



Appeal Decision

Site visit made on 2 July 2019

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/Z0116/W/18/3212806

7-29 Wilder Street, 1-3 Backfields and land at the corner of Backfields and Upper York Street, Bristol BS2 8PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Watkin Jones Group against the decision of Bristol City Council.
- The application Ref 18/02548/F, dated 11 May 2018, was refused by notice dated 17 September 2018.
- The development proposed is described as: redevelopment of existing buildings (except for listed building at 25 Wilder Street) and two commuter car parks to provide purpose-built managed student accommodation (345 beds) (sui generis) and ground floor employment floorspace (Class B1); refurbishment and change of use of 25 Wilder Street to provide a three-bedroom dwelling (Class C3) and associated works.

Decision

1. The appeal is allowed and planning permission is granted for redevelopment of existing buildings (except for listed building at 25 Wilder Street) and two commuter car parks to provide purpose-built managed student accommodation (345 beds) (sui generis) and ground floor employment floorspace (Class B1); refurbishment and change of use of 25 Wilder Street to provide a three-bedroom dwelling (Class C3) and associated works at 7-29 Wilder Street, 1-3 Backfields and land at the corner of Backfields and Upper York Street, Bristol BS2 8PU, in accordance with the terms of the application Ref 18/02548/F dated 11 May 2018, subject to the conditions set out in the schedule annexed to this decision.

Preliminary matters

2. The proposal was amended while under consideration by the Council, including a reduction in the number of student bed spaces from 348 to 345 and to change the use of 25 Wilder Street to a single dwelling house rather than three separate flats. The description used in the heading and Decision above, which is taken from the Council's Decision Notice, incorporates these changes.
3. The appeal is accompanied by a Planning Agreement¹ made between the Council and the landowner, who commits in the event of permission being granted to the payment of financial contributions towards cycling infrastructure, traffic regulation and travel plan monitoring.

¹ Under S106 of the Town and Country Planning Act 1990 (as amended)

4. An application for costs was made by the appellants against the Council. That application is to be the subject of a separate Decision.

Main Issues

5. The main issues in the appeal are the proposal's effects on the supply of employment land and on the proportion of specialist student housing in the local area.

Reasons

6. The appeal site comprises most of an inner urban block bounded by Wilder Street, Upper York Street and Backfields. The remainder of the block is taken up by a four-storey office building, St James House. The site is occupied by a range of commercial buildings, now apparently vacant but for one in use as an arts/dance studio, and by some cleared plots. All of the buildings are of one or two storeys and appear to date from the mid-twentieth century with the exception of 25 Wilder Street, which is a three-storey house of the late eighteenth century and is listed Grade II. The house and the adjoining Nos.27-29 stand within the Portland and Brunswick Square Conservation Area. The buildings on the opposite side of Backfields, including the Grade II listed former Coroner's Court, form part of the Stokes Croft Conservation Area, of which the site frontage marks the southern edge.
7. Permission is now sought to convert 25 Wilder Street back to use as a house. The remainder of the buildings would be cleared and the entire site redeveloped to provide student accommodation in three blocks arranged around a central shared courtyard, with two small commercial units at ground floor level opening off Backfields. The proposed blocks would range in height from three storeys each side of No.25 to five storeys with a recessed top floor adjoining St James House.
8. The planning application had been recommended for approval by the Council's officers, but was refused by decision of the elected members. The accompanying application for listed building consent for proposed works to No.25 Wilder Street was approved².

Employment land

9. The development plan for the purposes of the appeal comprises the Bristol Core Strategy ('CS') adopted in 2011, the Bristol Site Allocations and Development Management Policies Local Plan ('SADMP') adopted in 2016, and the Bristol Central Area Plan ('CAP') adopted in 2015.
10. The first reason for refusal of the planning application objects to the loss of employment land, and to the amount and type of proposed replacement employment provision. CS Policy BC8 seeks a sufficient and flexible supply of employment land, with land outside the principal areas to be retained where it makes a valuable contribution to the economy and employment opportunities. CAP Policy BCAP7 seeks the retention of employment floorspace in the St. Paul's and Stokes Croft area subject to criteria including a demonstrated lack of demand or an unacceptable impact on the environmental quality of the surrounding area. With regard to new provision, CAP Policy BCAP6 encourages development in the city centre to include a proportion of office or other

² Application Ref 18/02549/LA

- employment floorspace of a scale and type appropriate to the site and its context. In the St Paul's and Stokes Croft area, small-scale flexible workspace is preferred.
11. The Council has provided little or no evidence to substantiate its concerns, but detailed representations on this issue have been made on behalf of an owner/occupier of nearby commercial property on Stokes Croft, to which the appellants have responded.
 12. There appears to be no dispute that the existing buildings on the site have little future value as employment space. One building, 7-11 Wilder Street, is a basic covered space used for car parking. The evidence suggests that the other buildings, now vacated by the printing firm that occupied them, make up a fragmented collection of outdated spaces, severely constrained by the listed house at 25 Wilder Street and by restricted access for loading. With the remainder of the application site previously in use for open parking, it does not in its present state make a valuable contribution to the economy or employment opportunities.
 13. The planning application was accompanied by a report of the marketing of the printing premises in 2017. This was a targeted exercise, clearly directed at potential redevelopment for housing development. Therefore, it does not provide conclusive evidence of lack of demand for employment development. However, given the restrictions on the property, the then agents' view that commercial development would not be a realistic proposition was not unreasonable.
 14. The interested party provides submissions by property agents and an operator suggesting ongoing demand for commercial floorspace in the St Paul's and Stokes Croft area. This is acknowledged as anecdotal, with very limited detail of actual transactions or current requirements. Evidence provided by the appellants shows a very low level of commercial occupier transactions in the area, which they class as a 'tertiary' location for employment uses. There is also clear evidence of a transition in the character of the immediate area from employment uses to residential, in particular through the completed and planned conversion of the three office buildings immediately to the south of the appeal site. This can be placed in the context of a shift in focus for employment uses to other more desirable and accessible locations in the city centre.
 15. Much of the demand reported for the interested party appears to be for relatively low value or start-up accommodation. Critically, there is no indication of potential viability for new-build employment uses. The appellants report that the most recent significant office development in the wider area continues to show high levels of vacancy several years after completion. Where small employment units have been provided as part of a largely residential development, planning permission was later granted for a change to residential due to lack of take-up. I consider that there is sufficient evidence to show that the site would not as a development proposition make a valuable contribution to the economy or employment opportunities.
 16. The two commercial units proposed would provide some 208 sqm of space. This would be considerably less than the existing area in employment use and also a small percentage of the total development floorspace. Nevertheless, the units would provide space to current standards that could support two small businesses. In the light of lack of take-up of other new space nearby, the

proportion proposed is not unreasonable, and would be appropriate to the site and its context.

17. For these reasons, I conclude on this issue that the proposal would comply with the requirements of CS Policy BCS8 and CAP Policies BCAP6 and BCAP7.

Student housing

18. SADMP Policy DM2 confirms that specialist student housing will be acceptable in the city centre, which includes the appeal site, but all forms of specialist housing are to be subject to general criteria. These include avoidance of harm to the residential amenity or character of the locality, or where the development would contribute to a harmful concentration of such uses, arising from harm to amenity or a reduction in housing choice by changing the housing mix.
19. CAP Policy BCAP4 acknowledges the benefit of the growth of specialist student accommodation in the city centre in relieving pressure on the general housing stock and in adding positively to the mix of uses. It supports student housing that contributes to the diversity of uses unless there would be a harmful concentration.
20. The emerging Local Plan seeks a more directive approach to the location of student accommodation, but I agree with the appellants that the Plan is at too early a stage in its preparation, with unresolved objections on this issue, to afford it any significant weight in this appeal.
21. The Council have not provided evidence to substantiate any concern about adverse impact on residential amenity. Despite the fears voiced in some representations, there is little reason to find that purpose-built properly managed student accommodation should contribute to more overt forms of detrimental effect on local amenity such as refuse and waste, poorly maintained buildings and grounds, and noise and disturbance. The area around the appeal site appears already to have a thriving night-time economy and it is difficult to see that the number of students potentially living on the appeal site would significantly change any effects of this.
22. Less tangible effects complained of include the absence of a settled population with a long-term commitment to the area, but the same could be said of the occupiers of much rented accommodation. A reduction in numbers of residents for part of the year might be less of a factor in future, as the appellants report that 51-week lettings become more common. But any reduction would not necessarily be apparent, and the property, which would comprise a significant asset, should not be neglected even in times of low occupancy.
23. In terms of change to the character of the area, there already appears to be a clear shift in the character of this end of the St Paul's and Stokes Croft area away from employment uses towards residential, comprising both specialist and general housing. This is partly due to changes of use of the former commercial buildings to the south of the appeal site under 'permitted development' provisions but also to permissions granted. The increased number of students likely to be living the area would be accompanied by an increased number of conventional residents. In this regard, the outstanding outline planning permission for 105 spaces of student accommodation on the

western half of the appeal site granted by the Council in 2014³ and renewed in 2018⁴ is an important consideration. Any assessment of the impact of the appeal proposal must take that approval as part of the baseline.

24. In recommending approval of the appeal application, Council officers reported that an increase of 345 students would increase the share of student population in the St Paul's Portland Square Lower Layer Super Output Area ('LSOA') from 9% in 2017 to 34% on completion. However, the 34% figure does not allow for the office to residential conversions implemented and approved to the south of the appeal site, so the actual proportion should be lower. 34% would be directly comparable with other nearby LSOAs and considerably lower than the 73% found in The Centre LSOA. The appellants point to other permissions granted by the Council, with the proportion in another LSOA approved in 2018 to increase from 64% to 74%. The report also notes that a recent appeal decision⁵ accepted that a proportion of 37% student accommodation in a central location would not represent a harmful concentration. Although specific factors in those examples are disputed in representations by the interested party, I find that they support a general indication that there are no absolute limits in what would represent a harmful concentration.
25. Representations by the interested party highlight the number of student units already provided in the St Paul's and Stokes Croft area, but accept that existing student accommodation in the area has been reasonably well absorbed up to now. Their concern is that the appeal proposal, combined with other approved and planned schemes would alter the balance. However, there is no reason to conclude that all planned schemes would gain approval, particularly in the light of refusal of the appeal application. The suggestion that the area would become a 'concentrated ghetto of student accommodation' is not borne out by the figures. The representations paint an excessively pessimistic view of potential adverse amenity impacts, which can generally be addressed by the efficient management of the complex and enforcement of tenancy agreements.
26. I conclude that there are insufficient grounds to conclude that the additional units proposed by the appeal proposal would result in harmful impacts on local amenity or the character of the local area, and that it would not give rise to a harmful concentration of specialist student accommodation. The proposal would therefore comply with SADMP Policy DM2 and CAP Policy BCAP4.

Other matters

Built heritage

27. The appeal proposal would have direct effects on designated heritage assets and their settings. These are fully appraised in the comprehensive Heritage, Townscape and Visual Impact Assessment ('HTVIA') that supported the application.
28. The special interest of 25 Wilder Street derives from its survival as the only remaining component of the terrace that originally lined the street. The proposal to return the building to use as a single house would reinforce that historic value and can be taken as the optimum viable use of the building. In

³ Planning permission Ref 14/03981/P

⁴ Planning permission Ref 17/05540/P

⁵ Appeal Ref APP/Z0116/W/18/3194372

respect of the works to the listed building, I endorse the view of the Council's specialists, who found some less than substantial harm to significance due to arrangements to the rear of the building but concluded that this would be outweighed by the public benefit of securing the building's future. Listed building consent has already been granted, subject to conditions, for the necessary repairs and alterations, which would ensure that its interest is preserved.

29. The building's setting is currently harmed by its poor relationship with the functional buildings to each side and the cleared site to the rear. The proposal to reinstate the building line along Wilder Street so that No.25 would once again form part of a terrace would be a considerable enhancement. The immediately adjoining buildings would reflect the listed building in height and proportions, and it would not be overwhelmed by the adjacent taller frontages.
30. The stepped alignment of the taller blocks at the junction of Wilder Street and Upper York Street would form a positive signal of the main entrance to the student housing, and would enhance the character and appearance of the Portland and Brunswick Square Conservation Area. The reinstatement of perimeter blocks to all three street frontages, with components of varied height, width and treatment, would also enhance the setting of both conservation areas.
31. The former Coroner's Court building has a distinctive set-piece character, and stands away from Backfields. The current condition of the appeal site detracts from its setting. I endorse the finding of the HTVIA that the proposed frontage to Backfields would set up a more positive dialogue with the listed building that would enhance its setting and better preserve its special interest.
32. I conclude that there would be considerable public benefits in securing the future of the listed building and in reinstating the historic street pattern that would outweigh any minor harm to the significance of designated heritage assets. The proposal would comply with CS Policy BCS22 and SADMP Policy DM31, which seek the preservation or enhancement of heritage significance, and with CAP Policy BCAP45, which requires development in the St Pauls and Stokes Croft area to respect its historic scale and character.

Effect on neighbours

33. The proposal's increased height over the existing would restrict outlook from some units of the converted blocks to the south of Wilder Street, but not to the degree of causing unacceptable harm to living conditions. The proposal would comply with CS Policy BCS20.

Transport

34. It is not disputed that the site is well located in respect of access to public transport, to the facilities of the city centre and to higher education institutions. In order to achieve the predicted reliance on more sustainable modes of transport, the contributions set out in the planning agreement towards cycle and infrastructure improvements and Travel Plan monitoring are necessary and reasonable to make the proposal acceptable and would meet the tests for obligations set out in the CIL Regulations and the NPPF⁶. The proposal would comply with CS Policy BCS10.

⁶ NPPF paragraph 56

Balance of considerations

35. The proposal would make a valuable contribution to meeting the city's growing need for specialist housing, while also helping to ease pressure on use of traditional family housing for students, with the issues of poor management that can result. The scheme would provide a productive re-use of under-used brownfield land at the edge of the city centre, allowing for potential employment-based activity by two small businesses. The restoration and re-use of 25 Wilder Street as a single house would represent a major public benefit that would readily outweigh any minor harm to significance due to the relationship with the new buildings to its rear. In other respects, the design of the buildings would successfully acknowledge the setting of the listed building and the character and appearance of both conservation areas.
36. Set against these benefits would be the risk of harm to the character of the St Paul's and Stokes Croft area from the continuing move away from employment uses and the altered balance of housing in the area towards student provision. However, neither of these risks would be well-founded. The proposal's benefits would significantly outweigh any potential harms, and it would comply with the development plan as a whole.

Conditions

37. The Council provided a full schedule of potential conditions, to which the appellants made a detailed response. The appellants' comments on the pre-commencement conditions, the timing of which is necessary to avoid premature potentially harmful development, have also been taken into account in the final form of the conditions set out in the attached schedule.
38. The time limit condition is standard and the specification of approved plans is necessary to confirm the approved form of development in the event of later amendments.
39. The approval of a construction management plan is necessary to protect highway safety and living conditions of nearby residents during demolition and construction, while the repair of any damage to the highway is needed to ensure safety after construction has been completed. Approval of the details of design and materials is necessary to ensure that the quality of the local area and the setting of the listed building will be maintained.
40. Connection to a district heating network is encouraged by CS policy and the appellants have stated that the scheme would be connected if a suitable network were available during development, but would also provide for later connection. A condition is necessary to ensure the initial connection, in the interests of reducing carbon emissions and responding to climate change. I agree with the appellants that the terms proposed by the Council are unduly onerous and go beyond adopted policy and practice. I have therefore adapted the form of condition proposed by the appellants, which could be varied later if necessary in the event of valid reasons not to connect to an available network.
41. Details of sustainable drainage of the development need to be approved and the scheme implemented in order to minimise risk of flooding. Advice to site operatives is required to ensure protected species would not be inadvertently harmed during demolition and construction. A scheme of archaeological investigation, including a watching brief during construction, is necessary to

ensure the site's heritage value is fully understood and recorded, while later analysis, publication and archiving of the data can be secured by a separate condition.

42. A further set of conditions is linked to time limits before the development is occupied. Approval of a public art strategy is needed to ensure that public art is properly integrated into the design proposals, but can be delayed until after development has commenced. In order to promote safe use of sustainable modes of travel, means of access on foot and by bicycle need to be in place before occupation, together with cycle storage, and a Travel Plan submitted and approved. The safe and efficient operation of the highway requires the approval of a Moving In/Out Strategy for student residents. For the same reason, and in order to protect the quality of the local area, approval is needed of a management plan for the storage and collection of waste and recyclables.
43. After occupation, a condition is needed to ensure implementation of the landscaping scheme shown on the approved plans, or an alternative if a minor amendment is approved, in order to ensure a satisfactory quality of environment for future residents. Environmental quality also justifies submission of final details of the on-site combustion plant, to ensure adequate standards of air quality are achieved.

Conclusion

44. For the reasons set out above, I conclude that the appeal should be allowed and planning permission granted subject to conditions and with the benefit of the covenants set out in the executed planning agreement.

Brendan Lyons

INSPECTOR

Appeal Ref APP/Z0116/W/18/3212806

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3681-0100 Site Location Plan
 - 3681-0101 25 Wilder Street Existing Site Plan Including Conservation Area
 - 3681-0120 Proposed Conservation Area Demolition Plan
 - 3681-0121 Proposed 25 Wilder Street Demolition Plans
 - 3681-0200_B_Proposed Site & Ground Floor Plan
 - 3681-0201_A_Proposed First & Second Floor Plans
 - 3681-0202_A_Proposed Third & Fourth Floor Plans
 - 3681-0203_D_Proposed Fifth & Roof Floor Plans
 - 3681-0204_C_Proposed 25 Wilder Street Plans, Sections & Elevations
 - 3681-0300_D_Proposed Street Scene Elevations
 - 3681-0301_A_Proposed Enlarged Elevations
 - 3681-0302_D_Proposed Courtyard Elevations & Sections

Pre-commencement conditions

3. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - parking of vehicles of site operatives and visitors
 - routes for construction traffic
 - hours of operation
 - method of prevention of mud being carried onto highway
 - pedestrian and cyclist protection
 - proposed temporary traffic restrictions
 - arrangements for turning vehicles.
4. No development shall take place, including any works of demolition, until a Condition Survey of the existing public highway has been submitted to and approved in writing by the Local Planning Authority. Any damage to the highway occurring as a result of the development shall be remedied prior to occupation of the final unit of student accommodation hereby permitted unless a different timescale has first been approved in writing by the Local Planning Authority.
5. No development shall take place, except for any works of demolition, until details of the following materials and treatments have been submitted to and approved in writing by the Local Planning Authority:
 - Elevations showing design details of façade treatments
 - Reference panels or samples of brickwork and cladding materials
 - Glazed walkways to the rear of the listed building.
 - Obscure glazing at roof terrace.

The development shall be carried out in accordance with the approved details.

6. No later than three weeks prior to the commencement of development, the developer shall provide written notice to the Local Planning Authority of its intention to commence development. If on the day of commencement of development there is a permanent district heating network present with its associated infrastructure connecting to the boundary of the site, the development shall be connected to the district heating network and it shall be utilised to provide hot water and heating to the development from first occupation.
7. No development shall take place, except for any works of demolition, until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Strategy prior to first occupation of the buildings hereby permitted or commencement of the permitted uses and shall be maintained thereafter for the lifetime of the development.
8. No development shall take place, including any works of demolition, until a 'tool box talk' to include actions to be taken in respect of use of the site by bats and nesting birds has been given by a qualified ecological consultant to all site operatives.
9. No development shall take place, including any works of demolition, until the applicant/developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include an assessment of significance and research questions and:

- The programme and methodology of site investigation and recording
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

All groundworks, including geotechnical works, shall be monitored and recorded by the competent person(s)/organisation approved by the Council and in accordance with the Written Scheme of Investigation.

Pre-occupation conditions

10. Within six months of commencement of development a Public Art Strategy shall be submitted to the Local Planning Authority, and no occupation of the

development shall take place until the Strategy has been approved in writing. The Strategy shall contain the timetable for installation of public art works and details of future maintenance responsibilities and requirements. All public art works shall be completed in accordance with the approved timetable and thereafter maintained in accordance with the approved Strategy.

- 11.No building hereby permitted shall be occupied or permitted use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans. The means of access shall thereafter be retained for access purposes only.
- 12.No building hereby permitted shall be occupied or permitted use commenced until the cycle parking provision shown on the approved plans has been completed. The cycle parking shall thereafter be kept free of obstruction and made available for the parking of cycles only.
- 13.No building hereby permitted shall be occupied or permitted use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the approved Travel Plan Targets.
- 14.No building hereby permitted shall be occupied or permitted use commenced until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 10, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 15.No building hereby permitted shall be occupied or permitted use commenced until a management plan for refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The provisions of the approved plan shall be implemented upon first occupation of the development and permanently retained thereafter. The plan shall provide for:
 - Locations for collection and presentation
 - Method of collection, inc. provision for recycling
 - Days and times of collection.
- 16.No unit of student accommodation hereby permitted shall be occupied until a Moving In/ Out Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out the approach to stagger vehicle trips during the moving in and out phases at the start and end of term times and shall be implemented as approved.

Post-occupation conditions

- 17.The landscaping scheme shown on the approved plans shall be carried out no later than the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme approved in writing by the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed,

dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with others of similar size and species to those originally required to be planted.

18. Within six months of the completion of development, evidence shall be submitted to the Local Planning Authority to demonstrate that the final design of the on-site combustion plant meets the specifications contained within Appendix 4 of the submitted Air Quality Assessment (Final) dated May 2018. If the final design varies from the modelled and assessed pollutant emissions characteristics a revised Air Quality Assessment shall be submitted within 90 days.
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