

Development Control Committee A – 3 November 2021

**ITEM NO. 1**

**WARD:** Brislington West

**SITE ADDRESS:** 345 Bath Road Bristol BS4 3EW

**APPLICATION NO:** 19/03940/F **Full Planning**

**DETERMINATION** 14 May 2021

## **DEADLINE:**

**Construction of 109 no. apartments, including social rented and shared ownership tenure, and commercial/retail floor space contained in buildings ranging between 4 to 6 storeys, associated access, car and cycle parking, refuse & recycling storage, groundworks and landscaping and all other associated works. (Major Application).**

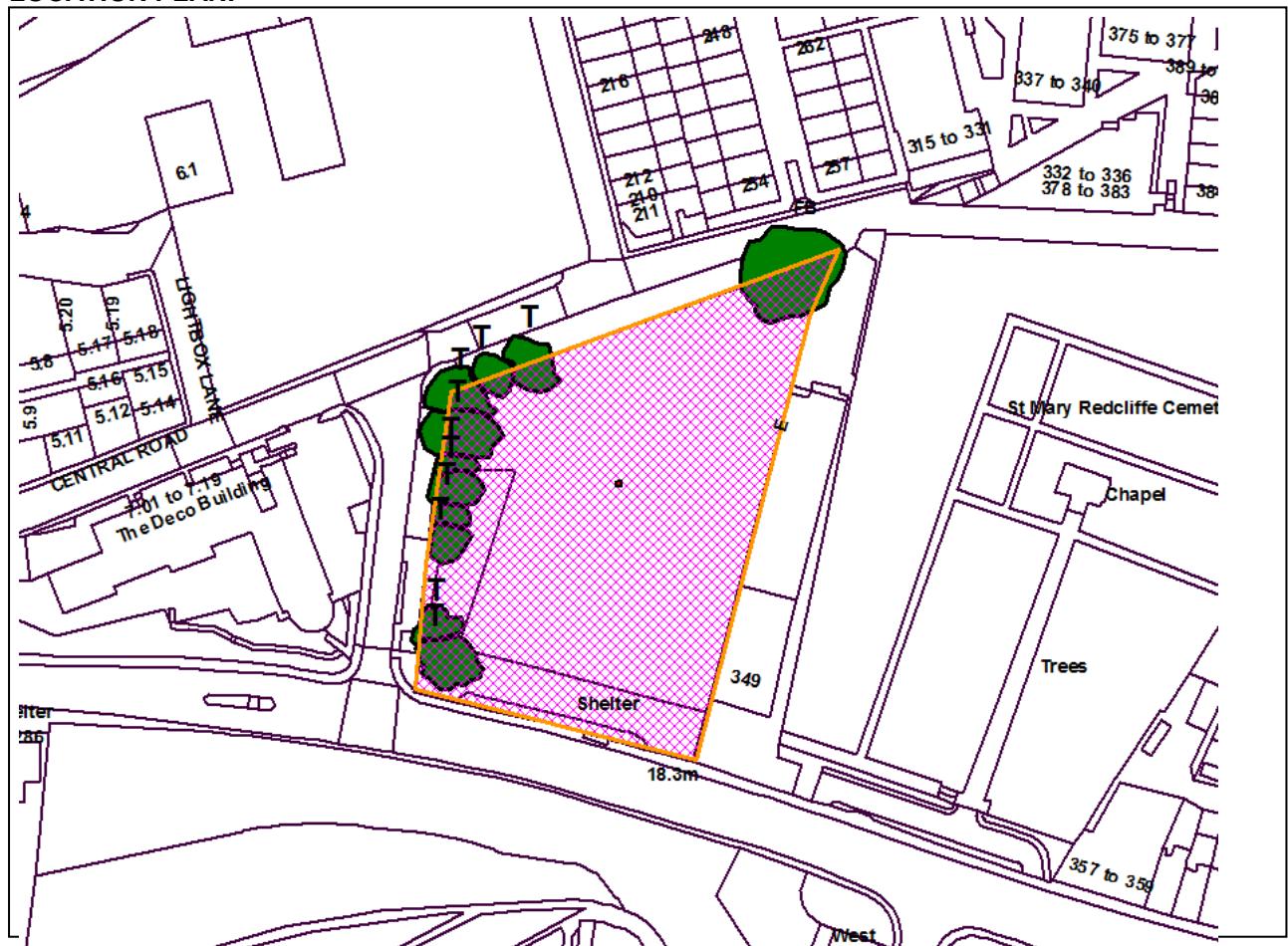
**RECOMMENDATION:** GRANT subject to Planning Agreement

**AGENT:** Avison Young  
St Catherine's Court  
Berkeley Place  
Bristol  
BS8 1BQ

**APPLICANT:** Galliford Try Partnerships

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

## **LOCATION PLAN:**



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## SUMMARY

The application relates to an allocated site in the Local Plan, an allocation which also encompasses the Paintworks development. It is allocated for housing and businesses in the adopted local plan. The scheme before members comprises 109 dwellings arranged around a perimeter block, with vehicular access from Bath Road and basement parking. Protected trees around the site are proposed to be retained, and the scheme would benefit from a central courtyard for the use of residents.

A number of objections have been raised during public consultation, with most comments having been submitted from residents of the neighbouring Paintworks development, including an objection from the developer of this site, Verve properties.

A significant change since the submission of this application is the inclusion within the scheme of a bus lay-by. This allows the existing bus stop outside the site to be re-provided within a dedicated lay-by and would avoid queues on Bath Road forming behind busses waiting at the bus stop.

Another change is the further refinement to the design of the scheme, as well as the provision of a landscaping scheme, to ensure the design quality of the elevations and public realm would be delivered.

The application is referred to committee by Councillor Jos Clark, who has called it in for the following reasons:

Overdevelopment of site, lack of local amenity, lack of adequate local parking, height of proposed buildings.

15.03.21

The application has been under assessment by officers for a significant period of time, and since submission has been revised formally three times, with a number of additional informal iterations having been submitted for comments and discussion during the course of the assessment. Officers have provided a great deal of advice and it is now felt that the applicant has adequately responded to concerns that have been raised. It is acknowledged that the scheme has a relatively high density, although it has a lower density than other developments in the area and has been reduced during the course of the application. The sustainable location on a number of bus routes, proximity to Temple Meads Station, as well as the overall design quality that would be delivered are considered to justify the density in this instance.

Affordable Housing within social rented and shared ownership tenure will be included, with the proportion discussed later in this report.

The application is recommended for approval, subject to conditions and s.106 agreement.

## SITE DESCRIPTION

The application relates to a 0.5Ha site which is allocated within the Local Plan (BSA 1202 - described below). The site is located to the south of the Paintworks development, between the Majestic Wines site and Central Road access to Paintworks. The site is opposite Arnos Vale Cemetery. Currently on site is a level hardstanding which until recently had been used as a construction compound and prior to that as open storage. More recently, the site had been used unlawfully for the siting of a traveller encampment, (subject of an enforcement investigation described below), although this use has now ceased. The only vehicular access to the site is from Bath Road. The levels at Bath Road drop down towards the north of the site, and there is a retaining wall approximately 9m tall at the southern edge of the site, on the Bath Road frontage.

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There are mature trees on the southern and western boundaries of the site, and these are protected by TPO.

There is an existing bus stop outside the site and the vehicular access gives directly onto Bath Road (A4) which is a high frequency bus route as well as a major key route into the City. This is a safeguarded transport route in the Local Plan (DM24).

The nearest heritage assets to the site are the Arnos Vale conservation area, the boundaries for which are located to the south and east of the site. Arnos Vale Cemetery is designated a Registered Historic Park and Garden, and this is across from the site to the south where the land rises steeply. There are a number of listed buildings, monuments and tombs within Arnos Vale Cemetery, notably the front gates which are Grade II\* listed entrance lodges.

Adjacent to the site to the north and between the application site and the River Avon is Paintworks- a mixed use development, with building heights ranging between 2 and 10 storeys.

The site is within Temple Quarter Enterprise Zone, which seeks to attract growth and regeneration through a mix of uses. The site is also allocated (along with the neighbouring Paintworks 3 site) within BSA1202 which suggests a mixed-use development incorporating housing and business, and sets out the following criteria for development on this site:

- Proposals should have regard to the EZ's Spatial Framework;
- Suggested approach is housing and business;
- Development should be informed by a site specific flood risk assessment;
- address noise and pollution issues from nearby industrial and waste uses and Bath Road;
- protect and if possible, enhance River Avon corridor;
- be designed to provide natural surveillance over the footpath to the east;
- be informed by a Health Impact Assessment;
- Estimated number of homes is 221 (spread across the whole allocation).

It is noted that the Paintworks development already delivers in excess of the total number of dwellings envisaged by the allocation with approximately 330 dwellings, and a density of 120dph.

The site falls within Flood Risk Zone 1, indicating a low risk of flooding.

#### RELEVANT HISTORY

Outline planning application was granted on 12 January 2016 (BCC ref: 15/01650/P) for the erection of 47 dwellings and 616 m<sup>2</sup> of B1 business use. Access, Layout and Scale were determined with Appearance and Landscaping reserved. This consent has now expired and was not implemented.

Advice on a pre-application enquiry was provided on 16 June 2017 (17/02029/PREAPP) for a scheme proposing the erection of two new buildings of 6-8 storeys in height with deck level car parking to provide up to 420sqm of employment floor space, 152 apartments and associated works.

This proposal showed two linear buildings positioned parallel with Bath Road. To summarise the advice, concerns were expressed regarding the proposed height and arrangement of the buildings, which departed from the recommended height in the Spatial Framework (low rise, 2-4 storeys). The applicant was advised that with the right design, and a good quality contextual analysis, buildings with elements taller than 4 storeys may be acceptable on parts of the site.

The lack of defensible space between the bus stop and the proposed dwellings was noted. The scheme proposed one car parking space per unit and due to the high number of vehicle movements that this would have generated, it was considered that the development would result in a severe impact on the highway network. The access was considered to be insufficient for this level of movement.

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Advice on a second pre-application enquiry was provided on 9 May 2019 (18/05471/PREAPP) for a scheme proposing 132 no. new dwellings across 6 development blocks, ranging between 4-7 storeys in height, to include amenity space and underground car parking, with associated access and infrastructure works.

This proposal showed a perimeter arrangement with basement car parking for 50 cars, similar to that applied for within the current application.

Advice was that the Urban Living SPD as well as the Spatial Framework and Daylight and Sunlight studies should inform the height of the proposed buildings on site, and that the scheme did not successfully justify buildings taller than 4 storeys. Further pre-application discussions were invited on the issue of access to the site, as it was noted that the high frequency bus service would result in an obstruction to vehicles turning right into the application site. Further pre-application discussions were also advised in order to develop the massing and building heights. The current application was submitted in September 2019 without any further pre-application discussions having taken place.

#### **ENFORCEMENT CASE**

21/30064/COU -the Council's Enforcement team investigated the use of the site for a traveller encampment. It is understood that the use has now ceased and the case has been closed.

#### **PLANNING HISTORY ON NEIGHBOURING SITES**

15/04217/F: Demolition of Endemol building and partial demolition of Building Six; erection of new buildings of 4-8 storeys with underground car parking to provide up to 1769 sqm of employment floor space (Use Class B1), including 188sqm of flexible floor space (Use Classes A1, A3 and B1); 92no dwellings (Use Class C3); new open car park, public open space and associated landscaping. Planning permission granted on 17 January 2018.

Later amended by application refs: 18/00571/X and 18/05012. Works to implement this scheme (known as Phase IV Paintworks) are currently underway on site.

#### **APPLICATION**

The application has been amended a number of times since it was first submitted. The original submission proposed 132 dwellings arranged around a perimeter block ranging in height between 4-7 storeys. Commercial floorspace of 210sqm was also proposed. The dwellings are to be arranged to face onto the surrounding streets with some accessed via a central courtyard and some from the main entrance on Bath Road. Access to the central courtyard would off the main access lane adjacent to Majestic Wines on the eastern part of the site.

Vehicular access would be from Bath Road, into the existing access, and this would be adoptable to enable an 11.4m refuse truck to enter the site.

The parking area would be at basement -2 level, with space for 49 cars and basement -1 level with space for 246 cycle parking spaces.

Originally proposed:

42 x 1b2p apartments  
14 x 2b3p apartments  
42 x 2b4p apartments  
26 x 2b4p maisonettes  
8 x 3bed apartments

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### AMENDMENTS DURING THE COURSE OF THE APPLICATION

A number of meetings and discussions have taken place between officers and the applicant since the submission of the planning application, in attempt to overcome the issues that were raised at pre-application stage.

The application has been revised by the applicant following officer advice that the original submission was unacceptable in design and transport terms, and a number of iterations have been presented.

Formal revisions were submitted on 22 Feb 2021 with consultation being carried out with all neighbours and consultees. A further set of revisions were submitted on 21 July 2021, with a further round of consultation.

The latest revisions show the following amendments:

- Reduction in number of dwellings from 132 to 109
- A reduction in the height of the proposed development, now being a maximum of six storeys;
- Revised layout of the central courtyard;
- Revised massing across the scheme; and
- Setting part of the Bath Road elevation back from Bath Road and introducing an area of public realm.
- Introduction of a bus lay-by to the Bath Road frontage.

#### Revised Dwelling Mix:

40 x 1b apartments  
 36 x 2b apartments  
 23 x 2b maisonettes  
 10 x 3b apartments

### PRE APPLICATION COMMUNITY INVOLVEMENT

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

The applicant prepared a statement of community involvement (dated July 2019) which has been assessed, and is summarised below:

#### i) Process

A public exhibition was held at Arnos Vale Cemetery at the Spielman Centre on 21 May 2019 between 3pm and 7:30pm. 500 flyers were distributed around the site to neighbouring homes and businesses. A Facebook page was set up via the Paintworks page. Local residents groups were contacted by email.

The SCI reports that 60 people attended the event and 37 provided their details. Feedback was invited via forms at the event, or as follow-up comments online after the event. The feedback that was received is included in an appendix to the SCI.

#### ii) Fundamental Outcomes

The following issues were raised, and the applicant's response is included:

Retail space instead of office space is preferred

- A flexible use is proposed

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Insufficient commercial floorspace is being provided

- Affordable Housing is prioritised over commercial floorspace

Concerns about the height

- Applicant considers height is appropriate

Parking pressure on local streets

- A Travel Plan sets out how the development would reduce the number of private trips.

Public realm

- The scheme provides enhancements to the public realm

Density and cramped accommodation

- The applicant considers that the density is appropriate for the site in a sustainable urban location, and that the units comply with the National Space Standards.

Bland uninspiring architecture

- The applicant considers that the design of the buildings has been informed by public feedback and engagement with Bristol City Council

Question of whether the provision of affordable housing on the site should be prioritised over employment uses

- The applicant made no response in the SCI on this issue

Green infrastructure welcomed

## RESPONSE TO PUBLICITY AND CONSULTATION

### ORIGINAL CONSULTATION

Letters were sent to 335 nearby occupier on 26.09.19. Site and Press notices were also posted on 02.10.19.

There were 19 objections to the scheme. The following comments have been made (summarised):

#### LAND USE OBJECTIONS

There is only one commercial space allocated. There should be a vibrant mix of work and live units. Shops and bars are also needed.

#### DESIGN OBJECTIONS

The tallest buildings are on the highest elevation of the site and will dwarf the Art Deco building, the entrance to Arnos Vale Cemetery and the trees.

The proposal looks bland and uninspiring, especially next to the creativity of Paintworks

The buildings will create a claustrophobic feel to Paintworks. The buildings on Bath Road would cast a shadow over the whole site.

The existing permission is far better

The density of the scheme is too high

The visual connection that Paintworks has to the cemetery would be lost.

#### AMENITY OBJECTIONS

The proposed dwellings are cramped, with limited room for storage

There is limited access to natural light for many of the properties

The seven storey tower block would completely eliminate the limited natural light we receive in our homes and outdoor spaces (211-254 Paintworks)

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**TRANSPORT OBJECTIONS**

There is a need for an upgraded path running by Sparke Evans Park to Temple Meads. It is overgrown and littered, and not wide enough for runners, walkers and cyclists to pass. Access from Edward Road and on to the bridge is often unsafe too

Bath Road needs to be improved for cyclists and for public transport

Occupiers of the development will be at high risk of air pollution from traffic, so the development needs to look at ways of reducing traffic pollution on Bath Road

The lack of parking will mean that maverick parking will take place all around Paintworks

Buses already fail to stop at Paintworks due to limited capacity at peak times

**OTHER OBJECTIONS**

There has been limited communication with residents of Paintworks from the developer

The units do not have room for recycling bins

The development will be identified primarily as a social housing development, which goes against the principle of social integration in Paintworks

Development on this scale would not promote healthy neighbourhoods - families living in Paintworks have been living with building works for a long time

- Arnos Vale Residents Association (summarised)

We are waiting for an RPZ for Edward and Chatsworth Road which has already been paid for by the developers at Paintworks. Employees and residents of Paintworks phases 3 and 4 currently park on neighbouring streets, where they block the street and the police have been called at times. Potential residents of this scheme will therefore do the same. There are other developments in the area which will come forward (Paintworks 4 and Totterdown Tower), with inadequate parking, but there is a lack of provision locally. The access to the site is also not good enough - the road is narrow and there is a bus stop. This will cause traffic jams and is an accident waiting to happen. I also object to the fact that there is no job creation - this is the Enterprise Zone and there should be some contribution to EZ requirements.

- Verve Properties Ltd (Paintworks) (summarised) Verve Properties Ltd have also commissioned a Transport Statement prepared by Highgate Transportation Ltd in response to that submitted with the application.

The expired Outline consent is relevant to the determination of this application.

The current proposal provides just 210sqm office floorspace, which is a reduction of 66% from the Outline permission and represents just 1.5% of the total floor area proposed. This is entirely inappropriate for an existing employment site in the Enterprise Zone and conflicts with adopted policies.

The applicant has provided no justification for the development against DM12 (Retaining Valuable Employment Sites), and no Economic Statement (which is a validation requirement) has been provided with the application. There is a current waiting list for non-institutional small business space, which clearly demonstrates the demand described in the Spatial Framework. The Paintworks scheme has proven that it is possible to deliver a mixed use development of small business space and open market and affordable housing. It should not be necessary for the development to be a purely housing scheme.

The proposal does not achieve the Spatial Framework aim for this site of being a creative hub comprising workshops, live/work units, houses and apartments.

The Spatial Framework also sets an indicative development quantum which seeks to realise 30,000sqm of gross employment floorspace for the Avon Riverside Zone. The applicant should therefore justify how they sufficiently contribute towards this target.

No Health Impact Assessment was submitted with the application.

The application should be refused on the basis that it does not comply with the Site Allocation and DM14 (The Health Impacts of Development).

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The current application exceeds the Spatial Framework in height - it also exceeds the height granted by the Outline scheme, and would be an undefined seven storey mass that would create an uncomfortable relationship with surrounding buildings. The proposed building line is further forward than the Deco building, and has no active frontage which further exacerbates the poor relationship.

Similar problems exist to the rear, where the 6 storey flatted development is at odds with the sense of community and place successfully created at Paintworks.

The Bath Road frontage should deliver an active frontage and take the opportunity to make it more legible and to promote the economic and creative -led vision and objectives of the Enterprise Zone and Avon Riverside Area. The proposal compromises the ambition of the Spatial Framework at one of the few main road sites.

**Highgate Transport report (on behalf of Verve Properties):**

Opening up the now blocked off historic access to the Hursley Hill Site should be considered as a reason for refusal on highway safety grounds since:

- Part of the access design results in a substandard right hand turn lane which in turn reduces the right hand turn capacity for the Paintworks site.
- Whilst the 2016 application used the same access, this was egress only with no right hand turn lane. The proposal would require this right turn lane to be shortened which would worsen the visibility from the bus stop cage on the eastbound carriageway.
- Due to the fact that the site has been vacant for many years, the traffic flows may not be offset against the development traffic forecast from the application proposals.
- The access is too close to the Majestic Wine delivery warehouse and would result in conflict.
- The bus stop cage would need to be reduced in length and this would result in buses queuing.
- Junction visibility is severely impaired when a bus is stopped at the bus stop.
- There was no Road Safety Audit (RSA) submitted with the application. Highgate have therefore included an independent RSA which confirms that the access arrangements are unsafe.
- Whilst the current access into the site was seen as appropriate for the Outline consent scheme, at the time this application was considered, the junction onto Central Avenue (to Paintworks) was an egress only with no right turn lane.

## SECOND CONSULTATION

Consultation letters for the revised scheme were sent on 23.02.21.

12 additional objections were submitted in response to the revisions, and the additional issues raised are summarised below:

**REGEN (Paintworks)**

- The revised proposals do not appear to have been informed by an appropriate urban context analysis and does not meet the requirement for the 'highest possible design credentials'
- The Land Viability report does not mention the recent phase 4 Paintworks site therefore the quality of comparable evidence is questioned.
- The Daylight and Sunlight assessment does not follow the methods of BRE and does not correctly consider the context of the Paintworks development. It does not look at the external amenity spaces within the scheme.

**VERVE PROPERTIES (Paintworks)**

- Paintworks has not been used as a comparable in the viability report. Petrol filling site had different considerations and is not directly comparable.
- No agreement exists for access links across Paintworks. We have offered to engage but only for a suitable quality and compliant scheme. It is not possible to achieve these aims if the site value is too high. The north east corner is annotated with greenery which is actually our public realm.

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**OTHER OBJECTIONS**

109 units is far too high and the scheme is still far too dense and cramped.

Units do not have much storage space within them

The scheme still does not provide a true mix of uses

The scheme creates a barrier between it and Paintworks - people would not easily be able to access the active travel route across the bridge (to Sparke Evans Park).

The scheme does not commit to installing solar panels or building an integrated sustainable heating system. This is not fit for a city that declared the first Climate Emergency.

The entire ground floor should be devoted to public use that encourages life and community.

There are no car club spaces.

**THIRD CONSULTATION**

Consultation letters for the latest revised scheme were sent on 09.09.21.

Three additional objections were submitted in response to the revisions, but no new issues were raised.

Verve comments:

- Whilst the bus stop helps the right turn without an island so close to the Paintworks access still creates a dangerous turn in. Please see our detailed highways report (attached) in our previous objection which still stands in particular the lack of road safety audit and the reliance on the low density 2015 consent which pre dated the new entrance and egress access at Paintworks (with traffic island ).
- The lack of appropriate amount of commercial space. What is included is of such poor suitability and location it could be considered unlettable and therefore likely to be subject to a future application to convert to residential. This site is within the Enterprise zone and to most casual observers will be thought of as part of Paintworks. Why should it therefore be residential only? Reference is made to the density reflecting Paintworks however this ignores the entirely relevant fact that high density was needed to enable the inclusion of a large proportion of commercial. To accurately compare the density therefore there would need to be a similar (23%) amount of commercial.
- Architecturally it remains very poor and uninteresting, a fact made worse by the fact it hides the much superior building (s) behind it. The DAS includes references to details in Paintworks however they reference the cheap details and none of the expensive, there are no engraved curved feature parapets, glazed bricks, feature brickwork etc. There needs to be an improvement in the architecture and detailing and a gap created in the middle so the better quality building behind can be seen from the Bath Rd. The introduction of the stone plinth to match Paintworks is welcomed however it is so small I have struggled to find it!
- The public realm will not be able to extend beyond the boundary.

**Ward Members**

**Councillor Jos Clark**

I would like this application to be considered by Committee if it is to be recommended for approval.

Reasons: Overdevelopment of site, lack of local amenity, lack of adequate local parking, height of proposed buildings.

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**OTHER COMMENTS**

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

The air quality assessment identifies the need to mitigation of potential emissions of dust and PM10 during construction activities and identifies a need for a CEMP to include dust mitigation measures. Recommended dust mitigation measures are identified in section 6.1.1 of the air quality assessment.

The air quality assessment has demonstrated that air quality at the development site is compliant with air quality objectives and the potential impacts from additional vehicle movements and on-site gas plant have been screened out as insignificant using an acceptable screening methodology.

The development is considered acceptable from an air quality perspective.

**Contaminated Land Environmental Protection** has commented as follows:-

The Desk Study and Ground Investigation Report prepared by T & P Regeneration dated October 2018 (Ref 18Oct\_BTH2258\_DSGI) has been reviewed.

Our records indicate the site has a number of specific uses not referred to in the Desk Study (this information is sourced from the Kellys Trade Directories)

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1932 - post 1973:

Lucas Joseph - Motor Accessory Manufacturers

Part of this site was used for battery production, historical planning records show an "acid channel" and neutralising chambers on site

1932 - 1950

Rotax - motor accessory

Arnos Vale Garage

1932 - 1960

C A Vandervell - Motor equipment manufacturers

349 Bath Road:

1960 - post 1973 - Michael Nairn & Co Linoleum Manufacturers

None of the sample locations target this battery production area or associated drainage channels, the closest location to this area of the site was not subject to sampling.

This report was written before current scheme designs which appear to involve significant removal of material from site at the Bath Road end to form the car park space. Can the applicants confirm the depths of excavations proposed so we can determine if the samples taken relate to material being retained on site/removed off site etc. We presume this will be undertaken via some form of materials management plan and probably under the CL:AIRE DoWCoP scheme?

We do feel a more robust risk assessment is required but have no objection to this being undertaken via planning conditions.

Therefore it is recommended standard conditions B11 B12 B13 and c1 are applied to any future planning consent.

Please note B11 and B12 can be worded to facilitate demolition prior to submission and B13 can be worded to read prior to occupation upon request.

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**Flood Risk Manager** has commented as follows:-

Lead Local Flood Authority held an initial objection, although discussions are ongoing and are described at Key Issue (J). Original comments are below:

- No evidence is presented that the proposed drainage strategy has followed the NPPF, Non Statutory Technical Standards and, most importantly, the West of England Sustainable Drainage Developers Guide. These documents, particularly the latter, expect developments to promote multi-functional, source control, sustainable drainage features for example (but not limited to) green roofs, rain gardens, permeable surfacing (in privately maintained areas), bioretention features etc.

- The above documents also require sites to limit surface water runoff as close to greenfield rates of runoff as possible. Our existing local policies require at least 30% reduction. No evidence is provided as to whether limiting the site discharge to greenfield rates would be reasonably practicable, or whether a greater than 30% reduction can be achieved

- We agree that connection to the public surface water sewer network is appropriate due to the lack of a watercourse within or adjacent to the sites redline boundary. However, no liaison with Wessex Water has been undertaken to agree discharge rates into their network. In addition, the existing surveys are inconclusive as to whether the site discharges to the public sewer, therefore it is even more important to obtain Wessex Water's agreement at planning application stage to the discharge rates and avoid potentially abortive work

- Whilst we appreciate the assessment of exceedance routes but we recommend the proposed development includes some raising of ground floor thresholds to increase resilience against surface water flooding

- We would welcome early discussion with the applicant to address the above reasons for objection

**Avon Fire & Rescue Service** has commented as follows:-

Consulted 25.09.19. No comments received.

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

After a number of revisions, the design is considered to be acceptable, and the scheme responds adequately to the guidance in the Urban Living SPD. Full consideration is at Key Issue (E).

**Bristol Waste Company** has commented as follows:-

Developers and site managers must ensure the turning point is sufficient to allow refuse and recycling vehicles to turn and reverse into the courtyard.

OFFICER NOTE: Vehicle tracking has been provided and is acceptable.

Developers should also be aware of the noise caused by the servicing of glass MRC bins within a courtyard environment as this has caused complaints with early collections.

OFFICER NOTE: A condition is applied limiting the hours for servicing.

**Sustainable Cities Team** has commented as follows:-

Earlier concerns have been removed, no objections.

Full consideration at Key Issue (I).

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

No objection

This note follows the submission of a revised design in July 2021 which was accompanied by a revised Design & Access Statement and Addendum to the Transport Technical Note.

The main change affecting transport is that the design now includes a bus layby to the front of the site as previously sought by TDM.

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The revised design has been the subject of a Stage 1 Road Safety Audit and tracking has been provided for a refuse vehicle entering and exiting the site.  
In all other respects, from a transport point of view, the proposal is as before. Given that the lack of a bus layby at the front of the site was the sole reason for refusal from TDM, now that this has been resolved we wish to remove our objection to the proposal.

#### RELEVANT POLICIES

Urban Living SPD - November 2018

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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) HOUSING DELIVERY AND POLICY BALANCE

Section 5 of the National Planning Policy Framework (NPPF) outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. The Local Planning Authority (LPA) should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Policy BCS5 (Housing Provision) of the Core Strategy outlines that delivery of housing to meet the Council's housing targets will primarily be focused on previously developed sites however some open space will be utilised for housing development.

Policy BCS18 (Housing Type) of the Core Strategy states that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

Policy DM1 (Presumption in Favour of Sustainable Development) of the SADMP outlines that the city's approach to development proposals will generally be positive and reflective of the presumption in favour of sustainable development as referenced throughout the NPPF.

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

In view of the fact that the LPA is not able to demonstrate a five year housing land supply, The "presumption in favour of sustainable development" requirement of the NPPF, paragraph 11(d) is engaged, and the tilted balance applies.

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

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

In respect of this application, it is considered that the initial objections relating to quality of design and highway safety have been overcome to the satisfaction of officers. The benefits of delivering housing on this allocated, but as yet undeveloped site, are described in the following paragraphs, and are considered to outweigh any adverse impacts arising from the scheme. The tilted balance is therefore applied in favour of development in this case.

**(B) IS THE PROPOSAL ACCEPTABLE IN LAND USE TERMS?**

The site allocation BSA1202 includes housing and business.

The site is within the Temple Quarter Enterprise Zone, and as such, advice in the adopted Enterprise Zone Spatial Framework applies. The Spatial Framework sits alongside the suite of adopted local plan policies and is used as a guidance document and a tool for assessing developments in the Enterprise Zone. It is not afforded the same weight as adopted policies.

The Spatial Framework encourages a wide range of uses as part of the growth and regeneration of the area as an employment-led, mixed-use quarter of the city centre. Mixed-use is set out to be where residential comprises up to 60% of the total floorspace, with the remaining 40% as employment generating.

The proposed commercial use is located in the north-eastern corner of the site, at a raised level fronting onto Central Avenue, which is a private road in the Paintworks development. Over the course of the application assessment, the proposed floor area of this use has increased from 210sqm to 306sqm, largely following officer comments that 210sqm commercial floorspace was considered insufficient to truly respond to the requirement for a "mixed use" development within the site allocation.

The applicant has proposed additional commercial floorspace to show a total of 306sqm, which they have said could generate up to 30 jobs. Whilst this is still low in comparison with the split envisaged by the Spatial Framework, the applicant has sought to respond to this issue by providing an Economic Statement. The Economic Statement refers to the inclusion in the allocation of the whole of Paintworks, with the Paintworks development typically including a higher proportion of commercial floorspace and proportionately less affordable housing. The statement considers that the application scheme redresses the balance and increases the quantum of affordable housing across the allocation. The Economic Statement has also set out why, due to site constraints, it is not considered feasible to provide additional commercial floorspace (due to highways and site ownership issues which are seen to limit access for access and servicing). It also states that increased commercial floorspace would further impact on the potential for delivering affordable housing.

The nearby development at the Esso site, approved under reference 18/04620/F contained 418sqm office (B1(a)) floorspace and 152 units and this was seen as an acceptable proportion of residential to commercial floorspace in view of the particular site constraints and the site's location.

On balance, the provision of 306sqm commercial floorspace is seen as acceptable in view of the above considerations. It is also noted that the description of development refers to either a commercial or retail use, however retail is a town centre use and any floor area above 200sqm would be subject to the retail sequential test in policy DM7, in view of its location outside of a designated centre. In view of this policy requirement, a condition shall be applied to limit any retail floorspace to a maximum of 200sqm. Commercial floorspace (ie not a town centre use) could occupy the full 306sqm

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proposed.

The findings of Key Issue (A) are also repeated here - Bristol is unable to demonstrate a five year housing land supply, and the NPPF therefore requires a presumption in favour to meet the development needs of the area - in this case, the delivery of housing.

**(C) IS THE PROPOSED DEVELOPMENT VIABLE, AND DOES IT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?**

The proposed development falls within Use Class C3 of the Use Classes Order, meaning that it is required to address the Council's Affordable Housing Policies. It comprises 109 dwellings and therefore it is required to comply with Core Strategy Policy BCS17, which seeks the provision of up to 30% affordable housing (33 affordable dwellings) subject to scheme viability.

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

The Applicant has claimed that, to remain viable in planning terms, the proposed scheme is only able to provide 15% affordable housing. A Viability Report and supporting commentary has been submitted by JLL on behalf of the Applicant in support of the claimed viability position.

The applicant has stated that they intend to provide 50% affordable housing, with the additional 35% being grant funded (i.e. funded through the public purse). Officers advise that there is no reason why developers should not provide additional affordable housing, via the use of grant funding, over and above that required by Council policy. However this is not a planning matter that should be given weight in determining the application. The supporting text to Policy BCS17 clearly states that "The council will expect the affordable housing to be delivered without public subsidy and provided on site".

Therefore the issue for consideration is the level of affordable housing (up to 30%) that can be provided without public subsidy through a Section 106 Agreement, and whether the 15% claim made by the applicant is acceptable.

Officers commissioned BNP Paribas to assess the JLL Viability Report and advise the Council as to whether the Applicant's claim was reasonable.

Whilst BNP Paribas agreed with many of the inputs used by JLL in their Viability Report, there were a number of areas of disagreement, the key one being build costs.

For a scheme of this size (total value of over £30m) a detailed cost plan would be expected as part of the viability submission, however only very limited information had been provided, and it contained no justification as to how costs had been derived. BNP Paribas requested further cost information from the applicant in April 2021 and the applicant provided the information on 20 October 2021.

The information submitted on 20 October 2021 was a mixture of quotes for specific elements of the build, quotes for works to be undertaken on a different site being developed by the applicant, with the figures applied to the application site on a pro rata basis, indicative costs from suppliers, and some in house costs. There is no confirmation that the quotes provided were accepted, or represented the best value or best quality quote. Consequently, given the relatively rudimentary level of information provided, and the lateness of its provision; BNP Paribas cannot be confident that the information provided accurately reflects the likely build costs of the development.

Prior to receipt of the build cost information on 20 October 2021, BNP Paribas were of the view that the scheme could provide a policy compliant 30% affordable housing. An update will be provided to members prior to committee as to whether BNP Paribas opinion has changed due to their assessment of the build cost information submitted.

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Officers recommend approving the application based on the provision of the percentage of affordable housing that BNP Paribas conclude can be provided. However, committee should note that this will not be based on a high level of confidence that the build costs accurately reflect the likely build costs of the development.

Finally, should members wish to approve the application with less than 30% affordable housing then it is recommended that an upwards only viability review should be required if the development has not commenced within 18 months of a planning consent being granted. Given the uncertainty around build costs, a further upwards only viability review should be required on first occupation of the development, as by this time the build costs will have been crystallised.

**(D) DWELLING MIX**

Section 6 of the NPPF reflects the need to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and states that "all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities" Paragraph 4.18.5, with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Analysis of the city's general housing needs and demands has identified a number of indicative requirements for each of 6 city zones. The zones reflect sub-market areas used in the Strategic Housing Market Assessment (SHMA). The intention is to provide a strategic steer for all sizes of residential scheme within each zone. Within the Bristol South Zone, 1 bed, 2 bed and 3 bed flats are considered appropriate. However, a more local area-based assessment is required to assess the development's contribution to housing mix. A smaller scale will not provide a proper understanding of the mix of that area; a larger scale may conceal localised housing imbalances. As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower Level Super Output Area (average of 1,500 residents).

The application site is located within the Sandy Park Road LSOA within the Brislington West Ward and is also very close to the boundary with Lower Totterdown and Wells Road LSOAs. A picture of the range of housing types in the LSOA can be obtained by consulting the 2011 Census data. The Sandy Park Road LSOA has a ratio of flats to houses at: 25.1% : 74.9%. Lower Totterdown LSOA has a ratio of flats to houses at 56.9% : 43.1%. Wells Road LSOA has a ratio of flats to houses at 43% : 57%. For Brislington West ward as a whole, the ratio is 20.5% : 79.5%.

It can be seen that accommodation in this part of the city is predominantly in houses, and there is a lack of units for smaller households of 1- and 2- bedrooms. New residential development is therefore expected to seek to redress the balance, and in this area therefore, to provide a range of unit sizes including smaller units.

The proposed mix is as follows:

- 1bed - 40
- 2 bed - 36
- 2 bed maisonette - 23
- 3 bed - 10

The scheme would still retain 10% of the units as larger 3 bedroom units, which would provide family-sized dwellings. This is commensurate with the BCS18 policy requirement to create neighbourhoods

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with a mix of tenures, housing types and sizes, and the dwelling mix is therefore acceptable.

**(E) WOULD THE PROPOSAL BE OF AN ACCEPTABLE HEIGHT, MASSING, DENSITY AND OVERALL DESIGN, AND HOW WOULD IT IMPACT ON HERITAGE ASSETS?**

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

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

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

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

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

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

The Urban Living SPD was adopted by the Council in November 2018, and recognises the need to deliver at least 33,500 new homes by 2036. The document seeks to guide development towards creating compact, characterful and healthy urban areas, and to ensure that schemes respond positively to existing and emerging context.

The scheme proposes the redevelopment of the site to provide predominantly residential use, with some commercial units at ground floor, configured in a perimeter block form ranging between 4-6 storeys in height. The density of the scheme has been reduced from 269dph to 213dph in the revised submission. The Urban Living SPD identifies the site as being within the Inner Urban Area, where the recommended density is 120 dwellings per hectare. Whilst the density is higher than the recommendation in the ULSPD, it is considered that the revised scheme has successfully overcome earlier concerns about design and furthermore, importantly, opportunities for enhanced public realm have been taken, with an additional set-back on Bath Road and a full landscaping scheme which will be conditioned. The site is also sustainably located, and within 15 minutes' walk of Bristol Temple Meads Station and with regular bus services from the bus stops outside the site. The higher density, which has been reduced with improvements to the scheme during the course of the application, is supported in this instance.

**Height, scale and massing:**

In view of the height suggestion within the Enterprise Zone Spatial Framework of 2-4 storeys being appropriate on this site, height in excess of 4 storeys needs to be justified with a robust background townscape and views analysis. This advice has been provided to the applicant at pre-application stage.

The amended plans show a reduction in height across the scheme, and this is welcomed. The height of 4-6 storeys still represents a building of scale compared with the context and it is considered that the latest scheme has successfully responded to earlier concerns. Officers now have sufficient assurance on the quality of articulation and elevation treatment, which is considered to mitigate the scale, break up the massing and responds positively to the grain and character of surrounding development, both new and old.

The proposed elevations and sections contained in Townscape and Visual Impact Appraisal shows the scheme as a convincing addition to the already dense Paintworks built environment.

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The scheme has sought to articulate this through revised massing to the roof line. Together with an enhanced fenestration approach, the scheme has improved the articulation of roof line and form. As the applicant's DAS addendum highlights, the existing Paintworks development exhibits a number of roof forms, responding to previous industrial architecture, but also the gables and detailing of the residential properties to the south.

**Appearance and detailing:**

As above, the revisions demonstrate positive changes, which improve the appearance of the scheme. City Design Group required a 'Design Intent Document' to understand and confirm the design approach meets the expected quality standard. This has been submitted and includes illustrative sections through windows, doors and material junctions. This ensures the continuity of quality and will be secured by condition.

**Layout and form:**

The site is characterised by a 6m fall from the Bath Road frontage to Central Road to the north and this topography forms an important part of the local character. It is noted that the design revisions have responded to this at street level with access and threshold space associated with maisonettes along the east-west routes.

The current hoardings on the site are set back from Bath Road, in line with the Majestic Wine building Frontage and Art Deco building to the west. This space provides important relief from the busy road, particularly given the tight dimensions created by the boundary wall to the south of the A4.

It is noted that the amended proposals provide more generous public realm to this frontage, and in response to officer comments the most westerly corner has been further set back so that it aligns with the building line established between the Majestic Wine building and the Art Deco building on the adjacent site. The location of residential units at street level on this frontage, with private amenity space, requires a generous set back from the street, with substantial landscaping to provide appropriate privacy and defence from the anticipated noise and air quality issues. This has now been addressed in the current scheme, with assurance on a robust landscaping scheme having been provided by the applicant. In terms of the impact on the public realm, this also alleviates the sense of enclosure at street level for pedestrians and cyclists using Bath Road, given the constraint of existing stone retaining wall on the west-bound carriageway.

**Edges and public realm:**

Despite its perimeter block form and frontage onto street edges, the site is effectively bound by private land on three sides. This creates challenging edge conditions, which are further constrained by the topography of the site. The Design Intent Document contains assurance on how the threshold space, material details and construction details would meet visual and functional expectations.

In summary the quality of design proposed is now considered to be sufficient to justify the height and scale of the proposals.

The architectural quality of the scheme is considered sufficient to justify the quantum and intensity of development, and with the details in the Design Intent Document secured by condition would provide a quality response to context.

**Heritage Assets:**

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

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conservation area the decision maker "must give that harm considerable importance and weight." [48]. This is applicable here because there is harm to the settings of certain listed buildings caused by the proposals as set out below.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight shall be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

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

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

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

a) Significance of the heritage assets

i) Local and Registered park and garden Arnos Vale Cemetery including Grade II-Star Listed entrance Lodges

This is a designated historic landscape, containing a series of highly regarded listed buildings. The significance of this landscape is derived from being an early example of a designed landscape dedicated as a burial ground.

ii) Arnos Vale Conservation Area

This is a nationally designated heritage asset - focused principally on Arnos Court and Arnos Vale Cemetery, with its green park setting.

b) Impact of the proposed development

i) Local and Registered park and garden Arnos Vale Cemetery

The scheme would be viewed across the road from the main entrance of the cemetery, as shown on the cover of the applicant's Design and Access statement Addendum. Whilst this view has not been included in the TVIA, it is clear that the development would result in less than substantial harm to the setting of this heritage asset. The proposed buildings would be visible from within Arnos Vale Cemetery above the Grade II-Star Listed entrance Lodges. The views of the development would result in a degree of less than substantial harm to the listed building.

ii) Arnos Vale Conservation Area

The scheme would be visible in views from this conservation area, including from the area around the

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Arnos Vale Cemetery and the St Mary Redcliffe Cemetery. The views of the development would result in a degree of less than substantial harm to the setting of this conservation area.

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

The DAS addendum states that this scheme would not have any greater impact on Arnos Vale Cemetery than the Outline scheme approved under application reference 15/01650/P. The outline scheme displayed a much lower density and massing than the scheme subject of this application and is therefore not seen as a direct comparison. It should also be noted for the Outline scheme, matters relating to Appearance and Landscaping were reserved. It is however considered that the quality of design proposed has been lifted by the recent amendments, and this, as well as the improved public realm associated with the proposal, is sufficient to justify the height and scale.

The degree of harm is considered to be 'less than substantial', but that harm would be outweighed by the public benefit arising from the delivery of housing and improved public realm.

Overall the appearance of the scheme is now considered to be acceptable, and the less than substantial harm identified to heritage assets would be outweighed by the public benefit of a quality public realm in front of and around the site, delivery of housing for which there is an identified critical need, as well as quality elevations secured through design details.

**(F) ARE TRANSPORT AND MOVEMENT IMPACTS ACCEPTABLE?**

The NPPF states that developments should ensure that safe and suitable access can be achieved for all users. It also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

BCS10 sets out development proposals should be located where sustainable travel patterns can be achieved and with more intensive, higher density development at accessible centres and along or close to public transport routes. It requires developments to be designed and located to ensure the provision of safe streets.

DM23 expects development to provide a safe and adequate access onto the highway network secure, accessible and usable level of parking provision having a regard to parking standards, as well as secure and well-located cycle parking and facilities for cyclists. The same policy also expects developments to provide appropriate servicing and loading facilities which make effective and efficient use of land and be integral to the design of the development. DM32 requires residential development to provide sufficient space for the storage of recycling and refuse containers, and for the need for storage to be acceptable in terms of its visual impact.

DM24 (Transport Schemes) expands on BCS10, stating that the proposals listed (including A4 Bath Road) reflect the schemes set out in the West of England Partnership's Joint Local Transport Plan 3 (2011-2026). DM24 seeks to safeguard the land required for the implementation of the proposals which have land use implications. The policy states that development in safeguarded areas which would prejudice the future implementation of transport schemes will not be permitted.

The submission is accompanied by a Transport Statement (TS) and has been reviewed by the Council's Transport Development Management Team (TDM).

**Local Conditions**

The site has excellent accessibility being adjacent to main bus routes, and close to services within the site and in central Bristol. Good connections exist to the St Philips Greenway cycle route to the east of the site.

The A4 (Bath Road) is heavily trafficked, and used by an estimated 23,000 vehicles per day.

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The TS analyses collisions around the site and finds that there were six collisions along this stretch of Bath Rd over a five year period (2014-2018) of which five were categorised as slight and one serious. There was no obvious clustering and the collisions did not occur immediately outside the proposed site.

#### TRIP GENERATION

The applicant's TS states that the previously approved outline scheme, which included 58 car parking spaces, would have generated 21AM peak and 26 PM peak vehicular trips. It therefore considers that the same trip generation would be appropriate for the current application where 49 car parking spaces were proposed, which has been reduced to 38 in the latest amendments. Officers are in agreement with this.

In terms of other modes, the number of trips per day is expected to be 11 cycling, 223 walking, 83 bus and 23 rail, so the site would be expected to mainly be accessed using sustainable modes.

The revised design contains fewer flats and fewer car parking spaces so it follows that trip generation would be slightly lower for the revised proposal, although this is not considered to fundamentally change the assessment provided by TDM.

#### ACCESS

There have been lengthy discussions dating back to pre-application stages on how appropriate access arrangements should be provided for this site.

Officers had previously advised that the access to this site should be from the north-west corner of the site, in order to minimise accesses onto the A4 for highway safety reasons. This north-west access point is no longer possible since a wall has been constructed (under permitted development) where the entrance used to be, as well as the fact that this access is from a private road within the Paintworks development.

In the originally submitted scheme, prior to the bus lay-by being introduced, officers assessed the impact on the road network to be severe and therefore maintained an objection to the scheme on highway safety grounds. By way of background, the considerations that have led to the currently proposed access layout are set out in the following paragraphs.

The Outline scheme utilised the existing vehicular access from Bath Road, albeit concerns were raised during the application around the visibility from the access in respect of the location of the bus stop. As such, a condition requiring details of the works to Bath Road to provide site access was attached to the decision. The reason for the condition was to "ensure that all road works associated with the proposed development are planned and approved in good time to include any Highways Orders, and to a standard approved by the LPA and are completed before occupation."

Details to discharge this condition were never submitted to the LPA for approval, and no formal highways agreement was ever completed in respect of the development.

The use of the existing access (without a bus lay-by) would no longer be considered appropriate in view of the following considerations:

- The right turn lane into Central Avenue (leading north towards Paintworks) had not been introduced when the Outline application was considered. The right turn lane to Paintworks is now in place and it is considered that with a proposed additional right turn lane at the application site, (some 60m away), in addition to the existing location of a double bus stop - as well as the characteristics of Bath Road at this point - is likely to lead to vehicular conflict.

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- In addition, and particularly in view of additional residential developments coming forward in the area, the A4 is becoming a more intensified route and with the committed mass transit study is destined to have a much higher intensity in the coming years, which would pose an even greater risk of conflict.
- The delay caused on one of Bristol's primary corridors would have been severe, and at times when delays in boarding times occur, the stopped bus could essentially block Bath Rd eastbound for a significant period.

The applicant previously carried out extensive research of alternative access arrangements and options for moving the bus stop as set out in Technical Note 800.0005/TN/2. Upon review of the options, it transpired that in view of land ownership issues, officers recommended that the option showing a recessed bus stop within a new lay-by on the site frontage on the northern edge of the site would be the option least likely to result in conflict. The advice given (by TDM) was that the lay-by would still not be ideal and that it would need to be subject to a Road Safety Audit (RSA).

The applicant initially disagreed and provided a rebuttal of this advice, including RSAs submitted against each option. Upon further discussions, this element has been revisited and the double bus lay-by is now proposed. The revised design has been the subject of a Stage 1 Road Safety Audit and tracking has been provided for a refuse vehicle entering and exiting the site.

The proposed introduction of a central island where none currently exists would, without the bus lay-by, impose a very narrow 3m lane for westbound traffic between the wall and the island which, given the strong camber, would have brought buses dangerously close to the wall, lead to rutting (due to all vehicles using the same line) and cyclists directed through a narrow gap.

As such it is considered that the current proposal successfully overcomes the objections raised previously, and the access arrangement would raise no highway safety issues, and is therefore acceptable.

**CONSULTATION RESPONSE - Highgate report (dated Oct 2019, submitted on behalf of Paintworks Ltd)**

The Highgate report says that since the previous B8 use on the application site has been vacant for a number of years and the fact that a B8 use is a low trip attractor, the historic trip generation associated with the existing site access for discounting purposes is zero. The report also states that the applicant's calculation of trip generation is flawed as it assumes that if the parking was increased then the trips would also increase, even if the spaces were unused. The Highgate report states that the applicant's assessment does not account for the increased use of taxis by those residents who do not have a parking space. TDM officers acknowledge the findings of the Highgate report, however, having assessed this, have found no reason to disagree with the applicant's approach. It is also noted that the revised RSA submitted by the applicant in respect of the proposed lay-by raises no further objections from TDM officers.

#### CAR PARKING

The applicant has applied the car parking standards in the SADMP, which sets out a maximum standard of 1 space per 1 bed dwelling, 1.25 spaces per 2 bed dwelling and 1.5 spaces per 3 bed dwelling. The maximum car parking spaces that could be provided in accordance with planning policy is 157. This proposal includes 38. 10 of these would have Electric Vehicle Charging points. The Travel Plan sets out that the proposed level of parking is consistent with the Temple Quarter Spatial Framework car parking standards which urges parking restraint. It also notes that the SADMP standards are expressed as maximum numbers, and the Transport officer has not raised any objections to this approach, stating that the site is in a very highly sustainable location. In terms of parking on neighbouring streets, an advice note is included on the recommendation to prevent future residents being eligible for applying for car parking permits in the nearby Residents Parking

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Scheme. Car Club spaces are to be secured through s106 agreement.

#### CYCLE PARKING

The scheme would include 222 cycle parking spaces for occupants, as well as 24 visitor cycle spaces, which is in accordance with the adopted policy standard.

#### TRAVEL PLAN

The applicant has submitted a Travel Plan as part of the proposal. It is noted that the applicant has stated for the residential element of the Travel Plan that this will be undertaken and implemented by Bristol City Council. The applicant will need to pay an implementation fee of £15,696 based on £144 per dwelling. This will be secured by s106 agreement.

#### CONCLUSION ON TRANSPORT MATTERS

The amended layout showing a double bus lay-by would be the safest possible option of accommodating the access arrangements for this site, in view of the characteristics of Bath Road at this point. The site is sustainably located and the level of car and cycle parking proposed is commensurate with the sustainable location, and in turn would encourage sustainable transport movements by future residents. Servicing would take place within the site, and it has been satisfactorily demonstrated that refuse trucks can enter the site and manoeuvre out. Conditions will secure the refuse, cycle parking and parking layouts. The application is therefore acceptable on transport grounds.

#### (G) WOULD THE PROPOSAL SAFEGUARD THE AMENITY OF EXISTING RESIDENTS IN THE AREA, AND OFFER A GOOD STANDARD OF ACCOMMODATION FOR FUTURE RESIDENTS?

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

#### DAYLIGHT AND SUNLIGHT

The Building Research Establishment (BRE) provides guidance on daylight and sunlight, and applying the guidance ensures that new development is designed to provide good daylighting and sunlighting within the development itself, as well as protecting it at adjoining sites. This scheme would introduce a new 4-6 storey block on a currently open site opposite the Paintworks development. Phase IV of Paintworks has recently received planning permission and is directly opposite the site to the north.

Concern has been raised with regard to the daylight and sunlight performance of the scheme as a result of the height, scale and massing, in particular the impact on existing development. The Urban Living SPD (UL SPD) provides guidance in Appendix B as to how this can be considered in a dense environment, and cites the BRE guidance on this topic.

The following tests are used in the BRE assessment:

(i) Vertical Sky Component (VSC)

The VSC is a measure of light falling on a window, and the target for a good level of light is 27% - meaning a ratio of direct sky luminance falling on the surface of the window. 40% is the maximum

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possible VSC score, and would mean that if one had a view from a window which was totally unobstructed by buildings, 40% of the total hemisphere would be visible. If a development would reduce the VSC from a given window to less than 27%, AND to less than 0.8 times its former value, then according to the BRE guidelines it is likely that the loss of light would be harmful.

(ii) No Sky Line (NSL)

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

(iii) Average Daylight Factor (ADF)

This test measures the overall amount of diffuse daylight across a room and takes into account obstructions in the amount of sky visible through a window. Acceptable ADF levels are 1% for a bedroom, 1.5% for a living room and 2% for a kitchen.

(iv) Annual Probable Sunlight Hours (APSH)

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

The applicant's revised submission includes an assessment of the impact of the development on the Paintworks Phase IV development, this being the nearest residential building that is likely to be affected. It concludes that there is no major impact to Average Daylight Factor (ADF) or Vertical Sky Component (VSC) for residential units. Three windows of the 250 tested, demonstrated a 'high magnitude' of change (when compared with existing light levels). These all relate to the commercial unit on the ground floor, and not to residential flats, which officers use the BRE guidelines to protect. One commercial unit does not meet ADF targets, but again, commercial units are not generally afforded the same level of protection as residential uses in terms of daylight and sunlight amenity considerations. Officers are satisfied that the design has appropriately responded to the issue of sunlight and daylight to neighbouring properties.

In respect of lighting levels achieved in the proposed flats, the Daylight and Sunlight report indicates a 90% pass rate of Living rooms/ Kitchen/Dining rooms (LKD)s based on the lower 1.5% ADF for kitchen spaces. Applying the higher 2% ADF for living rooms reduces the pass rate to 77%. Annual Probable Sunshine Hours and Winter Probable Sunshine Hours have respective pass rates of 90% and 95%.

From the above results, it is clear that a relatively good performance against the BRE guidance would be achieved. This would score 'green' against the Urban Living SPD requirement to maximise opportunities for natural illumination of internal spaces, although the SPD also advises that living and kitchen areas should receive direct sunlight for at least part of the day. Whilst this aspect has not been directly demonstrated in the application, it is not to say that this would not be achieved. This is interpreted as an 'amber' score in the Urban Living scores.

## AMENITY SPACE

The provision of private and communal space is welcomed, and it is noted that the DAS states the amount proposed is above the amount recommended by the UL SPD. The inclusion of informal play opportunities is also welcomed.

The internal courtyard area is proposed to be over two levels, with a drop of 1 storey at the north end. It is acknowledged in the application that this space would receive limited hours of sunlight, with the northern section receiving the most sunlight. Whilst this limits the potential for significant planting, the applicant has responded to this constraint and has demonstrated that it would be possible to use the space to provide a quality amenity space for the residents, including informal play space and some areas of planting. A condition will secure further details of the types of species in this area,

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acknowledging that plants that thrive in shade would be most suitable. In addition, most of the units would be provided with private amenity space in the form of balconies or terraces.

#### QUALITY OF ACCOMMODATION AND URBAN LIVING

Most of the dwellings within the scheme would have a dual aspect, with 33 single aspect units in the scheme, 10 of which are north facing. The proposed dwellings all comfortably meet the National Space Standards. The DAS confirms that 10% of the units are to be M4(3) compliant (wheelchair adaptable), and this would meet with the requirements of policy DM14, which requires two percent of housing within residential developments of 50 or more dwellings to be either wheelchair accessible or wheelchair adaptable.

The enclosed access balconies are acceptable in this instance because there a maximum of 6 units per corridor and natural light and ventilation is provided by windows. Storage areas for bulky goods have provided in the basement, along with an area for bulky post located at the ground floor main entrance, addressing the Urban Living requirement for user-friendly, welcoming and easy to use internal spaces. The flats themselves also have built in storage area, compliant with the National Space Standards. As stated, most of the dwellings have access to a private balcony and the child yield requirement for 150sqm for play space has been incorporated within the central courtyard and grassed area.

The courtyard is 19m across, and with the enclosed access lobbies, there would not be any harmful overlooking within the scheme.

#### POLLUTION FROM NEARBY USES

In view of the site's location on Bath Road and close to industrial uses in St Philips Principle Industrial and Warehousing Area on the north side of the river, details on how the future residents will be protected against pollution are required. The application is supported by a noise assessment which measures environmental and industrial noise at four key locations across the existing site. This concludes that the dominant noise source affecting the site is road traffic on Bath Road, with only low levels of noise observed from the industrial uses to the north of the River Avon. Modelling has also been carried out to predict noise levels that would arise from the proposed lay-by, although it is concluded that this would not alter the typical maximum noise levels affecting the development. The report gives details of facade sound insulation, and states that trickle vents would be used in windows and balcony doors to enhance the acoustic performance to allow internal noise levels to comply with the British Standard on noise ingress. This is generally acceptable, with a fully detailed scheme of sound insulation required by condition.

Overall the scheme performs well against Part 2 "Guidance for residential developments", of ULSPD and would provide a good standard of accommodation whilst safeguarding the amenity of nearby occupiers.

#### (H) HOW DOES THE SCHEME RESPOND TO SUSTAINABILITY POLICIES?

As embedded in the NPPF, sustainability should be integral to all new development, and should encourage opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems. BCS13 encourages developments to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it. BCS14 sets out a heat hierarchy for new development, and an expectation that new development will connect to existing CHP/CCHP distribution networks. The same policy also expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity. This policy also requires

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a BREEAM Excellent score to be achieved for all major non-residential development. Bristol City Council's Climate Change and Sustainability Practice Note provides further advice on these matters.

The application is supported by a Sustainability and Energy Report as well as an Overheating analysis.

#### District Heat Connection and Heat Hierarchy

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

#### Sustainable Design

Policy requires developments to be designed to minimise their energy requirements, by incorporating enhanced building fabric, addressing air tightness and using high efficiency lighting. The Sustainable City team initially raised a concern that the scheme did not demonstrate a reduction beyond Part L through Energy Efficiency measures. This has subsequently been addressed and a reduction beyond Part L is now being achieved, and this is through enhanced airtightness in the dwellings to prevent drafts and air leakage, installation of g-value glazing and openable windows to control solar gain, insulated pipework, and installation of energy efficient lighting. Smart controls in each dwelling would be provided to enable different temperature profiles within rooms.

#### Renewable Energy

The report sets out that the applicant explored a range of renewable energy measures, including biomass heating, ground source heat pumps, air source heat pumps (ASHP), photovoltaics (PV), solar thermal and wind. The most suitable technologies were found to be PV panels, which would reduce the development's CO<sub>2</sub> emissions by 20.8%, therefore complying with policy BCS14.

#### BREEAM

The application is not supported by a BREEAM pre-assessment, whereas this is a requirement. A condition is therefore included to require a BREEAM pre-assessment as well as final certification, to require an 'Excellent' score.

With the exception of the absence of a BREEAM pre-assessment, overall the energy strategy and sustainability measures proposed by the development are good. The development would comply with policies on building design, climate change and renewable energy, and would also be future-proofed to connect to the heat network which will be available in the area.

#### (I) CONTAMINATION

Policy DM34 relates to contaminated land and requires appropriate mitigation to be in place in the event of existing contaminated land. The Desk Study and Ground Investigation Report prepared by T & P Regeneration dated October 2018 (Ref 18Oct\_BTH2258\_DSGI) has been reviewed by the Council's contamination officer. Due to the presence of previous polluting uses on the site, conditions are recommended to require further investigation studies to be carried out, and for the submission of site remediation and verification schemes to be submitted for approval.

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**(J) SUDS/DRAINAGE**

The application includes a SUDS scheme, and the Council's flood team (LLFA) initially required more information on the existing drainage at the site, and queried where proposed drainage would discharge to. The applicant has confirmed that a new sewer would be requisitioned with outfall to the watercourse north of the site. The discharge rate and destination is to be agreed with LLFA and TDM, and further information, including details of any conditions, will be reported on this as necessary, at the committee meeting.

**(K) PLANNING OBLIGATIONS**

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

The following contributions and measures will be secured by s.106.

Affordable Housing (amount to be confirmed)

Travel Plan monitoring fee £15,696

Car Club spaces to be secured

**CONCLUSION**

The proposal before members is a result of a long history of negotiation and discussions between officers and the applicant. The scheme is considered to present the optimum density for the site and is of a suitable design, with a proportionate amount of landscaped public and semi-private open space. The transport implications have been adequately addressed, and the scheme meets with sustainability policies. The site is sustainably located, and the delivery of this scheme would include a proportion of affordable housing and would complete the site allocation in the Local Plan. Planning permission is therefore recommended, subject to conditions, s106 and affordable housing which members will be updated on prior to the committee meeting.

**COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is £876,146.79, however social housing relief may be claimed on those residential dwellings included in the development that are to be managed by a Housing Association for the provision of affordable housing.

**EQUALITIES ASSESSMENT**

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

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**RECOMMENDED GRANT subject to Planning Agreement**

**Time limit for commencement of development**

1. Full Planning Permission

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

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

**Pre commencement condition(s)**

2. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until protective fences have been erected around the retained trees. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the tree protection measures are in place when the work commences. The fences shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced areas there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

3. Further details before relevant element started

Notwithstanding the information shown in the Design Intent Document revB, detailed drawings on an appropriate scale of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

- a) Junctions at parapet level
- b) Window reveal depths
- c) Junctions between materials

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

4. Sample Panels before specified elements started

Notwithstanding the information shown in the Design Intent Document revB, sample panels of the bricks (to include mortar type), all types of cladding, window frames, rubble stone wall and roof cladding material; demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant

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parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory.

**5. Energy and Sustainability in accordance**

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy and Sustainability Statement (by AES Sustainability Consultants Ltd, submitted June 2021) prior to occupation or use commenced. A total 1.02% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 20.8% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved

Reason

To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate.

**6. Details of Photovoltaics (PV)**

1) Prior to commencement, details of the proposed PV system including location, dimensions, design/ technical specification together with calculation of annual energy generation (kWh/annum) and associated reduction in residual CO2 emissions shall be provided within the Energy Statement.

2) Prior to occupation the following information shall be provided:

- Evidence of the PV system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate.
- A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by the percentage shown in the approved Energy Statement.

Reason

To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

**7. Heat Networks - Future proofing**

Prior to commencement, detail demonstrating proposed measures to future-proof the development for connection to a future district heat network shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and thereafter maintained in accordance with the approved details.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate.

**8. Land affected by contamination - Submission of Remediation Scheme**

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site

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will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**9. Land affected by contamination - Implementation of Approved Remediation Scheme**

In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**10. Highway works - General arrangement plan**

Notwithstanding the information shown on drawing reference 800.0005.010 rev B, no development shall take place until general arrangement plans to a scale of 1:200 showing the following works (as shown in principle in Drawing 800.0005.010 Rev B) to the adopted highway, have been submitted to and approved in writing by the Local Planning Authority.

- Reconstruction of the footway along the site frontage (including highway dedication)
- Construction of a new bus layby with bus shelter
- Construction of a new priority junction in to the site with associated changes to the ghost islands
- Provision of a median island
- Continuation of cycle lane
- Diversion or lowering of services as required to accommodate the new layout

Where applicable indicating proposals for:

- o Existing levels of the finished highway tying into building threshold levels
- o Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- o Signing, street furniture, street trees and pits
- o Structures on or adjacent to the highway
- o Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order.

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Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

**11. Land affected by contamination - Site Characterisation**

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- \* human health,
- \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- \* adjoining land,
- \* groundwaters and surface waters,
- \* ecological systems,
- \* archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**12. Construction Management Plan**

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;

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- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians);
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

13. BREEAM pre-assessment

- 1) Prior to commencement, evidence that the development is registered with a BREEAM certification body, and a BREEAM pre-assessment demonstrating a strategy by which a BREEAM 'Excellent' rating will be achieved, shall be submitted to the Local Planning Authority and approved in writing.
- 2) Prior to occupation, final post construction BREEAM certificates indicating that the BREEAM 'Excellent' rating has been achieved shall be submitted to the Local Planning Authority and approved in writing.

Reason

To ensure that the development achieves BREEAM rating level (or any such equivalent national measure of sustainability for building design which replaces that scheme) and that this is done early enough in the process to allow adaptions to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change.

14. Sound Insulation - Submission of scheme and retention thereafter

No development shall take place until a detailed scheme of noise insulation measures for the residential units hereby approved has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of adjoining residential occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.

15. Construction Environmental Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. This shall include best practice pollution control measures to ensure that adverse impacts (including dust and air pollution, effects on water quality, pollution from fuel use and storage and other potentially hazardous materials) do not occur on human receptors, nearby businesses as a result of construction works. The CEMP should include details of robust protective fencing incorporating warning signs. The approved plan shall be implemented and adhered to thereafter at all times during construction.

Reason: To protect nearby residents and businesses from nuisance arising from dust and air pollution.

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**Pre occupation condition(s)**

16. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

17. Completion of Vehicular Access - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage.

18. Completion and Maintenance of Vehicular Servicing facilities - Shown on approved plans

No building or use hereby permitted shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

19. Completion and Maintenance of Car/Vehicle Parking - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

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20. Completion and Maintenance of Cycle Provision - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

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

21. Electric Vehicle Charging Points

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change.

22. Land affected by contamination - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition \*\*\*\*, which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition \*\*\*\*.

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

23. Submission and Approval of Landscaping Scheme

Notwithstanding the details on the Streetscape Landscape Strategy (drawings reference edp5119\_d003k), no building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

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Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory.

24. Electric Vehicle Charging Points

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate against climate change.

**Post occupation management**

25. Hours of operation of commercial unit

The use of the commercial unit shall not be carried out outside the hours of 8am to 7pm Monday to Saturday and on Sunday 10am to 4pm.

Reason: To safeguard the residential amenity of nearby occupiers.

26. Travel Plan - Implemented by the Highways Authority

Prior to occupation or use commenced, evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority.

The developer shall then enable the Highways Authority to implement, monitor and review the approved Travel Plan to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

27. Use of Refuse and recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

28. Protection of parking and servicing provision

The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

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29. Use Class Limitation

No individual unit falling within a retail use shall exceed 200sqm, unless otherwise agreed in writing by the LPA.

Reason: To ensure any retail use remains as small scale and ancillary to the development, and to avoid creating a standalone destination, in view of the site's location outside of a designated centre.

**List of approved plans**

30. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

A706/1056/1 Topographical survey, received 13 August 2019  
 4176-203-A Block plan, received 13 August 2019  
 208 V Proposed -2 lower ground floor plan, received 21 October 2021  
 210 W Proposed ground floor plan, received 20 October 2021  
 211 V Proposed first floor plan, received 20 October 2021  
 212 T Proposed second floor plan, received 20 October 2021  
 213 T Proposed Third floor plan, received 20 October 2021  
 214 T Proposed fourth floor plan, received 20 October 2021  
 215 S Proposed fifth floor, received 20 October 2021  
 217 D Proposed roof plan, received 20 October 2021  
 225 G Courtyard west and south elevation, received 20 October 2021  
 218 K Proposed south elevation, received 20 October 2021  
 220 K Proposed north elevation, received 20 October 2021  
 219 L Proposed west elevation, received 20 October 2021  
 224 G Courtyard east and north elevation, received 20 October 2021  
 221 L Proposed East elevation, received 20 October 2021  
 4176-201-A Location Plan, received 13 August 2019  
 800.0005.010 Rev B Highways General Arrangement, received 22 July 2021

Reason: For the avoidance of doubt.

**Advices**

1 Alterations to Vehicular Access

The development hereby approved includes the carrying out of alterations to vehicular access(s). You are advised that before undertaking work on the adopted highway you will require a Section 184 Licence from the Highway Authority which is available at [www.bristol.gov.uk/highwaylicences](http://www.bristol.gov.uk/highwaylicences)

The works shall be to the specification and constructed to the satisfaction of the Highways Authority. You will be required to pay fees to cover the Council's costs in undertaking the approval and inspection of the works.

2 Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a

**Development Control Committee A – 3 November 2021**  
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highway agreement under Section 278 of the Highways Act 1980 with the council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Transport Development Management Team at [transportDM@bristol.gov.uk](mailto:transportDM@bristol.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the council's costs in undertaking the following actions:

- I. Drafting the Agreement
- II. A Monitoring Fee equivalent to 15% of the planning application fee
- III. Approving the highway details
- IV. Inspecting the highway works

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

**3 Street Name and Numbering**

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19). Please see [www.bristol.gov.uk/registeraddress](http://www.bristol.gov.uk/registeraddress)

**4 Excavation Works on the Adopted Highway**

The development hereby approved includes the carrying out of excavation works on the adopted highway. You are advised that before undertaking any work on the adopted highway you will require a Section 171 (Excavation) Licence from the Highway Authority which is available at [www.bristol.gov.uk/highwaylicences](http://www.bristol.gov.uk/highwaylicences)

**5 Restriction of Parking Permits - Future Controlled Parking Zone/Residents Parking Scheme**

You are advised that the Local Planning Authority has recommended to the Highways Authority that on the creation of any Controlled Parking Zone/Residents Parking Scheme area which includes the development, that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.

**6 Application for advertisement consent needed:** You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which you may wish to display on these premises.

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- 7 Construction site noise: Due to the proximity of existing noise sensitive development and the potential for disturbance arising from contractors' operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, to BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites code of practice for basic information and procedures for noise and vibration control" and the code of practice adopted by Bristol City Council with regard to "Construction Noise Control". Information in this respect can be obtained from Pollution Control, City Hall, Bristol City Council, PO Box 3176, Bristol BS3 9FS.
- 8 Sound insulation/acoustic reports

The recommended design criteria for dwellings are as follows:

- \* Daytime (07.00 - 23.00) 35 dB LAeq 16 hours in all rooms & 50 dB in outdoor living areas.
- \* Nighttime (23.00 - 07.00) 30 dB LAeq 8 hours & LAmix less than 45 dB in bedrooms.

Where residential properties are likely to be affected by amplified music from neighbouring pubs or clubs, the recommended design criteria is as follows:

- \* Noise Rating Curve NR20 at all times in any habitable rooms.

- 9 Tree Protection: You are advised to refer to BS5837 : 2012 Trees in relation to construction for detailed information on types of tree protection, protection zones and other relevant matters.
- 10 Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at traffic@bristol.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

- 11 Please note that this planning application has been assessed against current planning legislation only. The applicant (or any subsequent owner or developer) is therefore reminded that the onus of responsibility to ensure the proposed cladding installation meets current fire safety regulations lies fully with them and that they are legally obliged to apply for the relevant Building Regulations.

**12 PV System**

The projected annual yield and technical details of the installed system will be provided by the Micro-generation Certification Scheme (MCS) approved installer.

The impact of shading on the annual yield of the installed PV system (the Shading Factor) should be calculated by an MCS approved installer using the Standard Estimation Method presented in the MCS guidance.

**13 District Heating future-proofed connection**

Details to demonstrate how a development has been future-proofed to connect to a heat network should include:

**Development Control Committee A – 3 November 2021**  
**Application No. 19/03940/F : 345 Bath Road Bristol BS4 3EW**

- o Provision of a single plant room, located adjacent to the planned (or if not planned, likely) heat network route, producing all hot water via a communal heating system, including engineering measures to facilitate the connection of an interfacing heat exchanger;
- o The design of space heating and domestic hot water services systems in order to achieve consistently low return temperatures in line with the CIBSE: Heat Networks Code of Practice for the UK (or other future replacement standard)
- o Space identified for the heat exchanger;
- o Provisions made in the building fabric such as soft-points in the building walls to allow pipes to be routed through from the outside to a later date; and
- o External (where detail is available) and internal district heat pipework routes identified and safeguarded.
- o Provision for monitoring equipment as specified by the DH provider.
- o Provision of contact details of the person(s) responsible for the development's energy provision for the purpose of engagement over future connection to a network.

## **Supporting Documents**

### **1. 345 Bath Road**

1. Design Intent Document
2. South Elevation
3. North Elevation
4. East Elevation
5. West Elevation
6. Ground Floor
7. First Floor
8. Lower Ground -2
9. Lower Ground -1
10. Fifth Floor

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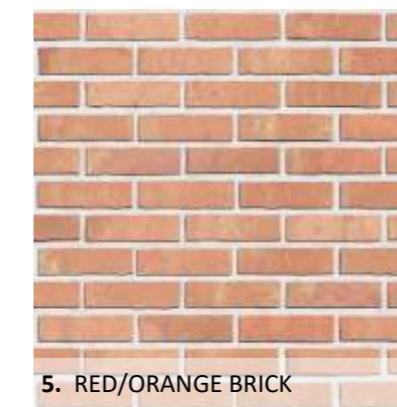
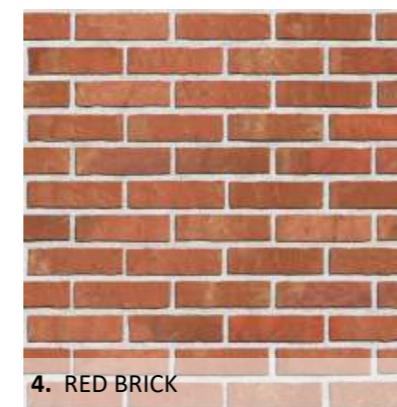
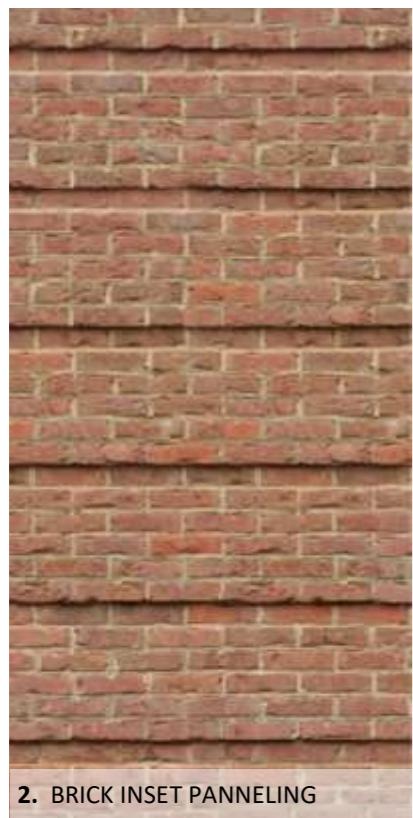
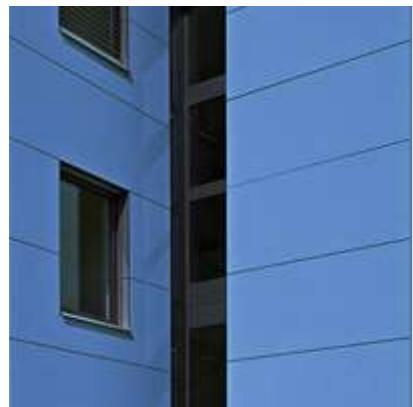
# Design Intent Document

Oct 2021 - Rev B

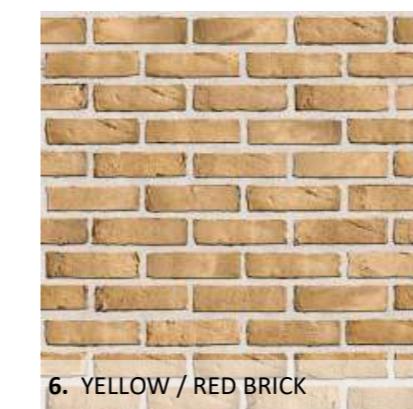
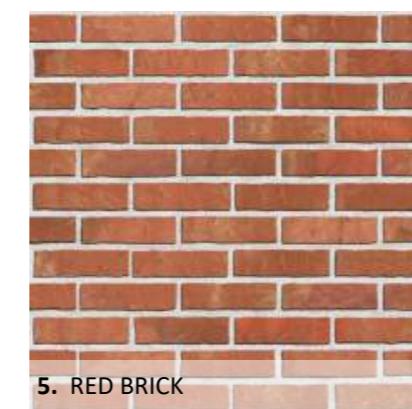
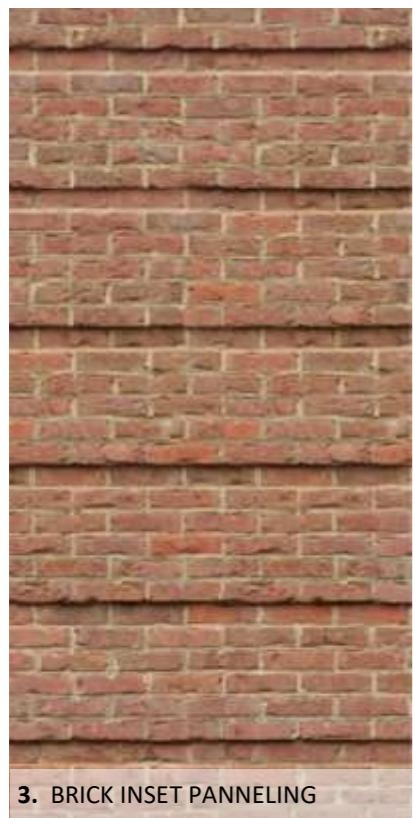
**4176, Land at Bath Road, Bristol**



# Design Intent Document



# Design Intent Document



# Design Intent Document



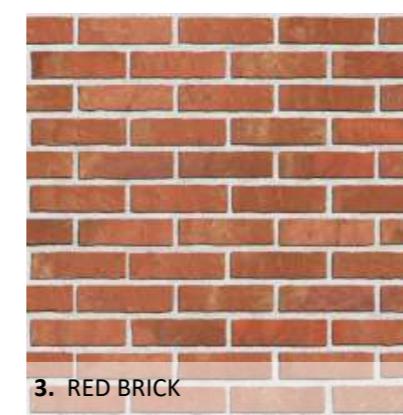
NORTH ELEVATION



1. BRICK INSET PANNELING



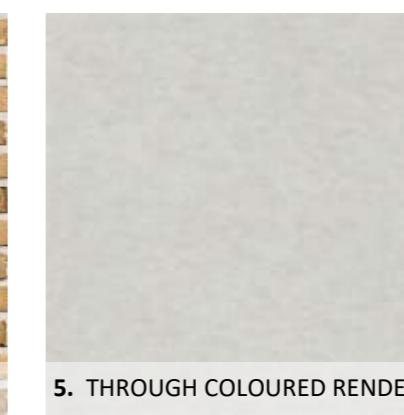
2. COLOURED PANNELING



3. RED BRICK



4. YELLOW / RED BRICK

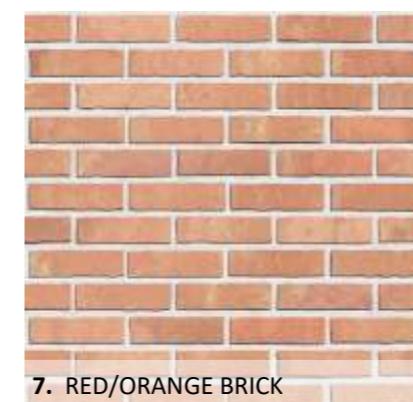
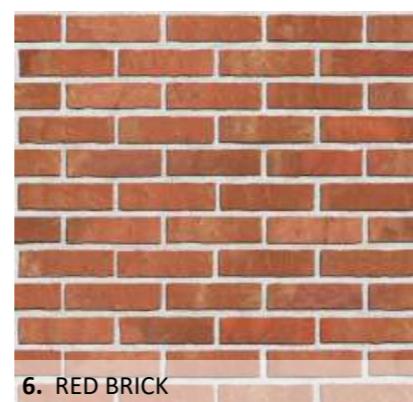
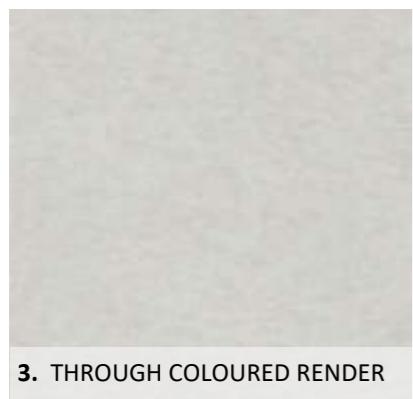


5. THROUGH COLOURED RENDER



6. BLACKENED METAL BALUSTRADE

# Design Intent Document



# Design Intent Document



## PROPOSED PLANTERS & THRESHOLD DETAIL

Planters are to be constructed in rubble stone, dividing walls will be rendered with a soldier course of brick to match the proposed building.

The above image represents the front access arrangements to maisonette units along the west elevation. This detail & finish is to be consistent across the site.



1. TIMBER EFFECT PANNELING



2. RUBBLE STONE



3. YELLOW / RED BRICK



4. THROUGH COLOURED RENDER



5. BLACKENED METAL BALUSTRADE

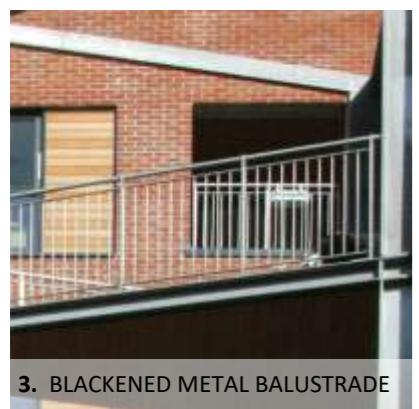
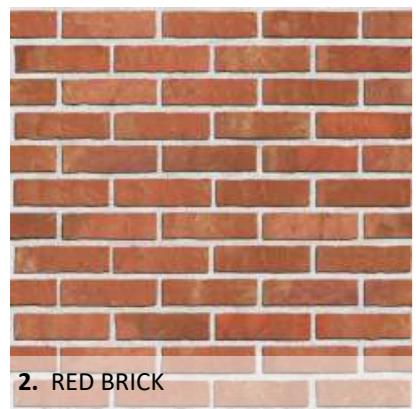
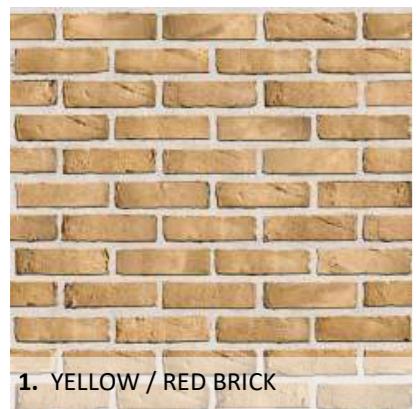
# Design Intent Document



# Design Intent Document



# Design Intent Document



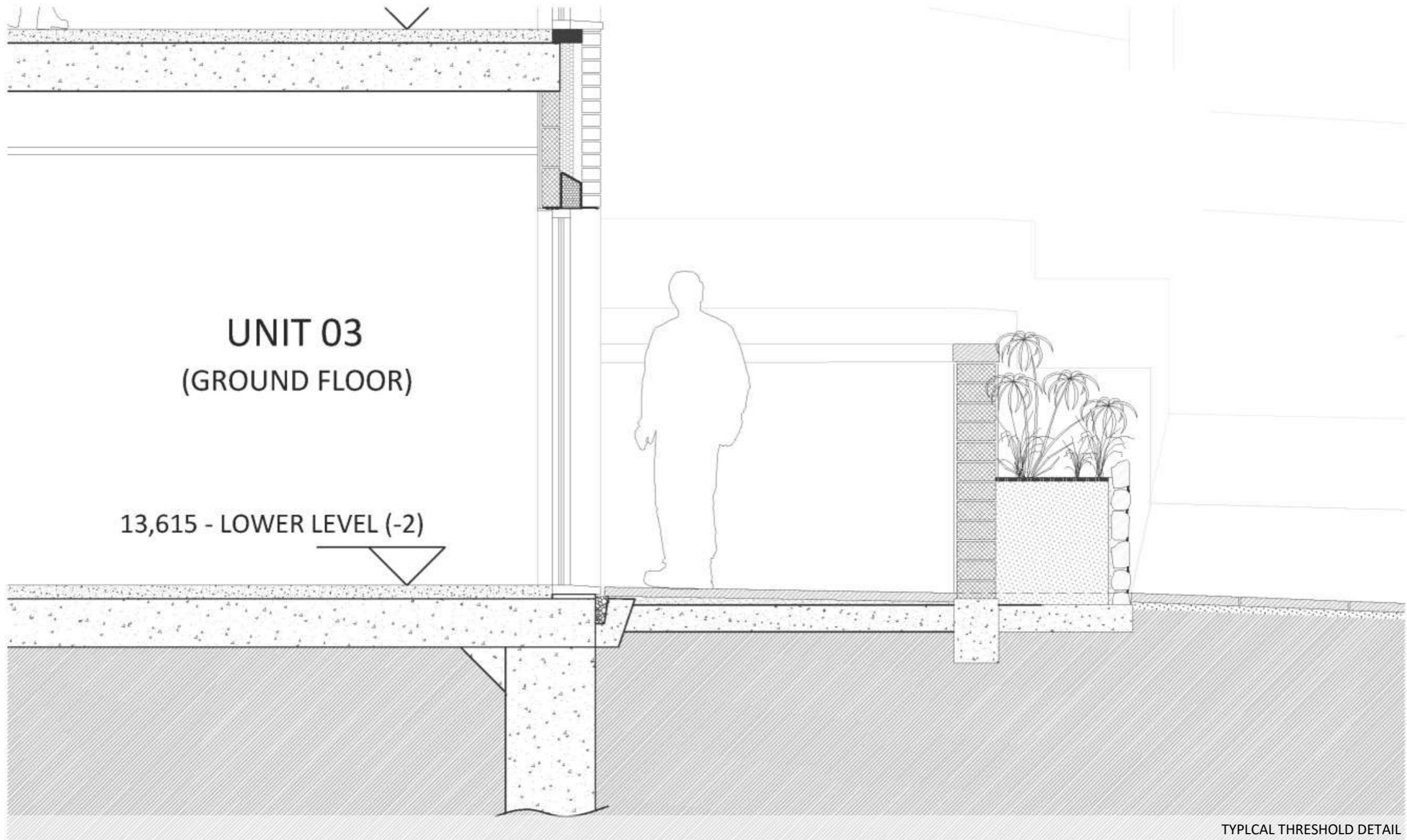
# Design Intent Document



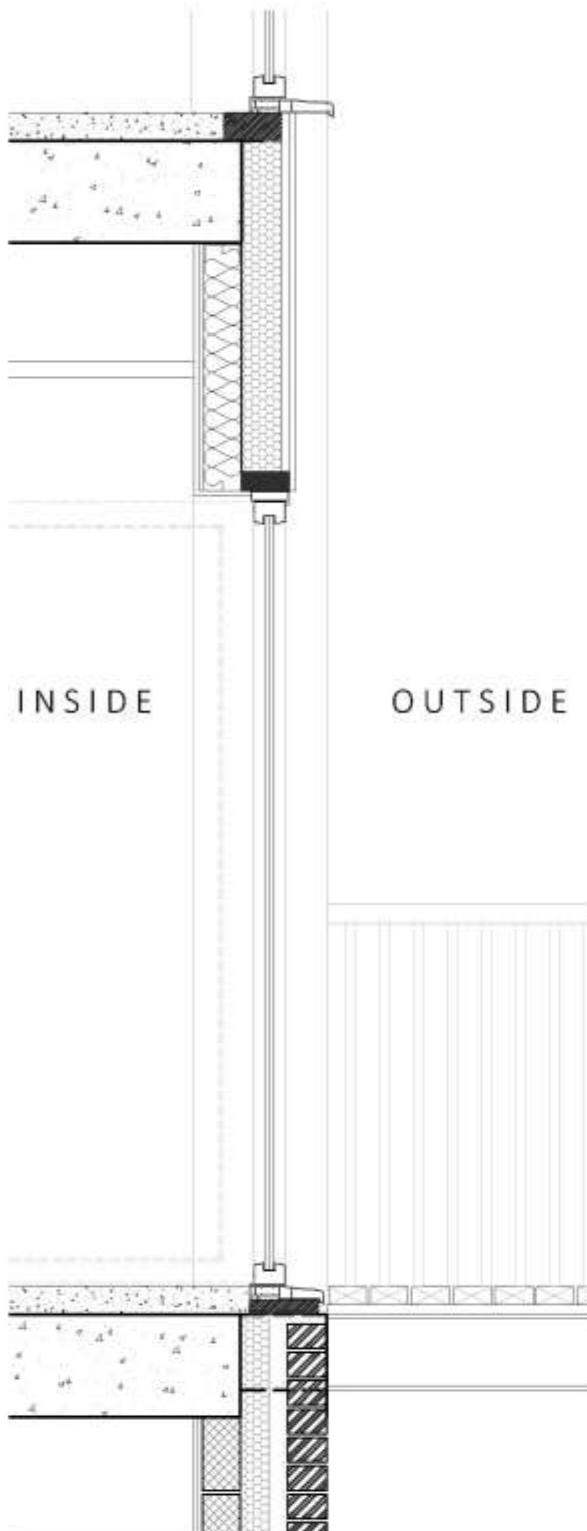
Design Intent Document (Oct 2021)

4176—Bath Road, Bristol

# Design Intent Document



# Design Intent Document

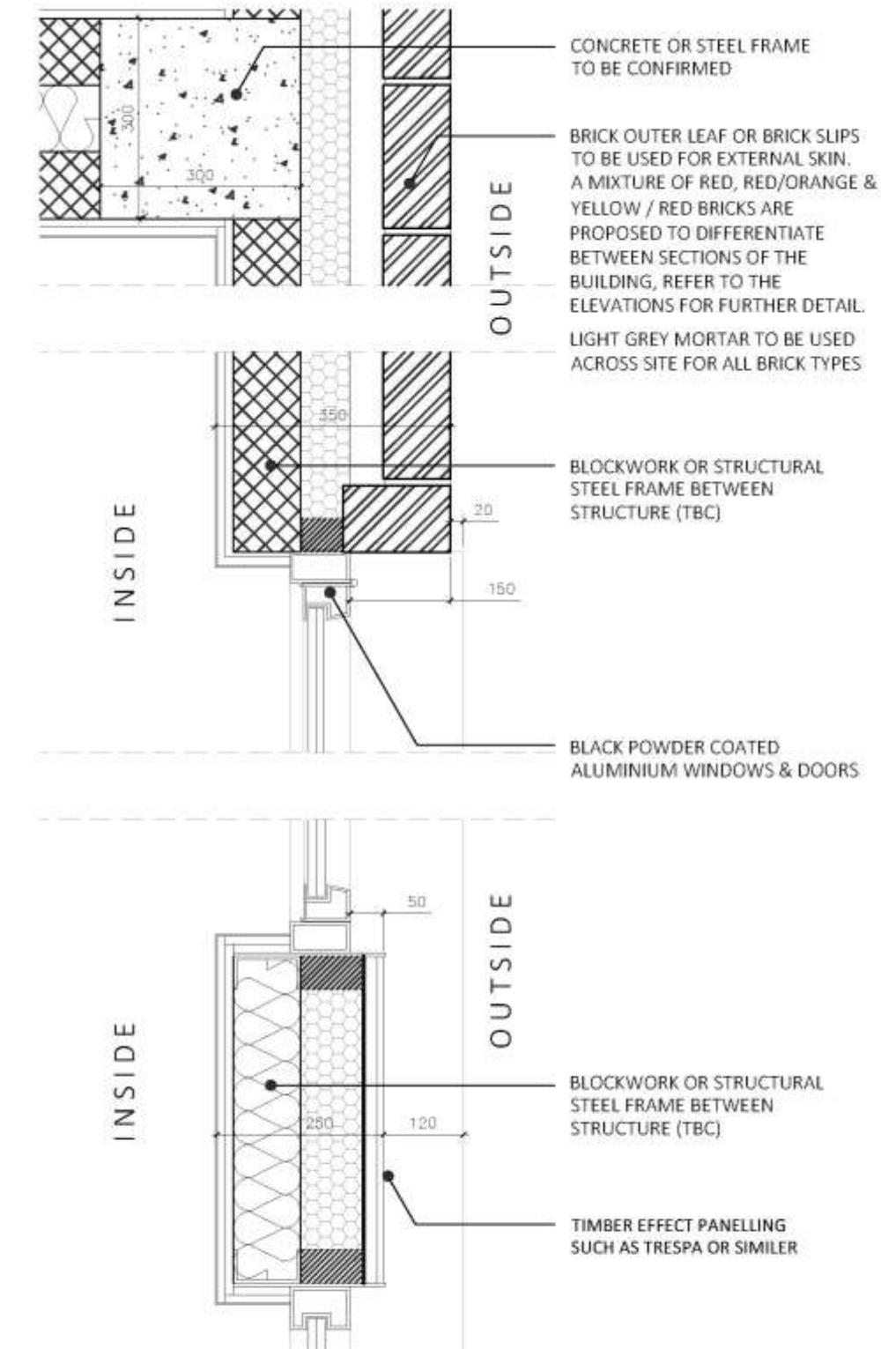


SECTION B-B - 1:20



ELEVATION - 1:50

TYPICAL WINDOW DETAIL



(A-A) JAMB DETAIL - 1:10  
JUNCTION BETWEEN WINDOW & WALLS

# Design Intent Document

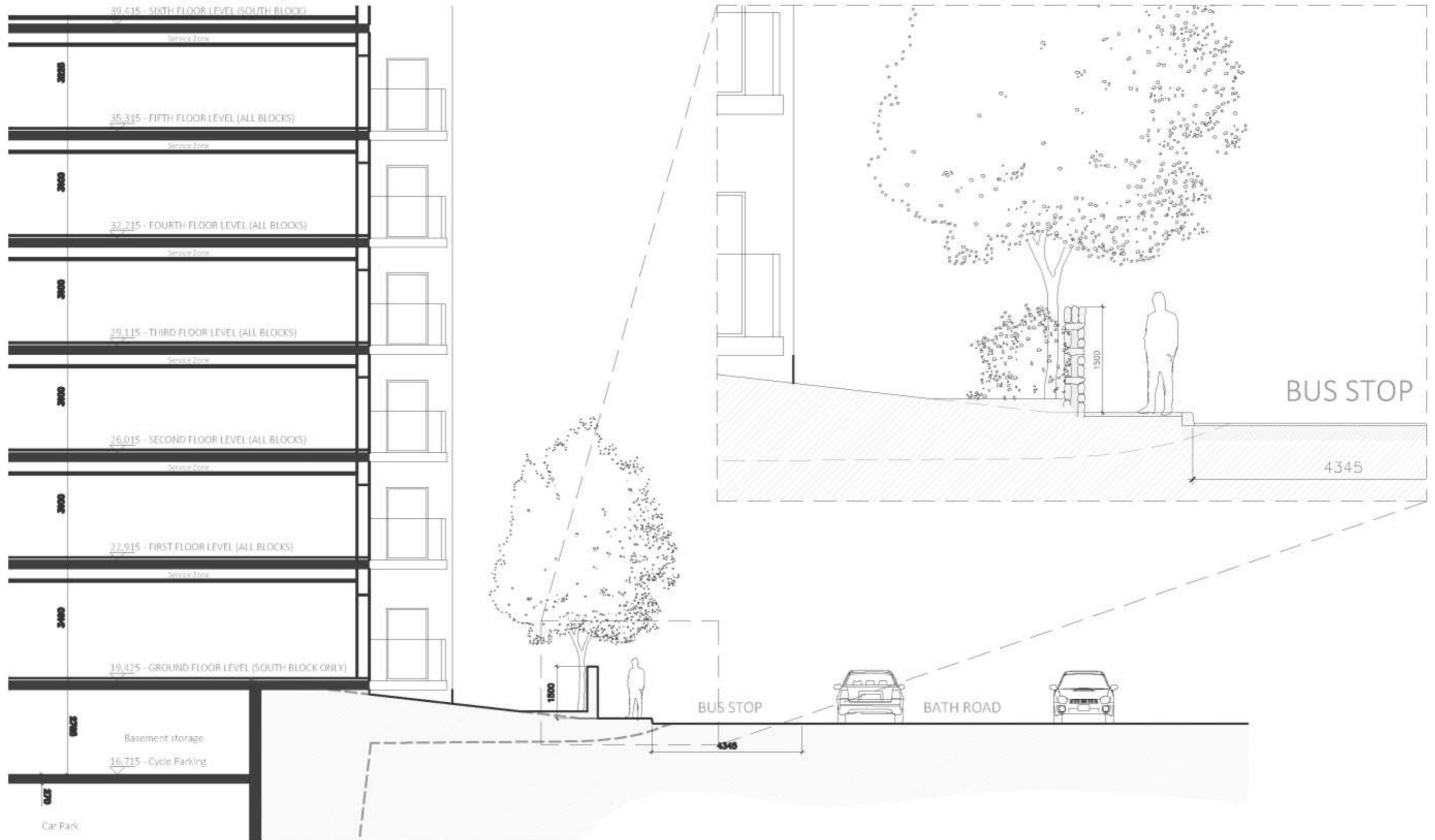


SOUTH ELEVATION

## FRONT ACCESS ARRANGEMENTS

It is proposed that the front rubble stone wall will be 1500mm high. This will maintain privacy to ground floor units whilst maintaining views to planting above. Please refer EDP's drawings for details.

# Design Intent Document



SECTION THROUGH THE FRONT WALL AND BATH ROAD



Long Elevation (Along Bath Road) 1:500

October 2021  
4176\_218K  
Varies@A1

Land at 345 Bath Road, Brislington  
South Elevation



September 2021  
4176\_220K  
Varies@A1

Land at 345 Bath Road, Brislington  
North Elevation



October 2021  
4176\_221L

Varies@A1

Land at 345 Bath Road, Brislington  
East Elevations



October 2021  
4176\_219L  
Varies@A1

Land at 345 Bath Road, Brislington  
West Elevations





