

WARD: Ashley

SITE ADDRESS: 86-92 & 96-102 Stokes Croft, Croftdale Hepburn Road Bristol BS1 3RJ

APPLICATION NO: 21/02794/F Full Planning

DETERMINATION DEADLINE: 30 September 2022

Demolition of Croftdale and other industrial buildings on site and redevelopment of 86-92 and 96-102 Stokes Croft and Croftdale to provide 9no. residential units (Class C3), 2no. workshop units (Class E(g)) and 59no. bedrooms of student accommodation with associated development, including retention of existing ground floor retail units on Stokes Croft and the existing student accommodation at 86-92 and 96-98 Stokes Croft.

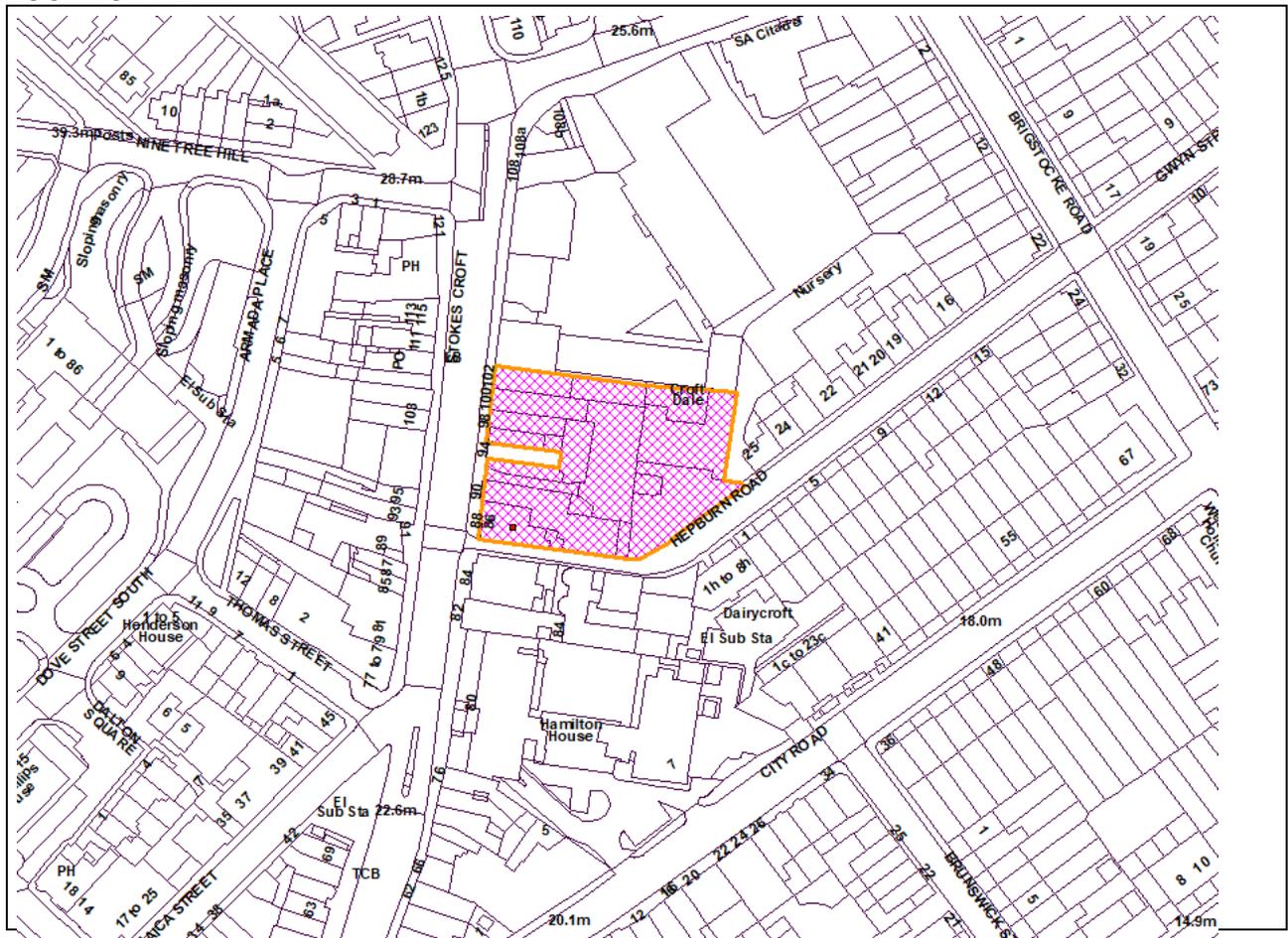
RECOMMENDATION: Refuse

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

APPLICANT: Crescent Property Developments Ltd
 C/O Agent

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

LOCATION PLAN:



Development Control Committee B – 8 March 2023

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BACKGROUND AND SUMMARY

The application relates to land and buildings located within the Stokes Croft Conservation Area. The site includes a terraced row of buildings (with the exclusion of No.94 Stokes Croft) directly fronting Stokes Croft from the junction with Hepburn Road, north to The Carriage Works building (Grade II* Listed). The development site also includes land and buildings located to the rear of these buildings adjacent to Hepburn Road. This includes a further building known as Croft Dale, which is Locally Listed.

Planning permission is sought for the demolition of Croft Dale and other buildings on the site, to the rear of Stokes Croft. The redevelopment of the site (including Nos. 86-92 and Nos. 96-102 Stokes Croft) is then proposed to provide 9no. residential units (Class C3), 2no. workshop units (Class E(g)) and 59no. bedrooms of student accommodation, alongside associated development.

The application has not been referred to committee by any Councillor, but due to scale and nature of the development it is considered appropriate for this application to come before Committee.

The LPA fully supports the redevelopment of the site for mixed use purposes in principle. However, the current proposal falls considerably short of meeting a significant number of policy requirements and expectations and as such Officers are regrettably unable to recommend approval.

The basis for the objection is that the proposed development would cause substantial harm to the historic character, appearance and significance of the Stokes Croft Conservation Area through the destruction of an important locally listed building (Croft Dale) which is identified specifically as being "of merit" to the area. The development will also result in the introduction of poor-quality extensions and detailed design elements to existing character buildings which will cause further harm to the character and appearance of the conservation area and setting of nearby heritage assets (including the Grade II* listed Carriage Works).

Furthermore, it is considered that the density, form, scale, layout, siting, design, materials and detailing would fail to create well-designed, high quality, beautiful buildings and places consistent with and in keeping with the context; and would fail to deliver a safe, appealing, well-overlooked, well-lit and attractive environment for future occupants. It is also considered that the density, scale, design, layout and siting would result in harm to neighbouring residential amenity by means of overbearing and overlooking and would result in the creation of sub-standard living accommodation for future occupants offering poor outlook and lack of privacy.

The development will also fail to meet the BREEAM "Excellent" rating required by Core Strategy Policy BCS15 without adequate justification.

Whilst it is recognised that the scheme will deliver some benefits these are relatively general and are not considered significant or substantial enough to outweigh the significant and substantial harm posed by the development. It is the view of Officers that the redevelopment of this site can be achieved more sensitively and there is no reason why the development cannot be designed to address the important identified issues whilst also delivering a significant uplift in density.

The principle of mixed use/residential development at this site is welcomed and encouraged and the LPA have entered into extensive negotiations with the applicant in order to seek to resolve the key issues identified during the course of the application and which remain of concern. However, the applicant has requested that a decision be made on the proposal as submitted to date without a final solution being agreed.

The application is therefore with regret recommended to Members for Refusal.

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SITE DESCRIPTION

The site relates to land and buildings on the eastern side of Stokes Croft, St Pauls, central Bristol. The site includes a terraced row of buildings directly fronting Stokes Croft from the junction with Hepburn Road, north to The Carriage Works building (Grade II* Listed). 94 Stokes Croft is notably excluded from the development site however and is within separate ownership. The development site includes land to the rear of these buildings adjacent to Hepburn Road. This includes a further building known as Croft Dale.

The buildings fronting Stokes Croft are typically in mixed use, with some commercial ground floor uses with residential use (student accommodation) above at Nos. 86-92 and 96-98 Stokes Croft. Croft Dale is in use as a multiple occupancy dwelling. The rear of the site includes a vacant yard area principally accessed from Hepburn Road which was previously used by a windscreen repair business which has now relocated. This rear area stretches across lower ground and ground floor levels, currently separated partly by a 2.5m high brick wall, an outbuilding used historically for light industrial activity and an access gate used previously by vehicles accessing the site for business purposes. Vehicular access is from the lower ground to the ground floor section of the site via a ramp.

The buildings fronting Stokes Croft are predominantly three storeys in height. There is some variation in form and proportions, including roof form. 90-92 Stokes Croft have mansard roofs at the fourth storey which extend these units higher than 86-88 Stokes Croft to the south and 94-102 Stokes Croft to the north. As such, the building ridgeline of the units that fronts on to Stokes Croft is irregular. The building line is presents consistency aligning with Stokes Croft however there are a variety of smaller scale extensions projecting to the rear. This includes a workshop to the rear of 86 Stokes Croft which also fronts Hepburn Road. Croft Dale is a traditional detached dwelling with strong domestic scale, form and symmetry typical of Georgian architectural principals.

There is a fall in level from Stokes Croft to the eastern side of the site. All buildings fronting Stokes Croft are positioned level with and include access directly from the footway. No. 92 Stokes Croft includes a dropped kerb to the front and under croft access to the rear of the site via roller shutter door. Access can also be gained from Hepburn Lane to the east of the site.

86 Stokes Croft contains a vacant workshop (124m²) on the ground floor [Class E(g)(i)] which fronts on to Hepburn Road, to the rear of the main Stokes Croft frontage buildings. This space has been used in the past by National Windscreens but is now vacant following the relocation of the business to their headquarters in St Philips. Also at ground floor and at the first and second floors are 4 bed student cluster flats (Class C4), each with a gross internal area of approximately 134m².

88 Stokes Croft contains a café at ground floor level [Class E(b)] which fronts on to Stokes Croft, with a 4-bed student cluster flat (Class C4) situated above at the first and second floor.

90 Stokes Croft contains a retail and barber shop on the ground floor [Class E(a)] with 7 bed student cluster flats (sui generis) situated elsewhere on the ground floor and on the first, second and third floors.

92 Stokes Croft contains a 5-bed student cluster flat (Class C4) on the ground, first, second and third floors. Fronting on to Stokes Croft at the Ground Floor is a shutter which, when open, allows through access to the rear of the site. This shutter has been historically used by National Windscreens to bring motor vehicles to the rear of the site but is no longer in use as a way of access for vehicles, although it is used by pedestrians and cyclists.

94 Stokes Croft is not a part of the proposals but contains a hot food takeaway on the ground floor

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with living accommodation above.

96 Stokes Croft comprises 5 bed student cluster flats (Class C4) at the ground, first and second floors. The ground floor elevation is finished in exposed pale brick with the first and second floors finished with render.

98 Stokes Croft contains 4 bed student cluster flats (Class C4) at the ground, first and second floors. This unit is finished with exposed brickwork on the ground floor elevation with render on the first and second floors.

100 and 102 Stokes Croft contain retail units [Class E(a)] on the ground, with vacant units above at the first and second floors. These floors were previously in use as warehouse space used by National Windscreens (Class B8). The rear of 102 Stokes Croft extends further back to Croft Dale and comprises a large warehouse area that has been used in the past to store materials for National Windscreens.

Croft Dale is located to the rear of the site, accessed off Hepburn Road. It comprises a two-storey house in use as a 7-bed student cluster flat (Sui generis).

The surrounding area has a mixed commercial and residential character. Stokes Croft (A38) is a major arterial route to/from the city centre. It comprises a varied traditional, historic character with modern buildings interspersed. Adjacent to the site, Hepburn Road has an intimate character due to small scale carriageway and development built to the public highway. The street takes a more typical terraced residential layout further east away from the site. The adjacent site to the north (The Carriage Works) contains a grade II* Listed former works building to which only the façade remains. The site is subject of major redevelopment and regeneration scheme comprising 1000m² commercial floor area, new public realm and 119 dwellings (consented under application: 14/05930/F and subsequent variations/permissions).

The site is located within the Stokes Croft retail area within Bristol city centre as defined by the Central Area Plan. The Stokes Croft ground floor frontage is designated secondary shopping frontage. The site is within the Stokes Croft Conservation Area.

The Croft Dale building features on the city's local list of historically significant buildings. There are also a number of buildings adjacent to the site which are included on the National Heritage List for England (NHLE) for their historic significance. These include The Carriage Works (Grade II*) immediately to the north, 93-95 Stokes Croft (Grade II) directly opposite the site, 84 Stokes Croft or The Tropic Club (Grade II) to the southern side of Hepburn Road and also 117/119 Stokes Croft (The Crofters Rights) (Grade II) situated opposite and north of the site on Stokes Croft.

The Kingsdown, Cotham and Redland, Montpelier and Portland and Brunswick Square Conservation Areas are all located within 300m of the site. The site is also located within the Bristol Air Quality Management Area and is a low risk coal legacy area. An Article 4 Direction removing permitted development rights allowing change of use from dwellinghouses (Use Class C3) to HMOs (Use Class C4) also covers the site.

RELEVANT HISTORY

20/01558/SCR: Request for a Screening Opinion as to whether an Environmental Impact Assessment is required for demolition of Croftdale and other industrial buildings on site and redevelopment of 86-92 and 96-102 Stokes Croft and Croftdale to provide 66 student bed spaces (sui generis), 9no. residential units (Class C3) and 2no. workshop units (Class B1) whilst retaining the existing ground floor retail units on Stokes Croft and the existing student accommodation at 86-92 and 96-98 Stokes Croft. EIA NOT REQUIRED issued on 28.04.2020

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88 Stokes Croft

19/01994/F: Change of use from an A1 Shop to A3 Cafe. GRANTED on 24.06.2019

100 Stokes Croft

10/03944/F: Change of use from a retail shop to a launderette and dry cleaners. GRANTED on 04.01.2011

EQUALITY ASSESSMENT

The public sector equalities duty is a material planning consideration as the duty is engaged through the public body decision making process.

"S149 of the Equality Act 2010 provides that a public authority must in the exercise of its functions have due regard to:-

- a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relationships between persons who share a relevant characteristic and those who do not share it.

During the determination of this application due regard has been given to the impact of the scheme upon people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Officers have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 when making the assessment set out in this report. The proposal will provide a mix of housing sizes to reflect identified local need with some of the flats have been designed so they can be adapted to become wheelchair accessible.

APPLICATION

Planning permission is sought for the demolition of Croft Dale and other industrial buildings on the site and redevelopment of Nos. 86-92 and Nos. 96-102 Stokes Croft and Croft Dale to provide 9no. residential units (Class C3), 2no. workshop units (Class E(g)) and 59no. bedrooms of student accommodation with associated development, including retention of existing ground floor retail units on Stokes Croft and the existing student accommodation at 86-92 and 96-98 Stokes Croft.

STATEMENT OF COMMUNITY INVOLVEMENT

a) Process

In respect of public consultation, the applicant has confirmed that 251 invitations to an online consultation were delivered via Royal Mail to residents and businesses nearest the site. Preview media coverage also appeared including in the Bristol Post and Bristol 24/7. The Bristol Neighbouring Planning Network was also consulted at the outset, alongside local ward members.

b) Outcomes

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In response to concerns raised by stakeholders the following alterations were made:

- Stokes Croft frontage windows will be timber framed
- Number of mansard roofs reduced
- Active frontages included to workshops facing Hepburn Road
- Height of central building reduced
- Number of student bedrooms reduced from 66 to 59
- Additional family housing included
- Consideration given to the Carriage Works scheme

RESPONSE TO PUBLICITY AND CONSULTATION

The application was initially advertised in press and via site notice, expiry date 18.08.2021. Neighbours were consulted via individual letters sent 03.08.2021.

Objections initially received from 4.no neighbouring properties, which in summary raised the following concerns:

- The development would harm the character and appearance of the conservation area
- There isn't a need for more student flats in the local area
- The development will result in a harmful increase in activity at the site
- The development would result in harm to the amenity of surrounding properties due to noise and disturbance
- The development represents an overdevelopment of the plot resulting in a loss of privacy, diminished daylight and sunlight and an oppressive, overbearing presence
- The development would have a negative impact on the residential amenity of neighbours and would not be buildable and maintainable, without access from PG Group/Sovereign Housing land at the adjacent site
- The construction and demolition period would result in harmful noise and disturbance
- There should be more family sized units within the development
- There should be more C3 residential units within the development
- We shouldn't be creating gated communities
- Hepburn Road should remain open

3.no letter of support received to the initial consultation, which in summary stated the following:-

- The current site is an eyesore and should be developed
- The scheme addresses a number of problematic issues relating to the site, in particular its run-down appearance and the anti-social behaviour
- The proposal provides a sensitive response to the context, despite the demolition of Croft Dale
- Although there is now an abundance of student accommodation in this area, there is some C3 residential accommodation provided as well, and the workshop units are particularly welcome
- The applicant and team engaged in a positive manner with local residents and stakeholders
- The scheme will provide a much-improved situation for Hepburn Road

Following these comments and concerns raised by officers the applicant submitted revised plans and additional detail to seek to address the issues raised. As a result those who were originally consulted and those who already commented on the application were re-consulted via individual letters sent on 05.08.2022.

No comments or objections received to this second round of public consultation.

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A further third round of public consultation was undertaken. Those who already commented on the application were re-consulted via individual letters sent on 24.11.2022.

One comment received to this third round of public consultation, neither objecting to nor supporting the scheme however requesting that the 'Agent of Change' principle is considered with regards to nearby commercial uses and future noise complaints to protect existing businesses.

OTHER COMMENTS

Bristol Civic Society has commented as follows:-

Initial comments:

'Overall, Bristol Civic Society welcomes the regeneration of this run-down site. We are aware of the number of student accommodation proposals and developments in this area and assume the Council will ensure that the proposal is policy compliant in respect of this. We have some concerns about the proximity of Block A to the approved Carriageworks scheme. Our comments are broadly similar to those we made at the pre-application stage.

Demolition

The buildings to be demolished have little value with the possible exception of the locally listed Victorian house. The Society considers the demolition of this building is outweighed by the improvements to the site and its vicinity afforded by the proposals. We suggest, however, that a detailed survey of the house and photographic records are lodged with the Bristol Archives for future reference.

Land use, layout and height

The Society welcomes the residential use of much of the site. Ideally, we would prefer a greater mix of student and private residential uses but will leave it to the Council to decide if the amount of new student accommodation is policy compliant. We suggest that whatever student accommodation is provided should be designed to allow conversion to conventional residential use should the demand for student rooms decline.

We welcome the provision of two workshop units as we understand from local groups that there is an unmet demand for such accommodation. It could be beneficial if the units are flexible enough to allow more than one business in each space were that required.

Our only concern about the layout is the proximity of Block A to the approved Carriageworks proposal for residential accommodation on the adjoining site. The access to daylight of future residents there must not be compromised by Block A.

The proposed height of buildings, including the vertically extended buildings adjacent to the Carriageworks as shown, is acceptable. The Society welcomes the revised elevation to Stokes Croft.

Landscape

The proposals raise no concerns. On-going maintenance will be essential to retain the quality of the proposed landscape.

Access

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We welcome the dual access points to the site from Stokes Croft and Hepburn Road. Although we would prefer to see a non-gated development, the Society understands the security issues that are present in the area. We would hope that locked gates will be kept under review and, if the security situation improves, abandoned. Developments in the pipeline in the neighbourhood could also conceivably improve security in the area.

Public Realm

The public realm at the junction of Hepburn Road and Stokes Croft desperately needs improvement. The Society would support the closure to vehicles of Hepburn Road at this point. This would improve safety as well as amenity. The surface of Hepburn Road is poor. It appears that there are cobbles beneath the worn tarmac. Restoration of these in conjunction with this development would be an improvement. Graffiti resistant surfaces to the buildings will be essential.

Sustainability

The Society strongly supports the Council's policies to address climate change and trusts that the Council will ensure that the scheme is policy compliant.'

Final comments:

'Bristol Civic Society has considered the revisions to this application and does not wish to change its support for the proposals registered on this file on 5 August.'

The Conservation Advisory Panel has commented as follows:-

'Much of the Panel's response to the pre-application submission, appended below, is relevant to this full planning application.

The Panel objects to the proposed demolition of Croftdale which is locally listed and would cause harm to the character of the Conservation Area.

The panel considers the buildings on Stokes Croft have greater significance than is allowed in the Heritage Statement. The various alterations to them over the years have not reduced the intrinsic heritage value of these predominantly C18 buildings. A greater degree of restoration of the facades, particularly the blocked up shopfronts, is required.

While some of the new mansards have been amended from the pre-application, they remain inappropriate in form.

Given the extent of recorded C18 development there is great potential archaeological interest in the site, particularly given the results of the excavations on the Carriageworks site. Preconstruction investigation of the site is essential.

Panel response to Pre-Application 20/00151/PREAPP:

The Panel has concerns over the intensity of development and the demolition of Croftdale which is locally listed and would cause harm to the character of the Conservation Area. The pre application is not well informed regarding the value and impact on relevant heritage assets including boundary walls. A detailed study is needed to evaluate the significance of the buildings on the site and any potential archaeology. The new buildings would not refer to the grain and massing of the historic plots. The footprint and massing of Block B does not give coherence to the site as a whole or make good use of the spaces within it. Building to the boundary of the site along Hepburn Road would better reflect the urban grain of the area and restore/enhance the streetscape.

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It would be useful to assess and refer to the Peter Ware Study of Stokes Croft from the 1980s. The proposed addition of mansard roofs to the buildings on Stokes Croft which are unlisted buildings of merit is not justified. The altered window proportions must be informed by research.'

Historic England has commented as follows:-

Initial comments:

Heritage Assets and Significance

The proposed development has potential to impact upon the setting of the adjacent Grade II* Carriage works and the character and appearance of Stokes Croft Conservation Area, both of which would fall within our statutory remit. There other designated and undesignated heritage assets, including Croftdale on the local list, that may be affected, although we would advise that your Conservation Officer assesses relevant impacts on their significance. Our primary consideration is the setting of the carriage Works, built in 1862 by EW Godwin. Constructed of squared, coursed Pennant rubble and Pennant and limestone ashlar dressings in the Rundbogen (round-arch) style, the ground-floor arches were originally open for access by John Perry and Sons' carriages, and the works originally had a hipped pantile roof with small dormers. For many years the Grade II* building has been on the national Buildings at Risk register, although consent was granted in 2016 for its alteration and renovation to a mixed-use development. The Carriage Works are designated as Grade II*, and as such are in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

The identified site is wholly within the Stokes Croft Conservation Area, which is also identified as being at risk and showing signs of further deterioration. Following the guidance set out in para 206 of the revised NPPF, we would encourage opportunities for new development within the Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance.

Summary of proposals.

The proposed development includes the demolition of buildings to the rear of Stokes Croft, including Croftdale, the redevelopment of 86-92 and 96-102 Stokes Croft, and 59 no. bedrooms of student accommodation.

Impact of the Proposed Development.

The principle of re-developing this site offers the opportunity to better reveal the significance of Carriage Works by repairing and restoring its setting and to also enhance the character and appearance of the Conservation Area. We have been engaged through the pre-application process and provided the applicant with advice on the impacts of the preliminary proposals and how these could be further developed to reduce harm and enhance the historic environment. We offer the following advice on the impacts of the proposals, as they stand:

In terms of the setting of the Carriage Works, its principal visual aspect is onto Stokes Croft and its façade is read alongside the much-altered frontages of no.s 86-102. We believe that addressing the incongruous aspects of the terrace, as part of these proposals, in a manner that re-establishes the vertical lines of fenestration and detailing of the buildings, while retaining aspects of character that are distinctive to Stokes Croft (i.e. murals and street art) would enhance the setting of the Grade II* frontage of the Carriage Works. Likewise, this could also deliver meaningful improvement within this

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part of the Conservation Area.

Shopfronts should be reinstated where they have been previously removed and domestic windows fitted (e.g. no.s 86, 96 and 98). This would provide a more holistic approach to the entire parade of existing and former shops. We do not support the approach of retaining domestic window apertures within the former shopfronts, as this counters the character and appearance of the Conservation Area. Thought should be given to reinstating their former commercial use in order to reactivate the entire parade of shops, which would help deliver heritage benefits to the Conservation Area.

The pre-application scheme proposed a large, flat-roofed mansard over no.100 and 102, which was considered non-traditional in the context of the historic terrace. This has now been revised to a pair of mansards running perpendicular to Stokes Croft. While the existing flat-roof arrangement over these properties is far from satisfactory, any restoration should be properly informed by historical evidence. Given that mansards are not altogether common in the Conservation Area, we advocate that other, perhaps more traditional and historically accurate options are considered.

The rear of the site facing onto Hepburn Road contains a mix of buildings associated with the principal 18th century buildings on Stokes Croft. While unlisted, these are identified as being of merit in the council's Stokes Croft Conservation Area Character Appraisal. We would task your Conservation Officer to assess the relevant merits of any structures that are proposed for demolition. As Croftdale has been included on the council's Local List, we would support a scheme that retains this building and repurposed in a more contextual way.

The proposals include three new blocks to the rear of the site to a maximum of four stories (Block A). Block B has been reduced to three stories from the four storeys proposed at the pre-application stage. While there would be limited impact upon the setting of Carriage Works, this site forms a transition between the larger-scale buildings on Stokes Croft and the domestic two-storey terraces in Hepburn Road. Therefore, the massing of the three blocks could step down to the eastern side of the side to a greater degree. The proposals will also no doubt need to be considered against the council's Urban Living SPD and this may inform a modified layout and massing.

Historic England's Position

We support the aims of addressing the frontages onto Stokes Croft but advise that a more authentic and consist approach is needed. We support the re-development of the rear of the site, but advocate that any buildings or structures that make a positive contribution to the character and appearance of the Conservation Area are retained and repurposed for a more contextual form of development.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 206 of the revised NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Second consultation comments:-

'Impact of the Proposed Development

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The applicant has responded to our previous concerns over the application, notably the treatment of the frontages onto Stokes Croft, the proposed mansard roofs over no. 100 and 102, and the massing of the proposed rear blocks extending to the terraces in Hepburn Road.

With regard to the reinstatement of shopfronts in no.s 86, 96 and 98, we are not persuaded that these existing residential uses do not preclude a future commercial use. While this is also an issue for your council to consider in terms of planning policies for the area, we still advise the reinstatement of active shop units, or those with reinstated shopfronts which, in the interim, could still be used for residential purposes until a commercial use becomes viable (subject to the necessary permissions). This would deliver the greatest heritage benefit to the character and appearance of the Conservation Area, which remains 'at risk'.

The introduction of mansard roofs over no.100 and 102 Stokes Croft has now been offered justification on account of other existing mansards within the conservation area and on properties within the application site, noting a desire to deliver a varied roofscape. We note that within the immediate area, mansards are certainly the exception and not the common form of construction. We therefore defer to your Conservation Officer in assessing whether the roof form is indeed more widely found and therefore a valid approach to re-establishing a more contextual form over these properties.

The proposed rear blocks extending towards the terrace of two-storey dwellings have been re-aligned to emphasise the perpendicular lines (of roof forms) to the frontages on Stokes Croft, which we consider to be more traditional and contextual. We view this as an improvement, although the overall massing on the rear of the site would not provide the most appropriate transition between the west and east part of the site. Historic England's Position.

While the development offers a great opportunity to improve the setting of the Carriageworks and to address aspects of the Conservation Area identified as contributing to its entry on the 'Heritage at Risk' register, we still believe that adjustments can be made which would deliver a more contextual and successful scheme.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199 and 206 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.'

Final comments:-

'Impact of the Proposed Development

Further amendments to the Stokes Croft elevation have been submitted. These now include the retention of the existing shop fronts and fenestration associated with no's 96 and 98, together with a

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revised roof arrangement over no 100 and 102. As per our previous advice of 15th August 2022, we are disappointed that reinstatement of active shop frontages has not been given further consideration and the retention of unsympathetic fenestration will not offer any enhancement or benefit to the character and appearance of the Conservation Area.

With regard to no.100-102, the previously proposed mansard roof over the additional stories has been revised with a flat roof behind a parapet on the principal elevation. While a more authentic roof form (hipped pitches running front to back) would be more consistent with the character context of the Conservation Area, we note that the replication of poorly proportioned and positioned fenestration in the proposed second floor would provide no heritage benefits. There would be a degree of harm to the immediate setting of the Grade II* Carriage Works, as a result of the design approach to the additional stories over these properties.

Overall, we do not consider that the amendments offer any improvements upon the previous iteration.

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 199, 200 and 206 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.'

The Coal Authority has commented as follows:-

'The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.'

Bristol City Council Contaminated Land Environmental Protection has commented as follows:-

'A land contamination Desk Study and Phase 2 report has been provided to support the application which is acceptable. A condition should however be attached to any permission requiring that no development shall take place (except demolition) 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 approved in writing by the Local Planning Authority. In the event that contamination is found, no occupation of the development shall take place until the approved remediation scheme has been carried out in accordance with its terms. A condition would also be required that in the event that contamination is found at any time that had not previously been identified when carrying out the approved development, it must be reported immediately to the Local Planning Authority.'

Bristol City Council Conservation Section has commented as follows:-

'The proposals continue to pose substantial harm to the special architectural and historic character

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of the statutorily protected Conservation Area. The Local Authority is required by the NPPF to place "great weight" in the conservation of the Stokes Croft Conservation Area and are required to refuse applications that pose substantial harm without justification. The proposals lack the required "clear and convincing justification" for why the harm posed might be considered unavoidable as part of redevelopment, or the minimum in securing a viable future use for the site.

We strongly recommend that this application is withdrawn by the applicant, or refused in line with national legislation, and national and local planning policies, designed to protect the historic environment. This includes, but is not limited to, The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning policy framework, Bristol Core Strategic Policy BCS22, and Development Management Policy DM31.'

Refer to Key Issue C for full comments.

Bristol City Council Nature Conservation Officer has commented as follows:-

'The amount of natural habitat currently on the site is negligible so I don't envisage a loss in biodiversity. The updated landscaping plan does however need to include a species list. We would be looking for pollinator-friendly planting, ideally with a couple of fruiting trees, and the green roof they are proposing should be biodiverse, not sedum as this has limited value for wildlife.

I've written a list of conditions if this application is approved. These include a 30-year landscape and ecological management plan in the absence of a BNG assessment, an updated soft landscaping plan with species list, a method statement for the green roof, EMES and PMW.'

Bristol City Council Housing Delivery Strategy And Enabling Manager has commented as follows:-

"The application currently proposes 9 residential units and therefore is below the 10 unit threshold for affordable housing requirements. It is noted that the student cluster unit on the lower ground floor flat in Block B has now been removed and that the C3 units have been altered to provide more family-sized units.

Whilst the improvements to the layout and amenity of the proposed scheme are welcomed, Housing Enabling continue to have concerns that the number of C3 residential units is deliberately being restricted to below the affordable housing threshold. If the scheme were to be wholly C3 residential it could provide much needed affordable homes in this highly sustainable location, in which there is a relatively small amount of affordable housing available. It is noted that the C3 units are referred to in the schedule as rented units and therefore consideration should be given as to whether the scheme would comprise a Build to Rent product as defined in PPG Build to rent - GOV.UK (www.gov.uk). If so the Council's policy on Build to Rent would apply and the affordable requirements would be 20% Affordable Private rented units see guidance here Delivery of affordable build to rent homes in Bristol."

Bristol City Council Air Quality has commented as follows:-

'I have no objections or concerns about this development in terms of air quality. The predicted operational impacts are negligible and no new exposure will be introduced. A construction environmental management plan should be implemented to mitigate any construction impacts.'

Bristol City Council Urban Design has commented as follows:-

'Substantial concerns remain relating to the demolition and alterations of the historic buildings and quality of design and living environment. The proposal does not comply with the design related

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policy considerations and cannot be supported from urban design perspective'

Refer to Key Issue C for full comments.

Bristol City Council Transport Development Management has commented as follows:-

'No objections following the submission of further detail and subject to conditions'

Refer to Key Issue D for full comments.

Bristol City Council Sustainable City Team has commented as follows:-

'The applicant has failed to fully investigate/select the lowest carbon heating solution feasible for the development, which is the objective of the heat hierarchy. This is disappointing, however the as communal gas is on the BCS14 heat hierarchy refusal on the basis of the proposed heating and cooling system would not be reasonable or defensible.

The proposed development however will fail to meet the required BREEAM "Excellent" rating without adequate justification and as such the application is in conflict with the National Planning Policy Framework (2021); Core Strategy (2011) Policy BCS15 and Bristol Central Area Plan (2015) Policy BCAP20.'

Refer to Key Issue G for full comments.

Bristol City Council Pollution Control has commented as follows:-

'I've read through revised noise assessment and am happy with it. Due to the high noise levels from both traffic on Stokes Croft and noise from the Love Inn rooms facing onto Stokes Croft and Hepburn Road will have to have a high level of sound insulation and mechanical ventilation provided. Windows can still be openable on these facades so that occupiers can open them at their own discretion. Occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open.

As the assessment gives recommended specifications for the external fabric sound insulation and ventilation I would just need to see further information regarding the actual insulation and ventilation to be provided by conditions.

Given the local context, within the designated City Centre where there are many other late night and commercial uses, it is not considered that the intensification of shared housing, introduction of student accommodation or two new workshops will cause detrimental harm to the amenity of surrounding properties in terms of noise and disturbance, subject to conditions.'

Bristol City Council Flood Risk Manager has commented as follows:-

'Having reviewed the applicant's responses, I can confirm I'm satisfied with the current proposals and we are satisfied in principle that the proposed drainage arrangements are sufficient to mitigate the risk of surface water/sewer and groundwater flooding to the site and evidence that it will not cause flooding to surrounding sites.

I would however like further detail on the proposed green roof and further detail on the management and maintenance plan of the drainage system. This further information can be provided via condition as set out below:

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No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.'

RELEVANT POLICIES

Urban Living SPD - November 2018

Managing the development of houses in multiple occupation SPD - November 2020

Stokes Croft Conservation Area Character Appraisal

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – July 2021

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

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

KEY ISSUES**(A) PRINCIPLE OF DEVELOPMENT**

The site relates to land and buildings on the eastern side of Stokes Croft, St Pauls, central Bristol. The buildings fronting Stokes Croft are typically in mixed use, with some commercial ground floor uses (Class E) with residential use (student accommodation) above at Nos. 86-92 and 96-98 Stokes Croft. Croft Dale to the rear of the site is in use as a multiple occupancy dwelling. The rear of the site includes a vacant yard area principally accessed from Hepburn Road which was previously used by a windscreen repair business which has now relocated. It is noted that planning history for these uses is scarce however the existing uses are likely to have lawfully established and the LPA is accepting this is the case.

Planning permission is sought for the demolition of Croft Dale and other industrial buildings on the site and redevelopment of Nos. 86-92 and Nos. 96-102 Stokes Croft and Croft Dale to provide 9no. residential units (Class C3), 2no. workshop units (Class E(g)) and 59no. bedrooms of student accommodation with associated development, including retention of existing ground floor retail units on Stokes Croft and the existing student accommodation at 86-92 and 96-98 Stokes Croft.

The site is located within the Stokes Croft retail area within Bristol City Centre as defined by the Central Area Plan. The Stokes Croft ground floor frontage is designated secondary shopping frontage.

Paragraph 86 of the NPPF (2021) states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Policy BCS2 within the Bristol Core Strategy (2011) states that Bristol City Centre's role as a regional focus will be promoted and strengthened with

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development including include mixed uses for offices, residential, retail, leisure, tourism, entertainment and arts and cultural facilities. Throughout the city centre higher density, mixed use development will be encouraged with active ground floor uses along the busier streets. Policy BCAP1 in the Bristol Central Area Plan (2015) echoes this, stating that new development in Bristol City Centre will be expected to contribute to the mix of uses in the wider area. A mix of new homes, employment and other uses will be sought as appropriate to the site and its context

Loss of Existing Uses

The overall principle of introducing mixed commercial/residential development at the site is considered acceptable in the context of the above policy. However, employment uses (such as the existing windscreen repair business) are protected through the following policies, and therefore justification would be required for the loss of the employment floorspace.

Policy BCS8 of the Core Strategy (2011) seeks to protect employment floorspace where it makes a valuable contribution to the economy and employment opportunities and states that new employment floorspace suitable for smaller businesses will be encouraged as part of mixed-use development. Policy BCAP7 of the Bristol Central Area Plan (2015) more specifically states that employment sites in St. Paul's & Stokes Croft and other areas of inner east Bristol should be retained for employment use unless it can be demonstrated that:

- i. There is no demand for employment uses; or
- ii. Continued employment use would have an unacceptable impact on the environmental quality of the surrounding area; or
- iii. A net reduction in floorspace is necessary to improve the existing premises; or
- iv. It is to be used for industrial or commercial training purposes.

The applicant has noted that the previous employment use occupied the site for light industrial activity until December 2019, utilising the buildings and land to the rear of Stokes Croft for a mobile windscreen repair business. However, the company outgrew the site and have since moved to a new premises within Bristol, at the Kingsland Trading Estate in St Philips. There is sufficient capacity within the new premises to undertake all aspects of the business, and the applicant has confirmed that the current site is now vacant with the previous employment use fully relocating to the new site. The proposed development also includes some new workshop space (Use Class E(g)) at ground floor level, within the proposed new building block on the southern boundary of the site adjacent to Hepburn Road. The workshop space will be split into two units, with a total net internal floor area of 141sqm. This will ensure that employment provision is retained at the application site in some capacity.

The LPA is also satisfied that any loss of employment floorspace satisfies criterion ii. and iii. of Policy BCAP7. The existing employment use relating to light industrial activity has resulted in high levels of vehicular parking at the site which do not have a positive impact to environmental amenity. There is an apparent lack of maintenance and upkeep of buildings at the site. This includes the warehouse extension to the rear of 86-88 Stokes Croft that appears in poor condition. Some buildings have become derelict through lack of use. Graffiti within the area including at the site can cause negative impacts in terms of amenity where it detracts from the quality of buildings through drawing the eye away from architectural detailing. This adds to a perception of a threatening or neglected environment. Replacing the existing employment use with more modern workshop facilities would help address the above concerns and improve the environmental quality of the surrounding area.

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Given the above, the LPA is satisfied that the proposal will result in no harmful loss of employment provision at the site, with the previous employment use fully relocating to another site within the city. Alternative provision will be made at the application site for two new workshops, which will ensure employment provision is retained in some capacity and improve the environmental quality of the surrounding area. This will also accord with the above policy, as well as Policy BCS8 which states that new employment floorspace suitable for smaller businesses will be encouraged as part of mixed-use development. The application is considered acceptable on this basis.

Impact on Retail Area and Shopping Frontage

The site is located within the designated Stokes Croft retail area within the City Centre and forms part of a Secondary Shopping Frontage.

Policy BCS7 of the Bristol Core Strategy (2011) states that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged and that active ground floor uses will be maintained and enhanced throughout centres.

Policy BCAP17 in the Bristol Central Area Plan (2015) in addition states that within Secondary Shopping Frontages in Bristol City Centre the development of retail or other related uses will be acceptable where they would help to maintain or enhance the function of the shopping area. In all cases the proposed use will be expected:

- i. To complement the retail function of the shopping frontage and not harm its vitality, viability or diversity; and
- ii. Not to harmfully dominate or fragment frontages; and
- iii. To generate a reasonable level of footfall and be of general public interest or service; and
- iv. To be compatible with a shopping area in that it includes a shop front with a display function and would be immediately accessible to the public from the street.

It is proposed to retain all commercial ground floor uses fronting Stokes Croft. Given the position within a designated secondary shopping frontage and City Centre, the retention of these existing units is welcomed and supported. Local policy relating to secondary shopping frontages encourages uses which generate a reasonable level of footfall and interest as well as shop front with a display function and would be immediately accessible to the public from the street as noted above. All of the existing commercial uses and shop frontages will be retained, which will help support the continued vitality and viability of the City Centre and shopping frontage which is welcomed. Initial concerns were raised regarding the loss of storage and servicing space to the rear of No.102 Stokes Croft and as such revised plans were provided demonstrating that an adequate amount of storage and servicing space will be retained for this commercial property.

The existing residential units at the site fronting Stokes Croft (specifically Nos. 86, 96 and 98 Stokes Croft) extend to the ground floor level and include inactive frontages and lack adequate bin storage which represents a significant and prominent negative aspect of the site. This concern has also been raised by Historic England following consultation. It was therefore requested during the course of the application that the applicant reinstate commercial units with active frontages to these properties at ground floor level. This would be in accordance with the general aspirations of secondary shopping frontage policy requirements (Policy BCAP17 as noted above). It would also reverse some of the harm caused to the character and appearance of the conservation area and deliver the greatest heritage benefit to the character and appearance of the Conservation Area, which remains 'at risk' as noted by Historic England.

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Despite this request revised plans were not forthcoming. The applicant noted that there is no policy requirement to reintroduce active ground floor uses to secondary frontages. Whilst this is acknowledged it is the view of the LPA that such a large, fundamental redevelopment of the site should attempt to reverse some of the harm caused to the conservation area and introduce new development in accordance with wider policy aspirations. The failure to reintroduce active ground floor uses is an unfortunate missed opportunity, which would have represented a significant benefit of the proposal and enhancement to the area. Despite this it is not considered reasonable to refuse the application on this basis given that the non-active residential uses are established and will be retained as existing. However, the LPA considers the failure to address this issue very disappointing.

Acceptability of Proposed Student Accommodation

Policy DM2 of the Site Allocations and Development Management Policies (2014) states that specialist student housing schemes will be acceptable within the city centre. Policy BCAP4 in the Bristol Central Area Plan (2015) more specifically states that specialist student housing schemes that contribute to the diversity of uses within the local area will be acceptable within Bristol City Centre unless it would create or contribute to a harmful concentration of specialist student housing within any given area. When making assessments on new specialist student housing development, consideration will be given to the mix of uses delivered on any individual site. Consideration should also be given to the mix of housing within the local area and whether the development would result in concentrations of specialist student housing that would be harmful to residential amenity.

Data held by the local authority does not indicate particularly high concentrations of student accommodation immediately surrounding the site. It is evident that there are no existing student bedspaces within 100 metres of the application site. There is limited student accommodation to the north of the site, however significant concentrations around St James Barton roundabout including parts of St Pauls and the northern part of the city centre at Nelson Street. Permission has recently been granted (application: 19/04331/F) for 416 bedspaces on the old Bristol Royal Infirmary site. The Portland Square development (application: 19/01892/F) comprising 267 student bedspaces was granted planning permission in November 2020. The current site is however some way further north and therefore geographically separate from these adjacent developments. This separation is found to be sufficient to ensure student accommodation at the site would contribute diversity to the mix of uses locally and avoid a harmful concentration within the immediate vicinity.

In addition to the above, Census data (2011) for the local area (lower super output area) does not indicate particularly high existing concentrations of student accommodation. Two lower super output areas cross the site. These are St Pauls City Road which extends to the south and east and Lower Montpelier which extends to the north. Census data indicates that within St Pauls City Road only 1.3% of people live within multiple person households comprising full time students. Within Lower Montpelier only 2.5% of people live within multiple person households comprising full time students. It is recognised that census data is now over 10 years old with the data for the most recent census (2021) not yet being available for consideration. This is an issue with the frequency of census data gathering which is unfortunately outside the control of the Council. It is recognised that the profile of the area may have changed in the intervening period and the LPA will consider other forms of more up to date data which it holds. Nevertheless, the census data does not indicate particularly high concentrations of student households immediately surrounding the site.

It is therefore not considered that the provision of student accommodation in this area will significantly alter the character or nature of the area or housing mix. The site is located within the City Centre where student accommodation and higher densities of development are considered appropriate. The purpose-built nature of the proposed accommodation will also assist in meeting the unfulfilled demand in this area of the city, which in turn will help ease some of the pressure on the conversion of single-family dwellings within the local area, wider ward and elsewhere within the

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city.

Intensification of Shared Housing

The development will result in the enlargement of a number of existing Houses in Multiple Occupation (HMOs).

Development of HMOs is covered by Bristol City Council Site Allocations and Development Management (2014) Policy DM2. The policy provides an approach to addressing the impacts and issues that may result from this form of development and aims to ensure that the residential amenity and character of an area is preserved and that harmful concentrations do not arise. This policy does not permit new HMOs or the intensification of existing HMOs where development would create or contribute to a harmful concentration within a locality. The policy identifies a harmful concentration as a worsening of existing harmful conditions or a change to the housing mix that reduces housing choice.

The Council has recently adopted a Supplementary Planning Document (SPD) relevant to the determination of applications concerning houses in multiple occupation (HMOs): Managing the development of houses in multiple occupation, SPD (Adopted) November 2020 - referred to hereafter as the SPD. The SPD provides guidance in applying Policy DM2 (see above), relating specifically to houses in multiple occupation.

The document recognises that HMOs form part of the city's private rented housing stock and contribute positively to people's housing choice. This form of accommodation is generally more affordable and flexible and therefore suitable for younger people, including students, and other households that are not living as families. It is however recognised that HMOs are more intensive form of accommodation than traditional flats or dwellings. Typically this increases dependent on the level of occupancy.

General issues associated with HMOs include:

- Noise and disturbance
- Detriment to visual amenity (through external alterations and poor waste management)
- Reduced community facilities
- Highway safety concerns (from increased parking)
- Reduced housing choice
- Reduced community engagement
- Reduced social cohesion

The SPD expands on DM2 to provide a definition of what represents a 'harmful concentration' in the wording of the policy. This relates to two principles; local level and area level. At local level, a harmful concentration is found to exist where 'sandwiching' occurs. This is where a single family dwelling (use class C3) becomes sandwiched with HMOs at both adjacent sites. This can happen within a flatted building with HMOs above and below also. With regards to the wider area, a harmful concentration is found to exist where a threshold proportion of 10% HMOs within a 100m radius of the site occurs. This is generally identified as a tipping point, beyond which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken.

The document states that it should be used alongside relevant Local Plan policies to determine all applications for new HMOs and for additional bed spaces within existing HMOs and constitutes an important material consideration in the decision-making process.

Paragraph 4.2 of the SPD states that proposals for additional bed spaces within an existing HMO

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where 10% or more of the total dwelling stock is occupied as HMOs within a 100-metre radius of the application property or site are unlikely to be consistent with Local Plan policy. The Council has access to data in relation to the number of Licenced HMOs (Mandatory and Additional Licences) plus any HMOs that have been given planning permission and do not currently have a licence. This data (as of January 2022) indicates that within 100m of the application site there are a total of 256 residential properties, 32 of which are HMOs. This means that the percentage of HMOs within 100 metres of the site is 12.5%, which is above the 10% desirable threshold quoted within the SPD. As per the SPD guidance, this suggests that negative impacts to residential amenity and character are likely currently being experienced.

Despite the above, the site is found to represent an acceptable location for shared accommodation in principle, being within the City Centre where specialist student housing schemes are acceptable as set out in Policy DM2. It is recognised that the immediate area does exceed the 10% threshold for this type of accommodation as stipulated within the HMO SPD. This particular site and its characteristics are however found to be well suited to this style of accommodation and there is nothing to indicate that there is any harm being caused to the mix and balance of housing/population or to the character or amenity of the local area as a consequence of the existing proportion of HMOs. Due to proximity to commercial and late-night uses, a requirement to maintain commercial servicing access, proximity to the major arterial route (Stokes Croft) and associated noise and pollution as well as lack of private amenity space, the site will not represent an appropriate site for family accommodation. The proposed development will also not result in the loss of any existing housing including family housing. Due to characteristics of the site and its surroundings, the proposal would not cause or exacerbate harmful impacts as defined by policy and consequently is found to represent a policy compliant location for the intensification of shared housing. The various impacts of development will be discussed further beneath however in principle, the intensification of the shared housing is deemed acceptable in this instance, in this location.

Affordable Housing

The application proposes 9 residential units (Use Class C3) and therefore is below the 10 unit threshold for affordable housing requirements. The Council's Housing Enabling Team raised concerns that the number of C3 residential units is deliberately being restricted to below the affordable housing threshold. They commented that if the scheme were to be wholly C3 residential it could provide much needed affordable homes in this highly sustainable location, in which there is a relatively small amount of affordable housing available. It is therefore disappointing that the number of proposed residential units (Use Class C3) is below the affordable housing requirement threshold.

(B) MIXED AND BALANCED COMMUNITY ISSUE

The NPPF (2021) 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", 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.

Policy BCAP3 in the Bristol Central Area Plan (2015) further states that throughout the city centre the development of new homes will be expected to contain a proportion of family sized homes,

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consisting of houses with two or more bedrooms or flats with three or more bedrooms and an element of usable outdoor amenity space. In defining the proportion of family sized homes that will be sought, regard will be had to the existing housing profile of the area, including local housing requirements and the characteristics of the site, including its suitability for different housing types. This policy states that a substantial proportion of family sized housing will usually be sought in the St Paul's area. Further, Policy BCAP45 in the Bristol Central Area Plan (2015) states that within the St. Paul's area, a continued supply of family housing will be maintained.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

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. A local area-based assessment is required to assess the development's contribution to housing mix as 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).

As noted above, the site is located at the boundary of the St Pauls City Road and Lower Montpelier lower super output areas. Within the St Pauls City Road area the majority (81%) of households have either 1 or 2 bedrooms (49.3% and 31.7% respectively). Similarly within the Lower Montpelier area, the majority (67%) of households have either 1 or 2 bedrooms (32.5% and 34.5% respectively).

Overall, the above census data would lead to the conclusion that in this instance, there is a significant imbalance between flats and houses within the LSOA and that there is a need for family sized units (with at least three bedrooms) rather than smaller flats in the area. This is recognised within Supplementary Planning Document 10, 'Planning a sustainable future for St Paul's' which states that there is a need to develop a more balanced housing stock with larger 'family sized' (providing 3 or more bedrooms) housing units.

Initial concerns were raised that the proposal failed to include a sufficient proportion of family sized units to address the existing imbalance. As such, following Case Officer advice the scheme was amended so that planning permission is sought for:

- 1 no. 1 bedroom apartment
- 3 no. 2 bedroom apartments
- 4 no. 3 bedroom apartments
- 1 no. 4 bedroom apartment

These amendments ensure that at least 50% of the dwellings (Use Class C3) would be family sized. This is considered to be an acceptable proportion of family sized homes, which would overall help address the existing imbalance in housing types in the local area. Following this amendment, the proposal is considered acceptable with regards to mix and balance of housing types.

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(C) WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN DESIGN TERMS, SAFEGUARD THE CHARACTER AND APPEARANCE OF THE STOKES CROFT CONSERVATION AREA AND WOULD IT IMPACT ON THE CHARACTER AND SIGNIFICANCE OF DESIGNATED AND NON-DESIGNATED HERITAGE ASSETS?

The application site is located entirely within the Stokes Croft Conservation Area. The Croft Dale building to the rear of the site is an Unlisted Building of Merit and is also Locally Listed meaning it has further significance as a Non-Designated Heritage Asset (NDHA) in planning terms. There are also a number of listed buildings adjacent to the site, these include The Carriage Works (Grade II*) immediately to the north, 93-95 Stokes Croft (Grade II) directly opposite the site, 84 Stokes Croft or The Tropic Club (Grade II) to the southern side of Hepburn Road and also 117/119 Stokes Croft (The Crofters Rights) (Grade II) situated opposite and north of the site on Stokes Croft. A number of pre 1800 historic buildings identified as Unlisted buildings of Merit forms the western edge of the site to Stokes Croft. Stokes Croft is also a designated secondary pedestrian route as identified in the Bristol Central Area Plan (2015).

The Local Planning Authority is required (under Sections 66 and 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 conservation areas, listed buildings and heritage assets. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

Section 16 of the national guidance within the National Planning Policy Framework (2021) states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Para 199 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 should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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.

Para 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.

Para 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Para 202 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Para 203 also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Para 206 states that local planning authorities should look for opportunities for new development

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within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

In addition, Bristol Core Strategy (2011) Policy BCS22 seeks to ensure that development proposals safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including historic buildings both nationally and locally listed and conservation areas. Policies DM30 and DM31 in the Site Allocations and Development Management Policies (2014) also express that alterations to buildings should preserve or enhance historic settings. Policy DM31 specifically states that alterations, extensions or changes of use to listed buildings, or development in their vicinity, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Development within or which would affect the setting of a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance. This policy further states that proposals affecting locally important heritage assets should ensure they are conserved having regard to their significance and the degree of any harm or loss of significance.

Paragraph 126 of the National Planning Policy Framework (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Para 130 states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future user. Para 134 states that development that is not well designed should be refused.

Bristol Core Strategy (2011) Policy BCS2 states that the design of development will be expected to be of the highest standard in terms of appearance, function, conservation of heritage assets, sustainability and maintaining and enhancing green infrastructure. This policy also seeks the provision of active ground floor uses on the busier streets in Bristol City Centre. Policy BCS21 also requires new development in Bristol to deliver high quality urban design and sets out criteria to measure developments against including the need for development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. This policy also states that development should promote accessibility and permeability by creating places that connect with each other and are easy to move through, promote legibility through the provision of recognisable and understandable places, routes, intersections and points of reference and create a multi-functional, lively and well-maintained public realm that integrates different modes of transport, parking and servicing. This policy also states that development should enable the delivery of permanent and temporary public art.

Policy DM26 in the Site Allocations and Development Management Policies (2014) more specifically states that the design of development proposals should contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines, skylines and roofscapes and incorporating existing land forms, green infrastructure assets and historic assets and features. This policy also states that development should reflect locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion and reflect the predominant materials, colours, textures, landscape treatments and boundary treatments in the area.

Policy DM27 further expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. This policy also states that development will

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be expected to create or contribute towards a simple, well-defined and inter-connected network of streets and spaces that allows for convenient access to a choice of movement modes and routes, as appropriate to the size of the development and grain of the surroundings. The layout and form of development will also be expected to enable active frontages to the public realm and natural surveillance over all publicly accessible spaces.

Policy DM28 states that development should create or contribute to a safe, attractive, high quality, inclusive and legible public realm that contributes positively to local character and identity and encourages appropriate levels of activity and social interaction. Specifically, development will be expected to sensitively integrate and prioritise appropriate levels of movement infrastructure for different modes, including provision for convenient pedestrian and cycle movement and provide an appropriate relationship with the building edge and a suitable transition between clearly defined public and private space. Development should also enable easy, inclusive access into and through the public realm and to buildings that provides adequately for the mobility needs of all users having regard to age, gender and disability. Proposals should further incorporate appropriate street furniture, lighting and surface materials of high quality, environmental performance and durability that enhance the quality, character and appearance of the public realm through their siting and design.

Policy DM29 states that new buildings should be designed to a high standard of quality, responding appropriately to their importance and reflecting their function and role in relation to the public realm. This policy further states that proposals for new buildings will be expected to be clearly organised in terms of their form and internal layout and circulation to reflect the hierarchy of function they will accommodate, the uses they will serve and the context they will address. New buildings should also incorporate high quality detail of an appropriate scale and proportion, arranged in a coherent way that contributes positively to the overall design approach of the building and incorporate active frontages and clearly defined main entrances facing the public realm that emphasise corners and reinforce the most prominent frontages.

Policy DM30 further states that any extensions and alterations to existing buildings will be expected to respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene and retain and/or reinstate traditional or distinctive architectural features and fabric. Extensions should be physically and visually subservient to the host building, including its roof form, and not dominate it by virtue of their siting and scale. Proposals that would sensitively adapt existing buildings to alternative uses as an alternative to demolition will be supported.

Policy BCAP30 in the Bristol Central Area Plan (2015) states that development on or adjacent to primary and secondary pedestrian routes will be expected to provide an appropriate and proportionate level of public realm improvements to the route. Development that would be harmful to the amenity or accessibility of primary or secondary pedestrian routes will not be permitted. Policy BCAP31 in the same document states that within Bristol City Centre, active ground floor uses will be sought where appropriate from development on primary pedestrian routes and other suitable locations where active ground floor uses would make a positive contribution to the vitality and character of the area. Active frontages will be expected in all locations in the city centre facing the existing or proposed public realm. Policy BCAP45 in this document states that development in Stokes Croft will be expected to respect the historic scale and form of development in the neighbourhood and to preserve, enhance and where appropriate reinstate historic routes that contribute to the permeability and legibility of the area.

Stokes Croft Conservation Area has suffered significant erosion in its protected character since designation in 1980. Historic England has added Stokes Croft Conservation Area to the national Register of Heritage at Risk and describes its condition as "very poor" and deteriorating. More than special weight should be placed in preserving and enhancing the remaining special character. The

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Stokes Croft Conservation Area Character Appraisal (2007) identifies that one of the main issues affecting the conservation area is that inactive and hoarded frontages have contributed to the area's reputation as an intimidating environment, notably along Stokes Croft. In this part of the conservation area it is identified that the typical building materials are a red brick, some Bath stone detailing, painted render, or iron frames. The larger warehouse-type or church buildings, and their boundary walls, are exceptions to this rule and tend to be in local pennant stone. Roofs are predominantly clad in clay pan-tiles, with some in grey slate. Traditional windows are with timber sash windows or metal casements on some warehouse buildings. In future development, the character appraisal states that current building heights should be respected in order to retain the overall character of the street and impact of existing taller buildings. The Former Perry's Carriage Works makes a significant contribution to the upper section of Stokes Croft and is considered to be a local landmark. The Stokes Croft Conservation Area Character Appraisal states that unlisted buildings can make a positive contribution to the character of a Conservation Area, whether due to their townscape value, architectural qualities or local associations. Where unlisted properties are considered to be of value to the character and appearance of the Conservation Area, there will be an assumption against their demolition or unsympathetic alteration.

The application has been considered by the Council's Conservation and Urban Design Team, as well as Historic England. The application site is located in a sensitive historic area where there are a number of nearby heritage assets and related considerations:

- The site is located within Stokes Croft Conservation Area (CA)
- Croft Dale, within the site boundary, is an Unlisted Building of Merit in the statutory protected CA
- Croft Dale is Locally Listed, so has further significance as a Non Designated Heritage Asset (NDHA) in planning terms.
- A number of pre 1800 historic buildings identified as Unlisted Buildings of Merit forms the western edge of the site to Stokes Croft
- The site is located within the settings of Grade II* listed 104 Stokes Croft, The Carriage Works building
- The site is located within the settings of Grade II listed 84, 83, 95 and 119 Stokes Croft
- The site is located within the settings of locally listed 77-79, 81, 84, 97, 109, 111 and 113-115 Stokes Croft

As noted above, the Stokes Croft Conservation Area has been placed on the Heritage at Risk register by Historic England. Significant weight should therefore be placed in preventing further decline and making enhancements to character. Following assessment, the Council's Conservation and Urban Design Team and Historic England have identified a number of concerns with the current proposal meaning the LPA is unable to support the scheme. These are set out below:

Loss of Croft Dale

Croft Dale to the rear boundary of the application site makes a positive contribution to the special character of the Conservation Area and is identified as a building of merit in the conservation area character appraisal. Furthermore it is Locally Listed so has further significance as a Non Designated Heritage Asset in planning terms. The special architectural and historic character of the Conservation Area is protected by statute. As a building of merit Croft Dale is a key element of its special architectural or historic interest as defined by the Secretary of State in their current guidance on identifying harm in Conservation Areas.

Croft Dale is an early pair of residential properties, part of the former Adams Court, and dates to the late Georgian era, sometime after 1828. It is a characterful pair of houses with a long history, a good survival of lower status workers housing of this date still surviving in Bristol and has particular historic significance to the Stokes Croft Conservation Area.

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The elevation facing Hepburn Road is typified by a tall hipped roof of terracotta double-Roman tiles, and distinctive tall chimneys. The façade is strongly symmetrical with classically proportions to windows and an attractive arched front door. To the public highway it presents as a smart and dignified building albeit of modest stature. The south façade, the historically original front, has Georgian style window heads with Georgian stepped voussoirs, typical of that era. These facades have high status ashlar stone dressings. This elevation is also clearly visible from Hepburn Road.

The boundary walls are also of historic interest. They are mainly pennant rubble stone and enclose Croft Dale, and follow the grain of properties stretching back from Stokes Croft.

It's accepted that the building currently isn't an overly prominent or visible feature within the conservation area. This is primarily due to the poor quality and neglected condition of the surrounding townscape (of which the application site makes up the majority). This however doesn't reduce the buildings quality, significance or status as a locally listed building and heritage asset within the conservation area. It is considered that the complete redevelopment of the site provides an opportunity to better improve the setting and considerably enhance this part of the conservation area through better revealing the locally listed building and its significance in accordance with Paragraph 206 of the NPPF.

Croft Dale overall contributes positively to the special character of the Conservation Area through its architectural and historic character, proportions, details, and materials. It is an unusual survivor of back-lands residential development in Stokes Croft which should be enhanced and safeguarded in accordance with Policies BCS22 and DM31.

It's accepted that the backdrop of Croft Dale has changed with the development of the Carriage Works however this is not material to the physical and visual contribution of that property to the Conservation Area; rather more it reinforces the need of development on the current site to better address the scale, grain, massing, and appearance of the Conservation Area.

The proposed development seeks permission to demolish a number of significant structures within the Conservation Area. This includes Croft Dale and its historic boundary and garden walls.

The complete demolition/loss of a locally listed building such as this, identified as of merit within the Conservation Area, one which clearly contributes to the character, is an in-principle issue. It will undoubtedly cause harm to the historic setting, character and appearance of the wider Stokes Croft Conservation Area through the removal of a historic locally listed and important building of merit. This will further deteriorate the character and appearance of the conservation area which is already identified as being in a 'very poor' condition and at risk.

In assessing the degree of harm to the conservation area the relevant element of the Secretary of State's current guidance on Conservation Areas postdates and supersedes the much-cited case of Bedford Borough Council v Secretary of State for Communities and Local Government. This has been tested through Westminster Holocaust Memorial and Learning Centre Public Inquiry.

In this The Secretary of State states:

"How can the possibility of harm to conservation areas be assessed?"

Paragraph 201 of the National Planning Policy Framework is the starting point. An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building. If the building is important or integral to the character or appearance of the conservation area then its proposed demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework.

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Loss of a building within a conservation area may alternatively amount to less than substantial harm under paragraph 196. However, the justification for a building's proposed demolition will still need to be proportionate to its relative significance and its contribution to the significance of the conservation area as a whole. The same principles apply in respect of other elements which make a positive contribution to the significance of the conservation area, such as open spaces." Case Officer note: the above referenced paragraphs relate to the 2019 version of the NPPF.

The Council's Conservation Officer confirmed that the architectural and historic character of Croft Dale is more than sufficient for it to be considered a building of merit, one with an important and distinctive contribution to the character of the Stokes Croft Conservation Area. It has recognised architectural and historic value (local list status) and constitutes a "Key Element" of the designated heritage asset, as per Secretary of State guidance:

Following the above guidance, the loss of a building of merit (such as Croft Dale) from the Conservation Area poses substantial harm, and the requirements of Paragraph 201 of the NPPF requiring greater demonstration and justification should be met. In the absence of this criteria being met the Local Authority should refuse planning consent. Issues surrounding whether the required clear and convincing justification has been given for the harm is set out below.

Rooftop Extensions to Nos. 98, 100 and 102 Stokes Croft

Originally permission was sought for the introduction of mansard style roofs to Nos. 98, 100 and 102 Stokes Croft. These are all identified as Unlisted Buildings of Merit within the conservation area character appraisal, meaning they "make a positive contribution to the character of the Conservation Area, whether due to their townscape value, architectural qualities or local associations. Where unlisted properties are considered to be of value to the character and appearance of the Conservation Area, there will be an assumption against their demolition or unsympathetic alteration."

Concerns were raised by both Historic England and the Council's Conservation Officer in relation to the introduction of steep mansard style roofs to these properties as these were deemed non-traditional in the context of the historic terrace and wider conservation area. As such the scheme was amended so that Nos.98, 100 and 102 Stokes Croft will be extended with a flat roof behind a parapet on the principal elevation, increasing the height of the buildings straight up from two storeys to three.

Following re-consultation, Historic England and the Council's Conservation Officer commented that they still object to the rooftop extensions proposed. The additional storeys will replicate the poorly proportioned and positioned fenestration found at the lower floors, including poor quality design and materials such as uPVC, casements and single-pane sashes (as referenced on the proposed elevations - "windows to match existing"). The Council's Conservation Officer further commented that the extension would result in the loss of traditional parapet roof edges and architectural details impacting the architectural and historic character of the area protected by Conservation Area. The Council's Conservation Officer and Historic England also noted that there would be a degree of harm to the immediate setting of the Grade II* Carriage Works, as a result of the design approach to the additional stories over these properties

Scale

The overall scale of development is broadly considered acceptable, although the density and plot coverage has resulted in a number of amenity issues arising as set out further below under Key Issues E and F. In terms of height however, this will be broadly in keeping with the backland redevelopment of the Carriage Works at the adjoining site, meaning the proposed height will not be out of keeping with the immediate context. The buildings will also be of a slightly lesser height than

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the main frontage buildings along Stokes Croft which will offer a degree of subservience.

Concerns were raised during the course of the application however by the Council's Urban Design Team regarding the scale of Block C. Hepburn Road is a very narrow street and the proposal initially sought to present a full height building at three storeys along the street front which would have been overbearing and dominant within the context. As such it was requested that the upper floors of Block C be stepped back from the plot boundary along Hepburn Road. Whilst revised plans were provided incorporating this change the building line remains stepped forward on the last bay thus negating the benefits presented by the change on the street scene. The Council's Urban Design Team subsequently raised concern to this element of the proposal.

Layout

Following consultation the Council's Urban Design and Conservation Teams raised concern that the proposed new massing and layout of the new residential blocks bear little relation to the historic grain of the area, and proposes grouped blocks arranged across the site to maximise numbers rather than to enhance the local character and distinctiveness. It is considered that the retention of Croft Dale and surrounding boundary division could allow for a much more appropriate layout for the context which would respond to the historic grain of development at the site.

The Council's Urban Design Team also raised concern that there is inadequate separation distance between the some of the residential blocks and surrounding development, and that there will be inadequate daylight/sunlight to some habitable rooms. This is covered further under Key Issues E and F.

Detailed Design and Materials

Following consultation, the Council's Urban Design and Conservation Teams raised concern in relation to certain elements of the detailed design and materials proposed. It is recognised that, following initial concerns, the materials were amended so that the new blocks will be constructed predominantly of brick with some lower storeys in stone which is considered a more suitable material palette for the conservation area. The simplification of the roof form of Block-B is also acknowledged as a positive change. However, concerns remain regarding the design and treatment of the buildings which appears generic and lacking interest. The large expanses to the facades (particular to Block A) could be better subdivided and expressed, with a wide range of traditional architectural details exhibited locally that could better articulate a positive contextual design approach and provide subdivision and relief.

The Council's Urban Living SPD states that proposals should look towards 'celebrating entrances within the design to improve legibility and add interest at street level.' It is considered that the proposal fails to achieve this, with entrances located in corners, poorly articulated and/or visually lost within the facades which express a lack of detail, interest and relief as noted above.

As noted above, concerns are raised in relation to the new windows/fenestration proposed to the extension to the buildings fronting Stokes Croft (Nos. 98, 100 and 102) which is poorly proportioned, positioned, designed and of a poor quality material. It is recognised that the new windows will match the existing (as referenced on the proposed elevations), which are of a similar poor quality, however this is not considered sufficient to allow similarly harmful fenestration. Given the historic context, within a conservation area at risk, any development should seek to address existing harm and enhance the historic setting through the replacement of existing poor quality features and introduction of new high quality design elements appropriate for the historic setting.

The Council's Urban Living SPD states that major developments should create connections that are attractive, well lit, well overlooked and safe. A significant amount of refuse and recycling storage is

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proposed at ground floor level beneath No.92 Stokes Croft, directly facing a pedestrian route through to the site from Stokes Croft behind a controlled access gate. The Council's Urban Design Team have raised concern regarding the quality of this pedestrian route, which will be heavily used by future occupants. The route is essentially a narrow and enclosed passageway lined with a bin enclosure with no active frontages. This will fail to deliver a safe, appealing, well-overlooked, well-lit and attractive environment for future occupants in conflict with Policy BCS21 and the Council's Urban Living SPD. Given the poor quality and unappealing nature of the route future occupants may also chose to avoid it, meaning the proposal will fail to promote accessibility and permeability by creating a place that is easy to move through which would also be in conflict with Policy BCS21.

Public Art

Core Strategy Policy BCS21 states that development in Bristol will be expected to enable the delivery of permanent and temporary public art. A scheme of this scale presents many positive opportunities to embed creativity and culture very early on. The Council would expect to see a commitment of significant scale to a layered art programme that is meaningful and relevant for people and place, that directly responds to the site and the opportunities (geographical and thematic) it presents. The Council's Public Art Officer has raised concern that no Public Art Plan has been submitted to support the application. It is however considered that this detail could be secure via condition, if an approval was forthcoming.

Urban Living

The Council's Urban Living SPD (2018) includes questions regarding development quality that are designed for applicants, local authority planners and other stakeholders to use throughout the design development of a scheme. Accordingly, the SPD represents guidance as to how to assess developments against Development Plan policies. Officers will therefore consider the guidance (and questions) included within the UL SPD within this section as an aid to assess the quality of the development regarding relevant design policies.

UL SPD Assessment - Part 1: Guidance for all major developmentsCity - question 1.1 asks if the scheme adopts an approach to urban intensification which is broadly consistent with its setting?

The SPD states that an optimal density in new development is considered to be one that balances the efficient and effective use of land, with aspirations for a positive response to context, successful placemaking and liveability. For the purposes of the SPD, densities are expressed as net dwellings per hectare. In terms of density, the total measurement of the site is 0.24 square hectares. The proposal is for 68 new residential units (9no. residential units and 59no. student bedrooms). This will result in a density of approximately 283 dwellings per hectare. This is considerably above the optimal density identified for the city centre within the SPD (200 units per hectare) however it is recognised that the application scheme includes a significant amount of student accommodation which is a high-density form of development where residents can live successfully at a high density. As a whole officers are satisfied that the site provides an opportunity for increasing densities and a scheme such as this can in principle deliver a relatively significant form of urban intensification. However, for the reasons highlighted above, it is considered that the current proposal has failed to take a design-led approach to establishing site capacity and fails to make a positive response to context and setting (particularly historic context). The proposal would also, for the reasons set out in this report, fail to achieve successful placemaking and liveability and would overall fail to safeguard the special interest and character of the area. The proposal subsequently fails to meet this section of the Council's Urban Living SPD.

Development Control Committee B – 8 March 2023**Application No. 21/02794/F : 86-92 & 96-102 Stokes Croft, Croftdale Hepburn Road Bristol BS1 3RJ**Neighbourhood - question 1.2 asks does the scheme contribute towards creating a vibrant and equitable neighbourhood?

As Key Issue B explains, the proposed development would contribute positively towards the mix of housing options in the area, with at least 50% of the dwellings (Use Class C3) being family sized which are needed in the local area. The development will also include two new workshops which will ensure employment provision is retained in some capacity at the site. The Pollution Control Team also advises the proposal should not prejudice the ongoing viability of surrounding existing commercial/late night uses. The Council's Housing Enabling Team did raise concern regarding the lack of affordable housing. As set out under Key Issue A, a wholly C3 residential scheme could provide much needed affordable homes in this highly sustainable location, in which there is a relatively small amount of affordable housing available. Despite this, as a whole it is considered that the development will contribute towards a vibrant and equitable neighbourhood and the proposal as such meets this section of the Council's Urban Living SPD.

Neighbourhood - question 1.3 asks does the scheme respond positively to either the existing context, or in areas undergoing significant change, an emerging context?

Figure 3 of the UL SPD suggest the site is within an area identified as having a dominant townscape character and high intensity usage, where there is modest potential for infill on small sites through amongst other forms development, new build and infill development. The development is broadly in line with these expectations in that it represents a new build development with a high intensity use. As noted above, the overall height and scale is also considered to be broadly in keeping with the backland redevelopment of the Carriage Works at the adjoining site, meaning the proposed height will not be out of keeping with the immediate emerging context. As a whole however it is considered that the scheme fails to respond positively to the existing context. This part of the SPD states that it is recommended that applicants assess the potential of any designated and non-designated heritage assets for conversion. Retained buildings or structures can become instant focal points within a development. The total demolition of a locally listed building, identified of character, within the conservation area would fail to achieve this, and would fail to respect the historic townscape character. The proposal subsequently fails to meet this section of the Council's Urban Living SPD.

Block and Street - question 1.4 asks does the scheme provide people-friendly streets and spaces?

As set out above, a significant amount of refuse and recycling storage is proposed at ground floor level beneath No.92 Stokes Croft, directly facing a heavily used pedestrian route through to the site from Stokes Croft. This part of the SPD specifically states that major developments should create connections that are attractive, well lit, well overlooked and safe. It is considered that the development would fail to provide an appealing, attractive, well-lit, well-overlooked and people-friendly environment for future occupants in this respect. The development will also fail to take the opportunity to improve the public realm and pedestrian environment for people using Stokes Croft through the reinstatement of commercial units with active frontages to properties along Stokes Croft at ground floor level. The proposal subsequently fails to meet this section of the Council's Urban Living SPD.

Block and Street - question 1.5 asks does the scheme deliver a comfortable micro-climate for its occupants, neighbours and passers-by?

As set out under Key Issue E, following development a number of new residential units and neighbouring units fail to meet BRE criteria, and whilst a flexible assessment approach has been taken a number of residential units within the development (both apartments and student bed spaces) are considered to fail to provide sufficient living environment due to poor outlook, lack of privacy and limited natural light. The impact of the development on the amenity of a number of

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surrounding residential properties is also considered detrimental for the reasons set out in Key Issue F. As such it is not considered that the development will deliver a comfortable micro-climate for future occupants or neighbours. The proposal subsequently fails to meet this section of the Council's Urban Living SPD.

Block and Street - question 1.6 asks has access, car parking and servicing been efficiently and creatively integrated into the scheme?

The development is predominantly car-free meaning the question is not relevant in parts. As set out under Key Issue D, following the submission of additional information and subject to conditions the Council's Transport Development Management Team confirmed that the proposed access, car parking and servicing arrangement has been adequately integrated into the scheme so that no harm will be caused. The proposal as such meets this section of the Council's Urban Living SPD.

UL SPD Assessment - Part 2: Guidance for major residential developments

Shared access and internal spaces - question 2.1 asks does the scheme make building entrances welcoming, attractive and easy to use?

As set out above, the SPD states that proposals should look towards 'celebrating entrances within the design to improve legibility and add interest at street level.' It is considered that the proposal fails to achieve this, with entrances located in corners and/or visually lost within the facades which express a lack of detail, interest and relief. The proposal subsequently fails to meet this section of the Council's Urban Living SPD.

Shared access and internal spaces - question 2.2 asks are the scheme's internal spaces convivial, comfortable and user friendly.

As a whole it is considered that the internal spaces are acceptable for future occupants. The proposal subsequently meets this section of the Council's Urban Living SPD.

Outdoor space - question 2.3 asks does the scheme provide sufficient outdoor space, and question 2.4 asks does the scheme create attractive, well designated and maintained outdoor space?

The SPD advises that a minimum of 5sqm of private outdoor space should be provided for a 1-2 person dwelling and an extra 1sqm should be provided for each additional occupant. This can be provided as private balconies or gardens, or as communal gardens and roof terraces. All of the residential properties (Use Class C3) will include private balconies or terraces which will meet these requirements and the proposal will also introduce a communal landscaped garden area. The Council's Urban Design Team however raised concern regarding the quality of the communal garden space, which is fragmented and primarily serves as an access and movement corridor. Concerns were also raised that the garden space will be restricted due to the extent of enclosure and overshadowing.

Outdoor space - question 2.5 asks does the scheme creatively integrate children's play?

The proposed development doesn't include any dedicated children's play space. However only 9 residential flats are proposed under the application. It is not expected that the student bed spaces will be occupied by children. Whilst the 2, 3 and 4 bedroom apartments (8 in total) may accommodate children the site is located in a city centre location, within 350 metres of children's play equipment at Carr House and 400 metres from children's play equipment at St Paul's Park. As such it is not considered reasonable to expect the development to provide dedicated children's play space within the scheme. The proposal subsequently meets this section of the Council's Urban Living SPD.

Development Control Committee B – 8 March 2023**Application No. 21/02794/F : 86-92 & 96-102 Stokes Croft, Croftdale Hepburn Road Bristol BS1 3RJ**Individual homes - question 2.6 asks are internal layouts ergonomic and adaptable?

As set out under Key Issue E, all residential units will meet national described space standards and the overall layouts will be flexible and adaptable for future users. No information has been provided with regards to wheelchair accessible dwellings, with the applicant noting that the development falls below the threshold requirement under Policy DM4 which states that two per cent of new housing within residential developments of 50 dwellings or more should be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. It is however stated that some of the flats have been designed so they can be adapted to become wheelchair accessible. The proposal subsequently meets this section of the Council's Urban Living SPD.

Individual homes - question 2.7 asks does the scheme safeguard privacy and minimise noise transfer between homes?

As set out under Key Issue F, the Council's Pollution Control Officer confirmed that (subject to the imposition of conditions) it is unlikely that the development would cause any harm with regards to noise transfer between homes. As set out under Key Issues E and F a number of residential units within the development (both apartments and student bed spaces) are considered to fail to provide an adequate level of privacy due to overlooking between residential units and neighbouring properties. The proposal subsequently fails to meet this section of the Council's Urban Living SPD.

Individual homes - question 2.8 asks does the scheme maximise opportunities for natural illumination of internal spaces, avoiding single aspect homes?

As set out under Key Issue E, all residential units (Use Class C3) will be dual aspect however a number units fail to meet BRE criteria in terms of daylight/sunlight and a number of units are considered to fail to provide a sufficient living environment for future occupants due to poor outlook and limited natural light. The proposal subsequently fails to meet this section of the Council's Urban Living SPD.

Has clear and convincing justification been given for the harm?

Following the above a number of concerns are raised with regards to the design of the proposal and impact on heritage assets.

Both the NPPF (2021) and the Secretary of State require there to be clear and convincing justification for any harm to a designated heritage asset, proportionate with its significance. Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to a designated heritage asset local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm. Parts a), b), c) and d) of Paragraph 201 are not all met and therefore substantial public benefits are required in accordance with the first part of the paragraph as set out above.

Six different options for development of the site without the loss of Croft Dale are presented on page 10 of the originally submitted Design and Access Statement. Without considering the individual merits of each option this demonstrates that a degree of development is not dependant on the complete loss of a building of merit. Furthermore there is no explanation why alternatives to demolition have been rejected; indeed the necessity for demolition of the building of merit is not adequately explained anywhere in the application nor is there any evidence presented that the proposals represent the optimum viable use of the site. Demolition, therefore, cannot be held as a proportionate approach to development.

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Croft Dale is located in the corner of the application site and as such does not represent an immediate or obvious barrier to redevelopment (compared with it being sited more centrally). It is considered entirely possible that the site could be developed, and the density considerably increased, whilst also retaining Croft Dale given it's siting within the corner of the plot. No evidence has been provided to confirm/show that the redevelopment of the site is entirely dependent on the total demolition of Croft Dale. As such it cannot be said that the nature of the heritage asset prevents all reasonable uses of the site; meaning the proposal fails to satisfy the four-part assessment set out under Paragraph 201 of the NPPF. Therefore, the scheme must deliver substantial public benefits that outweigh the harm.

It's not been demonstrated that the package of public benefits would be "substantial", they are more general in nature. There is some recognised public benefit that would result from new family homes and student accommodation, to the construction industry for the duration of the work on site, for the economy and local businesses from new residents, and the environmental improvement of a negative site in the Conservation Area. However, all these benefits could be delivered in a proportionate way whilst preserving and enhancing the special character of the conservation area and retaining the locally listed building. That harm to that character isn't justified by any clear or convincing evidence provided in this application.

The applicant was requested during the course of the application to look at delivering further public benefits through the development proposals. As noted under Key Issue A it was requested during the course of the application that the applicant reinstate commercial units with active frontages to properties fronting Stokes Croft at ground floor level as it would reverse some of the harm caused to the character and appearance of the conservation area and deliver the greatest heritage benefit to the character and appearance of the Conservation Area, which remains 'at risk' as noted by Historic England. The applicant however chose not to do this, despite request. In addition, replacing existing poor quality design features such as windows facing Stokes Croft with more traditional windows would also represent a substantial benefit however the applicant has again chosen no to do this.

Conclusion

In conclusion, the proposed development poses "substantial harm" to the special characteristics of the Stokes Croft Conservation Area as a nationally protected heritage asset, through the demolition of a Locally Listed building identified specifically of being "of merit" to the area. The introduction of poor-quality extensions and detailed design elements to existing character buildings will further cause harm to the character and appearance of the conservation area and setting of nearby heritage assets. The development would also by virtue of its scale, design, form, materials, detailing and layout fail to deliver high quality urban design which would contribute positively to the area's character and identity. Whilst some of the unacceptable design elements highlighted above may in themselves be accepted on balance if they were the sole issue in an otherwise acceptable proposal in this instance they cumulatively contribute towards and create a poor quality and unacceptable scheme which will cause substantial harm to the character and appearance of the Stokes Croft Conservation Area.

The Local Planning Authority is required by the NPPF to place "great weight" in the conservation of the Stokes Croft Conservation Area and required to refuse applications that pose substantial harm without justification. For the reasons set out above the proposed development lacks the required "clear and convincing justification" for why the harm posed might be considered unavoidable as part of redevelopment, or the minimum in securing a viable future use for the site.

The National Planning Policy Framework (revised in 2021) further contains relatively new, very clear and unambiguous wording on design. It states that 'development that is not well designed should be refused' (Paragraph 134). The new wording is in contrast to that in the 2012 version of

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the NPPF which simply required that 'permission should be refused for development of poor design'. This means that the test is now the achievement of 'good design' and not just the avoidance of 'bad design'.

For the reasons set out above and within the policy context highlighted the application is considered unacceptable and is recommended for refusal.

(D) HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES

Paragraph 104 of the NPPF (2021) states that transport issues should be considered from the earliest stages of plan-making and development proposals. Paragraph 105 adds that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. Paragraph 106 further states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities. This section of the NPPF also states that planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking.

Bristol City Council Core Strategy (2011) Policy BCS10 advocates that new development should be designed and located to ensure the provision of safe streets and requires proposals to minimise the need to travel, especially by private car and to reduce the negative impacts of vehicles such as excessive volumes, fumes and noise. This policy also requires proposals to create places and streets where traffic and other activities are integrated. Policy BCS13 in the same document states that development should mitigate climate change through measures including patterns of development which encourage walking, cycling and the use of public transport instead of journeys by private car.

Policy DM23 in the Site Allocations and Development Management Policies (2014) in addition states that development should not give rise to unacceptable traffic conditions. Examples of unacceptable traffic conditions referred to in the policy include the introduction of traffic of excessive volume, size or weight on to unsuitable highways/or in to residential or other environmentally sensitive areas. This could result in high levels of transport noise and disturbance, a decrease in air quality and unsafe conditions both on the highway and for pedestrians. This policy further states that development proposals will be expected to provide an appropriate level of safe, secure, accessible and usable parking provision (including cycle parking) and that proposals for parking should make effective and efficient use of land and be integral to the design of the development. The approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport, as encouraged by Core Strategy Policy BCS10.

Policy BCS15 in the Bristol Core Strategy states that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Policy DM32 in the Site Allocations and Development Management Policies states all new developments will be expected to provided recycling facilities and refuse bins of sufficient capacity to serve the proposed development. This policy further states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. In assessing recycling and refuse provision, regard will be had to the level and type of provision, having regard to the above requirements and relevant space standards; and the location of the provision, having regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives. Policy DM23 also states that the provision in new development of safe, secure, well-located cycle parking can be very important in encouraging people to cycle regularly. It is important that development proposals incorporate these facilities and parking at the outset of the design

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process. Applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on this matter.

Policy DM2 in the Site Allocations and Development Management Policies states that the sub-division of dwellings into houses in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; as well as inadequate storage for recycling/refuse and cycles.

Bristol Central Area Plan (2015) Policy BCAP4 in relation to specialist student housing states that when making assessments on residential amenity, consideration should be given to the particular qualities and characteristics of a residential area or residential uses that might contribute to it being an enjoyable or otherwise satisfactory place to live. These usually include generally quieter surroundings; a reasonable level of safe accessible and convenient car parking and a well maintained or visually attractive environment. Policy BCAP29 states that a significantly lower level of car parking provision will be expected and that development in Bristol City Centre will be expected to meet or exceed the minimum standards for secure cycle parking and disabled car parking set out in the Parking Standards Schedule at Appendix 2 to the Site Allocations and Development Management Policies. Cycle parking provision and associated facilities should be designed to a high quality which meets the requirements of all cyclists using new development including residents, staff and visitors.

The application has been considered by the Council's Transport Development Management Team (TDM).

Trip Generation

Whilst it is of TDM's opinion the level of car trips generated by the development will be lower than that predicted within the transport statement given the limited parking availability within the area for both residents and users of the businesses no concerns are raised. It is likely these trips will be made by sustainable modes such as walking, cycling and public transport given the sites sustainable location within the City Centre.

Access /Servicing /Deliveries

All servicing of the commercial units along Stokes Croft and Hepburn Road, as well as any servicing required for the residential units, will be to the rear via Hepburn Road. This is considered acceptable in principle by TDM. Initial concerns were however raised regarding the provision of a loading bay along Hepburn Road and how pedestrians and large servicing vehicles would interact. As such revised plans were provided which demonstrate that servicing can be undertaken safely through an amended design to the bay and site layout. Servicing vehicles will be able to pull off of the carriageway and will sit to the rear of the adopted highway fully within the site. This is considered acceptable.

It was requested that a non-stepped servicing route linking the rear of the units fronting Stokes Croft to Hepburn Road was provided as this would further encourage and prevent the negative impacts of servicing along Stokes Croft due to a viable alternative. The applicant has however confirmed that this is not possible due to the level changes across the site. On balance TDM confirmed that the lack of a non-stepped servicing route is acceptable on balance given the recognised change in levels.

Following request, tracking for the largest Council refuse vehicle accessing the site has been made and provided, which TDM considers acceptable as it shows the refuse vehicle will be able to pull off of the highway to the rear of the footway and therefore will not obstruct pedestrian movement.

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Were an approval forthcoming a Delivery & Servicing Plan would be secured via condition covering issues such as the contact details of a suitably qualified co-ordinator; how vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway; and details of any freight consolidation operation, centre and the delivery and servicing booking and management systems. This will be in the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion.

Highway Works, Highway Adoption and Road Safety

Following initial concerns raised by TDM the applicant has undertaken a road safety audit (RSA) which seeks to address concerns regarding highway safety. As set out in the RSA, two issues were raised by TDM. One relating to the omission of a doorway onto Hepburn Road. The applicant has agreed to omit this. Further detail of all doors would be secured via condition if an approval was forthcoming to ensure they don't obstruct pedestrian movement.

Secondly the RSA has raised an issue regarding conflict between pedestrians/cyclists and motor vehicles. It is considered possible that this route could be pedestrianised, however the RSA has been submitted with insufficient time to investigate the pedestrianisation of Hepburn Road and offers no detailed justification of why this would not be possible or necessary. As such, were an approval forthcoming, a condition would be attached to any permission requiring further detail of highway works (such as the resurfacing of Hepburn Road, upgrade of street lighting) which should also include consideration/exploration of the pedestrianisation of Hepburn Road. It should be noted that any such scheme would be subject to further consultation and consideration under highways legislation process.

It is noted that were an approval forthcoming the Council would seek to adopt additional land along Hepburn Road which provides footway and carriageway.

Car Parking

In respect to car parking two parking spaces are proposed within the site, which will be used by students pre and post term only, enabling drop-off and pick-up of students at the start and end of term. Throughout the academic year the spaces will be for the use of the management company and maintenance vehicles only. This is acceptable, however a Traffic Management Plan would be secured via condition if an approval was forthcoming setting out the agreed arrangements for managing student drop off/collection procedures and location, at the start/end of semester/academic year to ensure the safe operation of the public highway at the start/end of each semester/academic year.

Cycle Parking

In regard to student cycle parking the lower ground floor will accommodate 28 Sheffield Stands, providing 56 cycle parking spaces. These spaces are internal to the curtilage of the building, and it is anticipated that an access keycard/fob or keypad will be required to access the area. Therefore, the cycle parking will be covered and secure. This is acceptable.

Residential and visitor cycle parking is to provided on the ground floor and will accommodate 13 Sheffield Stands, providing a further 26 cycle parking spaces. The stands will be split across two areas, with seven stands (14 spaces) provided inside of the building and six stands (12 spaces) within the courtyard area, which will be covered. This is also acceptable.

It is acknowledged that the spatial standards for the workshop element of the redevelopment falls below the threshold for the provision of cycle parking. However, cycle parking for the workshop is

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provided as part of the wider provision within the site to maximise effective use of the site. The total number of cycle parking spaces within the development is above the required standards, which is acceptable.

Refuse/Recycling Storage

Adequate provision is made for the storage of waste and recycling within the site. Members of the management company will be responsible for transporting the refuse bins from the bin storage areas to the car parking, from which it is proposed that the refuse will be collected. TDM raised no objections to this arrangement in principle, however a detailed Waste Management Plan would be secured via condition if an approval was forthcoming to ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

Travel Planning

TDM raised no concerns regarding the submitted travel plan statement and as the development falls below the threshold for a full travel plan for a student use no s.106 contribution is required.

Construction Management

Were an approval forthcoming a Construction Management Plan would be secured via condition to ensure no harm is caused to surrounding properties and the area during the construction period.

(E) DOES THE PROPOSAL PROVIDE A SATISFACTORY LEVEL OF RESIDENTIAL ACCOMMODATION?

Paragraph 130 of the NPPF (2021) states that planning decision should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Bristol Core Strategy Policy BCS18 (2011) makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable, by meeting appropriate space standards. The Core Strategy states that building to suitable space standards will ensure new homes provide sufficient space for everyday activities. Under the 2015 Housing Standards Review a new nationally described space standard was introduced and in March 2015 a written ministerial statement to parliament confirmed that from 1 October 2015 existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard. It should be noted that national space standards were conceived for normal housing and not for student cluster/studio flats which have different patterns of accommodation (critically that they are usually occupied on a short term basis).

Policy DM2 in the Site Allocations and Development Management Policies (2014) in relation to the intensification of existing houses in multiple occupation and specialist student housing states that where development is permitted it must provide a good standard of accommodation by meeting relevant requirements and standards set out in other development plan policies.

In addition, Core Strategy Policy BCS21 sets out criteria for the assessment of design quality in new development and states that development will be expected to create a high-quality environment for future occupiers. HMOs at this site may require a Mandatory License under the Housing Act 2004. The Local Authority also has adopted amenity standards which apply to HMO's

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under this separate legislative framework. Whilst it is recognised that this is non-planning legislation and therefore not a material consideration in planning decision making, these standards also provide an indication of the standard of accommodation expected within shared occupancy housing locally.

Policy DM29 in the Site Allocations and Development Management Policies (2014) states that new development should be dual aspect where possible, particularly where one of the aspects is north-facing. This policy, as well as DM27, further states that new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

The Council's Urban Living Supplementary Planning Document (2018) adds further guidance to the policies contained within the Bristol Local Plan (listed above). This document recommends that major residential development provides a minimum of 5sqm of private outdoor space for a 1-2 person dwelling. This can be provided as private balconies or gardens, or as communal gardens and roof terraces. The SPD also states that all new homes should meet or exceed national space standards and that opportunities should be taken to provide dual aspect units, which improve access to natural light, choice of views and cross ventilation through units providing greater capacity to address overheating. The SPD also highlights the need to ensure appropriate levels of privacy and states that applications should demonstrate how habitable rooms and bedrooms within each home are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.

Residential Accommodation (Use Class C3)

The development proposes the introduction of:

- 1.no single bedroom, two person apartment;
- 3.no two bedroom, three person apartments;
- 2.no three bedroom, four person apartments
- 2.no three bedroom, five person apartment
- 1.no four bedroom, six person apartment

In accordance with Core Strategy Policy BCS18 and national space standards all new single bedroom, two bed space residential units set over a single storey should contain 50 square metres internal floor space as a minimum in order to meet space standards. All new two bedroom, three bed space residential units set over a single storey should contain 61 square metres internal floor space as a minimum in order to meet space standards. All new three bedroom, four bed space residential units set over a single storey should contain 74 square metres internal floor space as a minimum in order to meet space standards. All new three bedroom, five bed space residential units set over a single storey should contain 86 square metres internal floor space as a minimum in order to meet space standards. All new four bedroom, five bed space residential units set over a single storey should contain 90 square metres internal floor space as a minimum in order to meet space standards. All new four bedroom, six bed space residential units set over a single storey should contain 99 square metres internal floor space as a minimum in order to meet space standards. In order to provide one bedspace, a single bedroom must have a floor area of at least 7.5m² and be at least 2.15m wide. In order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.5m².

Looking at each residential unit:

Lower Ground Floor two bedroom, three person apartment - this unit will measure 61 square metres and as such will meet space standards. It will also be dual aspect, with a sufficient amount of windows located in adequate positions to both north and south facing elevations to achieve

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acceptable levels of light, outlook and cross ventilation. The unit will also include some private external amenity space measuring approximately 7 square metres. Following Case Officer advice the separation distance between this property and the student accommodation in Block A has been increased to 14 metres (increase from the 11 metres separation initially proposed). It is considered that this separation distance is now sufficient to ensure that no harmful overlooking will arise between this unit and Block A. It's recognised that the habitable rooms of this unit fail to meet BRE criteria with regards to Average Daylight Factor and Visual Sky Component. This is not ideal, however the unit will meet all other BRE criteria. On balance this is considered acceptable given the densely built city centre location. The living environment for future occupants within this unit as a whole is therefore considered acceptable on balance.

Lower Ground Floor three bedroom, five person apartment - this unit will measure 86 square metres and as such will meet space standards. It will also be dual aspect, with a sufficient amount of windows located in adequate positions to both north, east and south facing elevations to achieve acceptable levels of light, outlook and cross ventilation. The unit will also include some private external amenity space measuring approximately 10 square metres. Following Case Officer advice the separation distance between this property and the student accommodation in Block A has been increased to 14 metres (increase from the 11 metres separation initially proposed). It is considered that this separation distance is now sufficient to ensure that no harmful overlooking will arise between this unit and Block A. It's recognised that some habitable rooms of this unit fail to meet BRE criteria with regards to Average Daylight Factor and Visual Sky Component. This is not ideal, however the unit will meet all other BRE criteria. On balance this is considered acceptable given the densely built city centre location. The living environment for future occupants within this unit as a whole is therefore considered acceptable on balance.

Ground Floor single bedroom, two bed space apartment - this unit will measure 51 square metres and as such will meet space standards. It will also be dual aspect, with windows located to both east and west facing elevations. The windows to the main living space will however directly face the rear of No. 90 Stokes Croft, with a separation distance of only 7 metres. No. 90 Stokes Croft contains a retail unit and barber shop on the ground floor at the front of the site however a 7 bed student cluster flat is situated elsewhere on the ground floor and on the first, second and third floors. This student cluster flat includes rear windows at ground and first floor levels which will directly face the main habitable room windows of this residential unit, at a distance of only 7 metres. Given the close proximity between windows it is considered that the development will fail to achieve adequate levels of privacy for future occupants of this unit due to harmful levels of overlooking. The bedroom window will also be located in very close proximity to the balcony of the adjoining two bedroom, three person unit (separation distance of approximately 2.3 metres) and as such it is considered that the bedroom will also fail to achieve adequate levels of privacy for future occupants due to harmful levels of overlooking. Whilst No. 90 Stokes Croft will be sited in very close proximity to the windows to the main living space following the submission of sectional drawings and taking into consideration the 25 degree rule of thumb assessment in relation to outlook the LPA is satisfied that the separation distance is sufficient to ensure that the windows will not experience such a harmful sense of enclosure to warrant refusal. As confirmed by the submitted Internal Daylight Assessment, the main living space to this unit will meet BRE guidelines with regards to Average Daylight Factor, No Sky Line and Annual Probable Sunshine Hours (APSH).

Ground Floor three bedroom, four bed space apartment - this unit will measure 75 square metres and as such will meet space standards. It will also be dual aspect with windows located to the north, east and west facing elevations, and will include a private external amenity terrace. Most of the windows (to the living space and 2 no bedrooms in the west facing elevation) will directly face the rear of Nos 92-96 Stokes Croft (which contain a number of habitable rooms with windows which directly face this unit) at a distance of approximately 10 metres. Similarly the windows in the north facing elevation will face the student accommodation within Block A, which includes a number of habitable room windows approximately 10 metres away. The separation distance of 10 metres is

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not ideal, however on balance for this context is considered sufficient to ensure that no harmful overlooking will arise between windows to the detriment of the privacy of future occupants. Whilst it is accepted that it is a close relationship it is consistent with the relationship between windows found elsewhere in the local area and is a distance commonly found in dense urban locations. Following the submission of sectional drawings and taking into consideration the 25 degree rule of thumb assessment in relation to outlook the LPA is also satisfied that the separation distance between this unit and Nos 92-96 Stokes Croft and Block A is sufficient to ensure that the windows will not experience such a harmful sense of enclosure to warrant refusal. As confirmed by the submitted Internal Daylight Assessment, the main living space and bedrooms to this unit will meet BRE guidelines with regards to Average Daylight Factor, No Sky Line, and Annual Probable Sunshine Hours (APSH). The main living space will also meet the Visual Sky Component. On balance the living environment for this unit is therefore considered acceptable.

Ground Floor two bedroom, three person apartment - this unit will measure 61 square metres and as such will meet space standards. It will also be dual aspect, with windows located in adequate positions to both north and south facing elevations to achieve acceptable levels of light, outlook and cross ventilation. The unit will also include some private external amenity space in the form of a balcony measuring approximately 7 square metres. Following Case Officer advice the separation distance between this property and the student accommodation in Block A has been increased to 14 metres (increase from the 11 metres separation initially proposed). It is considered that this separation distance is now sufficient to ensure that no harmful overlooking will arise between this unit and Block A. It's recognised that the main living space fails to meet BRE criteria with regards to Average Daylight Factor and Visual Sky Component. This is not ideal, however the unit will meet all other BRE criteria. On balance this is considered acceptable given the densely built city centre location. The living environment for future occupants within this unit as a whole is therefore considered acceptable on balance.

Ground Floor three bedroom, five person apartment - this unit will measure 86 square metres; and as such will meet space standards. It will also be dual aspect, with windows located in adequate positions to north, east and south facing elevations to achieve acceptable levels of light, outlook and cross ventilation. The unit will also include some private external amenity space in the form of a balcony measuring approximately 7 square metres. Following Case Officer advice the separation distance between this property and the student accommodation in Block A has been increased to 14 metres (increase from the 11 metres separation initially proposed). It is considered that this separation distance is now sufficient to ensure that no harmful overlooking will arise between this unit and Block A. The windows to the main living space to the south and east facing elevations will overlook Hepburn Road, however they will be separated from the windows of residential properties on the opposite side (1 - 5 Hepburn Road and Dairy Croft) by approximately 13 metres. This separation distance is typical of the distances between front facades on adjacent streets around Stokes Croft and is of a distance commonly found in urban locations. As such it is considered that there would be no harmful overlooking or overbearing impact. Most of the habitable rooms within this property meet BRE criteria with regards to Average Daylight Factor, No Sky Line and Visual Sky Component, with only the single bedroom failing to meet Visual Sky Component. On balance this is considered acceptable given the densely built city centre location. The living environment for future occupants within this unit as a whole is therefore considered acceptable on balance.

First Floor four bedroom, six person apartment - this unit will measure 100 square metres; and as such will meet space standards. It will also be dual aspect, with windows located to north, west and south facing elevations. Following Case Officer advice the separation distance between this property and the student accommodation in Block A has been increased to 14 metres (increase from the 11 metres separation initially proposed). It is considered that this separation distance is now sufficient to ensure that no harmful overlooking will arise between this unit and Block A. The windows to the bedrooms in the west facing elevation will however directly face the rear of No. 90 Stokes Croft, with a separation distance of only 7 metres. 90 Stokes Croft contains a retail unit and

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barber shop on the ground floor at the front of the site however a 7 bed student cluster flat is situated elsewhere on the ground floor and on the first, second and third floors. This student cluster flat includes rear windows at ground and first floor levels which will directly face the habitable bedroom windows of this residential unit, at a distance of only 7 metres. Given the close proximity between windows it is considered that the development will fail to achieve adequate levels of privacy for future occupants of this unit due to harmful levels of overlooking. The south-east facing bedroom window will also be located in very close proximity to the balcony of the adjoining two bedroom, three person unit (separation distance of approximately 2.3 metres) and as such it is considered that the bedroom will also fail to achieve adequate levels of privacy for future occupants due to harmful levels of overlooking. Whilst No. 90 Stokes Croft will be sited in very close proximity to the bedroom windows following the submission of sectional drawings and taking into consideration the 25 degree rule of thumb assessment in relation to outlook the LPA is satisfied that the separation distance is sufficient to ensure that the windows will not experience a harmful sense of enclosure. As confirmed by the submitted Internal Daylight Assessment, all habitable rooms will meet BRE guidelines with regards to Average Daylight Factor, No Sky Line and Annual Probable Sunshine Hours (APSH).

First Floor two bedroom, three person apartment - this unit will measure 61 square metres; and as such will meet space standards. It will also be dual aspect, with windows located in adequate positions to both north and south facing elevations to achieve acceptable levels of light, outlook and cross ventilation. The unit will also include some private external amenity space in the form of a balcony measuring approximately 7 square metres. Following Case Officer advice the separation distance between this property and the student accommodation in Block A has been increased to 14 metres (increase from the 11 metres separation initially proposed). It is considered that this separation distance is now sufficient to ensure that no harmful overlooking will arise between this unit and Block A. As confirmed by the submitted Internal Daylight Assessment, all habitable rooms will meet BRE guidelines with regards to Average Daylight Factor, No Sky Line and Annual Probable Sunshine Hours (APSH). The living environment for future occupants within this unit as a whole is therefore considered acceptable.

First Floor three bedroom, four person apartment - this unit will measure 72 square metres; and as such will meet space standards. It will also be dual aspect, with windows located in adequate positions to north, east and south facing elevations to achieve acceptable levels of light, outlook and cross ventilation. Following Case Officer advice the separation distance between this property and the student accommodation in Block A has been increased to 14 metres (increase from the 11 metres separation initially proposed). It is considered that this separation distance is now sufficient to ensure that no harmful overlooking will arise between this unit and Block A. The windows to the main living space to the south and east facing elevations will overlook Hepburn Road, however they will be separated from the windows of residential properties on the opposite side (1 - 5 Hepburn Road and Dairy Croft) by approximately 13 metres. This separation distance is typical of the distances between front facades on adjacent streets around Stokes Croft and is of a distance commonly found in urban locations. As such it is considered that there would be no harmful overlooking or overbearing impact. As confirmed by the submitted Internal Daylight Assessment, all habitable rooms will meet BRE guidelines with regards to Average Daylight Factor, No Sky Line and Annual Probable Sunshine Hours (APSH). The living environment for future occupants within this unit as a whole is therefore considered acceptable.

Student Accommodation

Student Accommodation in Block A - every bedroom within this block will comply with the 6.5 square metre footprint for a 1 person bedroom in line with the requirements set out in Bristol City Councils HMO License Standard, as well as the 7.5 square metre footprint for a 1 person bedroom in line with the nationally described space standards (March 2015). The block also includes an adequate amount of internal communal living space which will also meet the Council's HMO

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licencing standards (which states that communal living space can include kitchens, dining rooms). The number of bathrooms and toilets will also meet the Council's HMO licencing standards. Following Case Officer advice the separation distance between this block and Block B to the south has been increased to 14 metres (increase from the 11 metres separation initially proposed). It is considered that this separation distance is now sufficient to ensure that no harmful overlooking will arise between this block and Block B. It is recognised that this accommodation will be entirely single aspect, which is not ideal. The aspect however will be south facing meaning it will receive a good amount of sunlight. Further this accommodation will be entirely made up of student bed spaces, which represents a different type of accommodation to regular flats (critically they are usually occupied on a short-term basis) and as such it is not considered as critical that a dual aspect is afforded future occupants. As such the single aspect nature of this accommodation is on balance acceptable.

Student Accommodation in Block C - every bedroom within this block will comply with the 6.5 square metre footprint for a 1 person bedroom in line with the requirements set out in Bristol City Councils HMO License Standard, as well as the 7.5 square metre footprint for a 1 person bedroom in line with the nationally described space standards (March 2015). The block also includes an adequate amount of internal communal living space which will also meet the Council's HMO licencing standards (which states that communal living space can include kitchens, dining rooms). The number of bathrooms and toilets will also meet the Council's HMO licencing standards. Following Case Officer advice the first floor of this block has been pulled back from Hepburn Road, which has improved the relationship and outlook for the rooms at first floor level. Concerns however remain regarding the separation distance between the habitable room windows within the student accommodation at ground and first floor level and the neighbouring building No.84 Stokes Croft. The substantial side wall and gable to No.84 Stokes Croft will be located in very close proximity to the habitable room windows to the student accommodation in this block (separation distance of approximately 4 metres at ground floor level, 5 metres at first floor level). Given the close proximity it is considered that No.84 Stokes Croft would have an overbearing impact on the windows, resulting in poor outlook and limited natural light, to the detriment of the residential amenity of future occupants. It is apparent that some bedrooms in this block fail to meet all BRE criteria (with Average Daylight Factor, Visible Sky Component and Annual Probable Sunshine Hours all failing to be met). It is the view of the LPA that north facing windows (viewing the communal external space) would be more appropriate, as opposed to a significant number of windows directly facing Hepburn Road to the south. It appears that the internal layout could reasonably be amended to address this, with the corridor and circulation space (which doesn't require windows, being non-habitable) being moved to the southern end of the block and habitable rooms moved to the north.

Student Accommodation in Nos. 100/102 Stokes Croft - every bedroom within this property will comply with the 6.5 square metre footprint for a 1 person bedroom in line with the requirements set out in Bristol City Councils HMO License Standard, as well as the 7.5 square metre footprint for a 1 person bedroom in line with the nationally described space standards (March 2015). The accommodation also includes an adequate amount of internal communal living space which will also meet the Council's HMO licencing standards (which states that communal living space can include kitchens, dining rooms). The number of bathrooms and toilets will also meet the Council's HMO licencing standards. Concerns are however raised regarding the separation distance between the rear habitable room windows within the student accommodation at first floor level and Block A. The substantial side wall to Block A will be sited in very close proximity to the habitable room windows in the student accommodation (separation distance of only 4.5 metres). Given the close proximity concerns are raised that Block A would have an overbearing impact on the windows, resulting in poor outlook and limited natural light, to the detriment of the residential amenity of future occupants.

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The LPA accepts that policies related to daylight/sunlight can be applied flexibly and that there are some instances where amenity issues such as the ones highlighted above are unavoidable (for example when converting existing buildings to residential use). In this instance however the proposal represents the total redevelopment of a large plot and the introduction of new buildings. As such harmful amenity issues and relationships such as the ones highlighted should be avoidable. A number of residential units fail to meet BRE criteria, and whilst a flexible assessment approach has been taken (most units which fail to meet certain BRE criteria are deemed acceptable as a whole on balance) a number of residential units within the development (both apartments and student bed spaces) are considered to fail to provide sufficient living environment due to poor outlook, lack of privacy and limited natural light, specifically:

- Overlooking impact between No. 90 Stokes Croft and Block B
- Overlooking impact between habitable rooms and adjacent balconies within Block B
- Inadequate light and outlook for Student Accommodation in Block C given proximity to No.84 Stokes Croft
- Inadequate light and outlook for Student Accommodation in Nos. 100/102 Stokes Croft at first floor level given proximity to Block A

It is therefore considered that the development as a whole represents an overdevelopment of the plot, which has resulted in the identified layout/amenity issues arising. Consequently the application would represent an over-intensive form of development, which would fail to ensure that proposed development achieves appropriate levels of privacy, outlook and daylight and as such would fail to provide a high-quality and acceptable living environment for future occupants.

(F) IMPACT ON THE AMENITY OF SURROUNDING PROPERTIES

Paragraph 185 of the NPPF (2021) states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 187 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Policy BCS21 in the Bristol Core Strategy (2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies (2014) states that proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. This policy, as well as DM27, further states that new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

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Policy BCS23 in the Bristol Core Strategy also states that in locating and designing development account should be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution. The supporting text to this policy states that new development sensitive to pollution will not be appropriate where existing sources of noise or other pollution cannot be satisfactorily mitigated. New development will also not be appropriate where it would prejudice the viability of other important land uses by reason of its sensitivity to pollution. Residential development, for example, will not usually be appropriate in locations where the presence of residential uses is likely to give rise to the imposition of undue operational constraints.

Policy DM33 in the Site Allocations and Development Management Policy also states that in areas of existing noise or other types of pollution, new development sensitive to the effects of that pollution is unlikely to be permitted where the presence of that sensitive development could threaten the ongoing viability of existing uses that are considered desirable for reasons of economic or wider social need. Policy DM35 in the same document states that noise-sensitive development in locations likely to be affected by existing sources of noise such as industrial/commercial developments will be expected to provide an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers of the proposed development.

In assessing such a scheme of mitigation, account will be taken of:

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

In areas of existing noise, proposals for noise-sensitive development should be accompanied by an assessment of environmental noise and an appropriate scheme of mitigation measures. Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design.

Policy DM2 in the Site Allocations and Development Management Policies (2014) states that shared housing will not be permitted where it would harm the residential amenity or character of the locality as a result of levels of activity that cause excessive noise and disturbance to residents.

Bristol Central Area Plan (2015) Policy BCAP1 states that proposals may be refused planning permission if they would not include a sufficient mix of uses, taking account of the existing mix of uses in the area and impact any change to the mix of uses would have on the character, amenity and economy of the area. Policy BCAP4 with regards to specialist student housing development states that when making assessments on residential amenity, consideration should be given to the particular qualities and characteristics of a residential area or residential uses that might contribute to it being an enjoyable or otherwise satisfactory place to live.

Generally, the site is well contained and does not experience high levels of neighbouring windows facing it. There are however a number of surrounding residential units in close proximity which require consideration in terms of the amenity impact of the development (overlooking, overbearing and overshadowing). A Daylight and Sunlight Impact Assessment Report has been submitted to support the application, covering some of these issues.

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Block B of the proposed development includes a number of residential units with windows to main living spaces in the east facing elevation which overlook Hepburn Road. However they will be separated from the windows of residential properties on the opposite side at 1 - 5 Hepburn Road by approximately 14 - 15 metres. This separation distance is typical of the distances between front facades on adjacent streets around Stokes Croft and is of a distance commonly found in urban locations. As such it is considered that there would be no harmful overlooking impact.

Similarly the separation distance is considered sufficient to ensure that there would be no harmful overbearing or overshadowing impact of Nos. 1 - 5 Hepburn Road by the proposed development. This is further confirmed in the Daylight and Sunlight Impact Assessment Report which shows that all windows have passed the required BRE criteria except for 2 basement windows which were already achieving very low Vertical Sky Component values. These windows are also located in the basement floor and covered by bridge walkways. As such, the level of impact is seen to be minimal, none of the windows at 1- 5 Hepburn Road incurred daylight impact levels below that of the BRE guidelines. Annual Predicted Sunlight Hours for all windows will also not be impacted as no windows are oriented within 90 degrees of due south.

Dairy Croft

Block B of the proposed development includes a number of residential units with windows to main living spaces in the south and east facing elevations which overlook Hepburn Road. However they will be separated from the windows of residential properties on the opposite side at Dairy Croft by approximately 13 - 14 metres. This separation distance is typical of the distances between front facades on adjacent streets around Stokes Croft and is of a distance commonly found in urban locations. As such it is considered that there would be no harmful overlooking impact.

Similarly the separation distance is considered sufficient to ensure that there would be no harmful overbearing or overshadowing impact of Dairy Croft by the proposed development. This is further confirmed in the Daylight and Sunlight Impact Assessment Report which shows that all windows comfortably passed the required BRE criteria, and as such the level of impact is seen to be minimal. None of the windows incurred daylight impact levels below that of the BRE guidelines. Annual Predicted Sunlight Hours for all windows will not be impacted either, as no windows are oriented within 90 degrees of due south.

Development on South Side of Hepburn Road

An application for the refurbishment and extension to an existing workshop building including change of use from a car garage to a fabrication design studio and erection of three residential flats was approved in November 2016 to the south side of Hepburn Road under planning application reference 16/05295/F. This permission however wasn't implemented and is no longer extant.

Notwithstanding this it is important that the proposed development doesn't prejudice the future development potential of this site, which could reasonably come forward for similar development at some stage in the future. As such, the amenity impact on this site has been considered.

Block B of the proposed development includes a number of residential units with windows to main living spaces in the south facing elevations which overlook Hepburn Road. However, using the approved plans for application 16/05295/F as a guide, they will be separated from the windows of any development on the south side of Hepburn Road by approximately 16 metres. This separation distance is typical of the distances between front facades on adjacent streets around Stokes Croft and is of a distance commonly found in urban locations. As such it is considered that there would be no harmful overlooking impact.

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Similarly the separation distance is considered sufficient to ensure that there would be no harmful overbearing or overshadowing impact of this site by the proposed development. This is further confirmed in the Daylight and Sunlight Impact Assessment Report which shows (using the approved plans for application 16/05295/F as a guide) that the majority of windows pass the required BRE criteria and Annual Predicted Sunlight Hours for all windows will not be impacted as no windows are oriented within 90 degrees of due south. Whilst three windows failed to pass the Vertical Sky Component test these related to the commercial element of the approved scheme and as a whole it is not considered that this is sufficient warrant refusal.

84 Stokes Croft

This property is located on the opposite side of Hepburn Road from proposed Block C which contains commercial/workshop units at lower levels with student accommodation above. The separation distance is very close; 4 metres at ground floor level, 5 metres at upper levels. The building is presently in residential use comprising 8.no flats following permission granted in 2004 (ref: 04/02612/F & 04/02613/LA).

This property contains two windows facing Hepburn Road in close proximity to the proposed development, however they are boarded up and do not currently serve as outlook for any flats within No.84 Stokes Croft. The proposed windows to the student accommodation will also be located at a higher level than these windows, meaning they will not directly face one another. As such it is not considered that these windows will be harmfully overlooked by the proposal. A number of other windows are located in the north facing elevation of a rear annexe of No.84 Stokes Croft, however some of these windows do not serve habitable rooms and all of the windows are set back considerably from Hepburn Road (by approximately 18 metres) which is considered sufficient to ensure that any overlooking from the proposed development will not be detrimental.

The Daylight and Sunlight Impact Assessment Report shows all windows at 84 Stokes Croft have comfortably passed the required BRE criteria except for the two windows noted above which are boarded up and do not currently serve as outlook for any flats. Notwithstanding this it is recognised that these windows are already considerably enclosed and overshadowed due to the narrow, densely built-up nature of Hepburn Road at this point. As such it is not considered that the development would result in any overbearing or overshadowing impact on these windows which would be considerably or harmfully above the existing situation, should these windows be re-introduced as clear glazed in the future.

86 - 98 Stokes Croft

These properties contain a mix of ground floor commercial/residential units with student cluster flats located at upper levels. Proposed Block B contains a number of residential units with windows to habitable rooms directly facing the rear elevations of these buildings, which in turn include habitable room windows facing Block B.

90 Stokes Croft contains a retail unit and barber shop on the ground floor at the front of the site with a 7 bed student cluster flat situated elsewhere on the ground floor and on the first, second and third floors. This student cluster flat includes rear windows which will directly face the habitable bedroom windows of residential units within Block B, at a distance of only 7 metres. Given the close proximity between windows it is considered that the development will have a harmful overlooking impact on this property, which would fail to achieve adequate levels of privacy for existing occupants of No.90 Stokes Croft.

The separation distance between windows within Block B and all other directly facing windows within 86-98 Stokes Croft will be approximately 10 metres. The separation distance of 10 metres is

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not ideal, however on balance is considered sufficient to ensure that no harmful overlooking will arise between windows to the detriment of the privacy of existing occupants. Whilst it is accepted that it is a close relationship it is consistent with the relationship between windows found elsewhere in the local area and is a distance commonly found in dense urban locations. Following the submission of sectional drawings and taking into consideration the 25 degree rule of thumb assessment in relation to outlook the LPA is also satisfied that the separation distance between Block B and Nos. 86-98 Stokes Croft is sufficient to ensure that the windows will not experience such a harmful sense of enclosure to warrant refusal.

103 - 111 Stokes Croft

These properties are located on the opposite side of Stokes Croft to the main frontage buildings and contain commercial uses at ground floor level however habitable residential rooms are located above at first and second floor levels. The proposed additional stories/rooftop extensions to Nos. 98, 100 and 102 Stokes Croft will increase the scale of those buildings and will introduce new windows at a higher level. However, the separation distance across the main road of approximately 15 metres is considered sufficient to ensure that any overlooking across Stokes Croft will not be detrimental to the occupants of Nos. 103 - 111. Similarly, it is not considered that the scale of the extensions, coupled with the separation distance, will be sufficient to result in any detrimental overshadowing or a harmful sense of enclosure. The Daylight and Sunlight Impact Assessment Report also confirms that all windows at these properties have comfortably passed the BRE required criteria, and as such the level of impact is seen to be minimal. None of the windows at 103 - 111 Stokes Croft incurred daylight impact levels below that of the BRE guidelines. Annual Predicted Sunlight Hours for windows will not be impacted either, where all windows pass the required BRE criteria.

The Carriage Works

The adjacent site to the north (The Carriage Works) contains a grade II* Listed former works building to which only the façade remains. The site is subject of major redevelopment and regeneration scheme comprising 1000m² commercial floor area, new public realm and 119 dwellings (consented under application: 14/05930/F and subsequent variations/permissions). Most of the residential buildings and development is located to the north, a relatively substantial distance away from the proposed development. However, one block within the Carriage Works development is located directly along the northern boundary to the application site, close to proposed Block A. This block has been constructed and transferred to Sovereign Housing to be used for affordable housing.

The main outlook for the residential units within this block is to the north, however there are also several small windows on the south facing elevation, which provide light to hallways. No windows are proposed in the north facing elevation of Block A and as such no concerns are raised that there will be any harmful overlooking. It is recognised that Block A will significantly reduce light to the existing hallway windows of the adjacent Carriage Works block, which is not ideal. However the windows do not serve habitable rooms and as such it is not considered that they provide important outlook or light for occupants. It is therefore not considered that any loss of light or overbearing impact will be harmful enough to the amenity of occupants of the adjacent Carriage Works block to warrant refusal.

23 - 25 Hepburn Road

Nos. 23 - 25 Hepburn Road are residential properties which contain external amenity space at the rear and several windows in their rear elevations which face the eastern boundary of the application site. It is recognised that Croft Dale is sited in relatively close proximity to the rear elevations of Nos. 23 - 25 Hepburn Road (approximately 12 metres away at the closest points). The newly

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constructed residential block within the Carriage Works development is also located in relatively close proximity (approximately 15 metres away) meaning a certain sense of enclosure already exists. Croft Dale however is only two storeys in height (6 metres in height to eaves, 9.3 metres to ridge) and is set away from the boundary. Further, it is noted that the section of the residential block within the Carriage Works development closest to the rear boundaries with Nos. 23 - 25 Hepburn Road has been restricted to two storeys in height to reduce any harmful overbearing and overshadowing impact. Block A of the proposed development will be sited right up to the eastern boundary of the application site, much closer to the rear of Nos. 23 - 25 Hepburn Road than Croft Dale currently is (approximately 8 metres from the rear of No.23 Hepburn Road at the closest point; four metres closer in total). Block A will also be considerably taller in height than Croft Dale, being four storeys at approximately 12.5 metres in height in total). No cross-sectional drawings showing the proximity/relationship between Block A and these properties has been provided (full cross-sectional drawings showing the proximity/relationship between the development and neighbouring sites was requested during the course of the application). Based on the submitted information however it is evident that the proposed development will considerably increase the scale, massing, bulk and proximity of development in relation to the rear elevation of these properties. It is considered that this scale and proximity would result in Block A having a harmful overbearing and overshadowing impact on the rear elevations and external amenity spaces of Nos. 23 - 25 Hepburn Road, to the detriment of the amenity of occupiers of those properties. This is further confirmed within the Daylight and Sunlight Impact Assessment Report which indicates that some windows fall below recommended BRE Criteria.

With regards to overlooking, Block A contains no windows in the east facing elevation along the boundary which could overlook the rear elevations and private amenity spaces of Nos. 23 - 25 Hepburn Road. Whilst Block A includes a number of windows to habitable rooms in the south facing elevation they will be sited at an oblique angle in relation to the rear elevations of Nos. 23 - 25 Hepburn Road meaning it is not considered that any overlooking will be harmful enough to warrant refusal.

Noise and Disturbance

The application has been considered by the Council's Pollution Control Team. Initial concerns were raised that the submitted Acoustic Report/Assessment was undertaken during Covid-19 lockdown restrictions and as such would not have accounted for a true representation of the existing noise climate. As such a further acoustic assessment was requested and undertaken when surrounding commercial and late-night uses were fully operational and traffic back at normal levels.

The Council's Pollution Control Team confirmed that, as per the recommendations and findings of the acoustic report, due to the high noise levels from both traffic on Stokes Croft and noise from the adjacent Love Inn (late night commercial venue) habitable rooms facing onto Stokes Croft and Hepburn Road will need to have a high level of sound insulation and mechanical ventilation provided. The Council's Pollution Control Team noted that windows can however still be openable on these facades so that occupiers can open them at their own discretion (occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open).

The assessment gives recommended specifications for the external fabric sound insulation and ventilation. The Council's Pollution Control Team requested that should approval be forthcoming further information regarding the actual insulation and ventilation to be provided should be secured via condition. Specifically a condition would be attached requiring that there should be no commencement of development until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of noise insulation measures for all residential accommodation, this scheme shall also include details of ventilation. The scheme of noise insulation measures will need to take into account the recommendations detailed in the Noise

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Assessments submitted with the application, and will need to be installed prior to occupation and retained in perpetuity.

Stokes Croft has a long established commercial character which includes entertainment and nightlife. Concerns regarding the proposed new residential use prejudicing the continued use of late night commercial venues is acknowledged. The Council's Pollution Control Team confirmed that were the above measures to be implemented by the applicant/developer as agreed it will avoid prejudicing the ongoing viability of existing businesses through the imposition of undue operational constraints. As such no enforcement action or restrictions could reasonably be placed on existing established businesses, commercial uses and community facilities in the local area. The submitted acoustic report assess both music noise and noise from customers in the outside area at the Love Inn and recommends a relatively high performance building envelope sound insulation in order to mitigate against noise.

Given the local context, within the designated City Centre where there are many other late night and commercial uses, it is not considered that the intensification of shared housing, introduction of student accommodation or two new workshops will cause detrimental harm to the amenity of surrounding properties in terms of noise and disturbance. Conditions would however be attached if an approval was forthcoming to ensure that the rating level of any noise generated by plant & equipment shall be at least 5 dB below the background level. The hours of use and hours of deliveries of the commercial use would also be restricted via condition to ensure no harm of caused.

A Construction & Demolition Management Plan would also be required, to ensure no harm is caused to the amenity of surrounding properties with regards to noise and disturbance during the demolition and construction period.

Conclusion

The LPA accepts that policies related to daylight/sunlight can be applied flexibility and that there are some instances where amenity issues such as the ones highlighted above are unavoidable (for example when converting existing buildings to residential use). In this instance however the proposal represents the total redevelopment of a large plot and the introduction of new buildings. As such harmful amenity issues and relationships such as the ones highlighted should be avoidable. A number of surrounding residential units fail to meet BRE criteria following development, and whilst a flexible assessment approach has been taken the impact of the development on the amenity of a number of surrounding residential properties is considered harmful enough to warrant refusal, specifically:

- Overlooking impact between Block B and No. 90 Stokes Croft
- Overbearing and overshadowing impact of Block A on Nos. 23 - 25 Hepburn Road

It is therefore considered that the development as a whole represents an overdevelopment of the plot, which has resulted in the identified layout/amenity issues arising. Consequently the application would represent an over-intensive form of development, which would fail to ensure that existing development achieves appropriate levels of privacy, outlook and daylight.

(G) SUSTAINABILITY AND CLIMATE CHANGE

Paragraph 157 of the National Planning Policy Framework (2021) states that in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing

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and landscaping to minimise energy consumption.

Current planning policy within the adopted Bristol Core Strategy (2011) requires new development to be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions. Policy BCS14 states that this should be achieved, amongst other measures, through efficient building design, the provision of on-site renewable energy generation to reduce carbon dioxide emissions by at least 20% based on the projected residual energy demand of new buildings. The approach proposed should also be supported by the provision of a sustainability statement and an energy strategy.

Where district heating is not yet available, policy BCS14 requires development to include, where feasible, communal heating infrastructure suitable for connection to future networks. The mixture of uses and high density nature of the existing development within the central Bristol area may mean that there are potential sources of heat lying close to or adjacent to any given site that could supply it with heat.

Policy BCS14 states that new development will be expected to demonstrate that the heating and cooling systems have been selected according to the following heat hierarchy:

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

Policy BCS15 states that sustainable design and construction will be integral to new development in Bristol. This policy states that for major development such as this the Sustainability Statement should include a BREEAM assessment. For non-residential development a BREEAM "Excellent" rating will be expected. As set out in the Council's Climate Change and Sustainability Practice Note (July 2020) it is always more effective and less costly to factor sustainability in from the outset. Applicants will be encouraged not to design down to a target BREEAM score but to use it as a starting point, and will be encouraged to innovate. BRE have recognised this, and can now award credits for innovation. If it is considered that this standard cannot feasibly be achieved then detailed evidence should be provided to demonstrate this, and a revised level of certification should be agreed with the planning authority at the pre-application stage. Where viability is cited as a reason for not achieving the standard, a full viability assessment will be required.

Bristol Central Area Plan Policy BCAP20 complements BCS15 by setting specific scaled standards against BREEAM. Policy BCAP21 also states that proposals for development in the City Centre that would require heating will be expected to demonstrate that account has been taken of potential opportunities to source heat from adjoining development or nearby heating networks. Proposals that would generate waste heat will be encouraged to incorporate infrastructure to capture its waste heat for reuse and/or to supply existing or future heat networks in the area.

Policy BCS16 principally addresses the issues around development in flood risk areas but also requires all development to include water management measures to reduce surface water run-off, including sustainable drainage systems (SUDS). In addition Policy BCS13 of the Core Strategy sets out requirements for development in terms of mitigating and adapting to climate change, among which is the use of green infrastructure to minimise and mitigate the heating.

The application has been considered by the Council's Sustainable Cities Team.

With regards to Policy BCS13, following initial concerns raised by the Council's Sustainable Cities

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Team a revised overheating assessment has been provided which demonstrates that there will no risk of overheating when assessed under the 2020 and 2050 weather scenarios. Whilst risk is present under the 2080 scenario this can be mitigated with replaced glazing and interstitial blinds. The Council's Sustainable Cities Team confirmed that this is acceptable.

In terms of Policy BCS14 the proposal is for communal gas boilers and future-proofed connection to the St Pauls District Heat Network. Solar panels will provide a 20% reduction in CO2 emissions. The Council's Energy Service Team have confirmed that a day 1 connection to the heat network can be provided and this would be secured in accordance with the BCS14 heat hierarchy by Section 106 agreement instead of the communal gas boilers, were an approval forthcoming. As part of the Section 106 agreement however the developer will be required to set out an 'alternative heat system', which would be a District Heat ready system that is implemented in the event that the day 1 connection is not achieved and replaced with a District Heat connection at its renewal date if the network is available. The alternative heat system will be required to comply with the BCS14 heat hierarchy.

Concerns were raised by the Council's Sustainable Cities Team regarding the proposed alternative heat system; a communal gas boiler system. Whilst it is acknowledged that system accords with the BCS14 heat hierarchy it is not the preferred or lowest carbon option for this type of development; the Council's Sustainable Cities Team noted that more sustainable systems should be feasible such as a communal renewable (Air Source Heat Pump) system. Such a system has recently been deemed feasible and approved for another similar nearby student accommodation scheme to provide heating and hot water at No. 12-18 Stokes Croft and 2 Moon Street (application reference: 20/04743/F). The timeframe for the St Pauls heat network is currently unknown and it is stated in the energy statement that any gas system that is put in place would remain for the lifetime of the equipment. A communal gas system in situ for the lifetime of the boilers (i.e. 10-12 years) will result in higher emissions than a heat pump led system or a temporary gas communal system which is replaced by connection to the heat network when it becomes available. The resultant increase in emissions from the installation of a communal gas system, to be in place for another 10-12 years, does not align with the objectives of BCS14 or the city's target to become carbon neutral by 2030.

It was therefore requested that a heat pump led system was further explored, however the scheme was unfortunately not amended, despite request. The justification provided for the use of gas relates to the design parameters and the applicant has noted that 'heat pumps are not considered appropriate due to the nature of the proposed development (student-led) resulting in high hot water load that will arise from future occupants.'

The Council's Sustainable Cities Team commented that they do agree with this assessment and confirmed that there are Air Source Heat Pumps on the market specifically designed for student accommodation and other high water load commercial applications. The Council approves them regularly for this type of development, a recent nearby example being No. 12-18 Stokes Croft and 2 Moon Street as referenced above. Overall it is considered that the applicant has failed to fully investigate/select the lowest carbon heating solution feasible for the development, which is the objective of the heat hierarchy. This is disappointing, however the Council's Sustainable Cities Team concluded that as communal gas is on the BCS14 heat hierarchy refusal on the basis of the proposed heating and cooling system would not be reasonable or defensible.

The applicant has provided a BREEAM pre-assessment which shows that the development is targeting BREEAM 'Very good'. As noted above, BREEAM 'Excellent' is required to comply with Policy BCS15. The proposed development as such fails to meet this policy. It was requested that the applicant consider which additional credits can be targeted and achieved to increase the total score to enable an 'Excellent' rating. In response, the applicant noted that it would not be possible to achieve BREEAM 'Excellent' in this instance due to the nature of the BREEAM scoring methodology and because the assessment was not started earlier in the design process the

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opportunity to secure certain credits has technically passed already. The applicant has provided no further justification or evidence setting out why the BREEAM 'Excellent' standard cannot feasibly be achieved. Achieving BREEAM 'Excellent' has been a policy requirement since the adoption of the Bristol Core Strategy in 2011 and therefore it is unclear why the developer did not target this from the outset. The Council's Climate Change and Sustainability Practice Note states that it is always more effective and less costly to factor sustainability in from the outset and that applicants will be encouraged not to design down to a target BREEAM score but to use it as a starting point. It is evident that the applicant failed to target the policy requirement rating of BREEAM 'Excellent' as a starting point and failed to properly consider this element of sustainability from the outset. The application is therefore considered unacceptable and recommended for refusal due to conflict with Policy BCS15.

(H) FLOOD RISK

Paragraph 159 of the National Planning Policy Framework (2021) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Bristol Core Strategy (2011) Policy BCS16 states that all development will also be expected to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SUDS).

Following consultation and following amendment, the Council's Flood Risk Team confirmed that they are satisfied in principle that the proposed drainage arrangements are sufficient to mitigate the risk of surface water/sewer and groundwater flooding to the site. Sufficient evidence has also been provided that the development will not cause flooding to surrounding sites.

Further detail however is required of the proposed green roof and further detail of the management and maintenance plan of the drainage system is also required. This could be secured via condition if an approval was forthcoming.

(I) AIR QUALITY

Paragraph 186 of the National Planning Policy Framework (2021) states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Policy BCS23 in the Core Strategy (2011) states that development should be sited and designed in a way as to avoid adversely impacting upon the amenity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light and other forms of pollution. In locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution. Policy DM14 in the Site Allocations and Development Management Policies (2014) also states that developments that will have an unacceptable impact on health and wellbeing will not be permitted.

Policy DM33 in the Site Allocations and Development Management Policies (2014) further states

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that development that has the potential for significant emissions to the detriment of air quality, particularly in designated Air Quality Management Areas, should include an appropriate scheme of mitigation which may take the form of on-site measures or, where appropriate, a financial contribution to off-site measures. Development in designated Air Quality Management Areas should take account of existing air pollution and include measures to mitigate its impact on future occupiers where possible and consistent with other policies of the development plan such as those on climate change and urban design.

Following consultation the Council's Air Quality Team raised no objections to the application, noting that the predicted operational impacts are negligible and no new exposure will be introduced. A construction environmental management would be secured via condition, if an approval was forthcoming, to mitigate any construction impacts.

(J) DOES THE PROPOSAL GIVE RISE TO ANY CONTAMINATION ISSUES?

Paragraph 183 of the National Planning Policy Framework (2021) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

Policy DM34 in the Site Allocations and Development Management Policies (2014) states that new development should demonstrate that:

- i. Any existing contamination of the land will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and
- ii. The proposed development will not cause the land to become contaminated, to the detriment of future use

A land contamination Desk Study and Phase 2 report has been provided to support the application. The Council's Contaminated Land Officer has reviewed the report, and confirmed it is acceptable. A condition would be attached to any permission (if forthcoming) requiring that no development shall take place (except demolition) 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 approved in writing by the Local Planning Authority. In the event that contamination is found, no occupation of the development shall take place until the approved remediation scheme has been carried out in accordance with its terms. A condition would also be required that in the event that contamination is found at any time that had not previously been identified when carrying out the approved development, it must be reported immediately to the Local Planning Authority.

(K) COAL RISK

Paragraph 183 of the National Planning Policy Framework (2021) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

The application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that a coal seam outcrops at or close to the surface of the site, which may have been worked in the past.

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Following consultation, the Coal Authority confirmed that the application site does not fall within a defined Development High Risk Area and is located instead within a defined Development Low Risk Area. This means that there is no requirement for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. A standard advice note in relation to coal risk would however be attached to any permission, if forthcoming.

(L) DOES THE PROPOSAL RAISE ANY ECOLOGY ISSUES?

Paragraph 185 of the NPPF (2021) states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 174 also states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 also sets out that applications on land within or outside a Site of Special Scientific Interest which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

Policy DM19 in the Site Allocations and Development Management Policies (2014) seeks to protect habitat, features and species which contribute to nature conservation, and developments are expected to be informed by appropriate surveys. Policy DM29 in the same document states that proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks.

Central Area Plan (2015) Policy BCAP25 sets out a specific requirement for the inclusion of green infrastructure in both the landscaping and as an integral part of building design, to help adapt to the effects of climate change including the impact of overheating and surface water run-off, which is of particular relevance to city centre developments.

Following consultation, the Council's Nature Conservation Officer confirmed that the amount of natural habitat currently on the site is negligible so there won't be any loss in biodiversity. Whilst a proposed landscape plan has been submitted it doesn't include a species list (the Council would seek pollinator-friendly planting, ideally with a couple of fruiting trees, and the green roof should be biodiverse, not sedum as this has limited value for wildlife). A revised soft Landscape Plan including a planting schedule would therefore be secured via condition, if an approval was forthcoming. A 30-year Landscape and Ecological Management Plan (LEMP) would also be secured, setting out management compartments, objectives, and prescriptions for all proposed planting on the development site. To ensure no protected or priority species (such as bats) are not impacted upon prior to the commencement of development, if an approval was forthcoming, a Precautionary Method of Working (PMW) would also be secured via condition. Finally, an Ecological Mitigation & Enhancement Strategy (EMES) prepared by a suitably qualified ecologist would also be secured, which should include details of the provision of 3No bird boxes, 2 insect boxes, and 2No bat tiles.

Development Control Committee B – 8 March 2023**Application No. 21/02794/F : 86-92 & 96-102 Stokes Croft, Croftdale Hepburn Road Bristol BS1 3RJ****(M) SAFETY AND SECURITY**

The Avon and Somerset Constabulary Designing Out Crime Officer (DOCO) has reviewed the proposal and raised no objections to the proposal however made a number of recommendations regarding security measures that can be made to ensure the site is secure as possible once complete. This includes the use of shuttering to the workshops facing Hepburn Road, the use of lockable cabinets, CCTV, access control systems and laminated glazing. Further security information would be secured via condition if an approval was forthcoming in the form of a Safety and Security Plan.

(N) FIRE SAFETY

Following the Grenfell Tower fire on 14 June 2017 the government commissioned the Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt. The report highlighted the need to transform the fire and building safety regime and recommended that "some minimum requirements around fire safety will need to be addressed when local planning authorities are determining planning applications and will require input from those with the relevant expertise."

Government made a commitment in 'A reformed building safety regulatory system: government response to the Building a Safer Future consultation' to introduce planning gateway one. Planning gateway one has two elements:

- to require the developer to submit a fire statement setting out fire safety considerations specific to the development with a relevant application for planning permission for development which involves one or more relevant buildings, and
- to establish the Health and Safety Executive as a statutory consultee for relevant planning applications

The changes are intended to help ensure that applicants and decision-makers consider planning issues relevant to fire safety, bringing forward thinking on fire safety matters as they relate to land use planning to the earliest possible stage in the development process and result in better schemes which fully integrate thinking on fire safety.

Relevant buildings are defined as being those which:

- contain two or more dwellings or educational accommodation and
- meet the height condition of 18m or more in height, or 7 or more storeys

"Dwellings" includes flats, and "educational accommodation" means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A(9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.

Whilst the proposed development will result in the building exceeding 18 metres/7 storeys in height the building will not contain two or more dwellings or educational accommodation. As such, it is not a 'relevant building', and therefore it is not necessary to request a fire statement of consult the Health and Safety Executive in this instance.

Fire safety will be considered fully at building control stage, where the developer will agree fire safety requirements with the building control body prior to the commencement of development. Fire precautions covered by building regulations are not part of material planning considerations on which planning decisions must be based.

Development Control Committee B – 8 March 2023**Application No. 21/02794/F : 86-92 & 96-102 Stokes Croft, Croftdale Hepburn Road Bristol BS1 3RJ****CONCLUSION AND PLANNING BALANCE**

The LPA fully supports the redevelopment of the site for mixed use purposes in principle. However, for the reasons set out within this report the current proposal falls considerably short of meeting a significant number of policy requirements and expectations and as such Officers are unable to recommend approval.

The proposed development poses "substantial harm" to the special characteristics and significance of the Stokes Croft Conservation Area as a nationally protected heritage asset through the demolition of a Locally Listed building identified specifically of being "of merit" to the area.

The introduction of poor-quality extensions and detailed design elements to existing character buildings will further cause harm to the character and appearance of the conservation area and setting of nearby heritage assets. The development would also by virtue of the density, form, scale, layout, siting, design, materials and detailing fail to create well-designed, high quality, beautiful buildings and places consistent with and in keeping with the context; would fail to deliver a safe, appealing, well-overlooked, well-lit and attractive environment for future occupants; would result in harm to neighbouring residential amenity by means of overbearing and overlooking and would result in the creation of sub-standard living accommodation for future occupants offering poor outlook and lack of privacy.

Officers accept that policies related to daylight/sunlight can be applied flexibly and that there are some instances where amenity issues such as the ones highlighted in this report are unavoidable (for example when converting existing buildings to residential use). In this instance however the proposal represents the total redevelopment of a large plot and the introduction of new buildings. As such harmful amenity issues and relationships such as the ones highlighted should be avoidable.

The development will also fail to meet the required BREEAM "Excellent" rating without adequate justification.

In July 2021, the National Planning Policy Framework was revised and established beauty as an overarching objective alongside sustainable development and stated that all development that is not well designed should be refused, especially where it fails to reflect local design policies. Housing targets should not be used as a justification to grant them permission.

Whilst it is recognised that the scheme will deliver some benefits these are relatively general and are not considered significant or substantial enough to outweigh the significant and substantial harm posed by the development. Efforts by the LPA to secure further public benefits through the reinstatement of commercial units with active frontages to properties fronting Stokes Croft at ground floor level (identified by Historic England as the potential 'greatest heritage benefit') were unsuccessful. Concerns are also raised that the number of C3 residential units is deliberately being restricted to below the affordable housing threshold, thus the scheme will not deliver the substantial social benefits associated with the provision of affordable housing in an area where there is a relatively small amount of affordable housing available. All the benefits associated with the development could be delivered in a proportionate way whilst preserving and enhancing the special character of the conservation area and retaining the locally listed building. There is no reason why the development cannot be designed to address the identified important issues and limit the harm, whilst also delivering further public benefits and a significant uplift in density.

For these reasons the application is unfortunately thus recommended to Members for refusal.

The Government's 2020 Housing Delivery Test (HDT) results are acknowledged, that indicate that the Council's delivery of housing was below (less than 75%) the housing requirement over the

Development Control Committee B – 8 March 2023**Application No. 21/02794/F : 86-92 & 96-102 Stokes Croft, Croftdale Hepburn Road Bristol BS1 3RJ**

previous 3 years. Further, the Council currently cannot demonstrate a deliverable 5 year housing land supply. This means that the 'tilted balance' set out in NPPF Paragraph 11(d)(ii) applies. Specifically, Paragraph 11 makes it clear that plans and decision should apply a presumption in favour of sustainable development, with section (c) of this paragraph explaining that development proposals that accord with an up-to-date development plan should be approved without delay. However, section (d) goes on to explain that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

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

This report has set out that the proposal fails to meet a number of design and heritage related policies including Core Strategy Policies BCS2, BCS21 and BCS22; Site Allocations and Development Management Policies DM26, DM27, DM28, DM29, DM30 and DM31 and Bristol Central Area Plan Policy BCSP45. The proposal also fails to meet sustainability objectives and requirements included within Core Strategy Policy BCS15 and Bristol Central Area Plan Policy BCAP20.

The fact that policies have to be considered out-of-date does not mean that they can carry no weight. To carry weight, policies must be consistent with the NPPF, as explained in Paragraph 219 which, amongst other things, explains that the closer the policies in the plan are to the policies in the NPPF, the greater the weight that may be given to them. As such, it is perfectly possible for policies which are deemed out-of-date for reasons of an inadequate housing land supply to still carry significant weight. Such is the case in this instance, as all the policies cited within this report for reasons to refuse the development are consistent with the NPPF. The policies referenced should therefore still all carry significant weight in the determination of this application. No policies covered by NPPF paragraph 11(d)(i) apply in this case, so the application should be determined in the context of NPPF paragraph 11(d)(ii).

The development would result in some benefits, and these are acknowledged. For example, the proposal would provide additional dwellings and student accommodation to the Council's housing supply. There would also be economic benefits, including short term employment associated with building works and longer term benefits for the economy and local businesses from new residents. There would also be environmental improvement of a negative site in the Conservation Area. However, this report demonstrates that the proposal would conflict with a number of development plan policies, particularly those related to preserving heritage and achieving well-designed places, which should still carry significant weight, as all the policies of concern are fully consistent with the NPPF's overall objectives.

Turning to Paragraph 11(d)(ii) of the NPPF, the identified adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. For these reasons, the application is recommended to Members for refusal.

Development Control Committee B – 8 March 2023

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RECOMMENDED REFUSE

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

Reason(s)

1. The proposed development would cause substantial harm to the historic character, appearance and significance of the Stokes Croft Conservation Area through the destruction of an important locally listed building (Croft Dale) and introduction of poor-quality alterations and development which would also cause harm to the setting of the adjacent Grade II* listed Carriage Works. Inadequate justification has been provided for the harm nor has it been demonstrated that the scheme will deliver the necessary substantial public benefits to outweigh the harm. The application is subsequently recommended for refusal due to conflict with the National Planning Policy Framework (2021); Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Core Strategy (2011) Policies BCS2, BCS21 and BCS22; Site Allocations and Development Management (2014) Policies DM26, DM27, DM29, DM30 and DM31; Bristol Central Area Plan (2015) Policy BCSP45 and the Stokes Croft Conservation Area Character Appraisal (2007).
2. The proposed development by virtue of the density, form, scale, layout, siting, design and detailing would fail to create well-designed, high quality, beautiful buildings and places consistent with and in keeping with the context and would fail to deliver a safe, appealing, well-overlooked, well-lit and attractive environment for future occupants as well as existing local residents and businesses. The proposed development by virtue of the density, form, scale, layout, siting and design would also result in harm to neighbouring residential amenity by means of overbearing and overshadowing (Block A on Nos. 23 - 25 Hepburn Road), overlooking (between Block B and No.90 Stokes Croft) and would result in the creation of sub-standard living accommodation for future occupants offering poor outlook and light (for the student accommodation in Block C and Nos. 100/102 Stokes Croft at first floor level) and lack of privacy (for Block B given overlooking impact between No.90 Stokes Croft). In addition, the proposed development would by virtue of the poor-quality design approach set out above, exacerbate the existing anti-social environment on Hepburn Road by further enclosing the narrow street and would result in the creation of an unattractive and oppressive access option for existing residents and future occupants within the site via the primary and direct pedestrian route to Stokes Croft. The application is subsequently recommended for refusal due to conflict with the National Planning Policy Framework (2021); Core Strategy (2011) Policies BCS2, BCS21 and BCS22; Site Allocations and Development Management (2014) Policies DM26, DM27, DM28, DM29, DM30 and DM31; Bristol Central Area Plan (2015) Policy BCSP45; the Stokes Croft Conservation Area Character Appraisal (2007) and the Council's Urban Living SPD (2018).
3. The proposed development will fail to meet the required BREEAM "Excellent" rating without adequate justification and as such the application is in conflict with the National Planning Policy Framework (2021); Core Strategy (2011) Policy BCS15 and Bristol Central Area Plan (2015) Policy BCAP20.

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

4045_(08)20 A Proposed section elevation A-A and B-B, received 18 November 2022
 4045_(08)010 A Existing site plan, received 17 June 2021

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4045_(08)011 A Existing ground floor plan, received 17 June 2021
4045_(08)012 A Existing first floor plan, received 17 June 2021
4045_(08)013 A Existing second floor plan, received 17 June 2021
4045_(08)014 A Existing third floor and roof plan, received 17 June 2021
4045_(08)016 A Existing elevations, received 17 June 2021
4045_(08)017 A Existing rear elevations and sections, received 17 June 2021
4045_(08)160 C Proposed lower ground floor plan, received 7 February 2023
4045_(08)161 C Proposed ground floor plan, received 7 February 2023
4045_(08)162 C Proposed first floor plan, received 7 February 2023
4045_(08)163 C Proposed second floor plan, received 7 February 2023
4045_(08)164 C Proposed third floor plan, received 7 February 2023
4045_(08)165 C Proposed roof plan, received 7 February 2023
4045_(08)231 C Proposed section elevation C-C and D-D, received 7 February 2023
4045_(08)234 B Proposed section elevation E-E and F-F, received 18 November 2022
4045_(08)233 B Proposed section elevation G-G and H-H, received 7 February 2023
4045_(08)234 Existing and proposed east elevation facing Stokes Croft, received 18 November 2022
9675-001 E Proposed Drainage Layout, received 18 November 2022
Energy and Sustainability Assessment Revision C prepared by JS Lewis LTD dated July 2022, received 2 August 2022
9675 01 Attenuation tank design, received 18 November 2022
SK/06 A Swept path assessment of a 11.4m refuse vehicle, received 18 November 2022
Broadband Connectivity Assessment referenced P18-2788 dated May 2021, received 17 June 2021
SK11 A Swept path assessment of a large car, received 18 November 2022
Construction Traffic Management Plan referenced P18-2788 dated May 2021, received 17 June 2021
301-RS-XX-XX-DR-L-90-01 REV C10 Landscape General Arrangement (All floors), received 23 November 2022
Noise Assessment Acoustics Report referenced A1676 R02 dated 20th July 2022, received 2 August 2022
9675-000 Impermeable and permeable areas, received 18 November 2022
301-RS-XX-XX-DR-L-90-02 C8 Landscape General Arrangement (Lower Ground Floor), received 2 August 2022

Supporting Documents

86-92 & 96-102 Stokes Croft, Crortdale, Hepburn Road

1. Landscape (All Floors)
2. Proposed Lower ground floor plan
3. Proposed Ground floor plan
4. Proposed First floor plan
5. Proposed Second floor plan
6. Proposed Third floor plan
7. Proposed Section elevation A-A B-B
8. Proposed Section elevation C-C D-D
9. Existing & proposed East elevation facing Stokes Croft

Hepburn Road



- Landscape General Arrangement (D)**
- Site Boundary
 - Tree Planting
 - Specimen Shrub Planting
 - Shrub Planting
 - Sedum Roof
 - Concrete Paver such as Brett Grey Delta
 - Concrete Flag such as Saxon
 - Concrete Paver such as Brett Charcoal Aura
 - Existing Pavement (Retained)
 - Existing Roadway (Retained)
 - Timber Bench
 - Cycle Store
 - 1.8m High Black Vertical Bar Mild Steel Gates and Railings (B)
 - 1.1m High Black Vertical Bar Mild Steel Gates and Railings on stone clad wall (B)
 - 1.2m High Black Vertical Bar Mild Steel Safety Railing on Parapet
 - Retaining Wall to match Architect's details
 - Steps with Handrail (B)
 - Ramp with Hand Rail (B)
 - Contrasting Tactile Paving (B)



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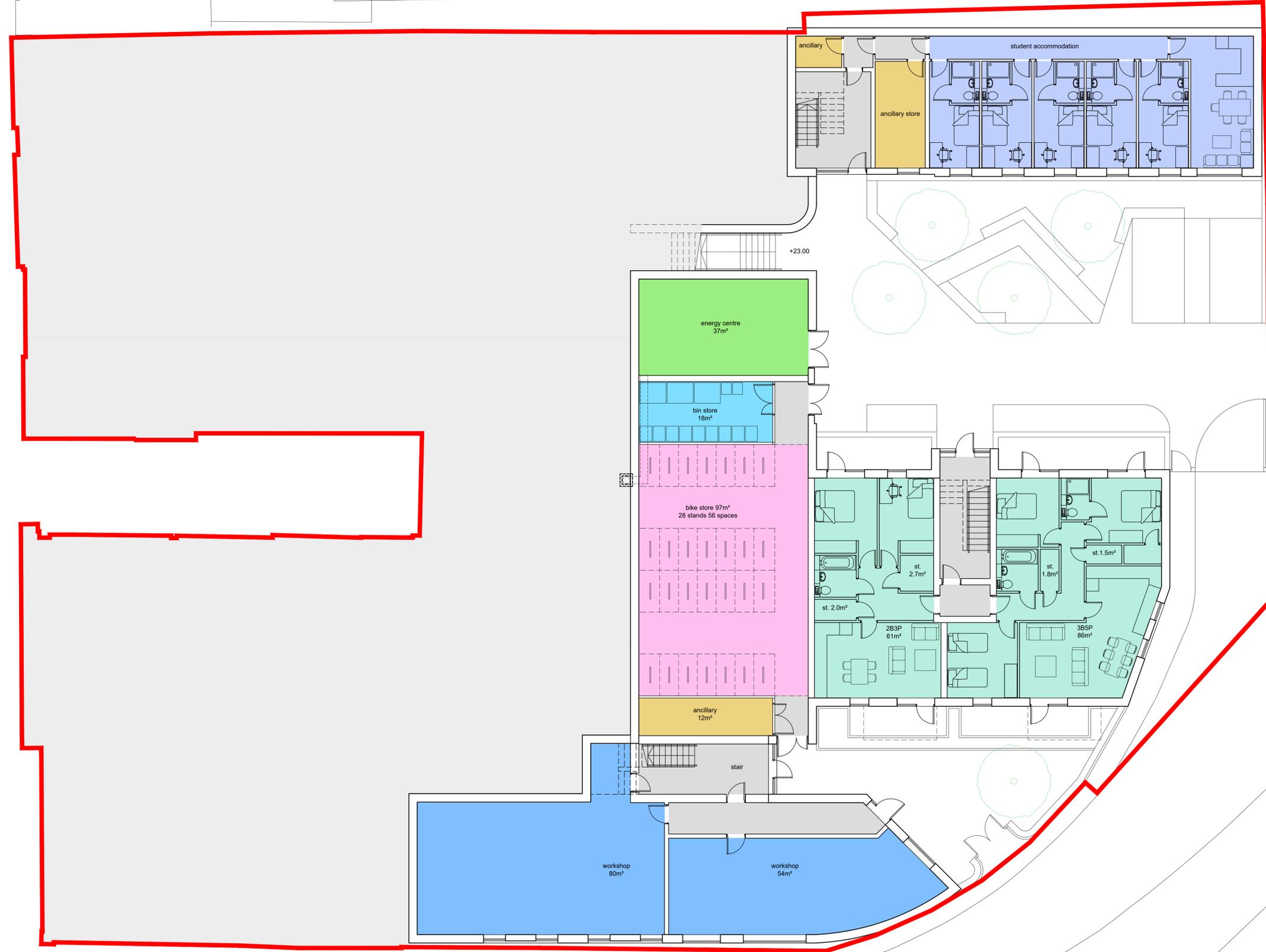
Client: Caci & Co
 Project: Stokes Croft

Title: Landscape General Arrangement-
 (All floors)

Drawing Status Planning	Date Created 21/02/21	Drawing Scale 1:100@A1
Drawing Number 301-S-XX-XX-DR-L-90-01	Rev: C10	

notes

- student accommodation
- residential accommodation
- circulation
- workshop
- bin store
- bike store
- ancillary
- energy centre
- retail units



- A 17.11.22 landscaping amended
- B 18.11.22 Doors and lobby added to workshops. Area amended.
- C 02.02.23 Workshop entrance and access gates amended on LGF.



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client
Crescent Property Developments
 job title
86-92 & 96-102 Stokes Croft & Croft Dale
 drawing
Proposed Lower Ground Floor Plan

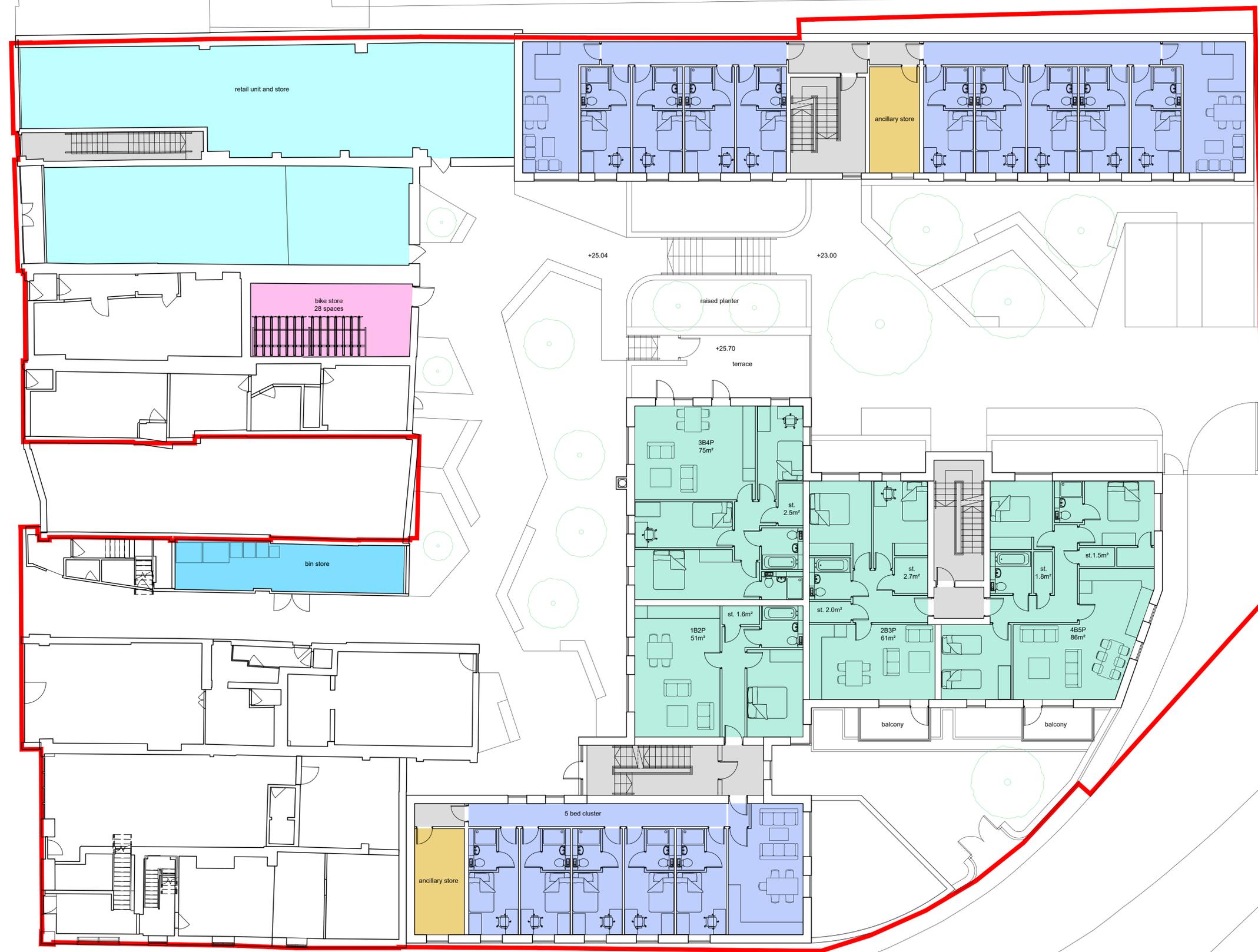
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26.07.22	planning	gm/tg	

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notes

- student accommodation
- residential accommodation
- circulation
- workshop
- bin store
- bike store
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- retail units



- A 09.11.22 Student entrance and landscaping amended.
- B 17.11.22 Bike store and landscaping amended
- C 02.02.23 Workshop entrance and access gates amended on LGF.

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client
Crescent Property Developments
job title
86-92 & 96-102 Stokes Croft & Croft Dale
drawing
Proposed Ground Floor Plan

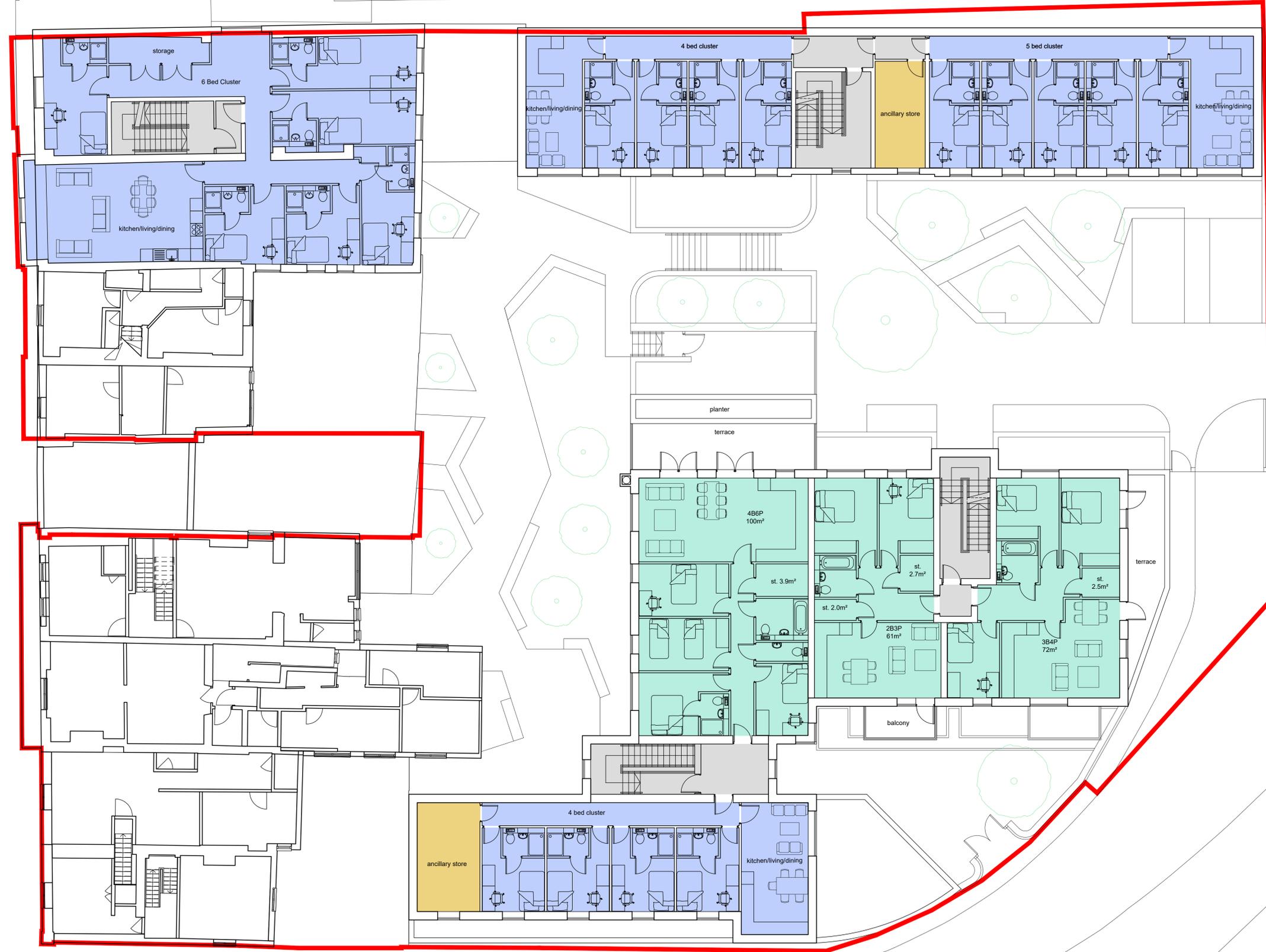
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26.07.22	planning	gm/tg	

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notes

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A 09.11.22 Student layout and landscaping amended.
 B 17.11.22 landscaping amended
 C 02.02.23 Workshop entrance and access gates amended on LGF.

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Crescent Property Developments
 job title
 86-92 & 96-102 Stokes Croft & Croft Dale
 drawing
 Proposed First Floor Plan

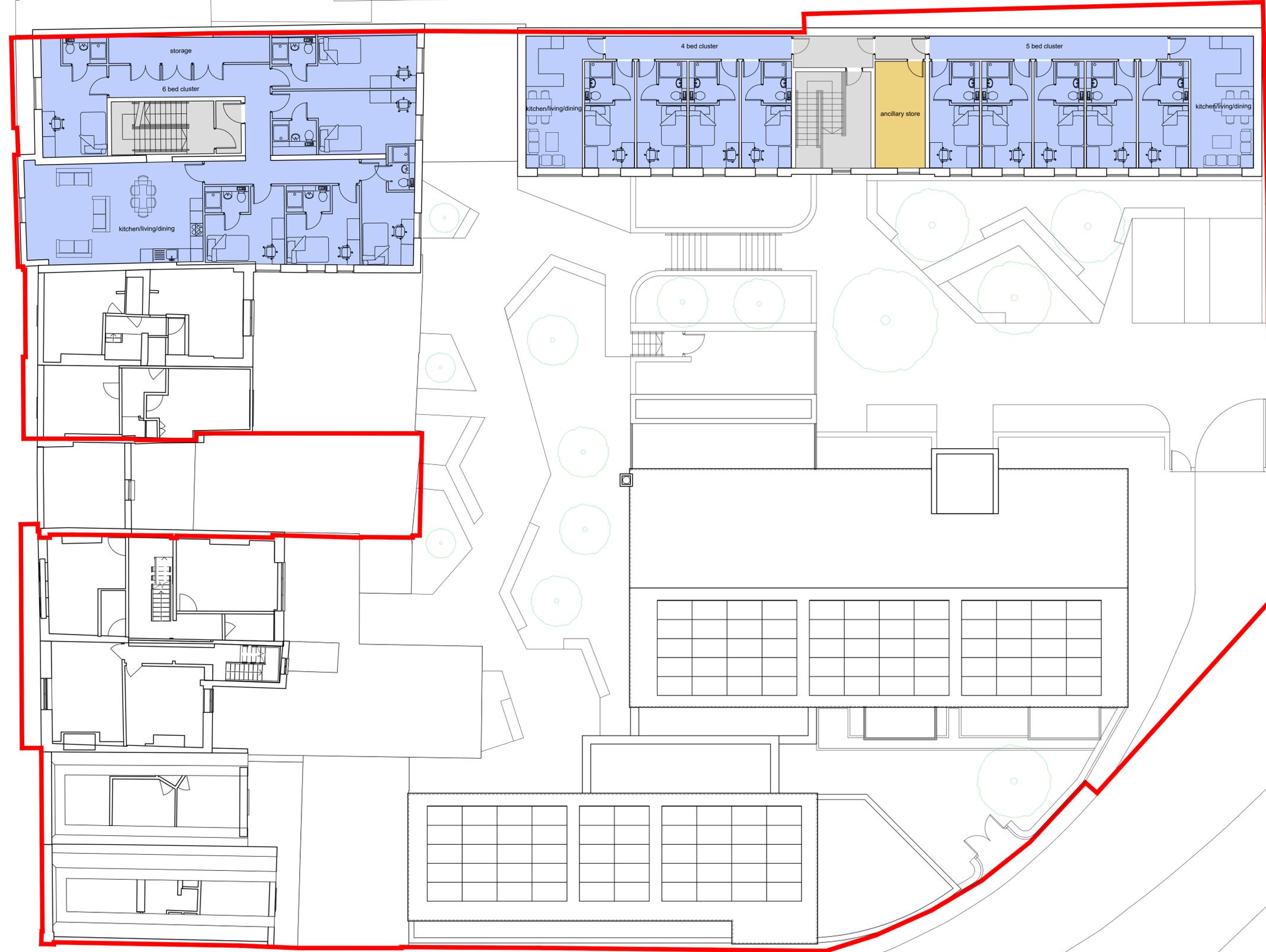
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26.07.22	planning	gm/tg	

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notes

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- bin store
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- retail units



A 09.11.22 Student layout and landscaping amended.
 B 17.11.22 landscaping amended
 C 02.02.23 Workshop entrance and access gates amended on LGF.



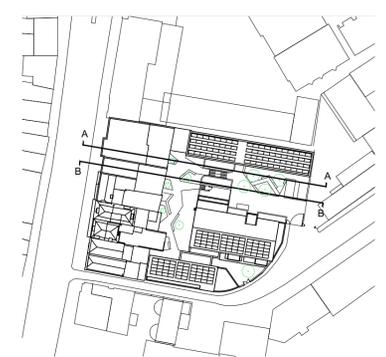
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client
Crecent Property Developments
 job title
86-92 & 96-102 Stokes Croft & Croft Dale
 drawing
Proposed Second Floor Plan

project no.	drawing no.	revision	scale
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26.07.22	planning	gm/tg	

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section/elevation A-A



section/elevation B-B



A 09.11.22 Sections AA and BB amended.



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client

Crecent Property Developments
job title

86-92 & 96-102 Stokes Croft & Croft Dale

drawing
Proposed Section Elevation
A-A & B-B

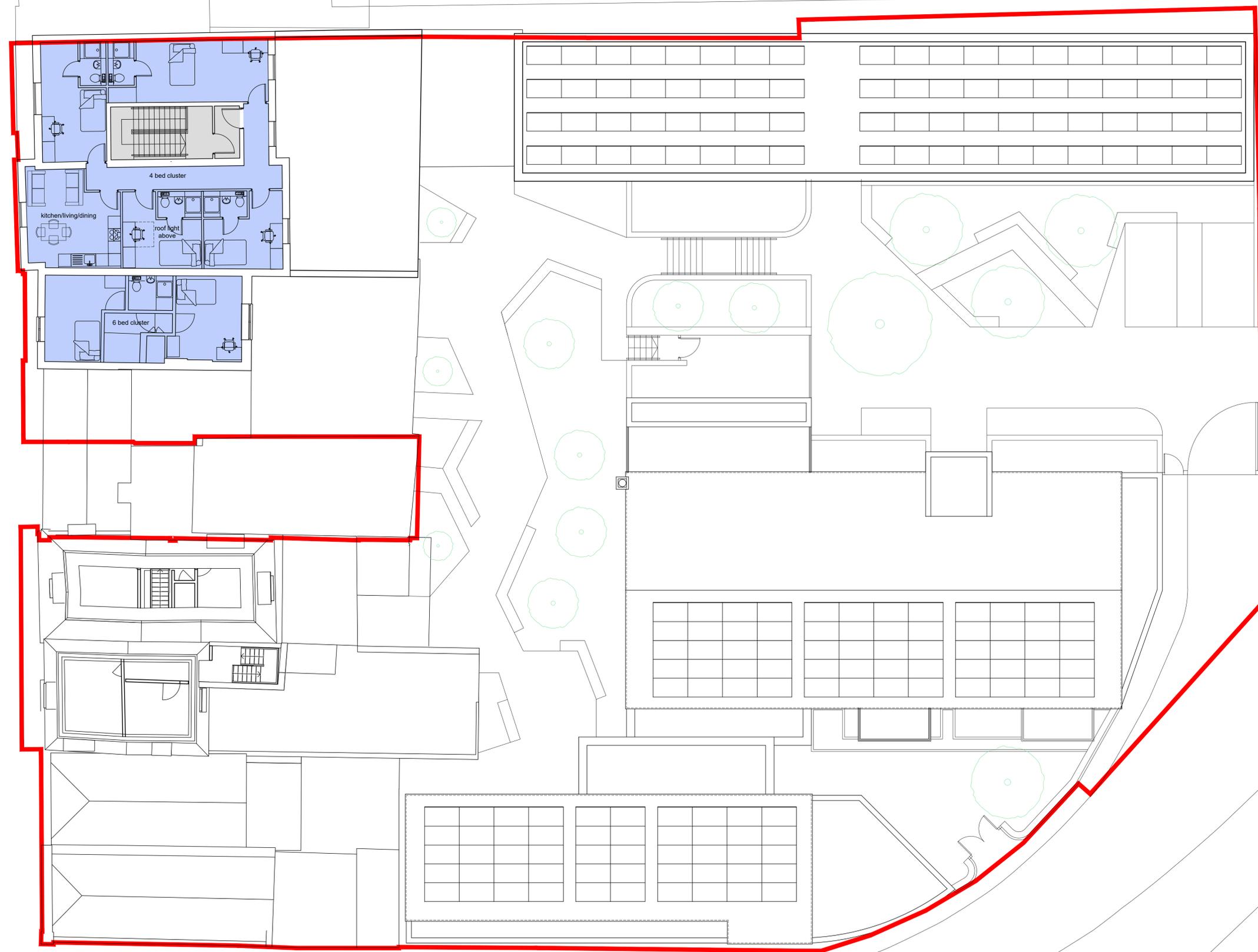
project no. drawing no. revision scale
4045 (08)230 A 1:100@A1

date status drawn/checked
26.07.22 planning gm/tg

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notes

- student accommodation
- residential accommodation
- circulation
- workshop
- bin store
- bike store
- ancillary
- energy centre
- retail units



A 09.11.22 Student layout and landscaping amended.
B 17.11.22 landscaping amended
C 02.02.23 Workshop entrance and access gates amended on LGF.

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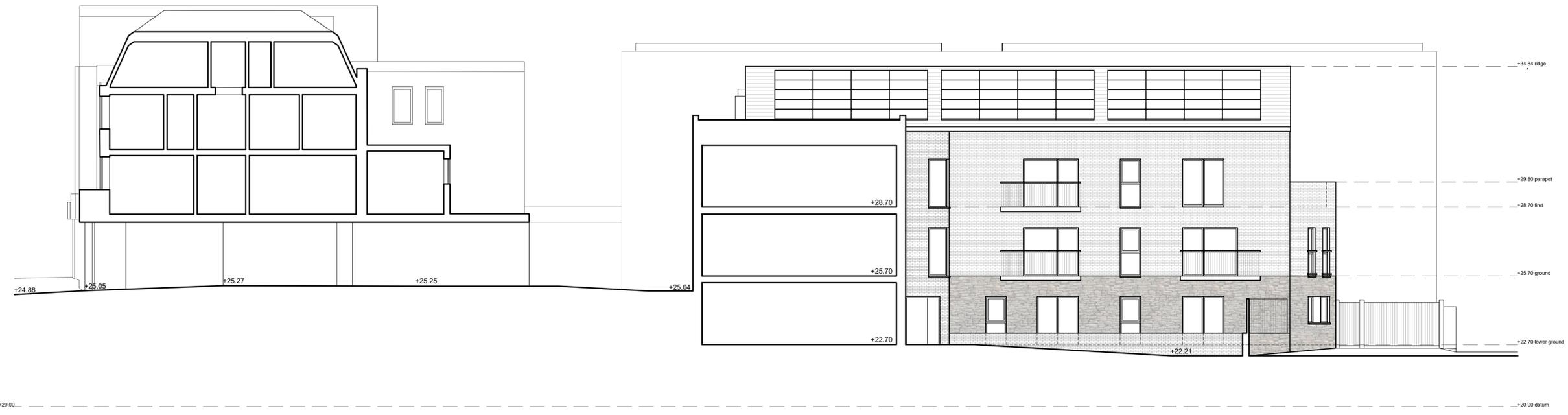
drawing
Proposed Third Floor Plan

project no. drawing no. revision scale
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section/elevation C-C



section/elevation D-D

- A 09.11.22 Sections CC and DD amended.
- B 18.11.22 Door added to section/elevation D-D.
- C 02.02.23 Workshop entrance and access gates amended on LGF.

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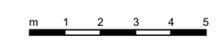
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Crescent Property Developments
job title
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drawing
Proposed Section Elevation
C-C & D-D

project no.	drawing no.	revision	scale
4045	(08)231	C	1:100@A1
date	status	drawn/checked	
26.07.22	planning	gm/tg	

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datum +20.00

Existing East Elevation - Facing Stokes Croft



datum +20.00

Proposed East Elevation - Facing Stokes Croft



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client
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job title
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drawing
Existing & Proposed
East Elevation Facing Stokes Croft

project no. drawing no. revision scale
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date status drawn/checked
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