

WARD: Southville

SITE ADDRESS: St Catherine's Place Shopping Centre East Street Bedminster Bristol BS3 4HG

APPLICATION NO: 18/05310/F Full Planning

DETERMINATION DEADLINE: 27 March 2019

*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).*

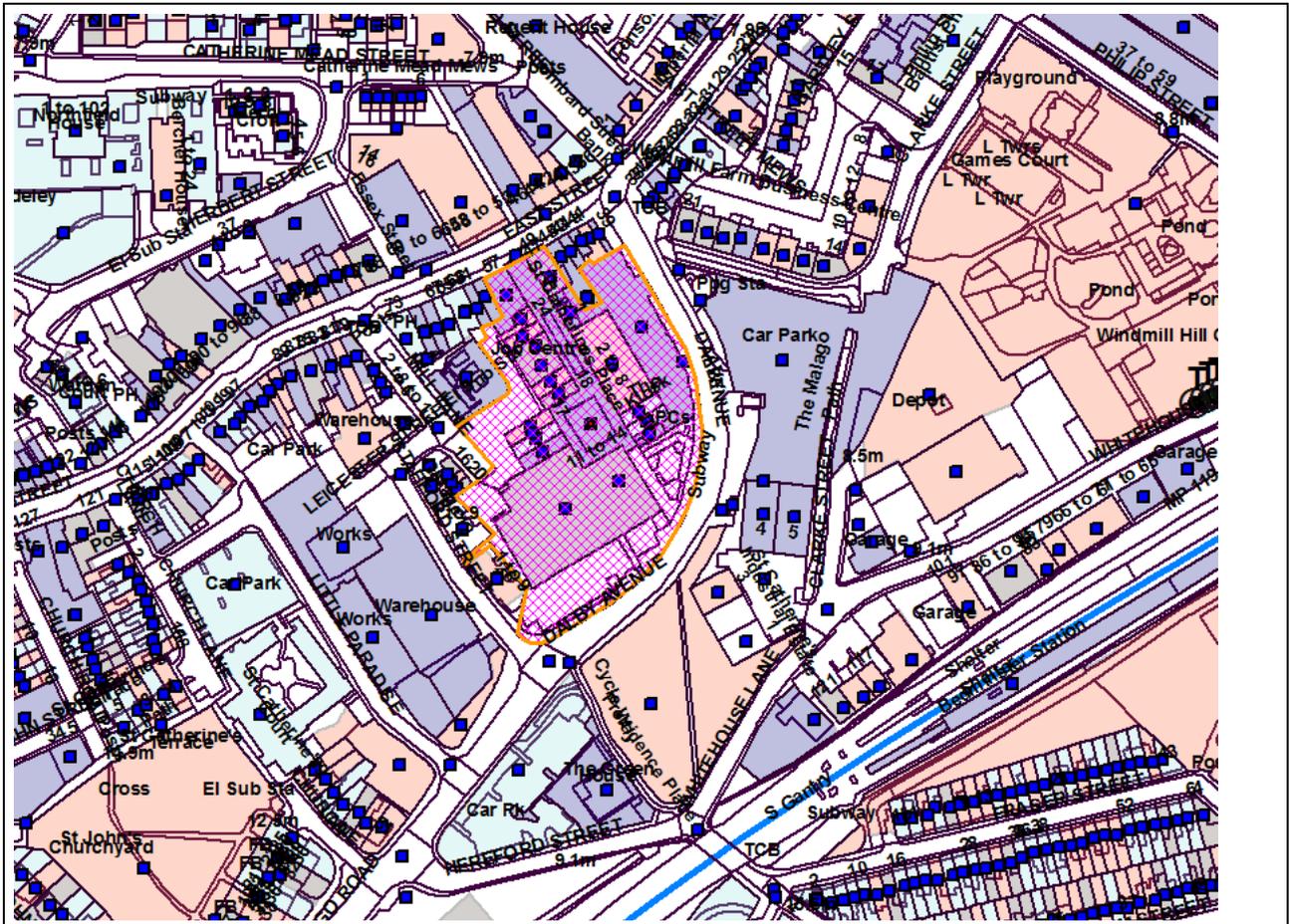
RECOMMENDATION: Refuse

AGENT: GVA  
St Catherine's Court  
Berkeley Place  
Bristol  
BS8 1BQ

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:



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## INTRODUCTION

This is an update to the Committee Report and Amendment Sheet presented to Development Control Committee A on 20 November 2019. At the meeting of DC A Committee on 20 November 2019, the motion passed was:

*“Resolved – that a decision on the application be deferred until a future meeting of the Committee to allow time for transport and other minor issues to be resolved.”*

The Committee Report for the meeting on 20 November is attached to this Report as a supporting document.

Members must consider the whole application on its merits against all of the relevant policies and all material planning considerations. Members therefore, should not and cannot confine their consideration of the application to the transport and other minor issues.

## UPDATE

Further meetings have been undertaken between the applicant and Transport Officers, where it is now confirmed by Transport Development Management (TDM) that their previous concerns as reported in November 2019 have now been adequately addressed subject to conditions and appropriate s.106 obligations. The detailed response from TDM to the application is a supporting document to this Report.

The Officer's recommendation in this case is to refuse planning permission.

This is for one reason:

1. 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).

## THE APPLICATION

The application seeks full planning permission for the construction of:

- A total 205no. residential dwellings contained within 5no. ‘development blocks’ (Blocks A-E)
- 844sqm GIA of new build commercial floorspace including a new cinema (Use Classes A1, A3, D2)
- Refurbishment and reformatting of existing retail facilities (2,500sqm)
- 27no. car parking spaces (of which 12 are disabled parking spaces)
- 395no. cycle parking spaces: 343 for the residential dwellings and a further 52 cycle parking spaces for the commercial floorspace/visitors
- New public realm and hard/soft landscaping

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The dwellings proposed within the scheme would comprise of:

- 76no. 1 bedroom, 2 person dwellings
- 8no. 2 bedroom, 3 person dwellings
- 114no. 2 bedroom, 4 person dwellings
- 7no. 3 bedroom, 5 person dwellings

Block A would contain 142 dwellings (up to 16 storeys) with ground floor commercial uses.

- 1 bed 2 person: 36
- 2 bed 3 person: 2
- 2 bed 4 person: 97
- 3 bed 5 person: 7

Block B would contain 23 dwellings (8 storeys) with a commercial unit at ground floor level.

- 1 bed 2 person: 18
- 2 bed 3 person: 5

Block C would contain 13 dwellings (4 storeys)

- 1 bed 2 person: 4
- 2 bed 4 person: 9

Block D would contain 6 dwellings (2 storeys above existing ground floor retail)

- 1 bed 2 person: 4
- 2 bed 4 person: 2

Block E would contain 21 dwellings (4 storeys above existing ground floor retail)

- 1 bed 2 person: 14
- 2 bed 3 person: 1
- 2 bed 4 person: 6

## 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 regard to disability, age and pregnancy and maternity issues. An issue had previously been raised by TDM regarding a lack of disabled parking. Since the Committee Meeting the applicant has amended their plans to provide policy compliant disabled parking.

## ENVIRONMENTAL IMPACT ASSESSMENT

In respect of Environmental Impact Assessment (EIA), in November 2019, the Local Planning Authority provided a Screening Opinion confirming that the development is NOT EIA Development requiring an Environmental Statement.

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RESPONSE TO PUBLICITY AND CONSULTATION

**General response from the public**

Approximately 1580 neighbours within the vicinity of the scheme were notified by letter and a site notice was displayed.

In response to the application as submitted in October 2018, a total of 341 public comments were received from 328 individuals. This includes comments received from amenity groups and local councillors. Of the responses received, 221 responses were in objection to the scheme, 104 responses were in support of the scheme and 3 responses were neither in support nor objection. These responses are detailed in the Committee Report for the meeting on 20 November 2019.

Following the submission of revised plans in September 2019, neighbours were re-consulted on the revised proposals. A total of 112 responses were received, of which 85 were in objection to the scheme, 25 were in support of the scheme and 2 responses were neither in support or objection to the scheme. These responses are detailed in the Committee Report for the meeting on 20 November 2019.

Since the Committee Meeting on 20 November 2019, a further 11 responses were received, of which 2 were in objection to the scheme, 9 were in support of the scheme.

The comments in objection to the scheme raised the following planning issues:

- Concerns about the density of the proposals and overdevelopment of the site.
- Concerns the proposals are out of character with the area in terms of scale and massing.
- Concerns about impact of sunlight/daylight.
- Concerns about the standards of accommodation proposed and the negative impact on the adjacent St Catherine's House.

The comments in support of the scheme cited the following reasons:

- The cinema would attract people to the area and rejuvenation of Bedminster.
- The proposals would support local businesses.
- The proposals would support East Street and Bedminster.

**Response from interest groups and organisations**

COUNCILLOR REFERRAL

Councillor Charlie Bolton referred the application to the Development Control Committee if the development is recommended for approval. Cllr Bolton stated objection to the proposed scheme due to concerns relating to:

- lack of affordable housing
- overdevelopment of the site and wider Bedminster Green area
- design that is out of keeping with the existing area
- energy use of high rise buildings (design not carbon neutral)
- impacts of development on infrastructure and services, as well as traffic and parking

[the full referral from Cllr Bolton is available on the BCC online planning portal]

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**Response from external consultees**

ENVIRONMENT AGENCY – OBJECTION

As per the Amendment Sheet update to Members for the 20 November 2019, the Environment Agency maintain their objection to the proposal due to: i) Groundwater and Contaminated Land; and ii) flood risk grounds.

Groundwater and Contaminated Land:

*"We have considered the response to our most recent response, from Hydrock, dated 25 January 2019. We note this does provide further clarity concerning the possible source of significant metals contamination at the site. Their response also further summarises potential conceptual scenarios that might account for observed hydraulic gradients and inferred flow direction. We note also the comments from Hydrock concerning the difficulty of remediating the site to address risks to controlled waters. Hydrock have said that the most viable approach to remediating the site would be source removal, i.e. excavation of soils. However, at this time it is not clear what level of risk the identified contamination poses.*

*The need to remediate, or otherwise, should in the first place be driven by a robust understanding of the risk to controlled waters, which we do not consider has been demonstrated in the information submitted. We are therefore of the view that the proposal fails to comply with national planning policy. The applicant has failed to demonstrate that any risks to the water environment will be adequately addressed in accordance with the relevant sections concerning land contamination within the National Planning Policy Framework.*

*Remedial action, or non-action, should be driven by risk assessment. We therefore maintain our objection to this application until such a time that the level of risk has been adequately assessed and that an informed and robust remedial strategy, which addresses to our satisfaction, the risks to controlled waters, has been presented to Bristol City Council."*

Flood Risk:

*"We have reviewed the submitted Flood Risk Assessment (FRA) Technical Note - Hydraulic Modelling Status, dated September 2019, accompanying flood risk mapping and the revised proposed residential ground floor plan (drawing no. AP(04)2002 Rev. P19).*

*The Technical Note suggests a flood risk condition should be imposed, in light of the emerging Bristol City Council hydraulic modelling not being available yet. Given that this information is fundamental to the principle of development and that this is a full planning we object to the proposed condition in the absence of sufficient clarity on the proposed finished floor levels.*

*We note drawing no: AP(04)2002 Rev. P19 shows the proposed finished floor levels, which appear to be exclusively commercial on the ground floor. We require confirmation this is the case and that residential uses are limited to above ground floor level? This should be based on the emerging hydraulic modelling once this has been made available to the Environment Agency and we agree that it is suitable for the purposes of site specific flood risk assessment.*

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*We therefore maintain our flood risk objection to the proposed development as insufficient information has been submitted to demonstrate that the development can be made safe for its lifetime taking into account the impacts of climate change as required by national planning policy and associated planning practice guidance.”*

**Response from internal consultees**

**TRANSPORT DEVELOPMENT MANAGEMENT – APPROVE SUBJECT TO CONDITIONS AND SECTION 106 OBLIGATIONS**

TDM confirmed to members at Committee on 20 November 2019 that it could not provide a positive recommendation in the absence of the following:

- i) A completed Strategic Transport Assessment (parts 01 and 02) covering the entirety of the Bedminster Green developments.*
- ii) A completed highways General Arrangement drawing showing improvements to the A38 Malago Road & Dalby Avenue between Sheene Road and East Street.*
- iii) A completed technical appraisal and submission of General Arrangement drawings for Hereford Street and Whitehouse Lane.*
- iv) The completion of an overspill parking assessment to inform future restrictive parking measures in the area of Windmill Hill.*
- v) Following the assessment of i), TDM to confirm the required package of s106 contributions towards parking mitigation, travel planning and sustainable travel.*
- vi) Revisions to Cycle Parking and Disabled Parking to meet policy requirements.*
- vii) Resolution of matters concerning the future servicing requirements of the development, in association with the future improvements to Leicester Street and Mill Lane.*
- viii) Clarity, and therefore certainty on the extent, responsibility and mechanism for the removal of the subway and the stopping-up of other adopted highway land.*

A draft version of the completed Strategic Transport Assessment (STA) and a draft General Arrangement drawing showing improvements to the A38 Malago Road & Dalby Avenue between Sheene Road and East Street have been received by TDM.

Revised plans demonstrating compliance with policy requirements for Cycle and Disabled Parking have been received.

TDM recommendation is to approve the application in relation to transport and highways matters subject to conditions and section 106 obligations.

The points above have been resolved and are covered within Key Issue A of this Report. The full set of comments from TDM (10 pages) is attached to this Report as a supporting document.

**CITY DESIGN GROUP – OBJECTION**

The City Design Group objection remains as per the Committee Report for the meeting on 20 November:

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*"The scheme proposes the redevelopment of the site to provide 205 dwellings arranged over 4 to 16 storeys over 5 buildings and includes the refurbishment of existing retail units, new commercial space and a cinema. Please refer to previous comments for a description of the site and its context. The proposal has been subject to previous comments by CDG, the most recent of which in July 2019.*

*The proposal is distinct from a previously consented scheme for the site 13/05616/P. The amount of development has increased significantly, and the retention/conversion of St Catherine's House has fundamentally changed the nature of the site and therefore the manner in which redevelopment can occur. St Catherine's House has undone site layout principles established by the extant permission and importantly the Bedminster Green Framework (BGF). When establishing the principles and opportunities for the site, the BGF assumed the loss of St Catherine's House in favour of comprehensive redevelopment. Unfortunately, the proposal has failed to achieve an acceptable site layout that makes sense in relation to St Catherine's House. The tallest element (16 storeys) now crowds the site resulting in unacceptable compromises in several areas including living standards for existing residential units, shared amenity and key public realm aspirations identified within the BGF.*

*It is worth noting that the BGF was prepared following a clear policy shift in favour of higher densities and the acceptance of taller buildings. As such, the framework already embeds a high-density presumption and sets out a number of key principles required to achieve this. Therefore, any schemes seeking maximum development levels within the framework area must also achieve exemplary design quality and urban design response in relation to the Urban Living SPD.*

*Urban Living assessments have highlighted how the scheme has failed to resolve higher density through thoughtful design, identifying a number of core concerns summarised below. There are also concerns with regard to contextual response by way of height, scale and massing and overall design quality.*

**Development Approach**

- *A 'maximised' development approach to the site which fails to deliver the place, context and liveability aspirations of urban living.*

**Public Realm**

- *Insufficient provision of new public realm and green infrastructure to support the intensification of the site and a failure to achieve the quality aspirations of the BGF.*
- *Unresolved treatment of existing public realm to successfully embed the scheme into its context and create successful public spaces.*
- *Public realm that lacks the qualities needed to mitigate the impacts of urban intensification. The scale of public realm does not meet the scale of new buildings.*

**Provision of Outdoor Space**

- *Insufficient and low quality shared amenity space, which is not successfully offset by the provision of onsite public realm or proximity to public space.*

**Children's Play**

- *Limited indication of how children have been considered in the design. The only meaningful amount of space accessible to children is in Block A. Block B, C, D and E will be forced to rely on access to public realm and offsite provision.*

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*Internal Configuration and Circulation*

- *Unresolved internal configuration which fails to meet recommended liveability criteria.*
- *Significant negative sunlight/ daylight impact on existing dwellings.*

*Height Scale and Massing*

- *Unresolved scale, massing and architectural treatment which fails to appropriately respond to the existing character and the emerging context of which St Catherine’s House now forms a part.”*

*Conclusions/Recommendations*

*Whilst St Catherine’s Place sustainable location and current low intensity usage, lends itself to a more intense form of development as part of a wider regeneration effort, there is a concern that the current proposals have ‘maximised’ rather than ‘optimised’ densities, and as such have negatively impacted on related goals of successful placemaking, relating to context and liveability; therefore representing an over-intense development of the site. The comments above highlight how the scheme departs from Local Plan policies and Urban Living SPD guidance, as well as the Bedminster Green Framework. As such a recommendation for approval could not be supported on design grounds.”*

[full comments from the City Design Group are available on the BCC online planning portal]

**TREE OFFICER – OBJECTION**

The Tree Officer stated an objection to the revised scheme:

*“My objection relates to the removal of the high quality category A & B trees they are seeking to remove along Dalby Avenue.*

*The proposed seeks to maximise ground space by removing high quality trees with very little poor quality mitigation on site. This goes against DM15 & DM17. I will maintain my objections unless the London Plane on Dalby Avenue are retained with sufficient space and protected root environment to secure future.*

*We cannot allow the removal of green infrastructure assets with no site mitigation just, so the site can be developed to its maximum potential. This is the first site of many involved in the redevelopment of the area in accordance with the Bedminster Green Strategy and on the first site the proposal is to remove all green infrastructure.”*

**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) 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.

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KEY ISSUES

A. IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND HIGHWAYS ACCEPTABLE?

The proposed scheme would provide 27no. car parking spaces including 12no. disabled car parking spaces. These spaces would be split between a car park underneath Block A and adjacent to Block C.

In total, 395no. cycle spaces would be provided on the site, including provision for visitors to the residential accommodation. One service yard would be situated behind Block C, accessed off the A38 Dalby Avenue and another service yard would be situated off Mill Lane adjacent to Block A and is intended to serve all of the commercial units.

i) Strategic transport matters

Policy BCS10 (Transport and Access Improvements) and Policy BCS11 (Infrastructure and Developer Contributions) of the Core Strategy (2011) sets out principles for consideration in all new development proposals and supports the delivery of strategic transport infrastructure and improvements to access in all areas of Bristol by public transport, walking and cycling.

A draft version of the completed Strategic Transport Assessment (STA) has now been received. This provides details of the necessary transport infrastructure package to support development in this area. This includes the requested Public Transport, walking and cycling strategies, an options appraisal for improvements to Whitehouse Lane, an assessment of likely uncontrolled parking overspill and an Outline Travel Plan.

Officers have had time to review the above document and will be responding to the BG Consortium in due course on any necessary amendments. However, at this moment in time, the content of the document largely fulfils the requirements set out by TDM at the 20 November committee.

TDM has also been in liaison with the BG Consortium over much of 2019 to reach an agreed General Arrangement for the A38 in this area. A completed highways General Arrangement drawing showing improvements to the A38 Malago Road & Dalby Avenue between Sheene Road and East Street has now been received by TDM.

This has been an essential milestone to reach, as it protects BCC's ability to carry out positive change that fulfils TDM objectives to reduce bus journey times alongside permeable, safe and direct facilities for pedestrians and cyclists that reflect and compliment new development in this area whilst enhancing existing desire lines. Secondly, it confirms the widths and extents to which new build development must not encroach in order to meet the above objectives.

The following obligations would be sought via a Section 106 Agreement as a package of financial measures:

- Restrictive Parking Measures – £145,952
- Electric Vehicle Car Club Provision – £50,041

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- Travel Plan – £24,190
- Traffic Regulation Orders – £11,448
- Windmill Hill Traffic Management measures – £20,850
- Dean Lane Cycle Route – £65,678

The above contributions have been proportioned above to account for the 667 residents that are proposed to occupy the application site.

ii) Site specific transport matters

Cycle and Disabled Parking:

TDM welcomes the amendments to provide policy compliant cycle parking. Previously a total of 347 cycles spaces were provided whereas the minimum number required by policy is 382 across the whole of the development. This figure is inclusive of all residential, commercial and visitor spaces.

The applicant has now amended their plans to provide a total of 395 cycle parking spaces, 343 for the residential element and a further 52 cycle parking spaces for the commercial and visitor elements. TDM are content with the design and layout of the cycle parking.

The applicant has also amended their plans in order to provide policy compliant disabled parking. When applying BCC minimum parking standards, a total of 12 disabled parking spaces are required and these have subsequently provided. The spaces are clearly indicated and have the required 1.2m rear and side hatching.

Servicing and Refuse Collection:

This is to be conditioned so that servicing of the commercial units on the northern side of the development takes place from within the development with vehicles reversing from East Street into St Catherine's Place. This would ensure a realistic servicing arrangement can be provided catering for business needs whilst avoiding the issues raised previously.

This has been replicated in other areas of the city, namely Broadmead on a time-limited basis (i.e. outside of daytime hours). The remaining commercial units, Block A and St Catherine's House can be serviced from Mill Lane although the size of vehicles must be limited.

Highway Works – Mill Lane & Leicester Street:

TDM requires highway works to be undertaken on the highway along Leicester Street and Mill Lane to the east of the Leicester Street/ Stafford Street junction given the increase in pedestrian movement in this area and the requirement for servicing at this location.

A38 Malago Road frontage & stopping up:

A composite plan that demonstrates the finalised A38 highway corridor plans overlaid with the St Catherine's Place frontage plans will be conditioned. This composite plan must

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demonstrate the highway extent, highway to be stopped up and land to be dedicated as highway. This information would allow the Department for Transport (DfT) to progress a stopping up under s247 of the Town & Country Planning Act.

Summary

TDM consider that the application would be acceptable in terms of transport and highways matters subject to conditions, section 106 obligations and section 278 works as outlined above.

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

As per the Amendment Sheet for the meeting on 20 November 2019, discussions had been ongoing between Lambert Smith Hampton on behalf of the Council and Avison Young on behalf of the applicant. The applicant has agreed to accept the Lambert Smith Hampton Build Costs, meaning that the main area of difference was Residential Sales Values.

A range of information has come to light that results in changes to the opinion on Residential Sales Values. Firstly, the applicant has provided pricing schedules from two local agents, Ocean and Knight Frank, which set out the values that the properties in the proposed development could be expected to achieve. Secondly, it transpires that prices at recently released developments in the vicinity of St. Catherine’s Place, which are significantly above previous prices achieved in the area, have achieved very limited reservations. On this basis, it is considered that these constitute less reliable evidence than previously considered, particularly for larger units.

Lambert Smith Hampton had taken account of the original marketed prices in coming to their view of values in respect of two bedroom dwellings at St. Catherine’s Place. Lambert Smith Hampton remain of the opinion that the scheme will achieve a premium above existing stock in the area. However, the levels of firm offers on nearby developments impacts significantly on Lambert Smith Hampton’s view of the achievable values at St. Catherine’s Place, particularly as the majority of dwellings in St. Catherine’s Place consist of two or more bedrooms.

The revised Residential Sales Values (including those achieved on the St. Catherine’s House element of the scheme, which forms part of the viability report, and also including a premium for parking spaces) are as follows:

<b>Avison Young</b>	<b>Ocean</b>	<b>Knight Frank</b>	<b>Lambert Smith Hampton (original)</b>	<b>Lambert Smith Hampton (revised)</b>
<b>£59,999,364</b>	£61,873,500	£61,076,000	£66,916,000	£63,793,500

Whilst Lambert Smith Hampton consider that sales values will be higher than those put forward by the applicant and their pricing agents, their amended values do result in a reduction of in excess of £3 million in the overall scheme value.

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Unfortunately, this reduction results in the Residual Land Value of the scheme being lower than the Benchmark Land Value, and this means that the scheme is not considered to be viable in planning terms.

Consequently, based on the new information that has come to light and the advice from Lambert Smith Hampton, Officers now consider that the scheme is unable to provide affordable housing.

The applicant has indicated that they would agree to viability reviews to identify whether affordable housing could be provided if the scheme viability improves as it progresses. Therefore, it is recommended that viability reviews are required and that they are based on the revised Lambert Smith Hampton Viability Appraisal of November 2019, with all inputs remaining unchanged with the exception of build costs and sales values, which are to be adjusted to take account of changes in costs and values.

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

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 requires all major developments to respond positively to its context. This should identify the prevailing height, scale and mass of surrounding buildings, streets and spaces. It further outlines that for tall buildings proposed in sensitive locations particular consideration should be given.

The Bedminster Green Framework sets out the requirement for new development within the framework area to provide distinctive, high quality architecture and public realm to create a strong sense of place, vitality and identity for the area. This is in recognition of the current lack of identity in Bedminster Green and the opportunity available through appropriate development to create a new urban quarter which is also legible, active and enjoyable at street level.

The City Design Group have objected to the proposed development on design grounds. The CDG states that the Bedminster Green Framework embeds a presumption for high density development and taller buildings at this site, whilst also setting out a number of key principles required to achieve it, including exemplary design quality and an urban design response relating to the Urban Living SPD. The CDG raise concerns relating to public realm, outdoor amenity and play, internal configuration and the overall height, scale and massing. These are considered below in turn.

**i) Public realm**

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. Policy DM27 sets out how development should provide streets and spaces that allow

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convenient access and choice of movement modes, at a scale appropriate to the size of development. 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 identifies that all four frontages on the edges of the proposed development fail to meet the requirements set out in policy to deliver a sufficiently high quality public realm, particularly given the scale of the development proposed. For example, the set-back of the development along Malago Road (fronting onto Bedminster Green) is insufficient to create the vision of the Bedminster Green Framework for an 'Avenue of Trees' and which would create a functional, comfortable pedestrian environment along what would be a main transport corridor on the A38. This is particularly evident at Block A whereby the footpath width to the front of this 16-storey building is only 1.9 metres in width at its narrowest point, increasing to 3.6 metres at its widest point.

Concerns are also raised over the quantum of public realm at the base of Block B along Dalby Avenue and the 'pocket space', the amenity of which is questionable given its location between two tall elements of the scheme. While improvement to the public realm within the square of St Catherine's Place is noted, it is considered that opportunities to improve the public realm at Mill Lane have also not been sufficiently explored.

In summary, the maximised footprint of the development is considered to have inhibited the design quality and the quantum of the public realm at the site frontages, which fail to meet the requirements and policy aspirations set out in DM27, DM28, the Urban Living SPD and the Bedminster Green Framework.

**ii) 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 1282sqm of private open space for the scheme as currently proposed. Approximately 1329sqm is proposed to be provided as a mix of private and communal open space.

While it is noted that the quantity of amenity space is met in accordance with the Urban Living SPD, the function and quality of this space is also an important consideration. The location of communal roof terraces on the 9<sup>th</sup> and 11<sup>th</sup> floor of Block A, without any indication of wind protection, would result in an unpleasant environment. Further communal space at the mezzanine of Block A is considered likely to be overshadowed by surrounding tall buildings and subject to wind tunnel effects. Balconies on the residential units are also considered likely to be affected by air and noise pollution from Malago Road. The quality and utility of this outdoor amenity space is therefore considered insufficient.

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, as least 27 children would live across the scheme, yet there are limited opportunities for play within it. Particular concern is

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raised over the lack of private or communal amenity space for residents of Blocks C, D and E, which is not compensated for by sufficient access to high quality public realm across the rest of the site.

In summary, it is considered that the design does not demonstrate how children and children's play has been accommodated as per the requirements of the Urban Living SPD, providing a suitably high-quality environment for residents of all ages.

iii) 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.

It is considered that the utilisation of standard floor plate arrangements in the development design fails to provide an appropriate response to the site context and create a high-quality living environment. For example, the layout of Block A creates a high proportion of single aspect units with potential for obstructed light and outlook, particularly at lower levels. This is not in accordance with the high-quality design requirements of Policy BCS21, nor the expectations set out for higher density development in the Urban Living SPD and the Bedminster Green Framework.

iv) 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. However, it emphasises the importance of composition of taller buildings, to 'step down' and transition toward lower adjoining areas.

Whilst recognising that the extant permission establishes the principle of a taller building on this site (at 16 storeys), the retention and conversion of St. Catherine's House provides a different context to that in which the previous scheme was consented. It is a constraint to the development and the location of a new 16 storey block (Block A) ca. 17m from the 8-storey St Catherine's House is considered likely to severely compromise the living environment of its occupants and affect the quality of the outdoor amenity space.

Furthermore, it does not provide a sufficient transition that acknowledges the contextual height of the converted St Catherine's House and existing development on Stafford Street.

The transition between the proposed development and its surroundings is considered of insufficient quality at other locations; namely between Block C and St Catherine's House, between Stafford Street and Mill Lane and between Block E and East Street (particularly notable as the edge of the Conservation Area). By virtue of the height and massing of the development, across the scheme, it is considered that it fails to appropriately respond to,

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and transition with, the surrounding lower height development, appearing overbearing in some locations and with potential harmful effects on existing and future occupiers in some cases (see Key Issue D for more detailed consideration on residential amenity).

Consequently, the development is not considered to meet the requirements of DM26, DM27, the Urban Living SPD or 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.

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 is located within the boundary of the designated Bedminster Conservation Area.

Historic England have raised no objection to the proposed development on heritage grounds. However, as detailed above, the CDG have raised concern over the impact of the height and scale of the buildings on the character area of East Street within the Conservation Area, where a 5-storey element at Block E exceeds the prevailing height of 2-3 storeys characterising the area, appearing incongruous. Whilst there may be some scope for increasing height at this location applying the principles of intensification (to 4 storeys), it is considered that there is not sufficient justification for such an increase in this case and the overall massing is out of character with the Conservation area.

vi) Trees

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

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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. Policy BCS9 requires that an appropriate type and amount of new or enhanced green infrastructure in new development.

The applicant proposes to remove 7 trees as part of the development comprising:

- One Category A tree.
- Two Category B trees.
- Four Category C trees.

Three London Plane Category B trees along Dalby Avenue are proposed to be retained.

The applicant had previously proposed to provide 4 trees and 5 shrubs as mitigation. Since the November Committee Meeting, additional planting is proposed, specifically:

- Four London Plane trees are proposed along Dalby Avenue.
- One Oak tree is proposed in the central courtyard.
- Four Hornbeam trees are proposed along Dalby Avenue to the front of Block C (where one Category A and two Category B trees are to be removed).

As per the Bristol Tree Replacement Standard, the removal of these trees would require 30 replacement trees or a pro-rata financial contribution of  $30 \times 765.21 = £22,956.30$  to mitigate their loss. In updated Draft Heads of Terms provided by the Applicant they have identified a financial contribution of £22,956.30 for the implementation of 30 replacement trees in accordance with Policy DM17.

The three trees to be lost have been identified by the BCC Tree Officer as providing a contribution to the visual amenity of the Bedminster Conservation Area. The Category A tree and the two Category B trees along Dalby Avenue provide one of the only significant sections of mature green infrastructure locally, contributing to the character and appearance to the area. Furthermore, the Tree Officer considers that there is insufficient evidence in the application to support the removal of these trees over their retention.

Whilst there has been an improvement to the overall mitigation proposed on the site, the proposed development is considered to fail to meet the requirements for trees and green infrastructure in new development as per policies DM17, DM15 and BCS9, and does not sufficiently mitigate the loss of Category A and B trees, resulting in adverse impacts to the character and visual amenity of the area.

### 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.

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However, it is considered that the proposals of the current application have sought to 'maximise' rather than 'optimise' density and as a result, do not achieve the goals of successful placemaking, high quality design and liveability which are set out in the Local Plan Policies BCS21, DM26, DM27, DM28 and DM29, the Urban Living SPD and Bedminster Green Framework.

The proposed development, by nature of its height, scale and massing would be incongruous in relation to the character of the Conservation Area and would fail to safeguard or enhance the Conservation Area. This would be contrary to Policies BCS22 and DM31.

The proposed development would fail to sufficiently mitigate the loss of trees as required by Policies DM17 and result in an adverse impact on the character of the area.

**D. 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.

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 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).

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A Daylight and Sunlight Assessment has been undertaken by Avison Young (October 2019). The results of which, set out within Appendix III of that Report are relied upon within this section of the Committee Report.

i) Daylight for neighbours

The results of the VSC, ADF and NSL assessments are included within Pages 71-81 of the Avison Young Report. A total of 345 windows were considered in the adjoining area, including approximately 139 windows at St. Catherine's House.

When applying the BRE Guidance to the results, a total of 189 of the 345 windows assessed pass the test whereby VSC is either greater than 27% or the reduction in daylight is less than 20% of existing. This demonstrates that 156 of the windows within the assessment would be adversely affected. When solely considering the results for St. Catherine's House, a total 88 out of 139 of windows were considered to be adversely affected.

It is noted within the Avison Young Report 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 considered 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%.

Under this test, a total 103 of the 345 windows within the study area and 77 of 139 of the windows at St. Catherine's House were considered to be significantly adversely affected.

The Avison Young Report references the assessment approach undertaken at Malago Road (19/00267/F), however it should be noted in the context of that application much fewer properties were affected and the rooms affected were either kitchens or bedrooms for which the BRE guidelines acknowledge daylight for these rooms is less important. The Report sets out that acceptable VSC values were 11-14% at ground floor, 16-17% at first floor and 18-20% at second floor.

When applying the thresholds above, assuming that 18-20% VSC is acceptable at second floor and above, a total of 79 windows of the 345 windows within the assessment would still fail the tests.

The results for ADF and NSL were also reviewed and assessed. When applying the minimum ADF of 1%, which is usually considered only acceptable for bedrooms, a total of 50 rooms in the study area failed to achieve this minimum standard.

The NSL assessment indicates that 83 rooms would fail to meet BRE Guidance and result in a reduction of the area of the working plane which receives direct skylight of less than 0.8 times its former value.

It is considered that the proposed development would result in unacceptable overshadowing to existing dwellings by obscuring daylight to a high proportion of windows when applying both the BRE Guidance and principles previously applied to other developments within Bristol.

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ii) Sunlight for neighbours

The results of the APSH assessment are included on pages 82-87 of the Avison Young Report. The APSH assessment demonstrates that a total 129 rooms windows assessed would fail to meet BRE Guidance in either summer, winter or both.

In the interests of applying flexibility to the approach and the guidance, the threshold was increased to 100% of room area. This threshold means that as a result of the development affected rooms would be completely void of sunlight, where there previously had been at least some sunlight in either summer or winter.

A total of 56 rooms would have 100% of the floor area void of sunlight in either winter, summer or both. 54 of the rooms in St. Catherine's House would not receive any sunlight as a result of the proposal, with all of these rooms currently achieving APSH coverage of between 20% and 40% (without the proposed development).

It is considered that the proposed development would result in unacceptable harm to residential amenity by blocking sunlight to a high proportion of habitable rooms of neighbouring properties.

iii) Overlooking

Although specifically produced to guide householder alterations and extensions, Supplementary Planning Document 2 includes useful guidance on overlooking for new development. It states that where habitable rooms face each other, as a 'rule of thumb', a gap of 21 metres should generally be provided.

'Site Plan Proposed Rev P03' demonstrates that Block A would be located between 13 and 17 metres from the existing St. Catherine's House. Whilst less than ideal, a distance of ca. 17 metres could be considered acceptable given the urban nature of the surrounding area.

The proposed distance between flats in the southernmost part of St. Catherine's House and Block A would be unacceptable and likely result in overlooking between existing neighbours and future occupiers.

iv) Amenity for future occupiers

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.

The results of VSC, ADF, NSL and APSH assessments for the proposed development are included on pages 88 to 101 of the Avison Young Report.

Within Block A, 136 windows were assessed as failing to meet the BRE Guidance of providing 27% VSC, and a total of 24 windows would not achieve a ADF of 2% or 1% dependent on use. This would mean approximately half of the 264 windows proposed within Block A would fail to meet the guidance.

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21 windows out of a total of 37 windows within Block B were assessed as failing to meet BRE Guidance in terms of VSC but most of the windows would achieve an acceptable ADF.

With the exception of Floor 1, Block C and Block E would be largely compliant with the BRE Guidance.

Block D would be less than ideal in terms of daylight, with 6 of the 9 windows assessed to fail to meet the BRE Guidance on VSC. 3 of these windows would also fail the BRE Guidance on ADF.

Overall, it is considered that the proposed development would fail to create a high-quality living environment for future occupiers as required by Policy BCS21.

Summary

The proposed development would result in an unacceptable impact upon residential amenity in terms of overshadowing and overlooking, contrary to Policies BCS21 and DM29.

**OBLIGATIONS**

The applicant has proposed the following draft Heads of Terms for a Section 106 Agreement (if planning permission were to be granted):

- Delivery of the Residential Travel Plan (by BCC)
- Highways Mitigation Package:
  - Transfer of Land for Strategic Highways Improvements (for a northbound bus lane along Dalby Avenue)
  - Contribution to the Windmill Hill Residents Parking Scheme
  - Contribution to a car club scheme
- Contribution to Replacement Trees
- Viability Review

The items identified by the applicant are related to the development in terms of scale and kind, however, more work would be required to agree the scope of the draft Heads of Terms.

**CONCLUSION**

In terms of adopted policy, whilst the principle of development is supported, it is considered that the scheme is not acceptable in design terms and would result in unacceptable impact on the amenity of existing residents. This application has been considered and assessed by Officers against the Development Plan, taking into account material considerations. For this reason, the application is recommended to Members for refusal.

**COMMUNITY INFRASTRUCTURE LEVY**

This development is liable for CIL totalling £1,418,821.88.

**RECOMMENDED    REFUSE**

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

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**Reason(s)**

1. 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).

## **Supporting Documents**

### **2. St Catherine's Place Shopping Centre, East Street, Bedminster.**

1. Transport Development Management detailed comments – 10.01.2020
2. Committee Report to Development Control Committee A - 20.11.2019
3. Amendment Sheet to Development Control Committee A – 20.11.2019



# Strategic City Transport

## Transport Development Management

### Application Response

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**To:** David Grattan, Development Management Team  
**From:** Luke Phillips, Transport Development Management  
**Ext:** 76271  
**Date:** 9<sup>th</sup> January 2020  
**Address:** St Catherine's Place Shopping Centre East Street Bedminster Bristol  
**Application No:** 18/05310/F  
**Proposal:** Full planning application for 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.

**Recommendation: Approve subject to conditions and section 106 agreement**

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#### 1.0 Background

1.1 This application was deferred by committee on 20th November. Of the reasons for its deferral a number of transport and highway concerns were raised by TDM as part of a recommendation of refusal. TDM confirmed to members at that committee that it could not provide a positive recommendation in the absence of the following:

- i) **A completed Strategic Transport Assessment (parts 01 and 02) covering the entirety of the Bedminster Green developments.**
- ii) **A completed highways General Arrangement drawing showing improvements to the A38 Malago Road & Dalby Avenue between Sheene Road and East Street**
- iii) **A completed technical appraisal and submission of General Arrangement drawings for Hereford Street and Whitehouse Lane**
- iv) **The completion of an overspill parking assessment to inform future restrictive parking measures in the area of Windmill Hill**
- v) **Following the assessment of i), TDM to confirm the required package of s106 contributions towards parking mitigation, travel planning and sustainable travel.**
- vi) **Revisions to Cycle Parking and Disabled Parking to meet policy requirements**
- vii) **Resolution of matters concerning the future servicing requirements of the development, in association with the future improvements to Leicester Street and Mill Lane**
- viii) **Clarity, and therefore certainty on the extent, responsibility and mechanism for the removal of the subway and the stopping-up of other adopted highway land.**

## **2.0 Strategic Transport Assessment (STA)**

- 2.1 A draft version of the completed Stage 02 STA has now been received from Stantec (formerly PBA). Members may recall that whilst TDM was in receipt of a Stage 01 STA, this was a largely preliminary document and was provided to: a) review current policy and programmes, b) audit existing infrastructure, and c) forecast the trip generation of the development. As such this did not constitute a complete assessment and previously advised TDM was unable to provide a positive recommendation on any of the Bedminster Green developments on the basis of the above information alone.
- 2.2 As with all Transport Assessments and in line with National Planning Policy Guidance and the Bedminster Green Framework, TDM expects the above findings to be discussed with Highway officers and a transport infrastructure, mitigation and active travel package to be established that effectively minimises the negative impacts of the development whilst promoting and encouraging active and sustainable travel.
- 2.3 The Stage 02 STA has therefore been developed over the past few months between Stantec, the BG consortium and BCC officers and provides details of the necessary transport infrastructure package to support development in this area. This includes the requested Public Transport, walking and cycling strategies, an options appraisal for improvements to Whitehouse Lane, an assessment of likely uncontrolled parking overspill and an Outline Travel Plan.
- 2.4 Officers have had time to review the above document and will be responding to the BG Consortium in due course on any necessary amendments. However, at this moment in time, the content of the document largely fulfils the requirements set out by TDM at the 20<sup>th</sup> November committee.
- 2.5 TDM has stressed to the consortium the necessity of this document being made available for public review and scrutiny, as is normally the case for Transport Assessments. It is TDM's intention that the findings and proposals for infrastructure will be shared with local stakeholders as part of any future public engagement exercise, as the findings within the STA are essential to the development of local improvements, particularly in the case of Whitehouse Lane and the impacts of any changes upon the area of Windmill Hill.

## **3.0 A38 Malago Road / Dalby Avenue Movement Corridor**

- 3.1 Highway officers have been in liaison with Stantec and the BG Consortium over much of 2019 in order to reach an agreed General Arrangement for the A38 in this area. This has been an essential milestone to reach, as it protects BCC's ability to carry out positive change that fulfils our objectives to reduce bus journey times alongside permeable, safe and direct facilities for pedestrians and cyclists that reflect and compliment new development in this area whilst enhancing existing desire lines. These discussions have also involved Planning DM and colleagues in City Design Group.
- 3.2 Secondly, it confirms the widths and extents to which new build development must not encroach in order to meet the above needs, whilst providing developers with the necessary comfort that they are able to proceed in such a way as not to preclude or inhibit the above interventions.

- 3.3 A further consideration relates to trees / vegetation and the need to retain green infrastructure as required by the Framework. This has led to some compromise, including the loss of a section of southbound bus lane (north of Hereford Street) and will require further detailed adjustments to protect existing trees opposite St Catherine's Place and along Dalby Avenue.
- 3.4 A summary of the key changes to the A38 in this area is provided below:
- i) Continuous northbound bus lane along Malago Road / Dalby Avenue**
  - ii) Provision of a northbound bus layby and shelter to accommodate two buses**
  - iii) Shortening of southbound bus lane to accommodate above and protect trees**
  - iv) Retention / upgrade of pedestrian crossing adjacent to St Catherine's Place**
  - v) Provision of new pedestrian / cycle crossing of A38 between Providence Place and Stafford Street**
  - vi) Provision of new pedestrian crossing of A38 north of Hereford Street**
  - vii) Removal of existing pedestrian crossing between Stafford Street and Hereford Street**
  - viii) Provision of minimum 3m wide footways along both sides of A38**
  - ix) Removal of existing pedestrian subway and associated steps and ramp structures**

#### Delivery of Works and further consultation

- 3.5 The works identified in **ix)** above will be delivered by the developer and will need the full involvement and oversight of BCC's Bridges and Structures team to ensure these works do not compromise the structural integrity of the A38. This because the subway and its accesses are required to be stopped up (under section 247) in order to accommodate development. This is considered later.
- 3.6 The remainder of the above highway works, including the Hereford Street and Whitehouse Lane enhancements (below) and the Malago restoration project (referred to later) are intended to be delivered by BCC as a single project as it would not make sense to split the works into segments for each developer to deliver their section at a different time.
- 3.7 In relation to funding, each of the Bedminster Green developments will be liable for a significant Community Infrastructure Levy (CIL) payment, and BCC's Cabinet has approved (in March 2019) the release of up to £6m of CIL funding to be put towards these works.
- 3.8 The A38 and Whitehouse Lane / Hereford highway works will be subject to the normal BCC engagement and formal consultation processes and procedures which will provide local stakeholders, public transport providers and emergency services with the necessary detail, forum for responses and discussions at the appropriate time.

#### **4.0 Hereford Street and Whitehouse Lane**

- 4.1 As with the A38, the above route bisects the Bedminster Green development and in its current state is unfit to accommodate major development and in particular the needs of new residents. Therefore, to leave this route in its current state is not acceptable to TDM and is unlikely to be acceptable to the local community.
- 4.2 Whilst the A38 scheme is based upon the need for development to comply with specific set criteria including public transport requirements, carriageway / pavement widths and desire lines, any future scheme of improvements for Whitehouse Lane and Hereford Street requires further discussion as it could comprise a number of options. Likewise, the impacts of the wider BG development (and any interventions that are provided to address these) need to be fully understood in the area of Windmill Hill in view of the current use of residential streets by through traffic which could be worsened as a result of the development.
- 4.3 TDM has therefore advised the BG consortium that the future treatment of this link can only be confirmed through first undertaking initial consultation and engagement with local stakeholders. Furthermore, as development proposals adjacent to this link are in the process of being developed, it is not possible to be fully prescriptive on what form the highway works in this location should take.
- 4.4 Whilst the above work will need to progress in the coming months, the outcome of these discussions and eventual Whitehouse Lane / Hereford Street scheme does not impact upon the built extents of the St Catherine's Place, Little Paradise or the A38 schemes, with the exception of the Hereford Street / Malago Road junction arrangement.
- 4.5 The above matter stresses the importance of the STA 01 and 02 being publicly available in order to inform consultation, given that it provides a technical analysis and appraisal of three different potential outcomes, as summarised below.
- i) Complete closure of Whitehouse Lane to vehicular traffic between Windmill Hill and Clarke Street**
  - ii) One-way northbound order between Windmill Hill and Philip Street, incorporating a segregated two-way cycle route, along with junction improvements at the Windmill Hill / Hereford Street / Whitehouse Lane junction. Prevention of right turn into Malago Road from Hereford Street**
  - iii) One-way southbound order between Philip Street and Windmill Hill, incorporating a segregated two-way cycle route, along with junction improvements at the Windmill Hill / Hereford Street / Whitehouse Lane junction. Prevention of all right-turn movements at Malago Road / Hereford Street junction.**
  - iv) Associated traffic management measures in the Windmill Hill area.**

- 4.6 As is evident from options ii) and iii) above, an element of the A38 scheme (the Hereford Street / Malago Road junction) is predicated on the outcome of the Whitehouse Lane consultation. To take account of this, TDM is in receipt of two options for the A38 corridor which provide different junction proposals and which it is intended will be shared with local stakeholders in the coming months.
- 4.7 In terms of the Windmill Hill area, there will be a need to address through physical measures any consequent impacts of the works to Whitehouse Lane / Hereford Street. Therefore, TDM requires a financial contribution through s106 towards the development and delivery of traffic management measures in this area in addition to, but to be delivered at the same time as restrictive parking mitigation.
- 4.8 Given that engagement discussions are yet to be undertaken, a schedule of works cannot be confirmed and therefore such measures could take a number of forms, including road closures, traffic calming, narrowing, no-entries and one-way orders. TDM and colleagues will work with local stakeholders and landowners in order to better define these measures in due course, but it is considered reasonable to demand that developers provide contribution towards this mitigation.

## **5.0 Overspill Parking**

- 5.1 The requirement to address overspill on-street parking generated by the Bedminster Green developments through the implementation of restrictive measures has been successfully made by TDM and agreed by the BG consortium. Within STA 02 an area has been identified that extends south of the development to St John's Lane (and in some cases beyond) based on walking times from the development. A section 106 contribution is therefore required from each of the developments to allow BCC to devise, consult, design and implement a scheme of measures that will effectively prevent new residents of Bedminster Green from parking in the surrounding area and generating negative transport impacts, thus worsening conditions for existing residents. Such measures will need to be implemented prior to first occupation of the development.
- 5.2 Further to this, it may also be necessary to review the existing daytime Bedminster RPS with a view to extending its hours of operation, to take account of increased evening residential parking demands. It is only through implementing this type of mitigation that TDM can support such low parking numbers and with it 'lock-in' a low car reliance in line with policy. However, it is acknowledged that these measures will require the necessary political support in order to take forward.

## **6.0 Package of Financial Contributions (CIL / s106)**

- 6.1 To support this level of development in the area, it has been necessary for officers to obtain agreement from Cabinet to release specific CIL funds to draw up, consult on and implement the A38 Malago Road / Dalby Avenue scheme alongside further interventions along Hereford Street and Whitehouse Lane, including the Malago river restoration project. As referred to earlier, a sum of **£6m** has been identified and constitutes the developers' contribution to strategic infrastructure that will be implemented by BCC to support growth in this area.

- 6.2 On a localised scale, it is however necessary for development to address other matters that are not confined to the A38 and Whitehouse Lane, whilst ensuring that new residents benefit from high quality infrastructure that will further encourage the use of sustainable transport, and where the car is the only option, the sharing of vehicles to further reduce car reliance and usage.
- 6.3 The applicant's planning consultant has attempted to pre-empt the scale of s106 contributions by submitting a Heads of Terms in advance of the submission of STA 02. TDM responded prior to Christmas that this could not be agreed in advance of the STA 02 for obvious reasons as it would contradict one of the main reasons the STA was required.
- 6.4 TDM has now had time to identify a package of section 106 contributions that have been calculated on the basis of the number of people proposed to be resident in each development. This is considered the fairest and most equitable methodology on a predominantly residential development on the basis that the wider Bedminster Green development is not limited to apartments, but also student accommodation which is typified by cluster flats.
- 6.5 Once the wider needs / impacts of the development have been established, it is then possible to calculate the s106 requirement on the above basis. The schedule of section 106 requirements (and costings) is presented below and amounts to just over **£1.5m** of section 106 contributions across the wider Bedminster Green development, based on a new population of just over 3,000.
- 6.6 TDM has informed the BG consortium that to fulfil their aspirations to encourage and lock-down viable sustainable travel choices for the 3,000 or so new residents that will occupy Bedminster Green, the following section 106 funding will be required across the totality of Bedminster Green as follows:

**i) Restrictive Parking Measures - £700,000 – justification provided above**

This sum is established through an estimation of costs associated with the rollout of the 15 Residents Parking Schemes (RPS) implemented in Bristol between 2014 and 2016.

**ii) Electric Vehicle (EV) Car Club Provision – 6 vehicles at £40k = £240,000**

For a development of up to 3,000 residents, TDM are advised that the provision of 6 Car Club vehicles will be necessary. Taking into account the key issue that parking provision on each of the developments falls significantly below the Local Plan maximum standard. Evidence and research confirms that the benefit of car clubs in preventing the purchase of additional vehicles and this requirement, together with the need for EV is soon to be embedded in both regional (West of England) and Local Plan Policy. The above cost comprises around £25,000 towards the purchase of an electric vehicle with a further £15,000 associated with charging infrastructure, marketing, membership discounts and management of each vehicle.

**iii) Travel Plan - £118 per residential unit / student cluster flat**

TDM requires that each developer contributes to a site-wide Travel Plan that BCC would produce and manage on the developer's behalf.

The benefits of undertaking this holistically are obvious, in that management and promotion of the Travel Plan, alongside incentives and discounts can be much better realised and in offered in much greater numbers where each developer has signed up to a single Travel Plan.

The above contribution is normally £139 per residential dwelling. However, BCC recognises that in addition to the above economies of scale, a discount can be applied where the quantum of overall development is considerable, offering further value to each developer. The alternative to this would be each developer carrying out its own travel plan, which would result in separate and differing travel plans and the need to discharge planning conditions and meet obligations five separate times. TDM do not think this is a sensible use of resources for developers or for BCC.

TDM will require that any commercial / employment uses also sign up to this framework if possible, but this may result in monitoring fees in the event that BCC are unable to undertake these travel plans.

**iv) Traffic Regulation Orders (TROs) - £5,724 for each order**

The wider A38 and Whitehouse Lane / Hereford Street schemes will require numerous TROs and this is covered under the CIL payments referenced above. However, each individual development will have its own specific requirements to protect delivery bays, avoid pavement parking and keep accesses and entrances clear.

The St Catherine's Place development is particularly sensitive in that until the wider A38 scheme is delivered, TDM are concerned about the likelihood of delivery / vehicles mounting the footway or stopping in the road along the A38 to service the site, given the reduction in the size of loading facilities allowed for from Dalby Avenue. The current TRO only restricts deliveries during the peak periods and this will need to be amended to 24 hours in view of the loss of delivery spaces, coupled with the influx of hundreds of new residents. A further TRO will be required to the rear of the site around Mill Lane in a similar vein. Two localised TROs are therefore required in this instance at a cost of £11,448.

Please note this does not include any Temporary TROs necessary to support the construction of a development.

**v) Windmill Hill Traffic Management measures - £100,000**

The above sum is provided on the basis of a likely cost of implementing traffic management measures across a given area and is expected to accompany any restrictive parking measures. TDM at this stage must ensure that impacts of the development (and its mitigation) are comprehensive in nature so as to prevent negative impacts on the area of Windmill Hill that will be most affected by development.

**vi) Dean Lane Cycle Route between Warden Road and Gaol Ferry Bridge - £315,000**

This route currently suffers from very little and / or poor provision for cyclists and is identified within the STA as a key active travel link between Bedminster Green and the north and west of the development, in particular Coronation Road, Cumberland Road, Wapping Wharf, Harbourside, and parts of the City Centre that are not served by the Whitehouse Lane cycle route.

In terms of policy compliance, this route (as well as Whitehouse Lane) therefore requires to be improved in the interests of encouraging and maximising cycling amongst the 3,000 new residents that Bedminster Green is likely to generate. Along the route are two sites of accident concentration – the Dean Lane / Catherine Mead Street junction and also the junction of Dean Lane / Coronation Road. A schedule of costs to deliver improvements here has been identified and TDM is happy to share this with the BG developments, given the wider masterplan’s likely demands here.

6.7 The above contributions have been proportioned as described above to account for the 667 residents that are proposed to occupy the application site, with the total required contributions confirmed in the table below.

Measure	unit cost	no.	Total Cost	£ per person / unit	apartments	persons
					205	667
Restrictive Parking	£700,000	1	<b>£700,000</b>	£219	£145,952	
EV Electric Vehicle Car Club	£40,000	6	<b>£240,000</b>	£75	£50,041	
Travel Plan (delivery by BCC)	£118	1,039	<b>£122,602</b>	£118	£24,190	
TRO	£5,724	5	<b>£28,620</b>	n/a	£11,448	
Windmill Hill Traffic Management	£100,000	1	<b>£100,000</b>	£31	£20,850	
Dean Lane cycle route	£315,000	1	<b>£315,000</b>	£98	£65,678	
			<b>£1,506,222</b>		<b>£318,159</b>	

**7.0 Cycle and Disabled Parking**

- 7.1 TDM welcomes the amendments to provide policy compliant cycle parking. Previously a total of 347 cycles spaces were provided whereas the minimum number required by policy is 382 across the whole of the development. This figure is inclusive of all residential, commercial and visitor spaces.
- 7.2 The applicant has now amended their plans to provide a total of 395 cycle parking spaces, 343 for the residential element and a further 52 cycle parking spaces for the commercial and visitor elements. TDM are content with the design and layout of the cycle parking.
- 7.3 The applicant has also amended their plans in order to provide policy compliant disabled parking. When applying BCC minimum parking standards a total of 12 disabled parking spaces are required and these have subsequently provided. The spaces are clearly indicated and have the required 1.2m rear and side hatching.

## **8.0 Servicing, Refuse Collection, Leicester Street and Mill Lane**

- 8.1 The applicant has submitted a framework servicing strategy which makes numerous assumptions about what vehicles will be permitted on site. Unfortunately this servicing strategy is unacceptable and does not outline appropriate servicing provision for this development or the St Catherine's House development. TDM have concerns that any condition relating to vehicles servicing the site would not be enforceable, resulting in large vehicles causing obstruction of the bus lane leading to bus unreliability and danger to pedestrians, given the propensity for delivery vehicles to mount the footway. To the rear of the site (off Stafford Street / Leicester Street), a larger area is available and which TDM consider to be more appropriate for the commercial uses, subject to either a weight restriction or other order prevented articulated vehicles from accessing here.
- 8.2 Whilst TDM supports the principle of residential frontage to Dalby Avenue, the service area that remains has been demonstrated by the applicant to only allow for one vehicle at a time which may be acceptable for the new residential units, but is not acceptable to also accommodate the remaining retail units (of varying sizes) and St Catherine's House, given the likelihood of more than one vehicle attempting to access the site at the same time. At best, this will result in reversing to and from the highway, at worst, service vehicles mounting the footway, causing damage, obstruction and safety issues. Both outcomes are unacceptable along a route such as the A38 for obvious reasons.
- 8.3 To accommodate even a refuse vehicle will however necessitate the removal of a parking space for this to work, given the swept path analysis provided to date confirms that the refuse vehicle's wing mirrors will be scraping a wall. This will need to be changed as part of a condition that also requires the changes as below.
- 8.4 TDM must therefore insist that servicing of the commercial units on the northern side of the development takes place from within the development with vehicles reversing from East Street into St Catherine's Place. This would ensure a realistic servicing arrangement can be provided catering for business needs whilst avoiding the issues raised previously. This has been replicated in other areas of the city, namely Broadmead on a time-limited basis (ie. outside of daytime hours). The remaining commercial units, Block A and St Catherine's House can be serviced from Mill Lane although the size of vehicles must be limited and to date the applicant has not put forward a convincing and robust strategy for addressing this. Access from Mill Lane is covered further below:

### **S278 Highway Works – Mill Lane & Leicester Street**

- 8.5 The area to the rear of the site around Leicester Street and Mill Lane, between Stafford Street and East Street will be subject to increased vehicular usage and footfall as a result of this development. Currently, the pedestrian environment is very poor and characterised by concrete haulingways, damaged kerbs and narrow footway widths which will fail to sufficiently address the transition of this site to a predominantly residential use. Whilst there is a need to retain service access from this location, an upgrade to the environment is essential in order to meet policy requirements.
- 8.6 TDM requires highway works to be undertaken on the highway along Leicester Street and Mill Lane to the east of the Leicester Street/ Stafford Street junction given the increase in

pedestrian movement in this area and the requirement for servicing at this location. In relation to these works, the extent to which this applicant delivers / designs such works has not been fully discussed with the neighbouring developer and TDM in sufficient detail, where this development is particularly reliant upon Mill Lane and Leicester Street for access. These works would need to consist of the following:

- Footways of at least 2m width must be provided
- The resurfacing of footways and carriageway is required and any concrete must be removed with an approved highway construction being installed
- Pennant kerblines will need to be installed to full kerb height
- A lighting design will be required and the lighting in this area will need to be upgraded
- Any other associated works

## **9.0 A38 Malago Road frontage, stopping up and**

- 9.1 An accurate plan of the extent of stopping up, based on the Stantec A38 drawing is still awaited. A stopping up plan has been provided but it does not include the subway and this will need to be included. A composite plan is still required that demonstrates the finalised A38 highway corridor plans overlaid with the St Catherine's Place frontage plans. This composite plan must also demonstrate the highway extent, highway to be stopped up and land to be dedicated as highway. The drawing submitted to date is based on architects' plans and an OS base so does not provide the comfort necessary for TDM to agree that the drawing is acceptable. The Stantec drawing meanwhile is based on topographical surveys.
- 9.2 Addressing this matter will enable TDM to assess the impact the development would have on the A38 scheme and allow TDM to ascertain the actual widths of footway to be provided, whilst providing credible information upon which the DfT can progress a stopping up under s247 of the T&CP Act.
- 9.3 It is also unclear if any element of the building will be overhanging the highway given no highway extent plan has been provided and this needs to be addressed to inform further conditions.

## **CONDITIONS TO FOLLOW**

WARD: Southville

SITE ADDRESS: St Catherines Place Shopping Centre East Street Bedminster Bristol BS3 4HG

APPLICATION NO: 18/05310/F Full Planning

DETERMINATION DEADLINE: 27 March 2019

**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).**

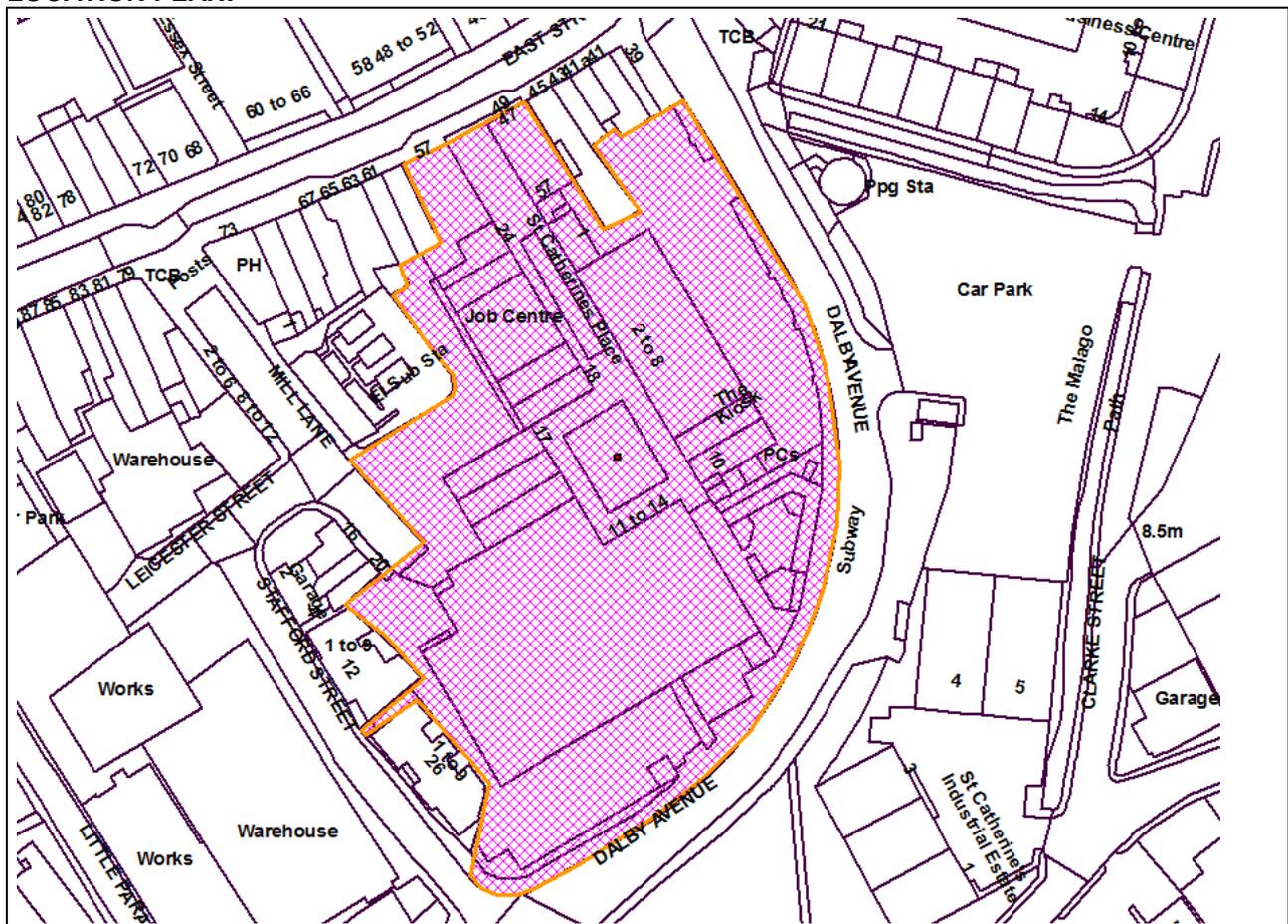
RECOMMENDATION: Refuse

AGENT: GVA  
St Catherine's Court  
Berkeley Place  
Bristol  
BS8 1BQ

APPLICANT: Firmstone Consortia One Limited

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

**LOCATION PLAN:**



**Development Control Committee A – 20 November 2019**

**Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street  
Bedminster Bristol BS3 4HG**

EXECUTIVE SUMMARY

Background

The St. Catherine's Place site forms one of five key sites identified within the Bedminster Green Framework. In response to a request from the Council for a holistic overview for the Bedminster Green area, the developers (including the developer for this application) produced a Framework, which was reported to and noted by Cabinet in March 2019. The Framework refers to this site as 'Plot 2: St. Catherine's Place'.

The Framework is a high-level document that 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. In terms of planning decisions, the Bedminster Green Framework is a material planning consideration in relation to determination of planning applications for each site in the Bedminster Green area.

The application site

The southern part of the application site is subject to an extant planning permission (application reference 13/05616/P) which was granted in 2017 for the demolition of existing buildings onsite and the development of a mixed-use scheme including 188no. residential units and 600sqm commercial floorspace.

The site as existing is in mixed-use comprising of commercial floorspace with residential maisonettes above. In 2017, two applications were approved (reference: 17/03849/COU and 17/05699/F) for the conversion of the former office block on the site to form 40 new dwellings and the extension of this building upwards by two storeys to provide a further 14no. residential dwellings.

The application

This application submitted by Firmstone Consortia One Limited is 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."*

The 205 residential dwellings are proposed within five no. development Blocks A to E, which range from 3-16 storeys in height. The existing commercial units within St. Catherine's Place are proposed to be refurbished, with new commercial units proposed within the ground floors of Block A and Block B. The existing maisonettes would be retained and do not form part of the application.

Response to consultation from the public and interest groups/organisations

Pre-application consultation with the local community was carried out by the applicant in July 2017, September 2017 and March 2018.

This planning application has been subject to two rounds of 21-day consultation with the public, interest groups, organisations, external consultees and internal consultees.

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In response to the application as submitted in October 2018, a total of 341 public comments were received. 221 of these were in objection, whilst a total of 104 responses were in support of the scheme.

Following the submission of a revised scheme in September 2019, a further round of consultation was undertaken and a total of 112 responses have been received to date. 85 of which were in objection to the scheme with a further 25 submitted in support of the scheme.

Objections to the scheme raised: concerns about the scale and massing of the development; concerns about the impact upon residential amenity through overshadowing, overlooking and overbearing; concerns about overdevelopment; objection to the lack of affordable housing; concerns about traffic impacts and parking; and concerns about health and safety of residents living in high-rise.

Comments in support of the scheme included: support for development of a cinema; the need for regeneration in the area and benefits to local community and businesses on East Street.

The scheme has been referred to Development Control Committee by the Local Ward Councillor and objections have been received from the BS3 Planning Group, the Windmill Hill and Malago Community Planning Group and the Bristol Civic Society. The Bedminster Improvement District (BID) has issued a response in support of the scheme.

Response to consultation from external / internal consultees

In terms of external consultees, the Environment Agency (EA) has objected to the application, however final comments are to be provided by way of the Amendment Sheet. The original comments raised objections to the scheme on the basis that the application fails to demonstrate that the development can be made safe from flood risk for its lifetime taking into account the impacts of climate change and that insufficient consideration has been given to addressing contamination in respect of risks to controlled waters.

In respect of internal consultees, objections have been received from City Design Group (CDG), Transport Development Management (TDM), the Tree Officer and the Flood Risk Team.

CDG comments on the revised scheme have raised a number of fundamental concerns relating to: the overdevelopment of the site; height, scale and massing; residential amenity; the quality of outdoor space; and the public realm. The current proposals are considered to have 'maximised' rather than 'optimised' densities, and as such have negatively impacted on related goals of successful placemaking, relating to context and liveability; representing an over-intense development of the site.

An objection has been raised by Transport Development Management (TDM) in relation to the conclusion of the Strategic Transport Assessment (STA), the location of the northbound bus stop and the completion of a General Arrangement Plan. Concerns were also raised about the lack of sufficient frontage and how this ties into the A38 highway scheme, the lack of a sufficient servicing strategy and insufficient measures in regard to disabled car parking and cycle parking.

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Concerns have been raised by the Flood Risk Team with regards to insufficient information being submitted in relation to drainage. A preferred SuDS solution needs to be provided demonstrating reduced run off rates.

The Tree Officer has objected to the proposed development on the basis that the proposed development seeks to remove 7 trees, 3 of which are category A & B trees. No mitigation is proposed for the loss of these significant trees that contribute to the wider amenity of the area.

Responses have been provided by internal consultees covering: Nature Conservation; Contaminated Land; Environmental Health; Economic Development; Archaeology; Sustainable Cities; and Air Quality. All consultees have reviewed the technical information provided and raise no objection subject to conditions requested.

Key Issues

The Committee Report is structured into seven Key Issues (A – G):

Key Issue A) Principle: The principle of residential and commercial use on the site has been established through the extant consent granted in 2017 (application reference: 13/05616/P).

The proposal to provide 205no. dwellings is considered to be acceptable in land use terms and would contribute positively to the stock of housing in Bristol in accordance with policies BCS5. 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.

Key Issue B) Affordable Housing: The recommendation in respect of Affordable Housing provision is that the application be refused, as the proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.

Key Issue C) Design: This details the concerns of CDG relating to public realm, outdoor amenity and play, internal configuration and the overall height, scale and massing. The scheme is not supported in design terms.

Key Issue D) Amenity: Details how the applications proposals would result in an unacceptable impact upon the amenity of existing and future residents in terms of overshadowing and overlooking, contrary to Policies BCS21 and DM29.

Key Issue E) Transport and Highways: On the basis of the information provided to date, TDM object to the application. This provides details of the TDM points of objection: compliance / fit with the A38 corridor works has not been demonstrated; failure to agree a package of s106 contributions; insufficient disabled car parking provision and cycle parking provision; failure to confirm / demonstrate servicing requirements; and submitted Travel Plan unacceptable

Key Issue F) Contamination, Flood Risk, Drainage and Air Quality: Detailing the effect of the proposal on contaminated land and air quality, as well as the objection on controlled waters / flood risk grounds by the EA and the objection on sustainable drainage systems by the Flood Risk Team.

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Key Issue G) Sustainable Design: Sets out the sustainability and energy strategy for the application proposals.

Recommendation

The applicant has requested that a decision be made on the revised details submitted in September 2019 (and further details submitted in October 2019).

The application is recommended to Members for Refusal for the following reasons:

1. The proposed development fails to provide a sufficient level of affordable housing.
2. The proposed development would be unacceptable in design terms and impact on existing residential amenity.
3. The proposed development would be unacceptable in terms of transport and highways as the compliance with the A38 corridor works has not been demonstrated and the absence of an agreed package of s106 contributions.

As noted, further responses are awaited and the above will be reviewed with an update provided to Members by way of the Amendment Sheet.

**Development Control Committee A – 20 November 2019**

**Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street  
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**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 Southville ward, in the south of Bristol.

The land use immediately surrounding the application site is varied in nature, including residential, retail, light industrial, car parking and green space. The Bedminster railway station is located approximately 200m to the south of the site.

The north of the site is on the boundary of the Bedminster Conservation Area, which includes the retail units fronting onto East Street. 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 site which are subject to statutory or local listing.

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.

The application site is located on the inside of the curved highway of the A38 Dalby Avenue such that it is bounded to the south and east by the road. To the north, the site partially fronts onto East Street, the local town centre and high street of the Bedminster area. The site is also partially bound to the north by existing retail and commercial properties which are not within the boundary of development. The west of the site is bound by residential and commercial buildings fronting onto Stafford Street and Mill Lane. The application site area is approximately 1.03 hectares.

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 residential maisonettes are not within the applicant's ownership and therefore do not form part of the development proposals. The site also contains St Catherine's House, a former office building recently 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.

The southern part of the application site is subject to an extant planning permission (application reference 13/05616/P) which was granted in 2017 following the signing of a section 106 agreement. This consent granted permission for the demolition of existing buildings onsite and the development of a mixed-use scheme including 188no. residential units, approximately 600sqm commercial floorspace and landscaping, parking, cycle parking, public realm and ancillary plant/refuse space. This development proposed to construct two buildings of 9 storeys and 16 storeys in height.

It should be noted that it is considered that the extant planning permission could no longer be implemented as approved due to the conversion of the St. Catherine's House office building to residential use under the Prior Approval (17/03849/COU) and planning permission (17/05699/F) described above. The extant planning permission proposed to demolish the St. Catherine's House office building as part of the development. 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.

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RELEVANT HISTORY

17/05699/F - Two storey extension and external alterations to St Catherine's House to provide an additional 14 residential units. Granted subject to condition(s).

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). Prior Approval Given.

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. Full details provided for Phase 1 comprising: up to 45 residential units in a ground plus 8 storeys building, with up to 401.9 sq m GIA of flexible commercial floorspace (falling within Use Classes A1 - A5, B1 and D1) at ground floor level and associated space, cycle storage, refuse storage, plant, servicing, ancillary storage, public realm at lower ground floor and ground floor level. Outline details for Phase 2 to comprise up to 143 residential units in a building up to ground plus 15 storeys in height and 203.5 sq m GIA of flexible commercial floorspace (falling within Use Classes A1 - A5, B1 and D1) at ground floor level and associated space for parking, cycle parking, refuse storage, plant, servicing, ancillary storage lower ground floor and ground floor level. Details of access, scale and layout to be determined at the outline stage with details of appearance and landscaping to be determined in Reserved Matters applications. Granted subject to condition(s).

APPLICATION

The application, as per the revised plans submitted in September 2019, seeks full planning permission for the construction of:

- A total 205no. residential dwellings contained within 5no. 'development blocks' (Blocks A-E)
- 844sqm GIA of new build commercial floorspace including a new cinema (Use Classes A1, A3, D2)
- Refurbishment and reformatting of existing retail facilities (2500sqm)
- 27no. car parking spaces
- 347no. cycle parking spaces
- New public realm and hard/soft landscaping

The dwellings proposed within the scheme would comprise of:

- 76no. 1 bedroom, 2 person dwellings
- 8no. 2 bedroom, 3 person dwellings
- 114no. 2 bedroom, 4 person dwellings
- 7no. 3 bedroom, 5 person dwellings

Block A would contain 142 dwellings (up to 16 storeys) with ground floor commercial uses.

- 1 bed 2 person: 36
- 2 bed 3 person: 2
- 2 bed 4 person: 97
- 3 bed 5 person: 7

Block B would contain 23 dwellings (8 storeys) with a commercial unit at ground floor level.

- 1 bed 2 person: 18
- 2 bed 3 person: 5

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Block C would contain 13 dwellings (4 storeys)

- 1 bed 2 person: 4
- 2 bed 4 person: 9

Block D would contain 6 dwellings (2 storeys above existing ground floor retail)

- 1 bed 2 person: 4
- 2 bed 4 person: 2

Block E would contain 21 dwellings (4 storeys above existing ground floor retail)

- 1 bed 2 person: 14
- 2 bed 3 person: 1
- 2 bed 4 person: 6

The development would require the removal of 7no. trees across the site. The landscaping of the scheme would include amenity space for residents, including a roof terrace at the mezzanine and 9<sup>th</sup> floor levels of Block A.

The application as originally submitted, in October 2018, sought full planning permission for 271no. residential units within 5no. development blocks (Block A-E), as well as 929sqm new build commercial floorspace, including a cinema, and refurbishment of existing retail facilities. While Blocks B-E were proposed to be of a height between 3 and 8 storeys, Block A was proposed to be 22 storeys and would contain the majority of residential dwellings (208).

The current proposals, submitted as a revision to the application in September 2019, therefore primarily sought to reduce the height of Block A, with a corresponding reduction in the number of residential units. The layout of the site was also amended to provide for a future northbound bus lane along Dalby Avenue in anticipation of the A38 strategic public transport corridor proposals.

#### 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 July 2017 and March 2018. This consisted of letters sent to community groups and local councillors in July 2017; a presentation to the Windmill Hill and Malago (WHaM) Planning Group in September 2017; and, a community consultation event held in March 2018.

Flyers were distributed to approximately 1000 homes and businesses to publicise the event, which had an estimated attendance of 80 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. An issue has been

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raised regarding a lack of disabled parking. This issue has been considered as part of the application. Clarification will be provided by way of the Amendment Sheet.

**ENVIRONMENTAL IMPACT ASSESSMENT**

In respect of Environmental Impact Assessment (EIA), in November 2019, the Local Planning Authority provided a Screening Opinion confirming that the development is NOT EIA Development requiring an Environmental Statement.

**RESPONSE TO PUBLICITY AND CONSULTATION**

**General response from the public**

Approximately 1580 neighbours within the vicinity of the scheme were notified by letter and a site notice was displayed.

In response to the application as submitted in October 2018, a total of 341 public comments were received from 328 individuals. This includes comments received from amenity groups and local councillors, which are detailed fully below.

Of the responses received, 221 responses were in objection to the scheme, 104 responses were in support of the scheme and 3 responses were neither in support nor objection.

The comments in objection to the scheme raised the following concerns:

- Scale and massing of the development, in particular the height of Block A at 22 storeys, considered to be out of character with the local area
- Overbearing impact on local community due to scale and massing
- Loss of light and overshadowing of existing residents
- Density of the proposals; concerns of overdevelopment
- Impact of development on views and skyline
- Architectural style and materials not in keeping with the area
- Lack of affordable housing in the proposals, contrary to policy requirements
- Lack of parking with resulting impact on on-street parking in neighbouring areas
- Pressure on local services and infrastructure through such high-density development
- Impact on existing maisonettes at St Catherine's Place
- Inadequate consultation between developer and local community
- Traffic impacts and road safety concerns
- Health and safety concerns of local residents in high rise residential, including mental health impacts and fire risk
- Lack of cohesive plans overall within Bedminster Green area
- Potential for gentrifying effects on local residents
- Environmental impacts including flooding and sustainability of development

The comments in support of the scheme cited the following reasons:

- Support for development of a cinema as part of the scheme (particularly with reference to supporting a Scott Cinema like the Orpheus in Henleaze)
- A need for regeneration in the area
- A need for redevelopment of this specific site
- Support for the proposed mixed uses on the site
- Benefits to local community and businesses on East Street
- Support for new housing

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Following the submission of revised plans in September 2019, neighbours were re-consulted on the revised proposals. A total of 112 responses were received, of which 85 were in objection to the scheme, 25 were in support of the scheme and 2 responses were neither in support or objection to the scheme.

The comments in objection to the scheme raised the following concerns:

- Scale and massing of the development, considered to be out of keeping with the proposal's context, and would adversely impact important skyline views from Windmill Hill
- Limited parking provision and the impact on local parking, including in Windmill Hill
- Insufficient mix of housing typologies or tenure types, such as housing for the elderly or families
- Loss of light and overshadowing in relation to adjacent properties (St. Catherine's House and Stafford Street) and local green space and public realm
- Lack of affordable housing provision
- Loss of trees
- Impact on air quality and potential to exacerbate existing poor air quality
- Impact on local services/social infrastructure such as GPs

The comments in support of the scheme cited the following reasons:

- Support for development of a cinema as part of the scheme
- A need for regeneration in the area
- Benefits to local community and businesses on East Street

**Response from interest groups and organisations**

**COUNCILLOR REFERRAL**

Councillor Charlie Bolton referred the application to the Development Control Committee if the development is recommended for approval. Cllr Bolton stated objection to the proposed scheme due to concerns relating to:

- lack of affordable housing
- overdevelopment of the site and wider Bedminster Green area
- design that is out of keeping with the existing area
- energy use of high rise buildings (design not carbon neutral)
- impacts of development on infrastructure and services, as well as traffic and parking

[the full referral from Cllr Bolton is available on the BCC online planning portal]

**BS3 PLANNING GROUP – OBJECT**

The BS3 Planning Group object to the proposals, stating:

“As a matter of principle (at this stage) we OBJECT to this application on a number of grounds:

1. This is a major development yet no public consultation has taken place. This is a new proposal in a new context, and hence previous discussions on a similar proposal on a subtly different site do not hold.
2. We reject the developers viability statement, attempting to sidestep the demand for affordable content. a. We invite the developer to identify other sites that it has built out without affordable content where a viability statement was also used and disclose the actual

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return on investment compared to that suggested by preceding viability studies b. We note that an adjacent site does appear to be offering affordable content

3. We were assured that a framework document for the broader Bedminster Green sites would precede any specific applications, We have not had sight of such a document, let alone the opportunity for consultation on a number of schemes that will fundamentally change the neighbourhood.

4. We would welcome a study of local public services to determine that there is capacity to support this number of new homes and residents and/or identify sites where they may be built if extra capacity is required.”

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

The Windmill Hill and Malago Community Planning Group (WHaM) object to the proposed scheme in its current form. While WHaM supports the principle of refurbishing the shopping centre, which it believes would help revitalise the town centre of Bedminster, the group has raised concerns relating to:

- housing mix and lack of family accommodation
- lack of private amenity space for residents
- quality of the public realm due to overshadowing
- lack of provision in the development for children or to be child-friendly design
- height of the development and impact on views and character
- lack of affordable housing
- lack of green infrastructure to create wildlife corridors and mitigate air quality issues
- flood risk concerns
- health and safety concerns for future residents
- lack of parking spaces
- architectural design of insufficiently high quality

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

**BEDMINSTER BUSINESS IMPROVEMENT DISTRICT (BID) – SUPPORT**

The Bedminster BID stated:

“Overall strongly in favour of development on condition:

1. Clear, attractive, safe (active ground floors) routes connecting the Green Bus Stops and East St (through SCP and one other (Little Paradise / Stafford?)
2. Metrobus diversion reviewed only when East St improves via: new demand and major physical improvements via s106 and CIL
3. High environmental standards particularly through limited car ownership (given poor air quality) and place making encouraging attractive walkable urbanism
4. The BID holds no views on building heights - but does have a preference for a scheme to be delivered quickly”

**THE CONSERVATION ADVISORY PANEL – GENERAL COMMENT**

The Conservation Advisory Panel commented:

“The site was only partly in the conservation area but would have a significant impact on the conservation area and East Street. The Panel considered that the buildings had no reference to the context as all the buildings were very rectilinear and all in the same orientation rather than responding to the site boundaries. The proposals were out of scale

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with their location. In addition, the proposals were not in accordance with the Urban Living SPD. The enormous new buildings would create extensive overshadowing to the north across the other properties on East Street.”

**BRISTOL CIVIC SOCIETY – OBJECT**

While supporting the principle of redevelopment and regeneration on the site, Bristol Civic Society object the application as proposed and raised concerns relating to:

- failure of the proposals to meet the design requirements of the Urban Living SPD, including the requirements for tall buildings
- failure of the proposals to demonstrate a high-quality design
- lack of affordable housing
- impact on views
- the relationship of this proposal with the wider Bedminster Green area

[full comments from Bristol Civic Society are available on the BCC online planning portal]

**Response from external consultees**

**ENVIRONMENT AGENCY – OBJECTION**

The full response from the Environment Agency on the application as originally submitted is provided below:

“We object to the application as submitted in respect of flood risk and risk to controlled waters for the reasons outlined below:

*1) Flood Risk*

The applicant has failed to demonstrate that the development can be made safe for its lifetime taking into account the impacts of climate change. We have reviewed the submitted Flood Risk Assessment (FRA) (Hydrock September 2018 C-08012-C 9 October 2018) has not assessed the impacts blockage of the culvert upstream of the site, ‘Main River’ Malago would have on flood depths/levels/flow routes at the site. The application fails to demonstrate the safety of the development for its lifetime. In the FRA, the 1 in 200 year (0.5%) event has only been considered with climate change up until 2110. For the lifetime of the development this should be extended until 2118 and a freeboard allowance of 300mm should be applied. Bristol City Council, as the Lead Local Flood Authority, should be consulted on the surface water drainage proposals for this site. The Local Authority Emergency Planner, must be consulted on the flood warning and evacuation proposals for this site.

The application as submitted is contrary to paragraph 155 of the National Planning Policy Framework (NPPF).

*2) Groundwater and Contaminated Land*

The submitted report provided to address contamination fails to provide reassurance that the proposals will satisfactorily address risks to controlled waters. We have reviewed the report by Hydrock ‘St Catherine's Place, Bedminster, Bristol - Desk Study and Ground Investigation’ dated September 2018. The report does not give the Environment Agency the confidence that, in accordance with the NPPF, this development will “enhance the natural

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and local environment" or that the risks will be adequately address in accordance with the relevant sections concerning land contamination within the NPPF.

We are concerned that the report highlights some potentially significant contamination in soils and groundwater. Hydrock state that this is likely associated with the wider area. However, this has not been adequately demonstrated as a plausible scenario. Additionally, based on the plan provided in Appendix E it would appear that there was poor exploratory hole coverage at the site, possibly due to obstructions? Despite what we feel is a less than adequate conceptual model and risk assessment and an apparent gap in site investigation data Hydrock have recommended no specific remedial action with respect to controlled waters and say that "as the whole site is proposed to be covered by hardstanding which will reduce the potential of leaching of contaminates form site and would results in a reduce contaminant loading within the groundwater". We do not accept this approach on the basis of the information available and feel that the applicant should fundamentally rethink the apparent gaps in site investigation and provide a plausible conceptual model and risk assessment. Once we have confidence that the applicant understands the risks then we can have confidence in any remedial approach presented, at which point we may be able to consider removal of our objection.

The application as submitted is contrary to paragraph 178 of the NPPF.

*Overcoming our objection*

It may be possible for the applicant/agent to overcome our objection by submitted information addressing the above points to our satisfaction. This should be submitted directly to the local planning authority. We will provide bespoke comments within 21 days of receiving your formal re-consultation. General guidance Any works within 16 metres of the Tidal Main River Avon and Floating Harbour and 8 metres of the Main River Malago, in addition to planning permission will also require a Flood Risk Activity Permit from the Environment Agency under the Environmental Permitting Regulations. Further details can be found on the following link: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

*Note to local planning authority*

As you may be aware, the Environment Agency is developing a project to install a trash screen on this culvert upstream of the site which (subject to available funding) would benefit the proposed development by reducing blockage risk. This development offers the opportunity to work together to increase the certainty of installing a screen in this location. We are also discussing this with other plots as part of the wider Bedminster Green development. End 3 If you are minded to approve the application contrary to our objection and local/national planning policy, it is considered essential that you contact the Environment Agency using the details below to discuss the implications prior to determination of the application."

Comments from the EA in relation to the revised details is still awaited. No comment was provided in time for this report. An update to Members will be provided by way of the Amendment Sheet.

**BRISTOL WASTE – OBJECTION**

Bristol Waste have raised concern over the proposed provision within the scheme for residential waste and recycling storage and collection, which it states does not meet the recommendation levels of provision. Bristol Waste have raised concern with the location, access and size of the refuse areas within the scheme, including the safety and suitability of

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road access for collection operatives and their vehicles. Bristol Waste have also identified that the scheme does not specify any refuse or recycling arrangements for the commercial/retail units, which must be kept separate from any residential refuse storage. Arrangement for existing properties on the site have also not been identified by the applicant.

Bristol Waste consider that the Refuse Strategy submitted with the application is of insufficient detail and a more comprehensive Waste Management Plan should be produced.

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

**HISTORIC ENGLAND – NO OBJECTION**

Historic England have stated no objection to the application on heritage grounds. In conclusion, the response stated:

*“Historic England has no objection to the application on heritage grounds. In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.”*

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

**Response from internal consultees**

**CITY DESIGN GROUP – OBJECTION**

The City Design Group provided initial comments to the application in December 2018, stating that a number of concerns with the design of the scheme that were raised at pre-application remain unresolved and that the scheme has had little positive change since pre-application discussion. In particular, CDG raised concerns relating to:

**Block A**

- the design of Block A, its depth and its relationship between its three components is of significant concern due to its landmark building nature
- the under-provision of public realm and approach to Block A at ground level
- the lack of legibility between the rear element of Block A and its surroundings, due to its height and scale
- CDG recommend that the number of residential units in Block A is reduced by approximately 42 to enable an increased set back from Malago Road.

**Block B**

- the height of the building has been increased by a storey from pre-application proposals, which CDG consider no longer creates a step-down from St. Catherine's House. CDG recommend that this building is reduced by a storey and returned to the pre-application design

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Block C

- concerns raised at pre-application regarding the retention or replacement of street trees and the closing of the service yard gap/improvement of the side elevation have not been resolved in the application design

Blocks D and E

- concerns were raised at pre-application relating to the opportunity of these blocks to add to the quality of East Street
- CDG recommend that these blocks are reduced by at least one storey (consistent with advice provided on application in the vicinity of this scheme – Little Paradise, reference: 18/06722/F and Leicester Street, reference: 19/01639/F)

Following the submission of revised plans in September 2019, the CDG provided further comments on the application in October 2019, setting out their final position on the proposals. The CDG objects to the proposed development on the basis of the development approach, the public realm, provision of outdoor space, children's play, internal configuration and circulation and the height, scale and massing.

CDG provided a summary of their comments, below:

"The scheme proposes the redevelopment of the site to provide 205 dwellings arranged over 4 to 16 storeys over 5 buildings and includes the refurbishment of existing retail units, new commercial space and a cinema. Please refer to previous comments for a description of the site and its context. The proposal has been subject to previous comments by CDG, the most recent of which in July 2019.

The proposal is distinct from a previously consented scheme for the site 13/05616/. The amount of development has increased significantly and the retention/conversion of St Catherine's House has fundamentally changed the nature of the site and therefore the manner in which redevelopment can occur. St Catherine's House has undone site layout principles established by the extant permission and importantly the Bedminster Green Framework (BGF). When establishing the principles and opportunities for the site, the BGF assumed the loss of St Catherine's House in favour of comprehensive redevelopment. Unfortunately, the proposal has failed to achieve an acceptable site layout that makes sense in relation to St Catherine's House. The tallest element (16 storeys) now crowds the site resulting in unacceptable compromises in several areas including living standards for existing residential units, shared amenity and key public realm aspirations identified within the BGF.

It is worth noting that the BGF was prepared following a clear policy shift in favour of higher densities and the acceptance of taller buildings. As such, the framework already embeds a high-density presumption and sets out a number of key principles required to achieve this. Therefore, any schemes seeking maximum development levels within the framework area must also achieve exemplary design quality and urban design response in relation to the Urban Living SPD.

Urban Living assessments have highlighted how the scheme has failed to resolve higher density through thoughtful design, identifying a number of core concerns summarised below. There are also concerns with regard to contextual response by way of height, scale and massing and overall design quality.

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Development Approach

- A 'maximised' development approach to the site which fails to deliver the place, context and liveability aspirations of urban living.

Public Realm

- Insufficient provision of new public realm and green infrastructure to support the intensification of the site and a failure to achieve the quality aspirations of the BGF.
- Unresolved treatment of existing public realm to successfully embed the scheme into its context and create successful public spaces.
- Public realm that lacks the qualities needed to mitigate the impacts of urban intensification. The scale of public realm does not meet the scale of new buildings.

Provision of Outdoor Space

- Insufficient and low quality shared amenity space, which is not successfully offset by the provision of onsite public realm or proximity to public space.

Children's Play

- Limited indication of how children have been considered in the design. The only meaningful amount of space accessible to children is in Block A. Block B, C, D and E will be forced to rely on access to public realm and offsite provision.

Internal Configuration and Circulation

- Unresolved internal configuration which fails to meet recommended liveability criteria.
- Significant negative sunlight/ daylight impact on existing dwellings.

Height Scale and Massing

- Unresolved scale, massing and architectural treatment which fails to appropriately respond to the existing character and the emerging context of which St Catherine's House now forms a part."

Conclusions/Recommendations

Whilst St Catherine's Place sustainable location and current low intensity usage, lends itself to a more intense form of development as part of a wider regeneration effort, there is a concern that the current proposals have 'maximised' rather than 'optimised' densities, and as such have negatively impacted on related goals of successful placemaking, relating to context and liveability; therefore representing an over-intense development of the site. The comments above highlight how the scheme departs from Local Plan policies and Urban Living SPD guidance, as well as the Bedminster Green Framework. As such a recommendation for approval could not be supported on design grounds.

[full comments from the City Design Group are available on the BCC online planning portal]

**TRANSPORT DEVELOPMENT MANAGEMENT – OBJECTION**

TDM consider this has been brought to committee prematurely and therefore cannot recommend approval in the absence of a completed Strategic Transport Assessment (STA) for the entirety of Bedminster Green.

The STA is being undertaken by PBA consultants on behalf of the wider Bedminster Green consortium (also including Dandara, A2 Dominion and Deeley Freed) and will confirm:  
- an agreed corridor improvement scheme for the A38 Malago Road

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- an agreed series of options for a segregated cycle route on Whitehouse Lane, and
- an agreed package of section 106 contributions towards:
  - Restrictive parking measures in the surrounding area (potential RPS)
  - Travel Planning, Management, Engagement and promotion
  - The provision of electric-powered car club vehicles
  - Other impacts or accessibility requirements arising from the STA.

TDM is confident these matters can be resolved but unfortunately this will not be in time for 20th November. For the benefit of committee members, the current position on the above (and other internal site matters) is provided below:

**A38 Malago Road Corridor Improvement scheme**

TDM have been working collectively with the Bedminster Green (BG) developers and PBA on their evolving application proposals and the subsequent A38 highway corridor design. The objectives of the A38 improvements are required on the basis of the increased trips generated across the entirety of the 1,000+ residential dwellings that are proposed and the policy requirements to maximise sustainable travel and minimise negative impacts upon public health.

The key objectives of the A38 scheme are as follows:

- Prioritise public transport through the delivery of additional bus lanes
- Improve the experience of public transport user through high quality bus stop facilities
- Ensure sufficient access for pedestrians through 3m minimum-width footways
- Relocate / introduce new pedestrian / cycle crossings to fit future desire lines
- Provide safe and segregate cycle linkages to the city centre via Whitehouse Lane and Dean Lane
- Ensure the above interventions fit with the need to deliver a high quality and attractive public realm, safeguarding existing trees and providing safe and legible routes.
- Each of the above principles is set out in the Developer Framework document as agreed with the Bedminster Green developers and passed by cabinet in March of this year.
- TDM consider the A38 design is close to being finalised but at the time of writing a final drawing has not yet materialised and therefore is unable to inform what will be key and long-lasting planning decisions for this area. This also means the scheme cannot be costed and consequently, the CIL / s106 asks cannot be confirmed, creating further uncertainty and risk to BCC.

Elsewhere, there are unresolved matters associated with the future of Whitehouse Lane and Hereford Street which, whilst it does not affect the frontage of this site require to be discussed and reviewed with local members and other stakeholders - this cannot happen until the STA is finalised and shared more widely.

As such, TDM has been waiting a number of months for matters to be resolved, but the critical matter for this site relates to the A38, the location of the northbound bus stop and the completion of a general arrangement.

**Delay to agreement of A38 scheme**

Previous designs for the northbound bus stop provided by the developers' transport consultant located this within the bus lane alongside St Catherine's Place. However, scrutiny by BCC's highway engineers confirmed that a stationary bus located within this stop would obscure the visibility of the pedestrian crossing signal heads to oncoming traffic, whilst also

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resulting in stationary buses obstructing non-stopping buses where the general traffic running lane is congested as currently occurs.

Therefore, BCC TDM required this stop to move further into the St Catherine's Place site (via a layby). This was raised with the BG developers in January of this year. However, the applicant would not agree to it. An alternative was therefore required to be proposed, and has been agreed in principle, but awaits sign off from the BG consortium before wider circulation.

Until these matters are resolved and in the absence of the completed STA Transport Development Management are not in a position to offer a positive recommendation for this proposal. This is consistent with the recent application for the Pring & St Hill site. To do so represents an unacceptable risk to the highway authority and the ability to deliver the improvements bulleted above.

Drawings submitted by the applicant to attempt to address this are incomplete as they do not indicate the full extent of the works. Therefore, no tie-in to the remainder of the A38 works can be demonstrated.

#### Frontage

Notwithstanding the above, the submitted site plans do not accurately demonstrate the proposed A38 highway corridor. A full A38 composite drawing including each of the BG developers' proposed building footprints was requested at developer meetings in September and October. This is not a demand for detailed design but diligence on behalf of the highway authority who need to be assured that none of the developments will impact negatively on the need for each site to be accessible by sustainable modes of travel. This was requested for the length of the A38 between the Pring & St Hill site and Dalby Avenue.

A composite plan is required that demonstrates the emerging A38 highway corridor plans overlaid with the St Catherine's Place frontage plans. This composite plan must also demonstrate the highway extent. This will enable TDM to assess the impact the development would have on the A38 scheme and also understand which sections of land and current BCC structures will require stopping up/ dedicating as highway. It is unclear if the elevated section of the proposed building will be overhanging the highway given no composite plan has been provided.

It is also unclear if the developer will be responsible for the landscaping towards the frontage of the site along Dalby Avenue given the highway extent is not shown. TDM would in any case not seek to adopt this landscaping and would therefore not be responsible for its maintenance.

Along the northern section of the site the status of the street trees are unclear. If the trees are to remain, additional footway width is required along the site frontage to accommodate a 2m footway with an additional 0.5m of buffer. TDM seek clarity on which iteration of the A38 highway the scheme if any the proposal ties into given the status of the land to the front of the pumping station along this section of Dalby Avenue has yet to be finalised.

Once the A38 highway corridor is in a position to be finalised the discussions between the applicant and TDM regarding the frontage can be concluded.

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Servicing

TDM are disappointed with the lack of clarification provided on the servicing arrangements of the development. The largest vehicle to service the site has not been stated and TDM have no confidence the developer will be able to limit this given the status of the commercial units.

The applicant is aware that the servicing arrangements to the rear of the site are critical for the design and development of the surrounding streets, including Stafford Street, Little Paradise and Leicester Street. However, the lack of information provided will not inform this piece of work. Whilst a swept path analysis is provided for an 11.4m refuse vehicle for the emerging scheme (by the neighbouring developer) we are yet to receive surety (and a written confirmation) that the St Catherine's Place retail units will not require a larger vehicle.

The detail provided in the revised Transport Statement is unhelpfully scant in this regard and does not answer the question.

As discussed within the site-specific meeting held on the 15th August 2019 the applicant had stated they would be instructing their consultant to provide further assessment of the servicing regime of the site with specific consideration given to the link. This is critical in ensuring the design of the route can accommodate pedestrians, cyclists and servicing vehicles safely.

This information cannot be conditioned until later once building lines are set and given the critical nature in determining the outcome of these plans. TDM urge the applicant to work with the developer on Plot 4 of Bedminster Green and ourselves on this matter.

TDM therefore cannot support the development on the basis of failing to provide sufficient details of servicing requirements and as a consequence failure to inform the local infrastructure required between the St Catherine's Place and Little Paradise schemes.

Car Parking and prohibition of RPS permits

A total of 22 residential car parking spaces are proposed within the mezzanine level car park within Block A, for sole use as allocated parking by the residential dwellings. No resident parking scheme permits 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.

In the event that all other matters are resolved, we 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. To not do so (as we have seen in other developments) results in future residents thinking they are entitled to permits, being refused and then taking up considerable officer time appealing / contesting this policy.

Car parking for the commercial uses will be reduced, with the 21 spaces in the north east car park being reduced to three, and the informal parking adjacent to Mill Lane being formalised into 15 spaces. For the residential spaces, a condition would be required ensuring active electrical charging provision for 20% of these and passive provision for the remaining 80%.

The updated transport statement states 3 disabled bays have been provided however it is unclear where these have been provided as the rear and side hatched markings have not been demonstrated. When applying BCC minimum standards a total of 12 disabled spaces are required. Furthermore TDM are unable to assess the suitability of the parking adjacent to

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Mill Lane is given the lack of information submitted regarding the size of the maximum delivery vehicle.

TDM therefore cannot support the development on the basis of failing to provide sufficient disabled parking.

#### Parking Impacts

In this location and elsewhere in the City, the matter of overspill parking is causing considerable upset locally.

Low vehicular parking numbers are only effective when backed by strict on-street parking controls in areas that are likely to suffer the most from overspill parking. Financial contributions are expected from this development for BCC to implement measures to avoid this situation.

Without adequate restrictive parking measures it is without doubt that a development with such a low parking number would have an impact to on street parking. Areas outside of the residents parking zone already experience parking congestion, which is reflected in our own observations and by objectors in the consultation responses. Further intensification of parking (without mitigation) would create pinch points onto junctions and over drives, resulting in cars reversing, sometimes into junctions. The result would create unsafe overspill parking, increase the amount of footway parking and cause obstruction to the accessibility of pedestrians and wheelchair / pushchair users to the detriment of safety, contrary to policy DM23 of the Site Allocations and Development Management document.

A scheme of restrictive parking measures is therefore an essential piece of mitigation for each of the Bedminster Green developments, and as part of this TDM expects each development to contribute towards BCC delivering such a scheme in this area. However, until the size, scale and scope of any new RPS (and extensions to existing operating hours) is defined within the TA, the level of contribution cannot be calculated at this time, although the BG developers have been briefed on the basis of expecting a total outlay of up to £900,000 based on 2015 resource costs.

#### Cycle Parking

The submitted plans do not demonstrate sufficient cycle parking. The design of the cycle store is unclear and in any case it has not been demonstrated this store would be able to accommodate sufficient cycle parking numbers. As per BCC minimum standards 334 cycle parking spaces would be required for the residents of the development with a further 20 provided for visitors.

It is unclear how many seats the cinema will contain and therefore TDM are unable to infer the cycle parking standard for this use. In terms of commercial uses four spaces will be required, two for staff and two for visitors.

Cycle parking will need to be located at various locations around the site to enable adequate access and parking for both visitors and residents. Sheffield Stand cycle parking is required on site.

TDM is unable to recommend approval on the basis of the level of cycle parking shown and this is therefore contrary to policy.

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Travel Plan

Having consulted the travel plan officer the submitted travel plan is deemed to be insufficient. Interim targets are required and it is also essential to agree a travel plan budget before any approval. The action plan needs to be updated to include sustainable travel vouchers such as bus/bike/car club.

As part of the audit and management process BCC will need to be invited to an initial travel plan steering group meeting and then ongoing quarterly update meetings. Any changes to the action plan and budget will need to be approved by this group with approval of the local authority. This will need to commence at least 3 months before first occupation.

As part of the audit BCC will need to see evidence that the travel plan is being implemented. This will include copies of invoices and copies of travel information materials. Ongoing monitoring over 5 years will be required to ensure targets are being met.

Alternatively, Bristol City Council will undertake the implementation of the Travel Plan on the applicant's behalf for an Implementation Fee of £139 per dwelling, or £32,175. By paying the Travel Plan Implementation Fee the developer will be released from travel planning obligations over a 5-year period.

In the event that the applicant insists that they will undertake the travel plan, a separate monitoring fee will be required, and it is likely that a bond will be required to be able to be called in by the local authority in the event that compliance is not reached.

Highway Works (s278 and Structures)

As covered earlier, a scheme of developer-delivered highway works is required along Mill Lane, Leicester Street and Little Paradise in conjunction with Dandara on Plot 4 in order to access both of these developments. These works are directly related to the development and are required to be secured by condition and undertaken by the developer under a s278 highway works agreement.

As normal, this will require the appropriate technical approval and inspections process, the securing of a highway bond and the payment of technical approval and inspection fees to cover the council's costs in approving and inspecting the works. Any works to the highway are illegal in the absence of a signed agreement and the granting of technical approval. Similarly, this will apply to the stopping-up / filling in of existing subway and steps on the northern side of the A38. TDM is unaware that sufficient discussions have taken place with BCC Highway Structures concerning this matter. Any excavation / fill adjacent to the highway being retained needs a formal structural approval through the AiP process.

In relation to Mill Lane and Leicester Street, the extent to which this applicant delivers / designs such works has not been fully discussed with the neighbouring developer and TDM in sufficient detail, where this development is particularly reliant upon Mill Lane and Leicester Street for access. The current environment to the rear of St Catherine's Place in this location is poor and this matter needs to be resolved, with works and responsibilities agreed before TDM would be in a position to recommend approval of this development. In the absence of this it is not possible to write a suitably worded condition.

S106 Contributions

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As raised previously, section 106 contributions are required for the following as discussed in numerous meetings between BCC, TDM and the applicant. These are summarised below:

- Residential Parking Restrictions
- Car Clubs and the associated infrastructure
- Travel Plan Management / Delivery fees
- A38 and Whitehouse Lane scheme equitable costs over and above what CIL covers
- Additional measures arising from the outcome of the Strategic Transport Assessment

**Recommendation**

At this point in time TDM can see pathway forward that would make this development acceptable, subject to addressing the matters raised above.

However, at this moment in time and on the basis of the information provided to date, TDM is unable to recommend approval of the application which should be refused on the following grounds:

- 1) Compliance / fit with the A38 corridor works has not been demonstrated
- 2) Failure to agree a package of s106 contributions
- 3) Insufficient cycle parking provision
- 4) Failure to confirm / demonstrate servicing requirements
- 5) Submitted Travel Plan unacceptable

**TREE OFFICER – OBJECTION**

The Tree Officer stated an objection to the revised scheme:

“The proposed development seeks to remove 7 trees, 3 of which are category A & B trees, as defined within the arboricultural report, that have sufficient merit to warrant a tree preservation order. 30 replacement trees or a pro-rata financial contribution of  $30 \times 765.21 = £22,956.30$  is required to mitigate the loss of these trees. Currently 4 indicative trees and 5 large shrubs have been proposed as mitigation for the loss. I do not agree with the comments made in section 8.3 of the Landscape and Visual Impact assessment.

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.

The proposed has made no attempt to mitigate the loss of significant trees that contribute to the wider amenity of the area; even though the size of the buildings are maximising the development potential of the site.

Due to the lack of consideration of BCS9, DM15, DM17 and the Planning obligation SPD I strongly object to the proposal and recommend refusal on the above grounds.”

**NATURE CONSERVATION – COMMENT**

The Nature Conservation officer has commented on the application, stating:

“Demolition works are proposed to buildings which have the potential to support roosting bats. All species of bats and their roosts are legally protected. A bat building inspection

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which also includes a survey for signs of nesting birds should be undertaken by a qualified ecological consultant prior to the determination of this application and in accordance with central government guidance, the survey should not be conditioned. The bat building inspection survey should meet the current Bat Conservation Trust survey guidelines.”

As most of buildings onsite that are not proposed to be retained have already been demolished, it is considered that an advisory attached to any decision would be sufficient to ensure that no bats or bat roosts would be affected by the proposals.

**FLOOD RISK TEAM – OBJECTION**

The Flood Risk officer has objected to the application as submitted, stating:

*“We have reviewed the above application and as it stands, as the Lead Local Flood Authority, we would object to this application. This is because the plans do not follow the framework flood risk assessment that was commissioned by the land owners. This should also follow the emerging New Urban Quarter Bedminster Green Place-Making Framework. It does not facilitate use of greener SuDS techniques, prioritised using the SuDS hierarchy. Nor does it reduce the existing site run off significantly.”*

In response to the revised scheme and the submission of the Flood Risk Technical Note (Hydrock, September 2019), the Flood Risk officer provided the following comment:

On review of the Flood Risk Technical Note and Addendum, compared against the original comments provided below, it appears the FRA recommendations have been taken into account for the flood risk posed to the development. This is deemed as a main river issue though so the EA's verdict on this is most important due to their main river responsibilities.

There appears to not be an update on the drainage strategy which relates to surface water management that would come under the responsibility of BCC as the LLFA. We would still be looking for this aspect to be addressed with a preferred SuDS solution providing reduced run off rates.

**PUBLIC PROTECTION (CONTAMINATED LAND) – COMMENT**

The Public Protection (Contaminated Land) Officer stated:

“We refer to our previous comments, 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 with respect to the development site in correspondence with the consultants at Hydrock.

We are satisfied with the human health risk assessment however as the Environment Agency have previously objected to this application on 3rd December 2018 with respect to controlled waters therefore we cannot support granting of a decision at this time with respect to contamination as a whole.

If planning is granted by the committee conditions must be applied, however we cannot guarantee these conditions will be satisfactory in resolving the Environment Agency objection.

These would be the standard EA conditions:

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- Remediation strategy (including risk assessment)
- Verification
- Reporting of unexpected contamination”

**ECONOMIC DEVELOPMENT – NO OBJECTION**

The proposed development supports the aim to diversify the economy within the area by providing a cinema and a mix of restaurants and cafes, however we would query why the Planning Statement does not cite Policy DM7 (Town Centre Uses) and Policy DM8 (Shopping Areas and Frontages).

The above would help to increase footfall within the area and in turn support the existing centre. The retention of existing retail units is supported, however there seems to be a lack of information regarding whether it is intended for these to be refurbished or whether they will remain as existing.

**POLLUTION CONTROL (ENVIRONMENTAL HEALTH) – COMMENT**

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

“An acoustic report has been submitted with the application and this largely deals with the insulation of the proposed residential buildings against the existing noise environment, predominantly traffic, along with giving noise limits for any external plant for the development. I would confirm that I am happy with the contents of report with regards to sound insulation and ventilation strategies for the residential and the noise limits proposed for plant noise.

The acoustic report does not however deal with the potential for noise from the commercial parts of the development, which includes a cinema and A3 uses, from affecting residents of this development or existing residents in the area. I would be happy for this information to be provided by condition.

I also have some concerns regarding the potential for nuisance from demolition and construction works at the site and would therefore ask for conditions should the application be approved.”

**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.”

**SUSTAINABLE CITIES TEAM – COMMENT**

The Sustainable Cities team provided initial comment in May 2019, stating objection to the proposed development due to non-compliance of the proposed energy strategy with BCC policy. Further information was requested relating to various aspects of the energy strategy, including heat recovery, PV panel provision, overheating, BREEAM pre-assessment and construction waste management.

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In response to the additional information, submitted in September 2019, the Sustainable Cities team provided the following comments:

“Whilst some of the issues raised in my previous comments have been addressed there a number of outstanding issues which would need to be resolved prior to approval of the application.

**Energy Strategy**

The strategy for delivering heating and hot water may now comply with BCS14 given the proposal to use of CHP designed to allow connection to the heat network. However, according to the Energy Statement the Heating and Hot Water strategy in the residential units is still being developed. This needs to be clarified now and prior to approval. Further clarification is also required on the energy strategy in the non-residential units.

Clarification is also required on discussions with the council's Energy Services team and specifically the date on which heat would be required and whether BCC is proposing to provide a day-one connection to the heat network.

**BREEAM**

A BREEAM pre-assessment of the non-residential elements of the scheme is still required, to demonstrate that these are capable of achieving BREEAM Excellent.

**Overheating**

The overheating assessment provided is noted.

This shows failures i.e. overheating, in bedrooms and a living room under the 2020 weather file and bedrooms under the 2050 weather file.

The Energy Statement and design specification should be revised to show how this risk will be addressed in order to ensure that all rooms are resilient to overheating during the lifetime of the scheme.”

**AIR QUALITY – COMMENT**

The Air Quality officer has recommended that conditions are applied to any consent if granted. The officer's comments in full stated:

“I have reviewed the air quality assessment for this development...”

The assessment concludes that impact at all locations using the ADMS model is negligible under all scenarios. Using the AERMOD model, under a conservative scenario where road emissions do not improve between 2016 and 2019, a moderate impact is predicted at 2 locations. Our monitoring data already shows that concentrations have fallen since 2016, so it is reasonable to work on the basis that road emissions will improve further to 2019, when the development opens.

The scenario also includes a conservative assumption that the heating plant operates for every hour of the year, which is clearly unrealistic. The difference between the moderate and negligible impacts under these scenarios is small at 0.05  $\mu\text{g}/\text{m}^3$ . In practice this is a difference that would be undetectable by measuring instruments and because of the

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conservative assumptions mentioned it is my judgement that a moderate impact will not arise in reality.

I recommend that the mitigation measures listed in section 7.1 and Appendix A are conditioned, especially the minimum exit velocity for stack emissions, which should give even greater certainty in terms of achieving a negligible air quality impact. If this is agreed, I offer no objection to the development on the grounds of air quality.”

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

**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) 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 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.

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.

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.

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

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The proposed scheme would be situated on a brownfield mixed-use site, of which the existing commercial uses (retail units) are largely vacant and underused.

The principle of redevelopment of the site for a mixed-use scheme including commercial and residential uses has been established by an extant 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.

Furthermore, 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 system (application reference: 17/03849/COU) and a subsequent consent (17/05699/F).

In providing 205no. residential units, the proposed scheme would represent an increased density of development in comparison to the extant permission, however in pure land use terms, 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.

In terms of housing mix, the proposed development would provide 76no. one-bedroom dwellings, 122no. two-bedroom dwellings and 7no. 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 extant consent and the Bedminster Green Framework which 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."* As such, the housing mix is considered to be acceptable.

The proposed development also proposes to retain and enhance existing retail units on the site (approximately 2500sqm), while also developing 844sqm of new A1, A3 and D2 uses comprising a cinema, a café and retail. 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.

The proposed non-residential uses, including the cinema, are considered to be complimentary to the existing retail uses and considered to support both the regeneration of the Bedminster Town Centre and the aims of the Bedminster Business Improvement District (BID).

It is concluded that the development is acceptable in principle.

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

The proposed scheme is 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. 205 dwellings are proposed

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and therefore the scheme is required to comply with Core Strategy Policy BCS17, which seeks the provision of up to 30% affordable housing (62 affordable dwellings in this case) from development schemes in South Bristol, subject to scheme viability.

It should be noted that when the application was originally submitted, the proposed scheme comprised 271 dwellings. It has subsequently been reduced in scale due to design concerns.

The approach to be taken in assessing whether a scheme is viable is set out in the Viability section of the government's Planning Practice Guidance (PPG). This was most recently revised in May 2019.

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 statement 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 has consistently claimed that the proposed scheme (both in its originally submitted and subsequently amended form) is unable to provide any affordable housing and has commissioned Avison Young to produce Viability Reports evidencing this. Officers commissioned Lambert Smith Hampton to assess the viability information and advise the Council as to whether the conclusion of the Avison Young Viability Reports was reasonable.

The following paragraphs of this Key Issue deal with the viability of the 205-dwelling scheme; though it should be noted that the viability of the originally submitted 271-dwelling scheme was also assessed.

Avison Young submitted a Viability Report in respect of the 205-dwelling scheme in September 2019, and this has been assessed by Lambert Smith Hampton. Many of the inputs into the Avison Young Viability Report are agreed, including the BLV, which is so often an area of disagreement.

However, there are three main areas of disagreement, which make a significant difference to the viability of the proposed scheme and these are set out in the table below.

<b>Input</b>	<b>Avison Young</b>	<b>Lambert Smith Hampton</b>
<b>Residential Sales Values</b>	£59,999,364	£66,916,000
<b>Price to be paid for affordable dwellings</b>	50% of open market value	55% of open market value
<b>Build Costs</b>	£43,245,227	£41,890,175

Based on the Lambert Smith Hampton inputs, it is concluded that the scheme could provide 43 affordable dwellings (21%). The Council's need is for 77% of affordable housing to be

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social rent and 23% of affordable housing to be shared ownership, and this would result in 33 social rent dwellings and 10 shared ownership dwellings.

The applicant is not prepared to offer to provide the level of affordable housing recommended in the Lambert Smith Hampton Report. At the point of drafting this Key Issue, the applicant has provided a response to the Lambert Smith Hampton evidence (which is in the process of being reviewed). Based on the Lambert Smith Hampton evidence, officers recommend that the scheme be refused as it fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.

However, should committee resolve to approve the proposed scheme with no affordable housing provision, then it is recommended that a review mechanism is required to be included in a Section 106 Agreement. This will ensure that the viability of the scheme can be reassessed at various points during its development to see if it is able to provide affordable housing, either on-site or via a financial contribution.

It is important that committee is aware that much of the difference of opinion in respect of sales values relates to benchmarking against prices from very recently released developments in the vicinity of St. Catherine's Place. These developments show a significant uplift in values from those previously achieved in the local area. Discussions remain ongoing between Avison Young and Lambert Smith Hampton in respect of this matter, and the outcome of these discussions may result in changes to the affordable housing position.

Any updated position will be set out in the Amendment Sheet, and a verbal update will also be provided to committee.

It is also important for committee to be aware that the applicant is in discussion with the Council's Housing Team regarding the provision of affordable housing using grant funding. This means that the developer would be providing affordable housing, but at no cost to the development, as the use of grant funding would mean that the housing association would be paying nearly full open market values for the affordable properties. This affordable housing would be provided outside of the planning system, would not be secured through any s.106 agreement and as such, it is not a material consideration in the determination of this planning application. The Council's planning policies are clear that affordable housing provided through the planning system should be provided by the developer with no grant being applied.

The recommendation in respect of Affordable Housing provision is that the application be refused as the proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.

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

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 requires all major developments to respond positively to its context. This should identify the prevailing height, scale and mass of surrounding buildings, streets

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and spaces. It further outlines that for tall buildings proposed in sensitive locations particular consideration should be given.

The Bedminster Green Framework sets out the requirement for new development within the framework area to provide distinctive, high quality architecture and public realm to create a strong sense of place, vitality and identity for the area. This is in recognition of the current lack of identity in Bedminster Green and the opportunity available through appropriate development to create a new urban quarter which is also legible, active and enjoyable at street level.

The City Design Group have objected to the proposed development on design grounds. The CDG states that the Bedminster Green Framework embeds a presumption for high density development and taller buildings at this site, whilst also setting out a number of key principles required to achieve it, including exemplary design quality and an urban design response relating to the Urban Living SPD. The CDG raise concerns in particular relating to public realm, outdoor amenity and play, internal configuration and the overall height, scale and massing. These are considered below in turn.

i) Public realm

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. 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. 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 identifies that all four frontages on the edges of the proposed development fail to meet the requirements set out in policy to deliver a sufficiently high quality public realm, particularly given the scale of the development proposed. For example, the set-back of the development along Malago Road (fronting onto Bedminster Green) is insufficient to create the vision of the Bedminster Green Framework for an 'Avenue of Trees' and which would create a functional, comfortable pedestrian environment along what would be a main transport corridor on the A38. This is particularly evident at Block A whereby the footpath width to the front of this 16-storey building is only 1.9 metres in width at its narrowest point, increasing to 3.6 metres at its widest point.

Concerns are also raised over the quantum of public realm at the base of Block B along Dalby Avenue and the 'pocket space', the amenity of which is questionable given its location between two tall elements of the scheme. While improvement to the public realm within the square of St Catherine's Place is noted, it is considered that opportunities to improve the public realm at Mill Lane have also not been sufficiently explored.

In summary, the maximised footprint of the development is considered to have inhibited the design quality and the quantum of the public realm at the site frontages, which fail to meet the requirements and policy aspirations set out in DM27, DM28, the Urban Living SPD and the Bedminster Green Framework.

ii) Outdoor space and children's play

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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 1282sqm of private open space for the scheme as currently proposed. Approximately 1329sqm is proposed to be provided as a mix of private and communal open space.

While it is noted that the quantity of amenity space is met in accordance with the Urban Living SPD, the function and quality of this space is also an important consideration. The location of communal roof terraces on the 9<sup>th</sup> and 11<sup>th</sup> floor of Block A, without any indication of wind protection, would result in an unpleasant environment. Further communal space at the mezzanine of Block A is considered likely to be overshadowed by surrounding tall buildings and subject to wind tunnel effects. Balconies on the residential units are also considered likely to be affected by air and noise pollution from Malago Road. The quality and utility of this outdoor amenity space is therefore considered insufficient.

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, as least 27 children would live across the scheme, yet there are limited opportunities for play within it. Particular concern is raised over the lack of private or communal amenity space for residents of Blocks C, D and E, which is not compensated for by sufficient access to high quality public realm across the rest of the site.

In summary, it is considered that the design does not demonstrate how children and children's play has been accommodated as per the requirements of the Urban Living SPD, providing a suitably high-quality environment for residents of all ages.

### iii) 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.

It is considered that the utilisation of standard floor plate arrangements in the development design fails to provide an appropriate response to the site context and create a high-quality living environment. For example, the layout of Block A creates a high proportion of single aspect units with potential for obstructed light and outlook, particularly at lower levels. This is not in accordance with the high-quality design requirements of Policy BCS21, nor the expectations set out for higher density development in the Urban Living SPD and the Bedminster Green Framework.

### iv) 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. However, it emphasises the importance of composition of taller buildings, to 'step down' and transition toward lower adjoining areas.

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Whilst recognising that the extant permission establishes the principle of a taller building on this site (at 16 storeys), the retention and conversion of St. Catherine's House provides a different context to that in which the previous scheme was consented. It is a constraint to the development and the location of a new 16 storey block (Block A) ca. 17m from the 8-storey St Catherine's House is considered likely to severely compromise the living environment of its occupants and affect the quality of the outdoor amenity space.

Furthermore, it does not provide a sufficient transition that acknowledges the contextual height of the converted St Catherine's House and existing development on Stafford Street.

The transition between the proposed development and its surroundings is considered of insufficient quality at other locations; namely between Block C and St Catherine's House, between Stafford Street and Mill Lane and between Block E and East Street (particularly notable as the edge of the Conservation Area). By virtue of the height and massing of the development, across the scheme, it is considered that it fails to appropriately respond to, and transition with, the surrounding lower height development, appearing overbearing in some locations and with potential harmful effects on existing and future occupiers in some cases (see Key Issue D for more detailed consideration on residential amenity).

Consequently, the development is not considered to meet the requirements of DM26, DM27, the Urban Living SPD or 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.

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 is located within the boundary of the designated Bedminster Conservation Area.

Historic England have raised no objection to the proposed development on heritage grounds. However, as detailed above, the CDG have raised concern over the impact of the

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height and scale of the buildings on the character area of East Street within the Conservation Area, where a 5-storey element at Block E exceeds the prevailing height of 2-3 storeys characterising the area, appearing incongruous. Whilst there may be some scope for increasing height at this location applying the principles of intensification (to 4 storeys), it is considered that there is not sufficient justification for such an increase in this case and the overall massing is out of character with the Conservation area.

## vi) Trees

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. Policy BCS9 requires that an appropriate type and amount of new or enhanced green infrastructure in new development.

The applicant proposes to remove 7 trees as part of the development. As per the Bristol Tree Replacement Standard, the removal of these trees would require 30 replacement trees or a pro-rata financial contribution of  $30 \times 765.21 = \text{£}22,956.30$  to mitigate their loss. The applicant has currently proposed to provide 4 trees and 5 shrubs as mitigation, which is considered insufficient, particularly given that 3 of the trees to be lost have been identified by the BCC Tree Officer as providing a contribution to the visual amenity of the Bedminster Conservation Area.

These three trees are Category A and B trees along Dalby Avenue and provide one of the only significant sections of mature green infrastructure locally, contributing to the character and appearance to the area. Furthermore, the Tree Officer considers that there is insufficient evidence in the application to support the removal of these trees over their retention.

The proposed development is considered to fail to meet the requirements for trees and green infrastructure in new development as per policies DM17, DM15 and BCS9, and does not sufficiently mitigate the loss of trees as per the Bristol Tree Replacement Standard, resulting in adverse impacts to the character and visual amenity of the area.

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.

However, it is considered that the proposals of the current application have sought to 'maximise' rather than 'optimise' density and as a result, do not achieve the goals of successful placemaking, high quality design and liveability which are set out in the Local Plan Policies BCS21, DM26, DM27, DM28 and DM29, the Urban Living SPD and Bedminster Green Framework.

The proposed development, by nature of its height, scale and massing would be incongruous in relation to the character of the Conservation Area and would fail to safeguard or enhance the Conservation Area. This would be contrary to Policies BCS22 and DM31.

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The proposed development would fail to sufficiently mitigate the loss of trees as required by Policies DM17 and result in an adverse impact on the character of the area.

**D. 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.

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 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).

A Daylight and Sunlight Assessment has been undertaken by Avison Young (October 2019). The results of which, set out within Appendix III of that Report are relied upon within this section of the Committee Report.

**i) Daylight for neighbours**

The results of the VSC, ADF and NSL assessments are included within Pages 71-81 of the Avison Young Report. A total of 345 windows were considered in the adjoining area, including approximately 139 windows at St. Catherine's House.

When applying the BRE Guidance to the results, a total of 189 of the 345 windows assessed pass the test whereby VSC is either greater than 27% or the reduction in daylight is less than 20% of existing. This demonstrates that 156 of the windows within the assessment

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would be adversely affected. When solely considering the results for St. Catherine's House, a total 88 out of 139 of windows were considered to be adversely affected.

It is noted within the Avison Young Report 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 considered 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%.

Under this test, a total 103 of the 345 windows within the study area and 77 of 139 of the windows at St. Catherine's House were considered to be significantly adversely affected.

The Avison Young Report references the assessment approach undertaken at Malago Road (19/00267/F), however it should be noted in the context of that application much fewer properties were affected and the rooms affected were either kitchens or bedrooms for which the BRE guidelines acknowledge daylight for these rooms is less important. The Report sets out that acceptable VSC values were 11-14% at ground floor, 16-17% at first floor and 18-20% at second floor.

When applying the thresholds above, assuming that 18-20% VSC is acceptable at second floor and above, a total of 79 windows of the 345 windows within the assessment would still fail the tests.

The results for ADF and NSL were also reviewed and assessed. When applying the minimum ADF of 1%, which is usually considered only acceptable for bedrooms, a total of 50 rooms in the study area failed to achieve this minimum standard.

The NSL assessment indicates that 83 rooms would fail to meet BRE Guidance and result in a reduction of the area of the working plane which receives direct skylight of less than 0.8 times its former value.

It is considered that the proposed development would result in unacceptable overshadowing to existing dwellings by obscuring daylight to a high proportion of windows when applying both the BRE Guidance and principles previously applied to other developments within Bristol.

ii) Sunlight for neighbours

The results of the APSH assessment are included on pages 82-87 of the Avison Young Report. The APSH assessment demonstrates that a total 129 rooms windows assessed would fail to meet BRE Guidance in either summer, winter or both.

In the interests of applying flexibility to the approach and the guidance, the threshold was increased to 100% of room area. This threshold means that as a result of the development affected rooms would be completely void of sunlight, where there previously had been at least some sunlight in either summer or winter.

A total of 56 rooms would have 100% of the floor area void of sunlight in either winter, summer or both. 54 of the rooms in St. Catherine's House would not receive any sunlight as a result of the proposal, with all of these rooms currently achieving APSH coverage of between 20% and 40% (without the proposed development).

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It is considered that the proposed development would result in unacceptable harm to residential amenity by blocking sunlight to a high proportion of habitable rooms of neighbouring properties.

iii) Overlooking

Although specifically produced to guide householder alterations and extensions, Supplementary Planning Document 2 includes useful guidance on overlooking for new development. It states that where habitable rooms face each other, as a 'rule of thumb', a gap of 21 metres should generally be provided.

'Site Plan Proposed Rev P03' demonstrates that Block A would be located between 13 and 17 metres from the existing St. Catherine's House. Whilst less than ideal, a distance of ca. 17 metres could be considered acceptable given the urban nature of the surrounding area.

The proposed distance between flats in the southernmost part of St. Catherine's House and Block A would be unacceptable and likely result in overlooking between existing neighbours and future occupiers.

iv) Amenity for future occupiers

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.

The results of VSC, ADF, NSL and APSH assessments for the proposed development are included on pages 88 to 101 of the Avison Young Report.

Within Block A, 136 windows were assessed as failing to meet the BRE Guidance of providing 27% VSC, and a total of 24 windows would not achieve a ADF of 2% or 1% dependent on use. This would mean approximately half of the 264 windows proposed within Block A would fail to meet the guidance.

21 windows out of a total of 37 windows within Block B were assessed as failing to meet BRE Guidance in terms of VSC but most of the windows would achieve an acceptable ADF.

With the exception of Floor 1, Block C and Block E would be largely compliant with the BRE Guidance.

Block D would be less than ideal in terms of daylight, with 6 of the 9 windows assessed to fail to meet the BRE Guidance on VSC. 3 of these windows would also fail the BRE Guidance on ADF.

Overall, it is considered that the proposed development would fail to create a high-quality living environment for future occupiers as required by Policy BCS21.

Summary

The proposed development would result in an unacceptable impact upon residential amenity in terms of overshadowing and overlooking, contrary to Policies BCS21 and DM29.

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**E. IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND  
HIGHWAYS ACCEPTABLE?**

The application site is bounded by the A38 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. The proposed scheme would provide 27no. car parking spaces including 3no. disabled car parking spaces. These spaces would be split between a car park underneath Block A and adjacent to Block C.

In total, 347no. cycle spaces would be provided on the site, including provision for visitors to the residential accommodation. One service yard would be situated behind Block C, accessed off the A38 Dalby Avenue and another service yard would be situated off Mill Lane adjacent to Block A and is intended to serve all of the commercial units.

i) Strategic road network

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.”*

Policy DM27 of the Site Allocations and Development Management (2014) states that:

*“Proposals should not prejudice the existing and future development potential of adjoining sites or the potential for the area to achieve a coherent, interconnected and integrated built form. Where such potential may reasonably exist, including on sites with different use or ownership, development will be expected to either progress with a comprehensive scheme or, by means of its layout and form, enable a co-ordinated approach to be adopted towards the development of those sites in the future”.*

The application site is within the Bedminster Green regeneration area in which five individual plots are expected to deliver significant mixed-use development. In order to avoid piecemeal development and to ensure new residents benefit from high quality public transport, walking and cycling provision connectivity, a development framework approach has been advocated by Bristol City Council.

As part of this, a Strategic Transport Assessment (STA) is being carried out by Peter Brett Associates (PBA) to consider a number of infrastructure improvements including an A38 Public Transport Corridor (additional bus lanes), an upgraded rail facility at Bedminster Station and Public Realm design and adjustments to a number of surrounding streets, to create a more attractive environment and enhanced cycle linkage.

The Transport Development Management (TDM) team have noted that they consider this scheme has been brought to committee prematurely and therefore cannot recommend

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approval in the absence of the completed Strategic Transport Assessment (STA) for the entirety of Bedminster Green.

The critical matters for this site relates to the A38, the location of the northbound bus stop and the completion of a general arrangement plan. Until these matters are resolved and in the absence of the completed STA, TDM is not in a position to offer a positive recommendation for this proposal.

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.

A total of 22 residential car parking spaces are proposed within the mezzanine level car park within Block A, for sole use as allocated parking by the residential dwellings. No resident parking scheme permits 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. In the event that all other matters are resolved, 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.

The updated Transport Statement states 3 disabled bays have been provided however it is unclear where these have been provided as the rear and side hatched markings have not been demonstrated. When applying BCC minimum standards, a total of 12 disabled spaces are required. Furthermore, TDM are unable to assess the suitability of the parking adjacent to Mill Lane given the lack of information submitted regarding servicing / confirmation of the size of the maximum delivery vehicle.

TDM therefore cannot support the development on the basis of failing to provide sufficient disabled parking.

In relation to cycle parking, TDM consider that the submitted plans do not demonstrate sufficient cycle parking. The design of the cycle store is unclear, and it has not been demonstrated this store would be able to accommodate sufficient cycle parking numbers.

As per BCC minimum standards 334 cycle parking spaces would be required for the residents of the development with a further 20 provided for visitors. In terms of commercial uses four spaces will be required, two for staff and two for visitors.

Cycle parking will need to be located at various locations around the site to enable adequate access and parking for both visitors and residents. Sheffield Stand cycle parking is required on site.

TDM is unable to recommend approval on the basis of the level of cycle parking shown.

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.

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The servicing arrangements to the rear of the site are critical for the design and development of the surrounding streets, including Stafford Street, Little Paradise and Leicester Street. However, there is limited detail provided in the revised Transport Statement. A swept path analysis is provided for an 11.4m refuse vehicle for the emerging scheme (by the neighbouring developer) TDM is yet to receive surety (and a written confirmation) that the St Catherine's Place retail units will not require a larger vehicle.

TDM therefore cannot support the development on the basis of failing to provide sufficient details of servicing requirements and as a consequence failure to inform the local infrastructure required between the St Catherine's Place and Little Paradise schemes.

iv) Travel Plan

The submitted Travel Plan is deemed to be insufficient by TDM. Interim targets are required and it is also essential to agree a travel plan budget prior to determination. The action plan needs to be updated to include sustainable travel vouchers such as bus/bike/car club.

v) Summary

On the basis of the information provided to date, TDM is unable to recommend approval of the application which should be refused on the following grounds:

- 1) Compliance / fit with the A38 corridor works has not been demonstrated
- 2) Failure to agree a package of s106 contributions
- 3) Insufficient disabled car parking provision and cycle parking provision
- 4) Failure to confirm / demonstrate servicing requirements
- 5) Submitted Travel Plan unacceptable

As noted in TDM detailed comments, matters 1 – 2 listed above will remain outstanding in the absence of the completed Strategic Transport Assessment for the entirety of Bedminster Green. However, it is considered that in advance of the Committee meeting the applicant will respond to / clarify matters 3 – 5 listed above. An update to Members will be provided by way of the Amendment Sheet.

**F. 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 applicant has submitted a desk study and ground investigation, and a flood risk assessment, and a foul and surface water drainage strategy.

The Public Protection (Contaminated Land) officer has stated that they are broadly satisfied with the information provided thus far by the applicant in relation to human risk and has advised recommended conditions. However, the Officer notes that as the Environment Agency have objected to the application with respect to controlled waters, the application cannot be supported with respect to contamination as a whole, and the recommended conditions may not be satisfactory in overcoming the Environment Agency objection.

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Comments from the EA in relation to the revised details is still awaited. No comment was provided in time for this report. An update to Members will be provided by way of the Amendment Sheet.

ii) Flood risk and drainage

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 applicant submitted a flood risk assessment and a foul and surface water drainage strategy. An updated Flood Risk Technical Note was submitted in September 2019.

The Flood Risk Officer objected to the application as originally submitted (October 2018) because the plans did not follow the framework flood risk assessment commissioned by the land owners, or the Bedminster Green Framework. The officer expressed concern that the scheme did not facilitate use of greener SuDS techniques, prioritised using the SuDS hierarchy, nor does it reduce the existing site run off significantly.

On review of the Flood Risk Technical Note and Addendum, the Flood Risk Officer was satisfied that the FRA recommendations have been taken into account for the flood risk posed to the development, however there has been no update to the drainage strategy to address concerns about the lack of a preferred SuDS solution providing reduced run-off rates.

Whilst the LLFA consider the issue of flood risk has been addressed, an agreed SuDS solution for the site that meets BCC's requirements has not been resolved. It is considered that this aspect could be conditioned so that an acceptable SuDs strategy could be submitted prior to the commencement of development.

Comments from the EA in relation to the revised details are awaited. An update to Members will be provided by way of the Amendment Sheet.

iii) Air quality

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

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The proposed development fails to provide a sufficient sustainable drainage strategy to meet the requirements of Policy BCS16, however whilst not ideal this aspect could be secured by way of a condition. Comments on the revised scheme are awaited from the Environment Agency. An update to Members will be provided by way of the Amendment Sheet.

**G. 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 adaptation, material consumption and biodiversity should be included as part of a sustainability or energy statement.

The Energy Strategy and Sustainability Report as originally submitted was considered to be insufficient by the Sustainable Cities team. A revised statement was provided setting out a strategy for heating and hot water utilising combined heat and power (CHP). The revised strategy for delivering heating and hot water utilising CHP now complies with BCS14 and this could allow a future connection to the heat network.

The overheating assessment provided is noted. This shows failures i.e. overheating, in bedrooms and a living room. The Energy Statement and design specification should be revised to show how this risk will be addressed in order to ensure that all rooms are resilient to overheating during the lifetime of the scheme.

According to the Energy Statement the Heating and Hot Water strategy in the residential units is still being developed. Whilst the heating/cooling details have not been provided, given the scheme now incorporates a system in accordance with the heat hierarchy, that these heating/cooling details could be secured by way of a condition.

At the time of publishing this report, a BREEAM pre-assessment for the non-residential elements of the scheme is still outstanding (commercial units in Block A and Block B). Whilst the pre-assessment has not been provided, Officers consider that this could be secured by way of a condition.

Given the issues flagged above, the proposed development subject to conditions could give sufficient comfort that it would mitigate and adapt to climate change and minimising energy requirements.

**OBLIGATIONS**

The applicant has proposed the following Heads of Terms for a Section 106 Agreement (if planning permission were to be granted):

- Transfer of Land for Strategic Highways Improvements

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- Delivery of the Residential Travel Plan (not quantified nor specified whether this would be undertaken by BCC on behalf of the applicant)
- Contribution to the Windmill Hill Residents Parking Scheme (not quantified)

The items identified by the applicant are related to the development in terms of scale and kind, however, more work would be required to quantify and agree the scope of any draft Heads of Terms. Aside from there being no agreement on the level of Affordable Housing to be provided subject to s.106 Agreement, TDM would require contributions to the Travel Plan, Car Club and any other contributions resulting from the findings of the Strategic Transport Assessment to be quantified and agreed.

**CONCLUSION**

In terms of adopted policy, whilst the principle of development is supported, it is considered that:

- the proposed development fails to make an appropriate contribution towards the provision of affordable housing;
- the scheme is not acceptable in design terms and would result in unacceptable impact on the amenity of existing residents; and
- compliance with the A38 corridor works has not been demonstrated and a package of s106 contributions has not been quantified or agreed.

This application has been considered and assessed by Officers against the Development Plan, taking into account material considerations. For these reasons the application is recommended to Members for refusal.

**COMMUNITY INFRASTRUCTURE LEVY**

This development is liable for CIL totalling £1,418,821.88.

**RECOMMENDED    REFUSE**

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

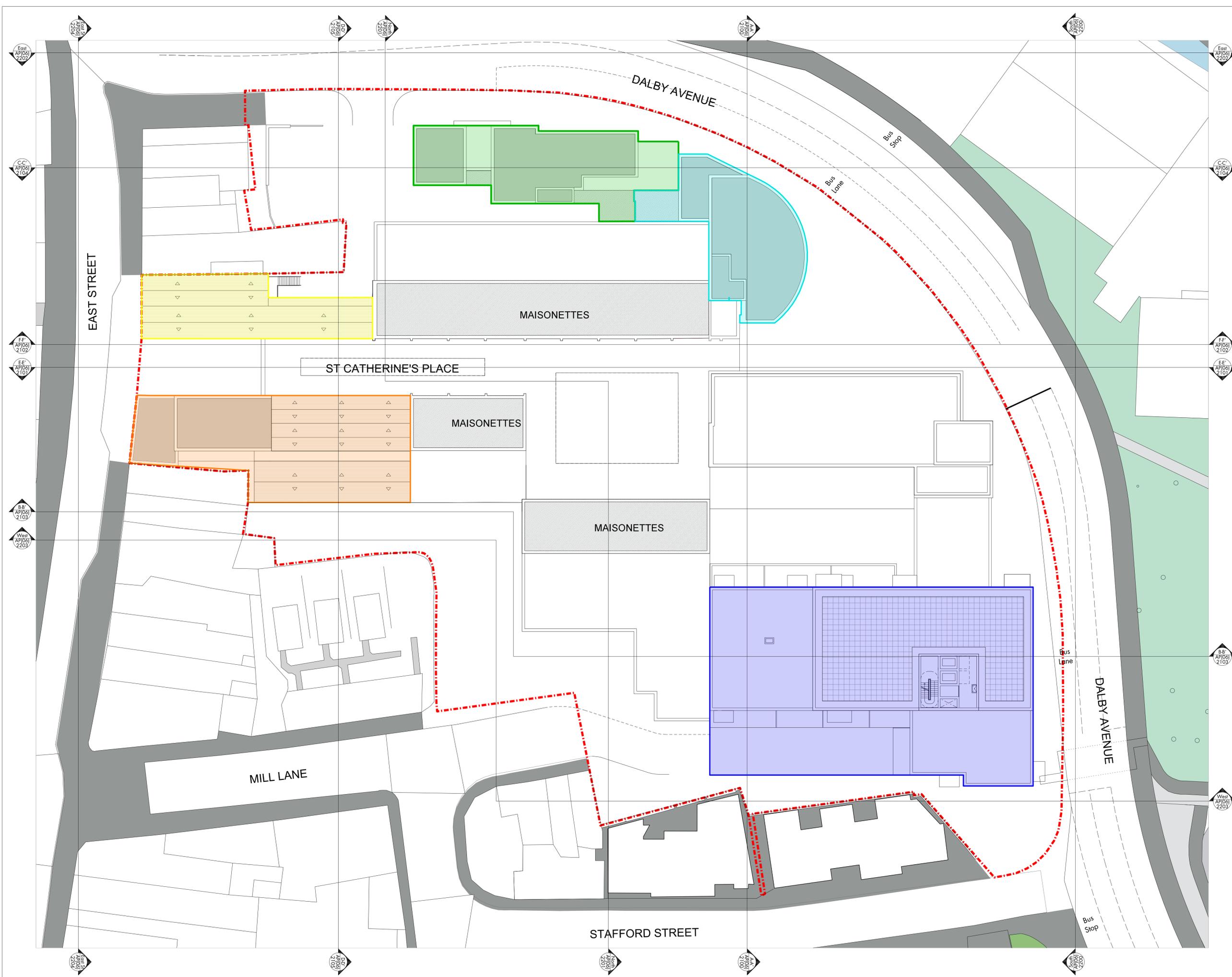
**Reason(s)**

1. The proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.
2. The proposed development by reason of its height, scale, massing 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).
3. The proposed development would be unacceptable in terms of transport and highways as compliance with the A38 corridor works has not been demonstrated and there is an absence of an agreed package of s106 contributions contrary to Policies BCS10 and BCS11 of the Bristol Core Strategy (June 2011); and Policy DM27 of the Site Allocations and Development Management Policies (July 2014).

## **Supporting Documents**

### **1. St Catherines Place Shopping Centre, East Street, Bedminster**

1. Key Plan
2. Upper Ground Floor Plan
3. Typical Upper Floor Plan
4. East Street Section
5. East Street (North) Elevation
6. Dalby Avenue (West) Elevation
7. Dalby Avenue (South) Elevation



**Drawing Record**

Rev	Date	By	Comments	Checked
P01	17.07.2018	LR	FIRST ISSUE	BT
P02	24.07.2018	LR	GENERAL UPDATES	BT
P03	06.08.2018	LR	BLOCKS A&B UPDATED	BT
P04	21.09.2018	LR	PLANNING ISSUE	BT
P05	26.06.2019	LR	UPDATED	BT
P06	13.09.2019	LR	PLANNING ISSUE	BT

0 1 2 3 4 5 10 15 METRES

**Key**

- - - - BOUNDARY LINE
- BLOCK A
- BLOCK B
- BLOCK C
- BLOCK D
- BLOCK E

**SIGNIFICANT HEALTH AND SAFETY RISKS (UNUSUAL AND DIFFICULT TO MANAGE ONLY)**

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FIRMSTONE CONSORTIA ONE

Consultants

**leslie jones architecture**

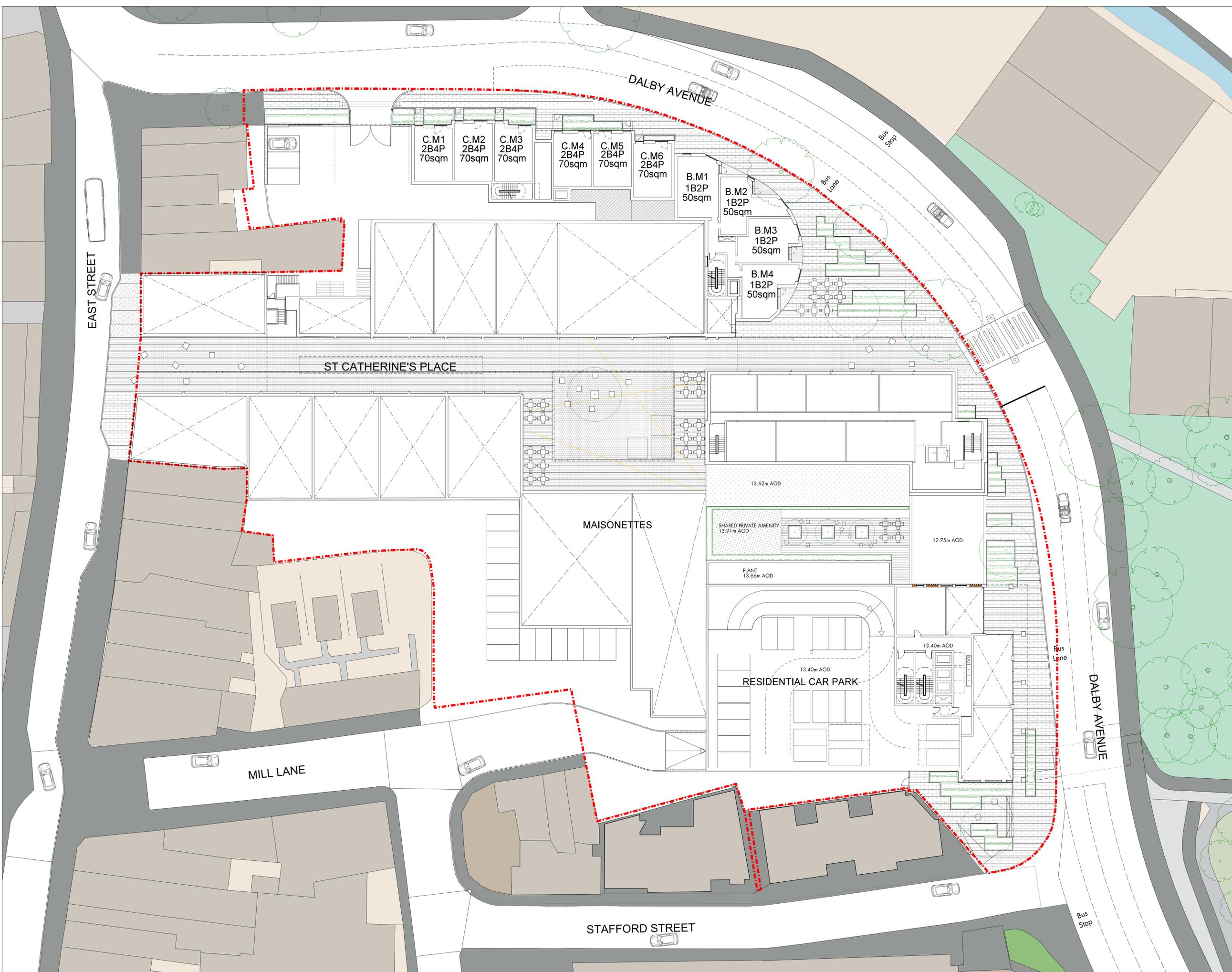
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Job Title  
ST. CATHERINE'S PLACE  
BEDMINSTER

Drawing Title  
**KEY PLAN**

Scale @ A1	Date	Drawn	Checked
1:250	JULY 2018	LR	BT

Job No.	Drawing No.	Revision
3 6 4 6	AP(0 4)2 0 0 1	P 0 6



**Drawing Record**

Rev	Date	By	Comments	Checked
P01	29/01/2018	LR	FIRST ISSUE	RR
P02	12/02/2018	LR	CAR PARK UPDATE	RR
P03	21.06.2018	LR	UPDATED SCHEME	BT
P04	12.07.2018	LR	UPDATED SCHEME	BT
P05	17.07.2018	LR	UPDATED SCHEME	BT
P06	24.07.2018	LR	UPDATED SCHEME	BT
P07	01.08.2018	LR	AFTER PRE-APP COMMENTS	BT
P08	06.08.2018	LR	BLOCKS A&B UPDATED	BT
P09	28.08.2018	LR	CINEMA UPDATED	BT
P10	21.09.2018	LR	PLANNING ISSUE	BT
P11	21.06.2019	LR	A38 REALIGNMENT WITH BUS LANE	BT
P12	13.09.2019	LR	PLANNING ISSUE	BT



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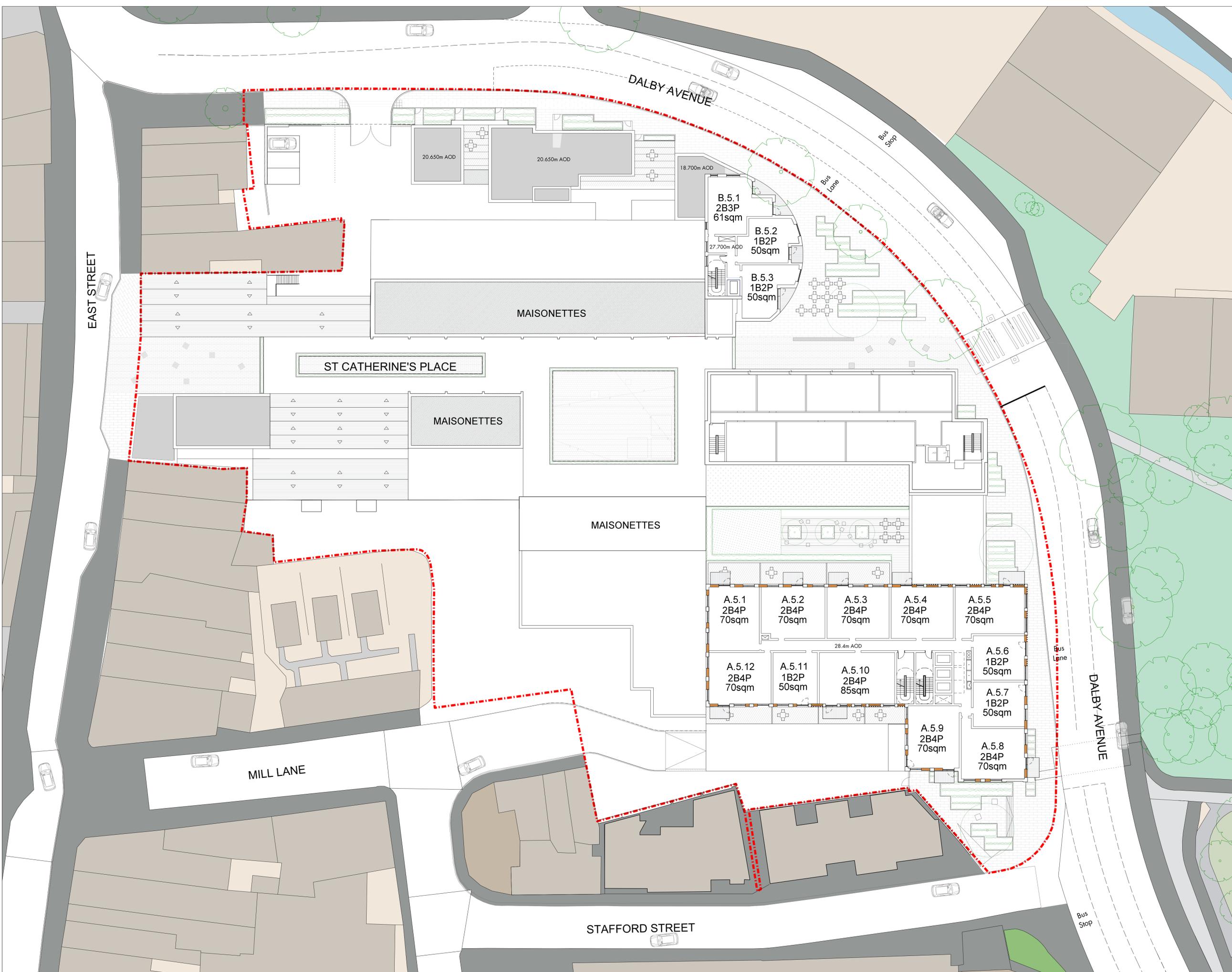
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Job Title  
ST. CATHERINE'S PLACE  
BEDMINSTER

Drawing Title  
PROPOSED RESIDENTIAL SCHEME  
UPPER GROUND FLOOR

Scale @ A1	Date	Drawn	Checked
1:250	JAN 2018	LR	RR
Job No.	Drawing No.	Revision	
3 6 4 6	AP(0 4)2 0 0 3	P 1	2



Drawing Record				
Rev	Date	By	Comments	Checked
P01	17.07.2018	LR	FIRST ISSUE	BT
P02	24.07.2018	LR	UPDATED SCHEME	BT
P03	05.08.2018	LR	BLOCKS A&B UPDATED	BT
P04	21.09.2018	LR	PLANNING ISSUE	BT
P05	21.06.2019	LR	A38 REALIGNMENT WITH BUS LANE	BT
P06	13.09.2019	LR	PLANNING ISSUE	BT

Key Plan

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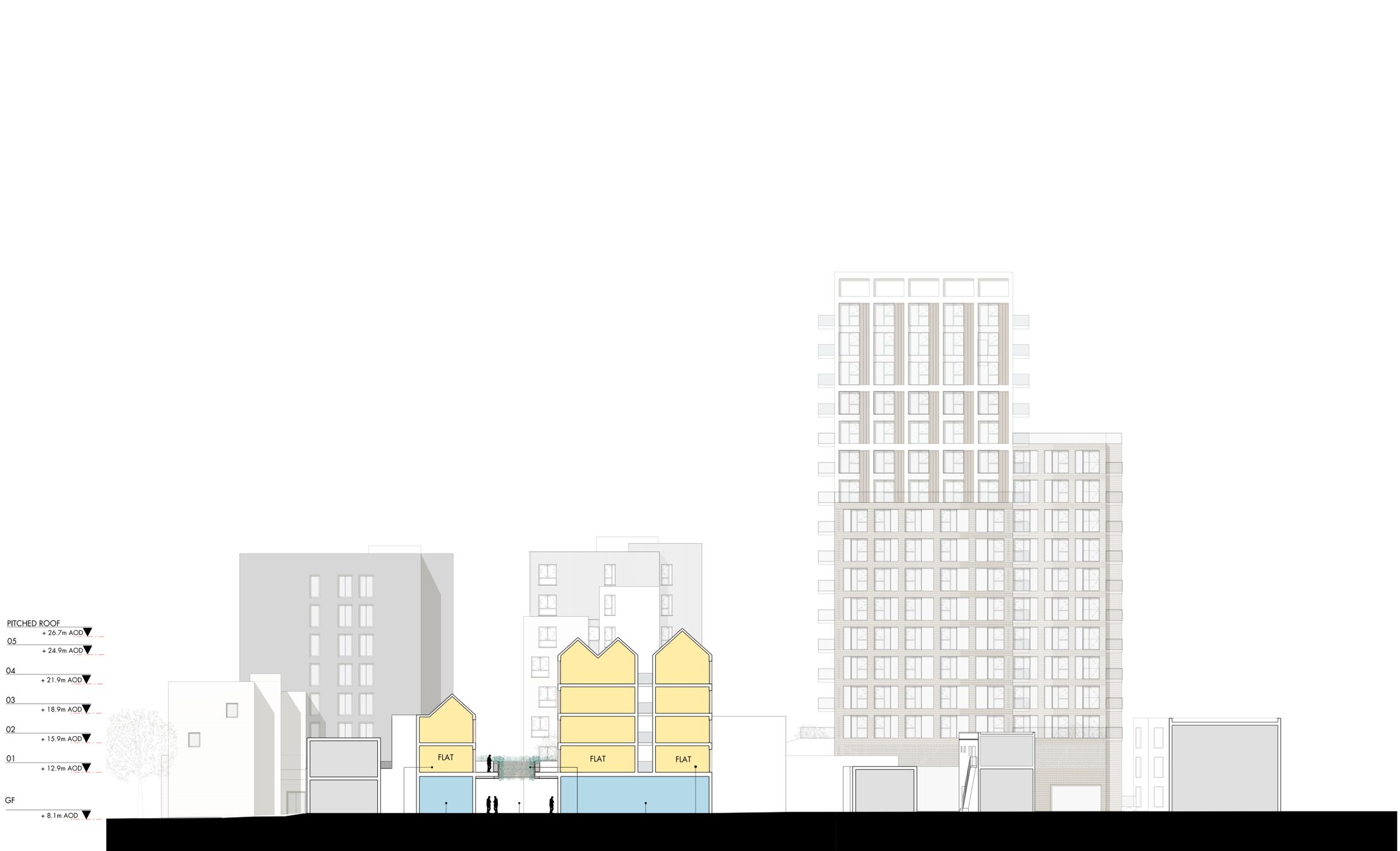
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 W106AD

Job Title  
ST. CATHERINE'S PLACE  
BEDMINSTER

Drawing Title  
PROPOSED RESIDENTIAL SCHEME  
05 TO 08 FLOOR

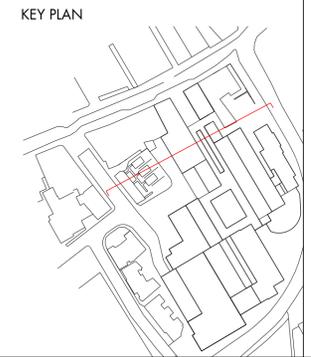
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Job No.	Drawing No.	Revision
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PITCHED ROOF  
 +26.7m AOD  
 05 +24.9m AOD  
 04 +21.9m AOD  
 03 +18.9m AOD  
 02 +15.9m AOD  
 01 +12.9m AOD  
 GF +8.1m AOD  
 datum 0.00m AOD

BLOCK D EXISTING COMMERCIAL UNIT  
 ST CATHERINE'S MALL  
 NEW BALUSTRADE WITH TIMBER SLATS AND GREENERY ON TOP  
 EXISTING COMMERCIAL UNIT  
 BLOCK E



**Drawing Record**

Rev	Date	By	Comments	Checked
P01	11.07.2018	LR	FIRST ISSUE	BT
P02	06.08.2018	JG	BLOCKS A&B UPDATED	BT
P03	21.09.2018	LR	PLANNING ISSUE	BT
P04	26.06.2019	LR	UPDATED	BT
P05	13.09.2019	LR	PLANNING ISSUE	BT



**SIGNIFICANT HEALTH AND SAFETY RISKS (UNUSUAL AND DIFFICULT TO MANAGE ONLY)**

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 FIRMSTONE CONSORTIA ONE

Consultants

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Job Title  
 ST. CATHERINE'S PLACE  
 BEDMINSTER

**Drawing Title**

SECTION D,D (EAST STREET)

Scale @ A1	Date	Drawn	Checked
1:200	JULY 2018	LR	BT

Job No.	Drawing No.	Revision
3 6 4 6	AP(0 6)2, 1 0 5	P 0 5

Drawing Record

Rev	Date	By	Comments	Checked
P01	11.07.2018	LR	FIRST ISSUE	BT
P02	17.07.2018	LR	GENERAL UPDATES	BT
P03	24.07.2018	LR	GENERAL UPDATES	BT
P04	07.08.2018	LR	BLOCK A & B UPDATED	BT
P05	21.09.2018	LR	PLANNING ISSUE	BT
P06	03.06.2019	LR	UPDATED	BT
P07	13.09.2019	LR	PLANNING ISSUE	BT



SIGNIFICANT HEALTH AND SAFETY RISKS (UNUSUAL AND DIFFICULT TO MANAGE ONLY)

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PLANNING ISSUE

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Job Title  
ST. CATHERINE'S PLACE  
BEDMINSTER

Drawing Title  
NORTH ELEVATION (EAST STREET)

Scale @ A1	Date	Drawn	Checked
1:200	JULY 2018	LR	BT
Job No.	Drawing No.	Revision	
3 6 4 6	AP(0 6)2 2 0 4	P 0 7	



- PARAPET
- 05 + 26m AOD
- + 24.9m AOD
- 04 + 21.9m AOD
- 03 + 18.9m AOD
- 02 + 15.9m AOD
- 01 + 12.9m AOD
- GF + 8.1m AOD

datum 0.00m AOD

- BLOCK D
- FLOOR TO CEILING WINDOWS
- WHITE BRICK FINISH
- ST CATHERINE'S PLACE ENTRANCE
- TIMBER SLATS CLADDING
- WHITE BRICK FINISH
- EXISTING FAÇADE
- BLOCK E
- BOLT - ON BALCONIES WITH GLASS BALUSTRADE

- FLOOR TO CEILING WINDOWS
- GLASS BALUSTRADE
- STAIRS

KEY PLAN



**Drawing Record**

Rev	Date	By	Comments	Checked
P01	20.03.2018	LR	FIRST ISSUE	RR
P02	04.07.2018	LR	GENERAL UPDATES	RR
P03	17.07.2018	LR	GENERAL UPDATES	BT
P04	24.07.2018	LR	GENERAL UPDATES	BT
P05	06.08.2018	LR	BLOCK A & B UPDATED	BT
P06	21.09.2018	LR	PLANNING ISSUE	BT
P07	03.06.2019	LR	UPDATED	BT
P08	13.09.2019	LR	PLANNING ISSUE	BT



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**PLANNING ISSUE**

Client  
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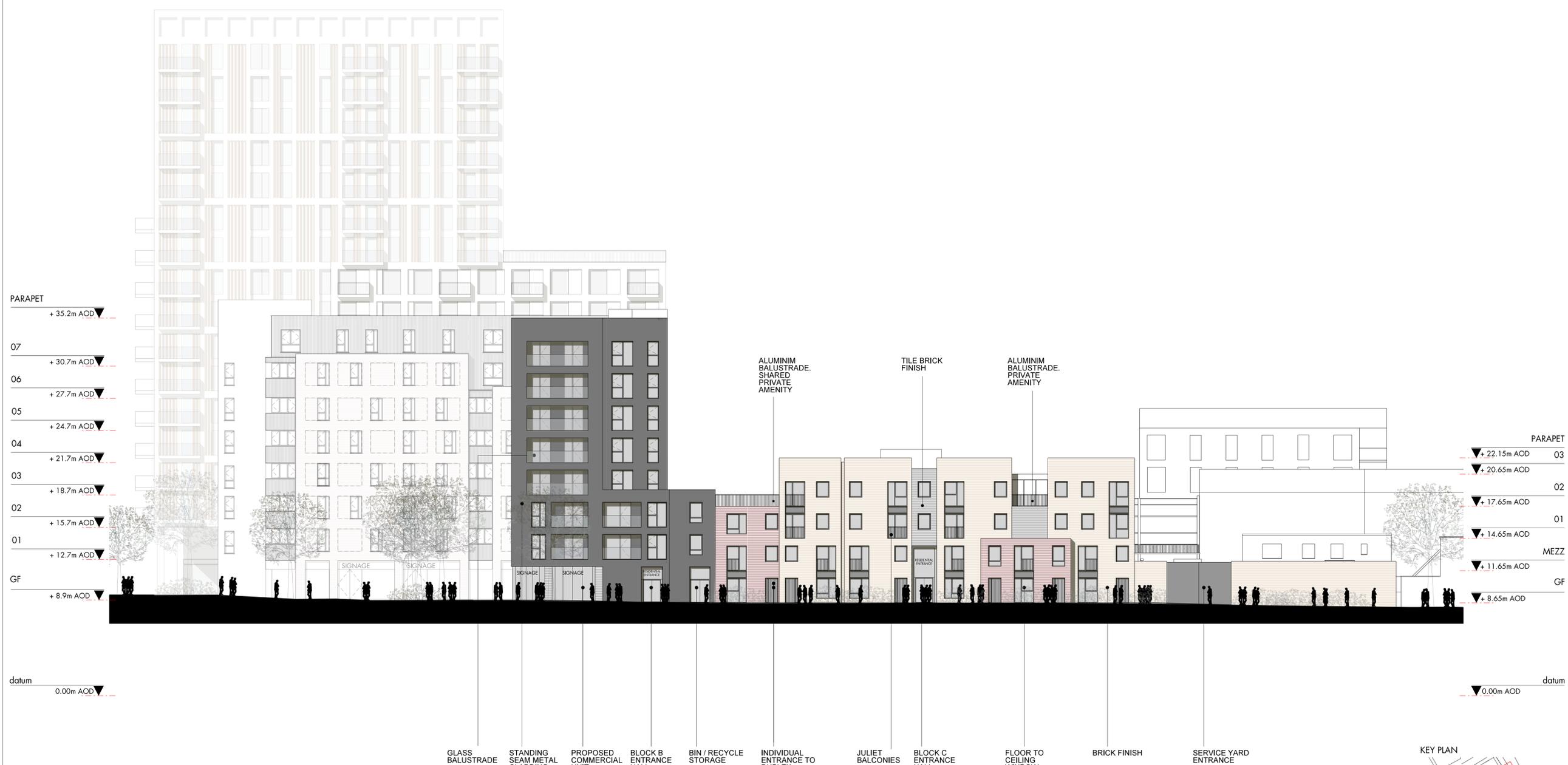
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Job Title  
ST. CATHERINE'S PLACE  
BEDMINSTER

Drawing Title  
GENERAL EAST ELEVATION

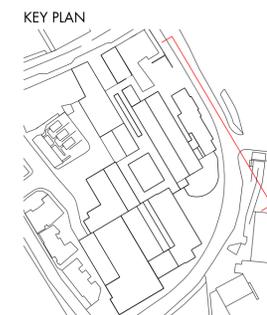
Scale @ A1	Date	Drawn	Checked
1:200	JULY 2018	LR	RR
Job No.	Drawing No.	Revision	
3 6 4 6	AP(0 6)2 2 0 2	P 0 8	



- PARAPET + 35.2m AOD
- 07 + 30.7m AOD
- 06 + 27.7m AOD
- 05 + 24.7m AOD
- 04 + 21.7m AOD
- 03 + 18.7m AOD
- 02 + 15.7m AOD
- 01 + 12.7m AOD
- GF + 8.9m AOD
- datum 0.00m AOD

- PARAPET + 22.15m AOD
- 03 + 20.65m AOD
- 02 + 17.65m AOD
- 01 + 14.65m AOD
- MEZZ + 11.65m AOD
- GF + 8.65m AOD
- datum 0.00m AOD

- GLASS BALUSTRADE
- STANDING SEAM METAL CLADDING
- PROPOSED COMMERCIAL UNIT
- BLOCK B ENTRANCE HALL
- BIN / RECYCLE STORAGE
- INDIVIDUAL ENTRANCE TO DUPLEX
- JULIET BALCONIES
- BLOCK C ENTRANCE HALL
- FLOOR TO CEILING WINDOW
- BRICK FINISH
- SERVICE YARD ENTRANCE



Rev	Date	By	Comments	Checked
P01	20.03.2018	LR	FIRST ISSUE	RR
P02	04.07.2018	LR	GENERAL UPDATES	RR
P03	17.07.2018	LR	GENERAL UPDATES	BT
P04	24.07.2018	LR	GENERAL UPDATES	BT
P05	06.08.2018	LR	BLOCK A & B UPDATED	BT
P06	21.09.2018	LR	PLANNING ISSUE	BT
P07	03.06.2019	LR	UPDATED	BT
P08	13.09.2019	LR	PLANNING ISSUE	BT



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Job Title  
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BEDMINSTER

Drawing Title			
GENERAL SOUTH ELEVATION			
Scale @ A1	Date	Drawn	Checked
1:200	JULY 2018	LR	RR
Job No.	Drawing No.	Revision	
3646	AP(06)2200	P.08	

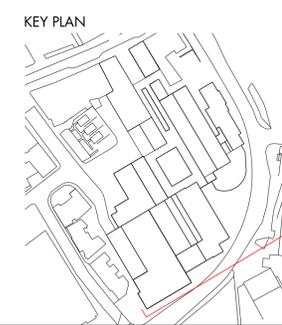


BOLT-ON BALCONIES WITH STEEL PAINTED BALUSTRADE  
 STEEL PAINTED BALUSTRADE  
 JULIET BALCONIES  
 RAL 7013 METAL SPANDED PANEL  
 WHITE BRICK FINISH  
 STEPPED BRICK PANEL  
 100 X 75 ALUMINIUM FINIS AND BACKGROUND 30mm to CENTRE  
 BOLT-ON BALCONIES WITH GLASS BALUSTRADE

PARAPET + 63.900m AOD  
 ROOF + 61.400m AOD  
 15 + 58.400m AOD  
 14 + 55.400m AOD  
 13 + 52.400m AOD  
 12 + 49.400m AOD  
 11 + 46.400m AOD  
 10 + 43.400m AOD  
 09 + 40.400m AOD  
 08 + 37.400m AOD  
 07 + 34.400m AOD  
 06 + 31.400m AOD  
 05 + 28.400m AOD  
 04 + 25.400m AOD  
 03 + 22.400m AOD  
 02 + 19.400m AOD  
 01 + 16.400m AOD  
 MEZZ + 13.400m AOD  
 GF + 9.400m AOD  
 datum 0.00m AOD

PARAPET + 35.2m AOD  
 07 + 30.7m AOD  
 06 + 27.7m AOD  
 05 + 24.7m AOD  
 04 + 21.7m AOD  
 03 + 18.7m AOD  
 02 + 15.7m AOD  
 01 + 12.7m AOD  
 GF + 8.9m AOD  
 datum 0.00m AOD

BOLT-ON BALCONIES WITH GLASS BALUSTRADE  
 EXPANDED MESH PERFORATED METAL ALIGNED WITH BRICK  
 PROJECTING BRICKWORK  
 DOUBLE HEIGHT COLONNADE  
 FLOOR TO CEILING WINDOWS  
 PROPOSED COMMERCIAL SHOPFRONTS  
 DOUBLE HEIGHT ENTRANCE HALL TO BLOCK A  
 GLASS BALUSTRADE SHARED PRIVATE AMENITY  
 SCH BIKE STORE ENTRANCE  
 PD BLOCK ENTRANCE  
 ST CATHERINE'S HOUSE  
 ST CATHERINE'S PLACE ENTRANCE  
 PROPOSED COMMERCIAL SHOPFRONT  
 FLOOR TO CEILING WINDOWS  
 STANDING SEAM METAL CLADDING  
 BRICK FINISH



**Amendment Sheet**  
**20 November 2019**

**Item 1: - St Catherine's Place Shopping Centre East Street Bedminster Bristol  
 BS3 4HG**

Page no.	Amendment/additional information
31	<p><b>RESPONSE TO PUBLICITY AND CONSULTATION</b></p> <p>Since finalisation of the Committee Report on 11 November 2019, 12 further responses to the application have been received.</p> <p>Of the further responses received, six responses were in objection to the scheme and six responses in support of the proposals.</p> <p>The comments in objection to the scheme raised the following planning issues:</p> <ul style="list-style-type: none"> <li>- Concerns about the density of the proposals and overdevelopment of the site.</li> <li>- Concerns the proposals are out of character with the area in terms of scale and massing.</li> <li>- Objection to the lack of affordable housing.</li> <li>- Concerns that the redevelopment won't provide sufficient regenerative benefits.</li> <li>- Concerns about traffic and parking.</li> <li>- Concerns about pollution.</li> <li>- Concerns about flooding and the Environment Agency objection.</li> <li>- Concerns about the standards of accommodation proposed and the negative impact of living within high-rise blocks.</li> </ul> <p>The comments in support of the scheme cited the following reasons:</p> <ul style="list-style-type: none"> <li>- The cinema would attract people to the area.</li> <li>- The proposals would support local businesses.</li> <li>- Concerns that the developer will walk away from the development if refused.</li> <li>- Supported by Bedminster BID and a major leisure company.</li> </ul> <p><u>Officer's Note:</u> In reviewing these points of objection, it is considered that the Committee Report already considers these points.</p>
49	<p><b>KEY ISSUE B: IS THE PROPOSED DEVELOPMENT VIABLE, AND DOES IT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?</b></p> <p>As set out in the Committee Report, discussions have been ongoing between Lambert Smith Hampton on behalf of the Council and Avison Young on behalf of the applicant. The applicant has now agreed to accept the Lambert Smith Hampton Build Costs, meaning that the main area of difference related to Residential Sales Values.</p> <p>In the past couple of weeks a range of information has come to light that results in changes to the opinion on Residential Sales Values. Firstly, the applicant has provided pricing schedules from two local agents, Ocean and Knight Frank, which set out the values that the properties in the proposed development could be expected to achieve. Secondly, it transpires that prices at recently released developments in the vicinity of St. Catherine's Place, which are significantly above previous prices achieved in the area, have achieved very limited reservations. On this basis, it is considered that these constitute less reliable</p>

Page no.	Amendment/additional information										
	<p>evidence than previously considered, particularly for larger units.</p> <p>Lambert Smith Hampton had taken account of the original marketed prices in coming to their view of values in respect of two bedroom dwellings at St. Catherine's Place. Lambert Smith Hampton remain of the opinion that the scheme will achieve a premium above existing stock in the area. However the levels of firm offers on nearby developments impacts significantly on Lambert Smith Hampton's view of the achievable values at St. Catherine's Place, particularly as the majority of dwellings in St. Catherine's Place consist of two or more bedrooms.</p> <p>The revised Residential Sales Values (including those achieved on the St. Catherine's House element of the scheme, which forms part of the viability report, and also including a premium for parking spaces) are as follows:</p> <table border="1" data-bbox="296 703 1406 907"> <thead> <tr> <th data-bbox="296 703 512 837">Avison Young</th> <th data-bbox="512 703 715 837">Ocean</th> <th data-bbox="715 703 917 837">Knight Frank</th> <th data-bbox="917 703 1120 837">Lambert Smith Hampton (original)</th> <th data-bbox="1120 703 1406 837">Lambert Smith Hampton (revised)</th> </tr> </thead> <tbody> <tr> <td data-bbox="296 837 512 907">£59,999,364</td> <td data-bbox="512 837 715 907">£61,873,500</td> <td data-bbox="715 837 917 907">£61,076,000</td> <td data-bbox="917 837 1120 907">£66,916,000</td> <td data-bbox="1120 837 1406 907">£63,793,500</td> </tr> </tbody> </table> <p>Whilst Lambert Smith Hampton consider that sales values will be higher than those put forward by the applicant and their pricing agents, their amended values do result in a reduction of in excess of £3 million in the overall scheme value.</p> <p>Unfortunately, this reduction results in the Residual Land Value of the scheme being lower than the Benchmark Land Value, and this means that the scheme is not considered to be viable in planning terms.</p> <p>Consequently, based on the new information that has come to light and the advice from Lambert Smith Hampton, officers now consider that the scheme is unable to provide affordable housing. <u>It is therefore recommended that the lack of provision of affordable housing no longer comprises a reason for refusal.</u></p> <p>The applicant has indicated that they would agree to viability reviews to identify whether affordable housing could be provided if the scheme viability improves as it progresses. Therefore, it is recommended that viability reviews are required and that they are based on the revised Lambert Smith Hampton Viability Appraisal of November 2019, with all inputs remaining unchanged with the exception of build costs and sales values, which are to be adjusted to take account of changes in costs and values.</p>	Avison Young	Ocean	Knight Frank	Lambert Smith Hampton (original)	Lambert Smith Hampton (revised)	£59,999,364	£61,873,500	£61,076,000	£66,916,000	£63,793,500
Avison Young	Ocean	Knight Frank	Lambert Smith Hampton (original)	Lambert Smith Hampton (revised)							
£59,999,364	£61,873,500	£61,076,000	£66,916,000	£63,793,500							
55	<p><b>KEY ISSUE C: WOULD THE PROPOSED DEVELOPMENT BE OF A SUFFICIENTLY HIGH-QUALITY DESIGN AND SUPPORT THE AIMS OF THE BEDMINSTER GREEN FRAMEWORK?</b></p> <p>vi) Trees</p> <p>In updated Draft Heads of Terms provided by the Applicant (15 November 2019), they have identified a financial contribution of £22,956.30 for the implementation of 30 replacement trees in accordance with Policy DM17.</p> <p>In response to this the Tree Officer has commented as follows:</p> <p><i>"My objection relates to the removal of the high quality category A &amp; B trees they are seeking to remove along Dalby Avenue.</i></p>										

Page no.	Amendment/additional information
	<p><i>The proposed seeks to maximise ground space by removing high quality trees with very little poor quality mitigation on site. This goes against DM15 &amp; DM17. I will maintain my objections unless the London Plane on Dalby Avenue are retained with sufficient space and protected root environment to secure future.</i></p> <p><i>We cannot allow the removal of green infrastructure assets with no site mitigation just so the site can be developed to its maximum potential. This is the first site of many involved in the redevelopment of the area in accordance with the Bedminster Green Strategy and on the first site the proposal is to remove all green infrastructure.</i></p> <p><i>I strongly object to this proposal as outlined in my initial comments. The Mayor has designated Bristol as the first Climate crisis city in the country and therefore Green infrastructure has to take a priority, not over development.”</i></p>
59	<p><b>KEY ISSUE E: IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND HIGHWAYS ACCEPTABLE?</b></p> <p>A response to TDM Comments was provided on 7 November 2019. In addition to this, Draft Heads of Terms were provided by the Applicant (15 November 2019).</p> <p>In response to this, TDM has commented as follows:</p> <p><i>“Frontage – We are unclear on which sections of frontage will be adopted and stopped up. We have no confidence this does not preclude the A38 corridor works without a plan.</i></p> <p><i>Servicing – The applicant has stated again this should be conditioned with no comfort regarding the limitation of larger vehicles. The applicant has acknowledged the link from Little Paradise will be designed to accommodate an 11.4m refuse vehicle. DM23 states developments will be expected to ‘Provide appropriate servicing and loading facilities’. A condition in combination with a TRO may be required to limit vehicle size to protect the highway on Mill Lane, Leicester Street, Stafford Street and Little Paradise.</i></p> <p><i>Disabled Spaces – Our standard states ‘5% of the parking standard to be provided in addition – minimum of one space’. This leads to a requirement for 12 spaces, 9 more than the 3 proposed. This is contrary to DM23.</i></p> <p><i>Cycle Parking – It is unclear if this level of cycle parking could be accommodated within the site. No design of the cycle parking is demonstrated just rectangles marked on a plan. In terms of level of provision required, this should be:</i></p> <ul style="list-style-type: none"> <li><i>- 76 spaces for 76no. one-bedroom dwellings;</i></li> <li><i>- 244 spaces for 122no. two-bedroom dwellings;</i></li> <li><i>- 21 spaces for 7no. three-bedroom dwellings; and</i></li> <li><i>- 20 visitor spaces.</i></li> </ul> <p><i>Therefore a total of 361cycle spaces are required. The proposed level of cycle parking (347) is below minimum standard and this does not include cycle parking for the cinema or retail, however, this would be minimal.</i></p> <p><i>Travel Planning – We would require an updated travel plan to address comments previously made (included in the Committee Report) and clarification on who would undertake monitoring.</i></p>

Page no.	Amendment/additional information
	<p><i>Highway Works – Nothing has been proposed by the applicant (only remedial works to make good any damage). This could be conditioned through an extensive condition.”</i></p>
61 – 63	<p><b>KEY ISSUE F: WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE WITH REGARDS TO CONTAMINATION, FLOOD RISK, DRAINAGE AND AIR QUALITY?</b></p> <p>Since finalisation of the Committee Report on 11 November 2019, a further response to the application has been received from the Environment Agency.</p> <p><i>“Environment Agency Position: We maintain our objection to the proposal as submitted for the reasons outlined below.”</i></p> <p><u>Officer’s Note:</u> We have addressed each aspect of the EA objection in turn below.</p>
61	<p><b>i) Contaminated Land</b></p> <p><i>“Groundwater and Contaminated Land</i></p> <p><i>We have considered the response to our most recent response, from Hydrock, dated 25 January 2019. We note this does provide further clarity concerning the possible source of significant metals contamination at the site. Their response also further summarises potential conceptual scenarios that might account for observed hydraulic gradients and inferred flow direction. We note also the comments from Hydrock concerning the difficulty of remediating the site to address risks to controlled waters. Hydrock have said that the most viable approach to remediating the site would be source removal, i.e. excavation of soils. However at this time it is not clear what level of risk the identified contamination poses.</i></p> <p><i>The need to remediate, or otherwise, should in the first place be driven by a robust understanding of the risk to controlled waters, which we do not consider has been demonstrated in the information submitted. We are therefore of the view that the proposal fails to comply with national planning policy. The applicant has failed to demonstrate that any risks to the water environment will be adequately addressed in accordance with the relevant sections concerning land contamination within the National Planning Policy Framework.</i></p> <p><i>Remedial action, or non-action, should be driven by risk assessment. We therefore maintain our objection to this application until such a time that the level of risk has been adequately assessed and that an informed and robust remedial strategy, which addresses to our satisfaction, the risks to controlled waters, has been presented to Bristol City Council.”</i></p> <p><u>Officer’s Note:</u> In relation to controlled waters, it is considered that further works required to assess the appropriate remediation strategy could be secured via planning condition. This would be consistent with previous approach taken to the extant planning permission on the site (application reference. 13/05616/P), of which condition 4 required further site-specific risk assessment to minimise risks from land contamination. As such Officers consider that no change to the recommendation on contaminated land is made.</p>
62	<p><b>ii) Flood Risk</b></p> <p><i>“Flood Risk</i></p> <p><i>We have reviewed the submitted Flood Risk Assessment (FRA) Technical Note -</i></p>

Page no.	Amendment/additional information
	<p><i>Hydraulic Modelling Status, dated September 2019, accompanying flood risk mapping and the revised proposed residential ground floor plan (drawing no. AP(04)2002 Rev. P19).</i></p> <p><i>The Technical Note suggests a flood risk condition should be imposed, in light of the emerging Bristol City Council hydraulic modelling not being available yet. Given that this information is fundamental to the principle of development and that this is a full planning we object to the proposed condition in the absence of sufficient clarity on the proposed finished floor levels.</i></p> <p><i>We note drawing no: AP(04)2002 Rev. P19 shows the proposed finished floor levels, which appear to be exclusively commercial on the ground floor. We require confirmation this is the case and that residential uses are limited to above ground floor level? This should be based on the emerging hydraulic modelling once this has been made available to the Environment Agency and we agree that it is suitable for the purposes of site specific flood risk assessment.</i></p> <p><i>We therefore maintain our flood risk objection to the proposed development as insufficient information has been submitted to demonstrate that the development can be made safe for its lifetime taking into account the impacts of climate change as required by national planning policy and associated planning practice guidance.”</i></p> <p><b>Officer’s Note:</b> The only area of the development where residential use is proposed at ground floor level is within Block C, where 6 dwellings have living areas at the ground floor. There are no bedrooms at ground floor level. The Framework Flood Risk Assessment completed for the Bedminster Green area concluded that finished floor levels should be no lower than 9.3m AOD.</p> <p>In recognition that the final hydraulic model could result in a minor but slight alteration to the Finished Floor Levels for Block C, a planning condition was proposed by the Applicant to ensure that the FFL is set 300mm above the ‘worse case’ modelled design event.</p> <p><i>“For residential uses, building Finished Floor Levels should be elevated 300mm above the tidally dominated design flood level (1 in 200 year tide event in 2119 with a 2 year along Dalby Avenue, as detailed on page 2 of the Technical Design Note dated 21 March 2019 and drawing no. SCP-HYD-PH1-XX-DR-D-5002 P01, or 300mm above the revised Bristol City Council baseline modelling for the same design event ( in preparation) once approved by the Environment Agency, whichever is the higher.”</i></p> <p>Officers consider that the condition proposed above would cover the worst case scenario in adapting Finished Floor Levels in accordance with the most severe flooding experienced. The recommendation follows a similar approach to the EA standing advice; as such Officers consider that no change to the recommendation on flood risk is made.</p>
63	<p><b>OBLIGATIONS</b></p> <p>The applicant has proposed updates to the Draft Heads of Terms for a Section 106 Agreement (if planning permission were to be granted).</p> <p>Items added have been underlined for ease of reference:</p> <p style="padding-left: 40px;">Transfer of Land for Strategic Highways Improvements</p>

Page no.	Amendment/additional information
	<p>Delivery of the Residential Travel Plan (including monitoring fees)</p> <p>Contribution to the Windmill Hill Residents Parking Scheme (not quantified)</p> <p><u>Contribution to Replacement Trees</u>: financial contribution of £22,956.30 for the implementation of 30 replacement trees</p> <p><u>Car Club</u></p> <p><u>Revised Viability Appraisal</u>: The applicant has indicated that they would agree to viability reviews to identify whether affordable housing could be provided if the scheme viability improves as it progresses.</p>
64	<p><b>RECOMMENDATION</b></p> <p>Amendments have been made to the reasons for refusal in the published Committee Report:</p> <p>Reason 1 – relating to the lack of provision of affordable housing no longer comprises a reason for refusal.</p> <p><del>1. The proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.</del></p> <p>Reason 2 – is now Reason 1 and amends have been made to the wording of this reason for refusal.</p> <p>Reason 3 – is now Reason 2 and amends have been made to the wording of this reason for refusal.</p> <p>The updated recommendation is set out below. For ease of reference, amendments to the reasons for refusal have been underlined.</p> <p><b>RECOMMENDED REFUSE</b></p> <p>The following reason(s) for refusal are associated with this decision:</p> <p><b>Reason(s):</b></p> <ol style="list-style-type: none"> <li>1. The proposed development by reason of its height, scale, massing, <u>inadequate public realm</u> 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).</li> <li>2. The proposed development would be unacceptable in terms of transport and highways as compliance with the A38 corridor works has not been demonstrated and there is an absence of an agreed package of s106 contributions. <u>Cycle parking and disabled parking has not been provided in accordance with the minimum standards as set out within Appendix 2 of The Bristol Local Plan.</u> The development is therefore contrary to Policies BCS10 and BCS11 of the Bristol Core Strategy (June 2011); and <u>Policies DM23 and DM27 of the Site Allocations</u></li> </ol>

<b>Page no.</b>	<b>Amendment/additional information</b>
	and Development Management Policies (July 2014).