

**Development Control Committee A – 22 September 2021**  
**Application no. 21/01999/F**  
**Former Car Park College Road Clifton Bristol BS8 3HX**  
**Comments of Robert Duff – Earlsfield Town Planning**

Dear Chair and Members,

I am Robert Duff, a Director of Earlsfield Town Planning, and am here today to speak on behalf of occupiers of Auburn House, Sutton house, Avonbank and Cliftonbank, which are listed buildings directly adjoining the proposed development site: The site was within the curtilage of 3 of the homes.

The proposed development is contrary to NPPF, to Policy DM31 and the advice of Historic England because it would significantly harm the setting, character, and appearance of the surrounding Heritage Assets. It will also be harmful to residential amenity and not be beautiful.

**1. Preserve or Enhance the Character of the Conservation Area**

Historic England state that (letters of 22<sup>nd</sup> June and 27<sup>th</sup> July);

'We do not consider that these amendments suitably or meaningfully address our concerns over the impact of the proposed development on the character and appearance of the Conservation Area.'

'While the existing car park itself does not contribute positively to the Conservation Area, its open aspect and enclosure behind the high stone wall on Collage Road is indicative of the juxtaposition of rows of substantial villas against substantial open, green spaces.'

'the proposed layout, massing and design fails to respond to the character and appearance of the Conservation Area.'

'the overriding built form and the concept of a terraced approach of this scale alongside the existing short terrace is of considerable concern.'

'We advise that a reduced massing, specifically with meaningful breaks along College Road could deliver a more contextual form of development. Building heights should be reduced and vertical building proportions should take a clearer steer from those around that define the character and appearance of the Conservation Area.'

'the existing boundary wall ... contributes positively to the Conservation Area.... If development were to be set further back into the site...the boundary wall could be retained in a more meaningful and contextual way.'

***The proposal... 'does not meet the requirements to enhance or better reveal the significance of the Conservation Area'.***

***'We therefore advise that your authority would still be justified in recommending refusal'***

This is clearly an objection and one my clients fully support.

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I agree with Historic England that the development will harm the Conservation Area and that the development should be reduced in scale, be set back from College Road, retain the existing wall and openings, and take a clear steer from the existing development around it.

Your Officer has misinterpreted this in the Report and wrongly states to you that historic England has not objected: That statement is simply wrong.

I can find no balanced assessment that seeks to justify the development against the harm it will cause the Conservation area in the Officers Report.

I ask that you refuse planning permission due to the harm the development will cause to the character of the Conservation Area.

### **2. Harm the Setting of Grade II Listed Buildings**

Historic England does not comment upon the impact of the development upon the setting of Grade II listed buildings. They confirm this in their letter of 22<sup>nd</sup> June by stating;

*'Our statutory remit here lies with impacts on the character and appearance of the Conservation Area and setting of Grade II\* buildings, which are in the top 8% of listed buildings'*

Historic England inform the Council that the setting of Grade II listed buildings will be impacted, but then leave it to the Council to assess whether the impact causes harm, which you must give special regard to and give significant weight.

My clients raised this matter in detail in their representations of 2<sup>nd</sup> June and 17<sup>th</sup> September.

Yet, notwithstanding Historic England's advice and my clients' representations, I can find no assessment of the harm to the setting of the Grade II listed buildings within the Officers Report. I also can find no representations on the matter from the Council's Conservation Officer.

The lack of any such assessment is contrary to the best practice approach to assessing the effects of development on the setting of heritage asset as set out in the ruling on *Catesby Estates Ltd v. Steer* [2018] which confirmed the established approach to assessing the effect of proposed development on the setting of heritage assets.

The application site sits within the former gardens of the Grade II listed lodges fronting Clifton Down. The lodges were developed alongside the Zoo and have had a physical relationship with it throughout their existence. The use of the land as a car park did not alter that relationship, retaining the open views between the Zoo and the Lodges.

The Lodges have been the largest structures in this part of Clifton for the entire time that the land has been developed. They will now be dwarfed by a massive structure far larger than anything else in the area, causing massive harm to the setting of the listed buildings.

The harm is significant and justified the refusal of the application alone. The fact that the Officers have not even assessed it in their Report is of significant concern.

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This is a fatal flaw with the Report which I am sure would fail under legal challenge.

**3. Loss of other Heritage Assets**

Two important non-designated heritage assets are to be demolished;

- A. Most of the high boundary wall onto College Road;
- B. The former Coach House to Avonbank.

Historic England state;

'If development were to be set further back into the site, the impact of any development could be reduced, and the boundary wall could be retained in a more meaningful and contextual way.' (letter of 22<sup>nd</sup> June)

The remaining coach house is an important heritage asset that should be retained in any development proposal. It would be harmful to demolish it.

The Report does not advise you that these heritage assets are to be demolished, seek to justify their demolition, or give them any weight at all.

This is a further fundamental flaw with the Report. Are you happy to permit the demolition of important Heritage assets without your Officers even considering the impact of doing so?

This is a fatal flaw with the Report which I am sure would fail under legal challenge.

**4. Harm to Residential Amenity?**

The Report indicates that my clients will suffer no loss of amenity because the new homes will be 25m from their habitable rooms.

Residential amenity includes impact on Privacy, Overbearing effects, Outlook, and Impact of Design.

The Officers Report considers only Outlook and for reasons not explained does not examine any other factor material to residential amenity. It is as if this vital planning consideration has simply been swept aside.

Privacy - Levels of privacy are currently high because the gardens and habitable rooms are not overlooked. The development will cause a significant loss of privacy;

Overbearing Impact – 3 storey houses directly behind the Lodges and a 5 storey block removing all relationship with the Zoo will be overbearing and cause significant harm to amenity.

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Outlook – There is more to outlook than just distance. The current outlook relates to the relationship between the buildings, it is an outlook and relationship that is important for any occupiers of the Lodges. The replacement of this outlook by the development of a 5 storey monolithic structure is of course harmful.

Design – The design of the buildings is in itself harmful to residential amenity: It alters the character of the area, as confirmed by English Heritage, and thus is harmful to the amenity of anyone living within the area, especially those living in beautiful, listed buildings, and viewing the development.

Harm to residential amenity justified refusal alone.

**5. Beautiful Development**

NPPF requirement for new development to be beautiful, which is a social objective of sustainability (Para 8) and that;

'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.'

(Para 216)

Do you believe that the proposed development is beautiful? If not, the development does not accord with NPPF and should be refused.

For all of the above reasons, I request that you refuse the application before you and advise the applicants to follow the advice of Historic England and design a development that takes a clear steer from the existing development around it.