ground Floor Land Use', and 'Heights'. This 'Heights' parameter plan shows the intention to have a number of 'Framing Buildings' of up to 10 storeys broadly on the northern, western, and eastern sides of an enhanced Bedminster Green, which lies just to the south of the application site.

Overall, the City Design Group (CDG) considered the proposed development as much improved and to better respond to the endorsed Bedminster Green Place Making Framework (March 2019). The proposed development as part of this application demonstrates a positive approach to addressing the previous reason for refusal. Additionally, within the scope of this planning application, CDG worked with the Applicant to reach positive resolution of further design amendments.

The four key aspects of the reason for refusal of the most recent application on this site, related to:

- height, scale, massing;
- inadequate public realm;
- overall design quality; and
- impact on existing residential amenity.

This key issue of the report will consider the first three key aspects outlined above, as well as outdoor space and children's play; internal configuration; conservation area; and trees. Impact on residential amenity is covered separately within Key Issue E.

1) HEIGHT, SCALE AND MASSING

Policies DM26 and DM27 set out the policy expectations for development to respond positively to local character and create healthy, safe, and sustainable places through an appropriate response to the immediate context, site constraints and the character of adjoining street and spaces.

The Urban Living SPD provides further guidance, particularly in areas undergoing significant change with an emerging context and the need to provide an appropriate transition to existing context and communities. The Bedminster Green Framework sets out principles for taller buildings, stating that well-designed tall elements can provide identity, character, and landmark buildings. It emphasises the

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importance of composition of taller buildings, to 'step down' and transition toward lower adjoining areas.

Plot 2 (East Street frontage and entrance to St Catherine's Place)

The building heights proposed range from a single storey to six storeys. This is within the parameters outlined within the Bedminster Green Framework. The design approach of introducing a single storey element to the front of East Street to maximise daylight into the new route to the shopping precinct has been welcomed. This approach allows an elegant and successful relationship to the 2-storey listed building to the west and the 3-storey building to the east. The progressive stepping up towards the middle of the site to 3, 4 and 6 storeys lessens the impact of the massing of the building on the Conservation Area.

The Applicant provided revised drawings to lower the eaves so that the 6th floor is reduced in its height. The material finishes were also revised on the stair core and adjacent wall, so that they are more in keeping with its context. Additional fenestration has been added to the stair core so break down the massing of this element from East Street and Bedminster Parade; this will also increase the level of surveillance of the St Catherine's Place route. CDG has welcomed and supported these changes, which respond to the refinements they requested in their initial comments.

The height, scale and massing of Plot 2 is considered to be acceptable.

Plot 3 (tall building fronting onto Bedminster Green)

The height of Plot 3 ranges from a 4 storey element at the base to 14 storeys in height. At 14 storeys this is higher than the parameters indicated in the Framework, Plot 3 fronting onto Dalby Avenue/Malago Road is located on the opportunity for tall building (10 or more floors).

The previous permission has established the principle of a taller building on the southern portion of the application site (at 16 storeys). Since the previous application and previous consent on this site, there has been a reduction to the height and depth of this building - it is 14 storeys at its tallest point.

In addition to the reduction in height there have been related changes to this building:

- The height of the rear element of this building has been reduced to 8 storeys which is of a similar scale to St Catherine's House.
- The building footprint has been set further back from the highway on Dalby Avenue to provide more generous public realm.
- The introduction of a 4 storey plinth that provides a transition to the scale of existing properties on Stafford Street; linking the taller element of Plot 3 with St Catherine's House; and adds a 'human scale' to Dalby Avenue, wrapping around to Mill Lane.
- The proposed massing allows sun penetration into the courtyard, and an acceptable level of daylight/sunlight to existing residents of St Catherine's House (see Key Issue E for more detail).

The tall building is considered to be satisfactory and is supported by CDG.

Overall, it is considered that Plot 3 provides a positive response to the contextual height of the converted St Catherine's House and existing development on Stafford Street. The variation of scale and detail to private and shared entrances is considered to successfully animate the surrounding streets as noted above.

The height, scale and massing of Plot 3 is considered to be acceptable.

Plot 4 (located adjacent to the curve of Dalby Avenue)

The height of this building is 7 storeys. This is within the 6 – 9 storeys parameters outlined within the Bedminster Green Framework. The separation distance between this building and St Catherine's House has marginally increased when compared to the previous application; and the height has been

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reduced from 8 to 7 storeys.

In CDG comments a preference was expressed for a further reduction in height of this building to 6 storeys, in terms of allowing a transition in scale along Dalby Avenue from the height of the East Street Conservation Area to the taller buildings fronting Bedminster Green – St Catherine's House (8 storeys) and Plot 3 (14 storeys). This is the only change that CDG requested that has not been accommodated by the Applicant.

Officers have also considered the comments provided on the previous application, which indicated the building should be reduced to 7 storeys which this proposed application has addressed. Officers have reviewed the proposals for Plot 4 and consider that the proposed development would be of sufficient quality and the height, scale and massing would be in accordance with the parameters indicated in the Bedminster Green Framework.

The height, scale and massing of Plot 4 is considered to be acceptable.

Summary:

In summary, the proposed development is considered to provide a positive response to the local context, in relation to: Plot 2 to East Street; Plot 3 to St Catherine's House and Stafford Street; and Plot 4 to St Catherine's House. This is in accordance with Policy BCS21, Policy DM26, Policy DM27, the Urban Living SPD and the Bedminster Green Framework.

Overall, the proposed height, scale and massing is considered to be acceptable.

II) PUBLIC REALM

Policy DM27 sets out how development should provide streets and spaces that allow convenient access and choice of movement modes, at a scale appropriate to the size of development. Policy DM28 sets out how development should create high quality public realm which is appropriate in terms of space for movement and the relationship with the building edge.

The Urban Living SPD provides further guidance, acknowledging that as densities increase, the need to invest in a high quality public realm grows. This need for high quality public realm is reiterated in the Bedminster Green Framework, and the application site in particular is noted as a key location in the Framework area which would contribute to distinctive character in the area.

The CDG comments note the proposals for the public realm and private amenity space are welcomed and bring great benefit not only to the future residents of the scheme, but also the surrounding area.

In relation to the public realm proposals this has been characterised as follows:

Route through the existing shopping precinct between East Street and Dalby Avenue

The proposed refurbishment at either end of St Catherine's Place would provide an attractive pedestrian route between Dalby Avenue and East Street. At the East Street end of the route, high quality paving is proposed within Plot 2 between the two commercial units proposed and to the entrances of the residential accommodation above these units. At the Dalby Avenue end of the route, a pocket park is proposed with opportunities for informal play. The improved pedestrian route through St Catherine's Place will also deliver a significant improvement, with new residential accommodation providing a degree of surveillance.

New area of public realm at Mill Lane

A new area of public realm and a new connection to East Street is proposed along Mill Lane. The proposed improvements to Mill Lane will make a significant difference to accessibility between Dalby

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Avenue, Bedminster Green and East Street. This would respond well to the demands associated with the increased population generated not only by this scheme but by other schemes in close proximity and the wider area as it would reinstate the historic Mill Lane route. This would help achieve the aspirations outlined within the Bedminster Green Framework of 'Reinforcing East Street'.

Public realm along Dalby Avenue Frontage

The generous width of footway proposed along Dalby Avenue presents an exciting opportunity to integrate soft landscaping and tree planting as important mitigation and softening of the transport corridor. It is considered that the public realm would create a functional, comfortable pedestrian environment along a main transport corridor. This would help achieve the aspirations of the Bedminster Green Framework for an 'Avenue with Street Trees' and a 'Key Green Street'.

The public realm along this edge of the site provides a positive relationship proportionate to the building heights of Plot 3 (14 storeys) and Plot 4 (7 storeys) required by Policy DM27, Policy DM28 and the Urban Living SPD.

In summary, the proposed development is considered to meet the requirements and policy aspirations for public realm set out in DM27, DM28, the Urban Living SPD and the Bedminster Green Framework.

III) OUTDOOR SPACE AND CHILDREN'S PLAY

Policy DM27 sets out the requirement for "*the provision of adequate appropriate and usable private or communal amenity space*". The Urban Living SPD provides further guidance on this and recommends 1,054 sqm of private open space is required for the scheme as proposed. Private amenity space is provided in compliance with the Urban Living SPD either by balconies or external amenity space. Approximately 1,215sqm is proposed to be provided as a mix of private and communal open space.

The proposed development includes for:

- 649sqm of private amenity space is achieved via balconies.
- 566 sqm is achieved via private courtyard for the Plots 1, 2, 3 and 4 which exceeds the minimum required external amenity area for the development which is 405sqm.
- Additional external public realm and opportunities for informal play are provided along the Mill Lane 'Greenway' and the Dalby Avenue 'Pocket Park'.

It is therefore considered that the quantity of amenity space is met in accordance with the Urban Living SPD, the function and quality of these spaces is also an important consideration. The courtyard, pocket park and greenway are easily accessible. The quality and utility of this outdoor amenity space is therefore considered sufficient.

The CDG consider the improvements to both the public realm and private amenity space by way of balconies are welcomed and bring great benefit not only to the future residents of the scheme, but in the case of the public realm also the surrounding area.

The Urban Living SPD sets out how children's play is expected to be integrated into residential development schemes, enabling and facilitating opportunities for play and informal recreation. According to the Child Yield Calculator, at least 24 children would live across the proposed development requiring at least 240sqm of play and informal recreation areas for children (aged 0-15 years). Overall, 264 sqm of play and informal recreation areas is provided for children across the proposed development.

In relation to each of the Plots:

- Plots 2 and 4: This equates to up to 6 children, requiring 60sqm minimum area. Play and informal recreation areas for children are provided within the Dalby Avenue pocket park.

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The area provided within the pocket park is 68sqm, thereby meeting and exceeding the area required by policy.

- Plot 3: This equates to up to 18 children, requiring a 180sqm minimum area. Play and informal recreation areas for children are provided within the courtyard. The area provided within the courtyard is 196sqm, thereby meeting and exceeding the area required by policy.

In summary, the proposed development provides adequate shared amenity provision and meaningful space for children's play has been planned as an integral part of the proposed development. The application is considered to provide quality, safe, useable outdoor spaces to support quiet relaxation and children's play providing a suitably high-quality environment for future occupiers of all ages, in accordance with Policy DM27, Policy DM28 and the Urban Living SPD.

IV) INTERNAL CONFIGURATION

Policy BCS21 of the Core Strategy seeks to ensure new development is of a quality design, including safeguarding the amenity of existing development and create a high quality environment for future occupiers.

A strategy to maximise lighting to internal corridors has been improved with windows on external elevation at ends of corridors. From the floors 4 – 11 daylight is maximised with windows at both ends of corridor. All the apartments' fenestration has been designed to maximise available daylight and sunlight. Out of the 180 apartments, 110 are dual aspect which is 61%.

It has been noted in the Internal Daylight Report, taking account of the "canopy effect" of a large number of balconies, 15 rooms will fall below the design target for their proposed use. These comprise 8 Living Rooms and 7 Bedrooms – a total of 15 rooms out of 320 fail to meet BRE Guidance.

Of the 15 rooms below guidance, 10 of those rooms are located below projecting or recessed balconies. Where the "canopy-effect" has been omitted, those results show 7 of the 10 rooms would fully comply with the target design standards with only 3 shortfalls. This demonstrates that the majority of the shortfalls are due to effect of the balconies and recesses and that were it not for these design features, the levels of daylight would be practically fully compliant. The lower internal lighting levels therefore must be balanced against the benefit of the private amenity provided by balconies for future residents.

Overall, it is considered that the internal configuration is in accordance with the requirements of Policy BCS21, Policy DM29 and the expectations set out for higher density development in the Urban Living SPD and the Bedminster Green Framework.

V) CONSERVATION AREA

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard 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 Planning Policy Framework (NPPF) 2019 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing heritage assets, and the desirability of new development to make a positive contribution to local character and distinctiveness. It also 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.

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Policy BCS22 states that development proposals will safeguard or enhance heritage assets and their character and setting. This includes conservation areas and historic buildings, including those locally listed.

Policy DM31 sets out that where a proposed development would impact the significance of a heritage asset (including those locally listed) the Applicant will be required to justify the extent of proposed works and demonstrate how the features of the heritage asset and the local character of the area will be retained.

The northern part of the application site, primarily Plot 2, is located within the boundary of the designated Bedminster Conservation Area.

Historic England have raised no objection to the proposed development on heritage grounds. In their comments they state:

“The plans will not have an adverse impact on the character and appearance of the Bedminster Conservation Area in Historic England’s view. While the development is of significant scale and massing in its Southern part, the element which falls within the conservation area will retain elements of those buildings which contribute to its character. The new-build elements which would rise up behind the retained frontage buildings reference the historic juxtaposition of domestic scale shop frontages set against larger warehouses on land to the rear which can be seen further up East Street in the Robinson building.”

The CDG consider that the relationship of Plot 2 to East Street is architecturally sympathetic. It presents a proportioned, respectful relationship to adjacent properties for a positive integration. The restoration and reuse of the locally listed building along this frontage is welcomed.

In relation to the NPPF and any harm to the setting of the conservation area – there have been some objections on this point, it is considered that any harm would be a low level of less than substantial harm to the significance of the conservation area. In accordance with NPPF paragraph 196, any such harm needs to be weighed against the public benefits of the proposal. There would clearly be some notable public benefits through the updating of the entrance to St Catherine’s Place Shopping Centre, and the restoration and reuse of a locally listed building along the East Street frontage. As such, it is considered that these benefits would be sufficient to outweigh any low level of harm identified.

VI) TREES

Policy BCS9 requires that an appropriate type and amount of new or enhanced green infrastructure in new development.

Policy DM17 of the Site Allocations and Development Management (2014) sets out that all new development should integrate important existing trees; that development resulting in the loss of ancient woodland, aged or veteran trees will not be permitted; and, that where tree loss or damage is essential for appropriate development, replacement trees should be provided of an appropriate species and in accordance with the tree replacement standard.

Policy DM15 requires that provision of additional trees or improved management of existing trees is an expectation of the landscape treatment of new development.

The Applicant proposes to remove 4 trees as part of the development 1 of which is a category B tree, for which 11 replacement trees would be required. A total of 33no. new trees are proposed as part of the Tree Planting Plan.

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The Tree Officer stated that this loss will be mitigated through the proposed tree planting as part of the soft landscaping of the site.

The retention of three Category A trees within the current Iceland car park with the removal and replacement of the existing surface retains the vast majority of high quality trees that provide a significant amenity contribution to the area and provide a continuity of green infrastructure along Dalby Avenue from the Bedminster Conservation Area to Bedminster Green. The proposed development is considered to be compliant with DM17.

The proposed planting plan with 33no new trees proposed, provides a positive contribution that improves on the existing public realm tree planting and therefore fulfils the requirements of DM15.

Overall, the loss of trees, including one Category A tree, is considered as a reasonable loss of trees to enable the re-development of the site. This is offset by the high quality proposed Tree Planting Plan, which for the 11 replacement trees required, it proposes 33no. new trees that will improve the visual amenity and public realm in the area, in accordance with policies BCS9, DM15 and DM17.

VII) SUMMARY

The application site is considered suited to a higher density development than its existing use, given its sustainable location and position within the Bedminster Green regeneration area. The principle for taller buildings on the site has also been established by the extant permission.

It is considered that the application has balanced the efficient and effective use of land with aspirations for a positive response to context, successful placemaking and liveability in accordance with Policies BCS21, DM26, DM27, DM28 and DM29, the Urban Living SPD and Bedminster Green Framework.

As per the response of Historic England to the application, the proposals are not considered to have an adverse impact on the character and appearance of the Bedminster Conservation Area. It is considered that the proposed development would safeguard and enhance the historic environment, in accordance with Policy BCS22 and Policy DM31.

The loss of trees, for which 11 replacement trees are required, 33no. new trees are proposed that will enhance the visual amenity and public realm in the area, in accordance with policies BCS9, DM15 and DM17.

E. WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO RESIDENTIAL AMENITY?

Policy BCS21 outlines that development in Bristol is expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers. Policy DM29 sets out that new buildings will be designed to ensure that the existing and proposed development achieves appropriate levels of privacy, outlook, and daylight.

Appendix B to the Urban Living SPD provides specific guidance for assessing daylight and sunlight, stating that achieving adequate levels of daylight and sunlight into the buildings and external spaces where we spend most of our time contributes to our health and wellbeing. It confirms that the most commonly used guidance on such matters is that published by the Building Research Establishment (BRE), which contains nationally applicable best practice guidelines on the levels of daylight and sunlight that existing and new development should follow.

BRE Report 209, "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" outlines the approach for three tests to assess whether adequate levels of daylight can be achieved as a result

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of a development proposal, based upon Vertical Sky Component (VSC), Average Daylight Factor (ADF) and No Sky Line (NSL).

VSC is a measure of the amount of diffuse daylight reaching a window. In respect of VSC, the BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is both less than 27% and less than 0.8 times its former value.

ADF is a measure of the amount of daylight in the affected room. The BRE guide recommends an ADF of 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary electric lighting is provided. There are additional minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

The BRE guide explains that the daylight distribution, assessed by plotting the position of the existing and proposed 'No Sky Line' (the point within the affected room where the sky can no longer be viewed) of a neighbouring property may be adversely affected if, after the development, the area of the working plane which receives direct skylight is reduced to less than 0.8 times its former value.

In respect of sunlight, an assessment should take account of the Annual Probable Sunlight Hours (APSH). APSH is amount of sunlight the affected window can receive with and without the new development. The BRE guide explains that sunlight availability may be adversely affected if the centre of the window: receives less than 0.8 times its former sunlight hours during either period (summer or winter).

Daylight and Sunlight Report has been undertaken by Lumina London Limited (October 2020). The results of which, set out within Appendices of that Report, are relied upon within this section of the Committee Report.

A total of 137 windows were considered in the adjoining area. The previous Avison Young Daylight & Sunlight Report (October 2019) for the refused scheme identified that the impact on other neighbouring properties that are not included in the latest report. The current planning application scheme is lower than the refused scheme and has an overall reduced massing and will therefore have an even lower impact on those other neighbouring properties. The impact on these properties was broadly considered acceptable and the main neighbouring property where the impact on daylight and sunlight was considered unacceptable was St Catherine's House.

I) DAYLIGHT FOR NEIGHBOURS

Appendix B of the Urban Living SPD acknowledges a more flexible approach to achieving daylight and sunlight standards for dense urban environments, while still maintaining liveable environments. It recommends an approach which allows an assessment of daylight and sunlight targets to be informed by comparative contextual analysis. Applicants are advised to refer to Appendix F of BRE BR209- Site layout and Planning for daylight and sunlight.

Appendix F of the BRE guidelines sets alternative targets via the application of the "mirror massing" approach. The aim is for proposed development to achieve parity with a mirror equivalent. The Applicants approach to this application for the site, has applied the mirror massing approach to achieve relative parity with a "mirror equivalent" of St Catherine's House. VSC and Daylight Distribution values for that "mirror-image" are provided at Appendices 8 and 9 of the Daylight and Sunlight Report.

When applying the BRE VSC standards a total of 78 of the 137 windows assessed (57%) pass the test whereby VSC is either greater than 27% or the reduction in daylight is less than 20% of the existing value. 59 of the 137 windows assessed therefore do not fully satisfy the BRE guidelines, 45 of these windows serve the west-facing elevation of St Catherine's House.

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It is noted that the BRE Guidance is 'advisory', and whilst frequently relied upon by Bristol City Council, it is the conclusion of Officers that a degree of flexibility should be applied when considering the impacts of development on daylight. As such, the results of the assessment were also tested against a less stringent approach, whereby a 'significant adverse effect' would result from those windows which suffered a reduction in daylight (VSC) of more than 40%.

The total number of windows that would be "adversely affected" amounts to 15 of the 137 windows assessed, 9 of which are in St Catherine's House, 3 in 12 Stafford Street and 3 in 26 Stafford Street. The properties that would fail to meet BRE guidance are limited to three properties: 12 Stafford Street; 26 Stafford Street and St Catherine's House.

A broad comparison between the two Daylight and Sunlight Reports submitted for the current application and the refused scheme is set out below.

VSC Comparison	% of windows that meet BRE Guidance	No of windows adversely affected
Current application	57	15
Refused scheme	55	103

In summary, there is a slight improvement in terms of the % number of windows that meet BRE guidance and, more noticeably the level of impact to 88 windows has been significantly reduced and improved.

The application leads to an average gain of +5% absolute VSC to each ground floor window at St Catherine's House and achieves relative parity with the mirror baseline in accordance with Appendix F of the BRE guidelines. This trend continues and improves on the upper floors.

The results for ADF were also reviewed and assessed. When applying the minimum ADF of 1%, which is usually considered only acceptable for bedrooms, only 1 room in the study area failed to achieve this minimum standard. That room recorded an ADF value of 0.93% and is considered to fall just below the target.

ADF Comparison	No of rooms fail to achieve ADF of 1%
Current application	1
Refused scheme	50

In summary, there is a significant improvement in terms of the number of rooms that meet BRE guidance and, more noticeably the level of impact to 88 windows has been significantly reduced and improved.

II) SUNLIGHT FOR NEIGHBOURS

For St Catherine's House, no rooms would now be left devoid of sunlight. Of the 52 rooms that do not fully comply with the targets, 32 will receive more than 25% APSH and therefore satisfy the BRE Annual Sunlight value and only fall short for Winter Sunlight.

There are two rooms that do not comply with the targets that are Living Rooms at first floor level. Those Living Rooms are marginally below, with one room recording an APSH value of 24% and the other Living Room served by 2 windows recording APSH values of 23% and 21%.

The impact on Winter Sunlight is greater as sunlight in winter is only received at relatively low angles. Only 25 out of 52 rooms achieve the full 5% APSH in the winter months.

In comparison to the refused scheme, the proposed development leads to substantial gains in APSH to the majority of windows in the West Elevation of St Catherine's House and no rooms would now be left devoid of sunlight.

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The Urban Living SPD explains that one of the key factors in achieving more intensive forms of development, particularly in city centre and urban areas, is a more flexible approach to achieving daylight and sunlight standards for dense urban environments, while still maintaining liveable environments. This closely reflects guidance in paragraph 123(c) of the NPPF which requires local planning authorities to take a flexible approach in applying policies or guidance relating to daylight and sunlight when considering applications for housing, where they would otherwise inhibit making efficient use of a site – as long as the resulting scheme would provide acceptable living standards.

The Urban Living SPD advocates an approach which allows an assessment of daylight and sunlight targets to be informed by comparative contextual analysis, in order to provide flexibility to the application of the BRE targets, and explains that guidance on setting alternative target values for skylight and sunlight is given in Appendix F of the BRE guidance.

Guidance on this matter in Appendix F of the BRE guidelines has been followed by the Applicant. This guidance explains how alternative targets for VSC and APSH could be established by assuming parity with a 'mirror image' of the proposed building. The Applicant has adopted this 'mirror image' approach and it has shown that the alternative design approach and reduced height, scale, and massing, has resulted in improvements to the overall daylight/sunlight performance of the scheme and reduced impacts in daylight and sunlight terms.

For sunlight, the proposed development leads to substantial gains in APSH to the majority of windows in the West Elevation of St Catherine's House.

It is acknowledged that there will still be noticeable impacts, this will be experienced by three properties: 12 Stafford Street, 26 Stafford Street and St Catherine's House. The level of impact, on balance, is considered to be acceptable given the benefits of providing much needed homes that are considered to provide acceptable living standards, as outlined in Key Issue D, in accordance with the NPPF, Policies BCS21 and DM29.

In summary, it is considered that the proposed development is much improved from the application that was refused, and by following the guidance within the BRE Guidelines the proposed development is not considered to cause unacceptable impacts in relation to residential amenity for existing residents that would warrant refusal on these grounds.

F. IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND HIGHWAYS ACCEPTABLE?

The application site is bounded by the Dalby Avenue to the east and south and East Street to the north. To the west, Stafford Street and Mill Lane run adjacent to the site.

Policy BCS10 of the Core Strategy (2011) states that:

"Land required for the implementation of transport proposals will be safeguarded to enable their future provision. Corridors with the potential to serve as future routes for walking, cycling and public transport will also be safeguarded. Appropriate existing transport facilities such as transport depots will be safeguarded where required."

The explanatory text for Policy BCS11 of the Core Strategy states:

"Without appropriate measures to mitigate impact and investment to enable the provision of infrastructure improvements, the proposed level of development will be neither sustainable nor acceptable."

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The proposed development site forms a significant component of the wider Bedminster Green regeneration. The BG consortium appointed Stantec Transport consultants to produce a Strategic Transport Assessment for the wider BG area, and upon which much of the above has been established.

The proposed development includes the provision of land for an inbound bus lane to support for the provision of public transport improvements that are relied on by the Applicant and other developments in the Bedminster Green Framework.

In line with local and government policy, TDM requires each of the Bedminster Green developments to play their part through: successful and legible masterplanning, the formulation of layouts that compliment strategic transport objectives, and financial contributions towards the delivery of infrastructure that will provide each new resident with viable travel alternatives to the private car, whilst avoiding detrimental impacts on the surrounding area.

II) PROVISION OF CAR AND CYCLE PARKING

Policy DM23 of the Site Allocations and Development Management Policies document (2014) sets out the requirement for developments in relation to transport, including the parking and cycle parking provision expected to be provided.

The application would provide 10no. disabled car parking spaces. TDM has accepted lower levels of parking within the Bedminster Green area provided appropriate contributions are provided towards parking mitigation, travel planning and sustainable travel measures.

No resident parking scheme permits (existing or future) will be available to occupants of the proposed development and a standard advice would apply in this respect, informing the RPS team not to issue these. TDM would seek a condition that obligates the current or any future owner to inform prospective tenants or buyers of this as a matter of course.

In relation to cycle parking, 320no. cycle spaces would be provided on the site, including provision for visitors to the residential accommodation. Further details have been provided on cycle parking during the determination of the application. This seems to have addressed most of TDM queries, bar some changes required to cycle parking for Phase 4.

III) RECYCLING AND WASTE PROVISION

Policy DM32 of the Site Allocations and Development Management Policies document (2014) sets out the expectations for development with regards to refuse and recycling storage and collection.

The servicing arrangements for the site have been developed in consultation with Officers prior to the submission of the application. The proposed Servicing Strategy, vehicular access and servicing/refuse collection would be situated from the existing car park to the rear of the Iceland store, accessed off Dalby Avenue and another servicing and refuse collection would be from Mill Lane and it is intended to serve the existing retail units and Plot 3.

TDM has requested clarifications from the Applicant relating to:

- Further swept path is required for the servicing yard for plot 2 within the future phases scenario.
- Plans to show a treatment alongside the temporary loading bay adjacent to Mill Lane to prevent over run of the footway.

IV) TRAVEL PLAN

Following review of the submitted interim travel plan no concerns are raised by TDM. TDM do however require confirmation if the Applicant will be implementing the travel plan themselves, and therefore required to pay the Audit and Management Fee of £5,335 or if they are BCC are to

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implement the travel plan in line with the wider Bedminster Green framework at a cost of £139 per dwelling.

V) CONSTRUCTION MANAGEMENT

A construction management plan will be required which details the impact on the highway of the construction process for each phase. A particular emphasis is placed on the requirement to avoid any damage to the A38 highway corridor. TDM are satisfied this could be secured via a suitably worded condition.

VI) TRANSPORT OBLIGATIONS

Contributions sought by way of s.106 Agreement have been proportioned to account for the 504 future residents that are proposed to occupy phases 1-4, with the required contributions confirmed below. It should be noted if any future phases are brought forward TDM will require the appropriate s106 contributions in line with the cost per person calculation.

S.106 Obligation	Total cost per item	Cost per person	20/04934/P S106 Contribution Requirement, Phases 1-4
Restrictive parking measures contribution	£700,000	£219	£110,376
Electric vehicle (EV) car club contribution (six vehicles)	£43,000	£81	£40,824
Bedminster Green Travel Plan contribution (delivery by BCC)	£118	£118 per unit	£21,240
Traffic regulation orders (TRO) contribution	£5,913 per TRO required	n/a	£5,913
Windmill Hill traffic management contribution	£100,000	£31	£15,624
Dean Lane Cycle improvements	£315,000	£98	£49,392
Total			£243,369

These obligations will be sought by a s.106 Agreement.

VII) SUMMARY

On the basis of the information provided to date, TDM is unable to recommend approval of the application until further details are provided:

- S278 Highway Works Plan – extent and design.
- Phase 4 cycle parking.
- Clarifications on the swept path analysis plans to show a key/legend.
- Further swept path is required for the servicing yard for plot 2 within the future phases scenario.
- Plans to show a treatment alongside the temporary loading bay adjacent to Mill Lane to prevent over run of the footway.
- Clarification on BCC undertaking travel plan on behalf of the Applicant.

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An update to Members will be provided by way of the Amendment Sheet.

G. WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE WITH REGARDS TO CONTAMINATION, FLOOD RISK, DRAINAGE AND AIR QUALITY?

I) CONTAMINATED LAND

Policy DM34 sets out that new development should demonstrate that any existing contamination on a site would be addressed by appropriate mitigation measures and that there is no unacceptable risk of pollution within the site or surrounding area. The policy also requires that the development will not cause land to become contaminated.

The Public Protection (Contaminated Land) officer has reviewed the supporting documents submitted and has confirmed that they are satisfied with the information provided thus far by the Applicant in relation to human risk and has recommended conditions relating to: risk assessment and remediation strategy; implementation the remediation scheme; and reporting of unexpected contamination.

The Environment Agency has no objection in relation to controlled waters. The EA consider that the Applicant now appears to demonstrate that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information is requested by way of condition.

II) FLOOD RISK

Regarding flood risk, Policy BCS16 of the Core Strategy states that developments need to be resilient to flooding through design and layout and incorporate sensitively designed mitigation measures to ensure the proposed development remains safe from flooding over its lifetime. The requirement to incorporate Sustainable Drainage Systems (SuDS) into new development is highlighted, as is the expectation that new development would incorporate water management measures to reduce surface water run-off and ensure flood risk is not increased elsewhere.

The Environment Agency has no objection in relation to flood risk. Additional modelling was submitted during the determination of the application. The EA consider that this has provided a suitably detailed assessment of potential flood risk impacts at the site (limited to the areas fronting East St and Dalby Avenue to the north and east of the site) and appropriate selection of proposed finished floor levels for more vulnerable uses. The proposed development is considered to meet National Planning Policy Framework's requirements in relation to flood risk subject to the inclusion of conditions.

III) DRAINAGE

The Flood Risk Officer requested further details relating to the proposed drainage strategy proposed for this site. A Surface Water Drainage Technical Note was provided on 25 January 2021 in response to the Lead Local Flood Authority.

Further information was requested from the Applicant in relation to:

- Consultation with Wessex Water regarding connecting to the sewer system.
- The depth of storage needs to be limited to 0.8m and the details to verify this i.e. level of point of connection(s), ground levels, amount of cover allowed for.
- Query regarding if a 20% climate change allowance could be allowed for the 15l/s discharge rates to be more achievable.

Discussion between the LLFA and the Applicant is ongoing on this aspect. It is considered that subject to clarification of the matters above, a condition could secure the details of the sustainable drainage strategy to be adopted. An update will be provided to Members by way of the Amendment Sheet.

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Policy DM23 states that development in designated Air Quality Management Areas should take account of existing air pollution and include measures to mitigate its impact on future occupiers where possible.

The application site is located within a designated Air Quality Management Area. The Applicant has submitted an Air Quality Assessment for the proposed development. The Air Quality Officer has recommended that provided mitigation measures listed in the AQA are secured via conditions attached to any consent, the development would be acceptable with regard to air quality impact.

SUMMARY:

The proposed development is considered to be in compliance with the policy provisions of DM34, BCS16 and DM23.

H. DOES THE PROPOSED DEVELOPMENT GIVE SUFFICIENT CONSIDERATION OF SUSTAINABLE DESIGN AND CONSTRUCTION?

Policy BCS13 sets out that development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions.

Policy BCS14 sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.

Policy BCS15 sets out that sustainable design and construction should be integral to new development in Bristol. Consideration of energy efficiency, recycling, flood adaption, material consumption and biodiversity should be included as part of a sustainability or energy statement.

Solar PV will be installed to meet the 20% CO2 reduction requirement if the proposed development connects to the future district heat network or Air Source Heat Pumps should the heat network not materialise in time for the proposed development. The Energy Strategy proposes a temporary and a permanent solution. It is proposed that the existing communal gas heating system in St Catherine's House be extended to provide a temporary heating solution to Plots 1, 2 and 4. This extension will be designed and installed in accordance with the CIBSE CP1 Heat Networks Code of Practice for the UK (2016) to ensure that it is compatible with future district heating network connections.

On completion of Plot 3, all plots (1-4) will then be connected to the district heating plantroom (or at point when heat is available) located on the Ground Floor of Plot 3 and all heating and hot water for the site will be fed from the district heating network.

This approach provides a strategy which would connect all phases of the St Catherine's Place scheme to the Bedminster district heating network.

An overheating assessment has been requested. This should show how this any overheating risk will be addressed in order to ensure that all rooms are resilient to overheating during the lifetime of the scheme. An update will be provided on this by way of the Amendment Sheet.

Bar the further information requested, the proposed development subject to conditions should give sufficient comfort that the proposed development would adequately mitigate and adapt to climate change and minimising energy requirements.

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Progressing Bristol's Development published in October 2020 confirmed that the Council does not have a five year deliverable housing supply and therefore the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the Revised NPPF is applicable in Bristol.

Paragraph 11(d) of the Revised NPPF provides that in the context of the presumption in favour of granting planning permission for sustainable development, decision making entails that:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [7], granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [6]; 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.

There is a footnote to "out-of-date". Footnote 7 referenced in Paragraph 11(d) is set out below:

[7] This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

This application involves the provision of housing. As aforementioned, the LPA does not have a five year deliverable housing supply. Ministry of Housing, Communities & Local Government published the Housing Delivery Test Results 2020 on Tuesday 19 January 2021. The Housing Delivery Test 2020 is an annual measurement of housing delivery in the area of relevant plan-making authorities. The 2020 results showed that Bristol delivered 72% (4,703 homes delivered) of the delivery target (6,505 homes required) over the three year period 2017 to 2020. Therefore, the delivery of housing in the HDT Results 2020 was substantially below (less than 75% of) the housing requirement over the previous three years.

There is another Footnote referenced in Paragraph 11(d)(i). Footnote 6 is set out below:

[6] The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

In relation to this application, whilst the application site is partially within the Bedminster Conservation Area, there are no policies in the Framework that protect areas or assets of particular importance which would provide a clear reason for refusal.

Weighing the benefits and disbenefits of the application

The proposed development would give rise to a number of benefits, which are assessed and summarised, before moving on to consider the disbenefits, which arise as a result of conflict with the Development Plan.

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In assessing the likely benefits / disbenefits of the proposal, there has also been regard to how they might assist / impact on fulfilling the economic, social, and environmental objectives of achieving sustainable development, as set out in Paragraph 8 of the Revised NPPF. The NPPF states that the three overarching objectives are interdependent and need to be pursued in mutually supportive ways.

Benefits

Economic benefits would arise from the construction of the proposed 180 residential units, comprising some temporary benefits to the construction industry, with more permanent benefits arising from increased spending in the local economy by future residents. The proposed development would assist in achieving the economic objective of helping to build a strong, responsive, and competitive economy.

The refurbishment of 2 commercial units and improvements to the entrances to St Catherine's Place Shopping Centre would support this economic objective by making this part of the commercial area more attractive to users, and also helping to boost the local economy. The proposed development would help meet this objective, by improving the appearance of the St Catherine's Place Shopping Centre and making provision for new commercial units.

The proposed development would wholly satisfy the economic objective of sustainable development.

The first part of the social objective, as set out in the NPPF, is to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The proposed development would satisfy this objective, by providing a mix of 1, 2 and 3 bedroom residential dwellings. It is considered that the provision of new homes through this scheme should carry significant weight.

The social objective seeks a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The proposed development would provide new public realm, the necessary quantum and quality of private and communal outdoor space. The proposed development provides a high quality environment for future residents (including children) and existing residents within St Catherine's House. This would help meet this part of the social objective.

The proposed development would improve accessibility and provide an additional connection between East Street and Bedminster Green. The provision of an additional link through to East Street from Mill Lane is seen as an overall benefit. This additional connection and the improvements to the existing route through St Catherine's Place would be available to the wider community, and not just residents of the proposed development.

The proposed development would broadly satisfy the social objective of sustainable development.

The environmental objective of sustainable development is to contribute to protecting and enhancing the natural, built, and historic environment, including making effective use of land and using natural resources prudently.

Whilst the proposed development would entail the loss of 4 trees, for which 11 replacement trees would be required, 33no. new trees are proposed that would enhance the visual amenity and public realm in the area. This would help achieve the aspirations of the Bedminster Green Framework for 'Humanising Malago Road', 'Avenue with Street Trees' and a 'Key Green Street'. There would be a net gain in trees on the site. These benefits would not be limited to future residents and users of the proposed development but would also be of benefit to the wider local population.

As the proposed development would take place on previously developed land, it would accord with the thrust of this objective, and this would be a clear benefit of the proposal.

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In relation to the historic environment the relationship with East Street and the Bedminster Conservation Area is architecturally sympathetic providing a proportioned, respectful relationship to adjacent properties for a positive integration. The restoration and reuse of the locally listed building along this frontage is considered to be a benefit. As aforementioned, the proposed development is considered to safeguard and enhance the historic environment.

The proposed development facilitates the provision of land for an inbound bus lane to support the provision of public transport improvements. This bus lane would be available to not just residents in the proposed developments but other developments in the Bedminster Green Framework and the wider community.

Transport contributions totalling £243,369 would be secured through a Planning Agreement, relating to various transport. As these contributions are necessary to make the proposal acceptable in planning terms they cannot be seen as specific benefits of the scheme. Weight should be given to these various contributions in the overall planning balance as these benefits would not be limited to future residents and users of the proposed development but would also be available to the wider local population.

The proposed development would broadly satisfy the environmental objective of sustainable development.

Disbenefits

Disbenefits flow from matters where there is conflict with the Development Plan or NPPF, as has been detailed above.

No affordable housing is proposed. This is because such provision has been shown to make the overall proposal unviable, and that as such there would be no policy conflict.

CDG raised concerns regarding the height of Plot 4 seeking a reduction in height by 1 storey (from 7 storeys to 6 storeys) to achieve more appropriate response to context and transition in height. The building height of Plot 4 is within the parameters of the Bedminster Green Framework and consistent with advice provided on the previous application, as such it is considered to be a minor conflict with policy, and of very limited weight in the decision making process.

Despite the improvements in the daylight and sunlight performance of the proposed development it is acknowledged there will still be a noticeable impact on the living conditions of occupiers of existing, nearby dwellings. This would conflict with the social objective of sustainable development, and weight has been attributed to this in the planning balance.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination made under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

Having regards to the matters detailed above, applying the presumption in favour of sustainable development as set out in Framework Paragraph 11(d)(ii) means 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 this Framework taken as a whole.

It is considered that the proposed development is in accordance with the Development Plan and the NPPF, when read as a whole. The starting point is therefore that permission should be granted in accordance with the statutory presumption in favour of the Development Plan. The policies of the

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Development Plan relevant to decision making in this application are considered to be consistent with the NPPF and should therefore be given significant weight.

In the assessment of this application, balancing the benefits and disbenefits detailed above indicates quite clearly that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This means that the application would constitute sustainable development, and this is a weighty material consideration in favour of the proposed development. In the assessment above it is considered sufficient to outweigh the limited conflict with the Development Plan.

With these points in mind it is the Officer Recommendation that planning permission should be granted, subject to conditions and obligations as listed below.

RECOMMENDED GRANT subject to Planning Agreement**OBLIGATIONS**

The following obligations would be sought by way of a Planning Agreement:

- Affordable housing viability review.
- Transport obligations totalling £243,369 consisting of:
 - Bedminster Green Travel Plan contribution: £21,240
 - Restrictive parking measures contribution: £110,376
 - Windmill Hill traffic management contribution: £15,624
 - Electric vehicle car club contribution: £40,824
 - Traffic regulation orders contribution: £5,913
 - Dean Lane cycle contribution: £49,392
- Future connection to the district heat network.
- Avon Fire & Rescue Service has requested the installation and maintenance of Fire Hydrants.

COMMUNITY INFRASTRUCTURE LEVY

This development is liable for CIL totalling £998,283.

CONDITIONS

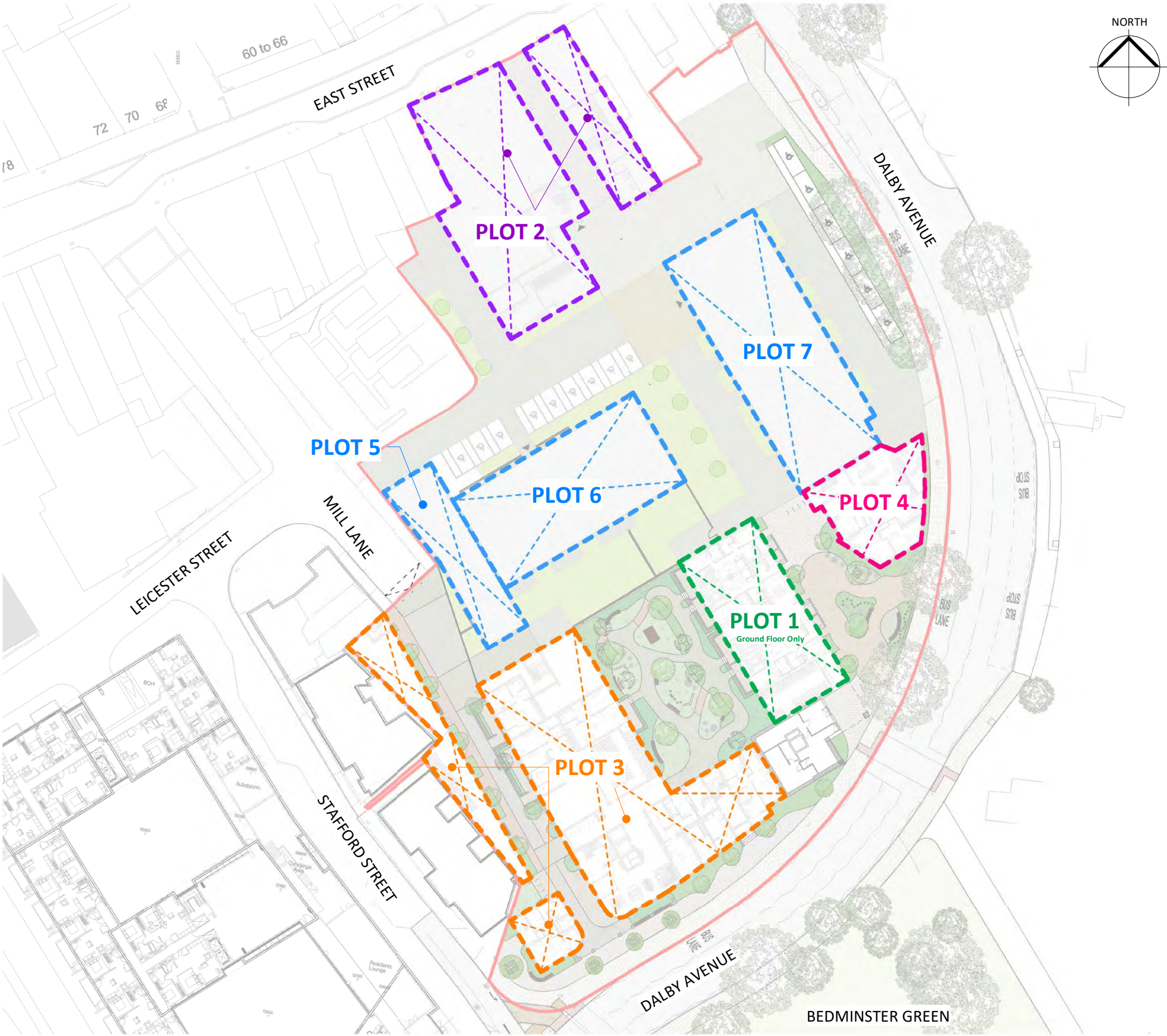
An update on the recommended list of conditions will be provided by way of the Amendment Sheet.

Supporting Documents

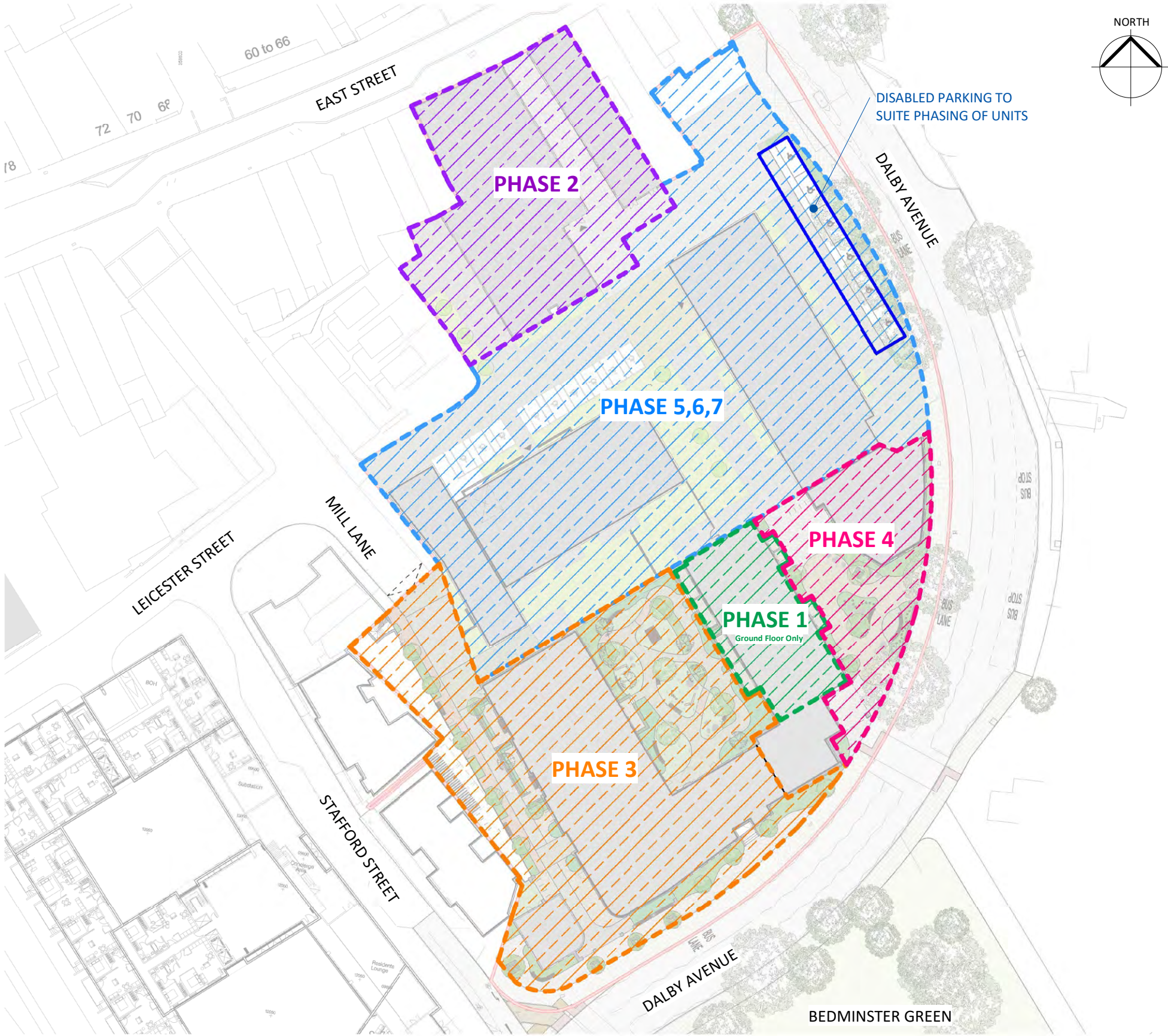
3. St Catherines Place, East Street, Bedminster.

1. Design and Access Statement

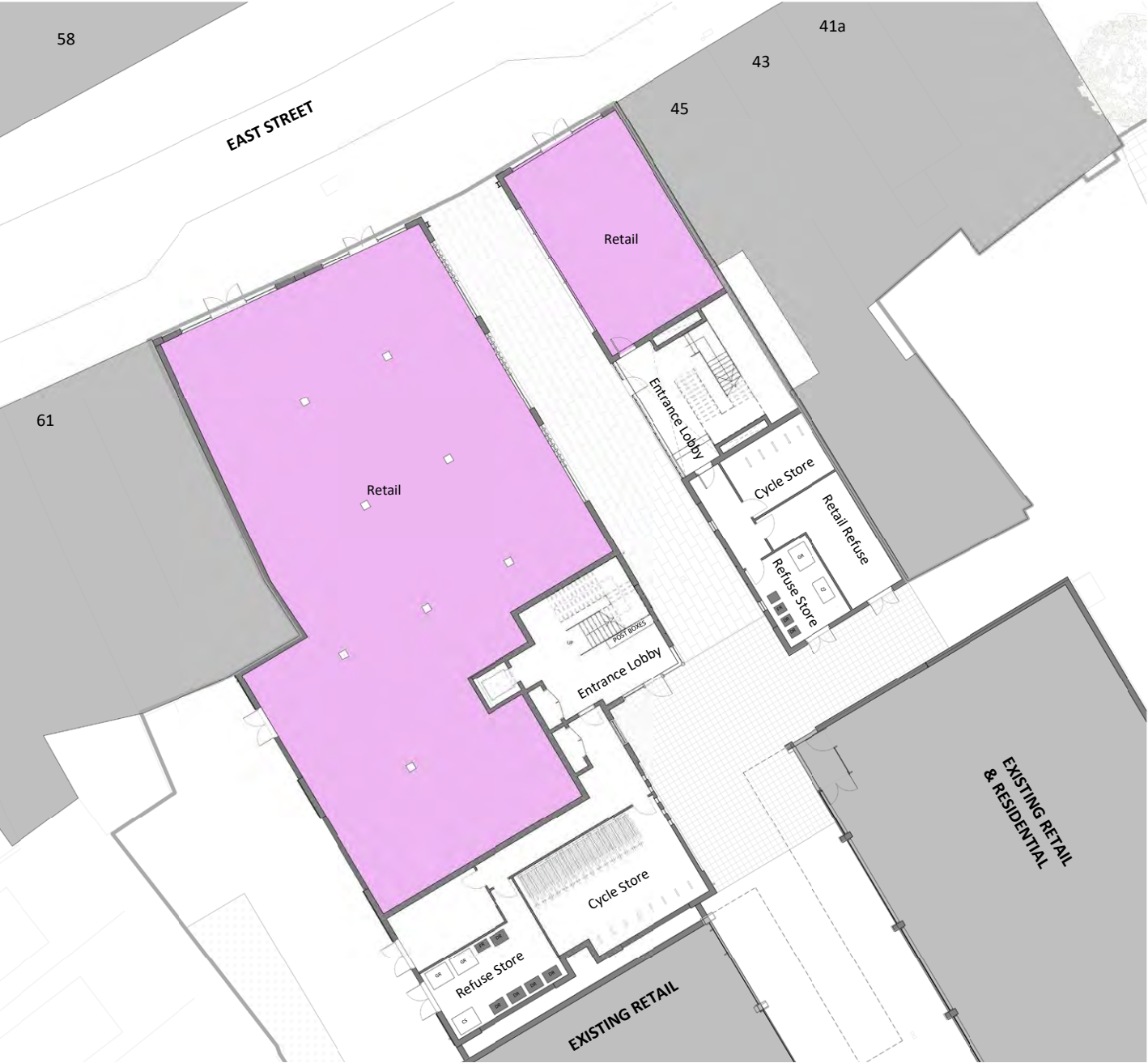
Design Approach (Cont.)
Defined Building Plots



Design Approach (Cont.)
Construction Phases







Ground Floor Plan - Plot 2



Typical upper floor plan - Plot 2



Proposed East Street facade looking South-West



Existing East Street facade looking South - East



Proposed entrance to St Catherine's Place route



Existing entrance to St Catherine's Place route



St Catherine's Route looking South towards Catherine's House



Existing St Catherine's Place route looking South towards Catherine's House



St Catherine's Route looking North towards East Street



Existing St Catherine's Place route looking North towards East Street



Proposed Ground Floor Plan - Plot 3

PROPOSED ELEVATIONS

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Proposed South Elevation - Plot 3



Proposed West Elevation - Plot 3

PRECEDENT STUDIES



Alternating projecting brick course rustication



Frameless glass juliet balconies inset within precast frame



Double storey facade expression



Projecting glazed balconies



Proposed North Elevation - Plot 3



Proposed East Elevation - Plot 3



Projecting off white balconies



Detail panels connect windows to courtyard elevation



Plot 4 proposed ground floor plan, including proposed ground floor plan to Catherine's House



Plot 4 proposed typical upper floors



Proposed South Elevation - Plot 4



Proposed East Elevation - Plot 4 (Catherine's House conversion behind)



Proposed Plot 4 viewed from Dalby Avenue



Proposed Plot 4 view from pocket park

6.0

Site Wide Approach

Consideration has been given to developing a scheme which could include the redevelopment of the remaining elements of the shopping centre and maisonettes.

It should be noted that it is not a current intention to deliver these plots and therefore they are only being included within this application in outline format rather than detailed.

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Proposed site plan - Plots 2, 3 and 4

Whilst the current development identifies three areas which can currently be developed, the full development of the site has been considered to ensure that no future development is stymied by the current proposals.

An outline masterplan has been produced which shows how the site could be developed if all current leaseholds were returned to the freeholder.

The concept focuses on:

- Further improving the existing north - south route currently running through St Catherine's Place from East Street to Bedminster Green
- Creating an extension of the east - west route of Leicester Street through to Dalby Avenue
- Creating a new hard landscaped public space at the conversion of these two routes
- Creating a new soft landscaped area to the south of the public space
- Pushing the building line on Dalby Avenue towards the highway and reducing the amount of hard landscaping behind the existing trees. This would bring the outlined building further inline with the current proposed Plot 4
- Creating a pedestrian focused environment with vehicular access only for disabled parking and servicing
- Animating the new routes with entrances to the proposed buildings along these routes and in the new public space
- Ground floor could be either retail, other commercial uses or residential, dependent upon the current market. If residential space, a generous buffer planting zone has been allowed.



Proposed site plan - Plots 5, 6 & 7



KEY:

Site Boundary

HARD LANDSCAPE ELEMENTS:

- Concrete Flags Random Lengths
Light grey colour
210/315/420/525mm x 315mm x 50mm
- Dutch Clay Pavers
Terra cotta colour
205mm x 67mm x 85mm
- River Stone Paving Concrete Block Paving
Warm colours
200mm x 150mm x 60mm
- Cobble Concrete Setts
Mid grey colour
110/90/75/50mm x 75mm x 50mm
- Cobble Concrete Setts
Warm colours
110/90/75/50mm x 75mm x 50mm
- Resin Bound Surfacing or similar
Barley colour / anti-slip finish
6mm aggregate
- Concrete Flags
To BCC Highways specification
- Rumble strip at interface between vehicular and pedestrian areas comprised of raised setts

SOFT LANDSCAPE ELEMENTS:

Refer to drawing 09140 Planting Plan

- Existing trees retained
- Proposed tree planting in soft
- Proposed tree planting in hard
- Mixed species hedgerows semi-evergreen
- Ornamental shrub mix for partial / full shade
- Ornamental shrub mix for partial / full sun
- Sedum roof to bin store and bicycle store
- Amenity grass with clover
- Existing grass parkland areas

STREET FURNITURE AND LANDSCAPE ELEMENTS:

- Cycle stands
Timber and steel powder coated black
- Bollards
Timber and steel powder coated black
- Bench seating
Timber and steel powder coated black
- Curved seating
Timber and steel powder coated black
- Picnic table with seating
Timber and steel powder coated black
- Tree grilles with connected tree guards
Powder coated black 1800x 1800mm
- Pebble seating
350kg and 500kg sizes.
- Timber stepping logs
350-500mm diameter
- Timber play logs
Various lengths

+47.600(E) Existing levels
+47.600 Proposed levels