



Appeal Decision

Hearing (Virtual) held on 19 April 2023

Site visit made on 20 April 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal Ref: APP/Z0116/W/21/3282706

11-17 Wade Street, Bristol BS2 9DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Horizon Construction Bristol Ltd against Bristol City Council.
 - The application Ref 21/01065/P, is dated 26 February 2021.
 - The development proposed is outline application for the demolition of buildings and erection of student accommodation, with access, layout and scale to be considered.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of buildings and erection of student accommodation, with access, layout and scale to be considered at 11-17 Wade Street, Bristol BS2 9DR in accordance with the application, Ref 21/01065/P, dated 26 February 2021, subject to conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline form with the means of access, scale and layout to be determined at this stage. The proposal's appearance and landscaping are reserved for future consideration. Therefore, I have treated the drawings showing the appearance and landscaping of the site as indicative only.
3. During the course of the application amended scale and layout details were submitted, along with indicative impressions of the scheme's appearance. The details show the partial removal of the proposed building's 6th storey where it faces Wade Street and Great George Street. The observations in the Council's appeal statement are based on these amended drawings.
4. The Council indicated at the Hearing that interested parties were not consulted on these drawings during the application. However, I am satisfied that they have not been prejudiced as they have had an opportunity to comment on them. Moreover, the proposed building, other than the removal of part of its upper floor, has not fundamentally changed in terms of its layout and scale. Taking these factors into account, no party has been prejudiced by the submission of the revised information, and I have therefore assessed the proposal on the basis of the revised drawings.
5. At the hearing the Council confirmed and provided evidence that the correct notifications were carried out in respect of the event. Notwithstanding the publicity

and invitation for comments, there were no interested parties present, nor were further representations submitted in advance of the Hearing.

Background and Main Issue

6. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The Council in their submission include a signed statement of common ground, indicating there is no dispute between the main parties on various planning grounds, while referring to key planning policy considerations. Notwithstanding this, interested parties raised detailed concerns during the application, particularly in relation to the proposal's scale and layout and the impact these would have on the locality. These comments include reference to development plan policies and guidance documents that are considered relevant to the concerns put forward.
7. In light of the above, the main issue is the proposal's effect on the character and appearance of the surrounding area.

Reasons

8. The appeal site comprises a car repair garage and associated storage yard located in a high-density residential area at the edge of the city centre's commercial district.
9. Wade Street contains a mix of building styles and sizes. Properties are either grouped in short, terraced rows that infill the space between street junctions or are large stand-alone blocks of flats set back from the highway. Building heights vary between 3 and 5 storeys, while roof forms consist of flat, mansard and pitched types.
10. The proposal consists of a part six, part five storey building containing around 81 student bedrooms. A large, secure bike storage area for around 100 cycles would be located on the ground floor with accommodation on the upper floors.
11. The Old Market Quarter Neighbourhood Development Plan (the NP), includes prescriptive guidance for this part of Wade Street in relation to building height and layout. Further advice on appropriate building heights is included within the Urban Living Supplementary Planning Document (SPD).
12. The proposal would be built up to the boundary with the flank wall of Redwood House. At this point the proposal would have five storeys and would rise marginally above the flat roof addition at Redwood House. It would increase to six storeys where it wraps round the corner of Wade Street and Great George Street. The progressive change in the height of the roofscape would have a rhythmical appearance, whilst the six-storey corner portion of the building would align with the roofline of the taller part of Redwood House. This would convey a coherent and balanced relationship along the frontage, where the two buildings address the street corner. The relative consistency between the respective heights of the appeal building and Redwood House would also align with the requirements in Appendix 1 of the NP.
13. There would be scope, through a planning condition, to set back the fifth floor from the front elevation where it faces Wade Street. The appearance and form this takes would be determined through the reserved matters. This approach, which is advocated by the appellant, would articulate the roof of the building, and allow the fourth floor, to better integrate with the adjacent roof of Redwood House.

14. The building would address Great George Street in a similar manner, by encompassing a height that would increase from five to six storeys where it meets the corner. The proposed articulation of the building's scale along this frontage would ensure that it would not dominate or appear out of scale with the adjacent Eton House.
15. The proposal's combined width and length would cover most of the appeal site, and together with its height would result in a building of considerable size. Yet, the proposal's massing and proportions would not look out of place in the locality where I found a tendency for monolithic buildings such as John Cozens House and the Multi Storey Car Park serving Cabots Circus, located at either end of Wade Street. Furthermore, the building's layout and plot coverage would be consistent with corner developments nearby at Wade Court and 46 Wade Street.
16. The submitted layout shows the proposed building largely built up to the footpath edge. This would align well with the building line of Redwood House and provide legibility at the junction between Wade Street and Great George Street.
17. On the above basis, I have found the scale and layout of the proposal to be consistent with the built hierarchy and pattern of development found locally.
18. Redwood House is a locally listed building. It has a modern side extension that links with the older, original part of the building. This comprises an imposing, five storey building that stands prominently on the corner of River Street and Wade Street. Along with its siting, the distinctive red brick exterior and uniform window arrangement contribute to the building's local significance. The undeveloped spaces around the building's road frontage allow it to be appreciated in the street.
19. The modern extension to the side of Redwood House would separate the older, more significant part of the building from the appeal site. The separation distance maintained would ensure the proposal would not encroach into the parts of Redwood House's setting I have found important. Accordingly, I am satisfied that the appeal scheme would not harm the significance of this locally listed building.
20. There are concerns regarding the proposal's concept design and the visual impression it would make on the street. But aspects relating to the scheme's appearance, such as its built form, and the composition and arrangement of materials, window openings and visual breaks in the building's façade can be determined at the reserved matters stage.
21. Taking the above into account, I conclude that the proposal would have an acceptable effect on the character and appearance of the surrounding area. It would accord with Policies BCS2, BCS15 and BCS20 of the Bristol Development Framework Adopted Core Strategy, 2011, Policies DM26, DM27, DM28 and DM29 of the Site Allocations & Development Management Policies Plan (July 2014), the SPD and the NP. Together, these require, amongst other things, developments that respond to local scale, massing, rhythms, patterns, building height and layout, and developments which encourage high density in the city centre and an efficient use of land.

Other Matters

22. Part of the proposal's rear elevation would project beyond the corresponding elevation to Redwood House, causing some partial enclosure to the nearest windows as well as the garden space serving that development. However, I am satisfied that the extent of enclosure would not lead to unacceptable harm in terms of outlook and light as there is already an enclosing effect on the garden area from the existing car repair garage, boundary enclosures and the adjacent

Eton House. Moreover, given the extent of the proposed rear ward projection and the good levels of relief around the rear habitable windows of Redwood House, obtained from spaces between neighbouring buildings, there would be no unacceptable loss of outlook or light to the living conditions of those nearest occupiers.

23. The proposal would result in the loss of an employment use, and I am mindful that the Core Strategy (Policy DM12) requires the retention of valuable employment sites. However, the current car repair use is unviable, and the occupiers will shortly be vacating the site. This would allow the development of soon to be redundant, brownfield land in an accessible city centre location close to services and amenities. Moreover, the development of student flats at the site would address a current under-supply of that housing tenure and be a more appropriate use in this largely residential area. On this basis I consider that the loss of an employment use in this case would be outweighed by other factors.
24. The proposal, according to interested parties, would have a higher concentration of bedspaces per hectare than other student housing schemes in the locality. I have not been given the full details of those cases; however, the appellant indicates that those other schemes, are in parts of the city with a different development grain and density. They are also larger sites with more associated open space and service areas, which have reduced their respective bedspace ratios. The appeal site is in a high-density area where the developer has sought to maximise the space available, while ensuring the scale of the building responds well to the locality. Accordingly, I have no reason to be concerned about the higher bedspace ratios proposed. Besides, the interested parties have themselves indicated that the flats present a satisfactory internal living environment for future occupiers. In any event I have not been referred to any adopted guidance or policy that controls the number of bedspaces per hectare.
25. The appeal site is in a highly accessible location, a short walk from multiple shops, services and transport connections, that include buses and e-scooters. There would be provision of around 100 secure bike parking spaces on the proposal's ground floor, which would encourage cycle ownership amongst future occupiers. Therefore, given the site's location and accessibility to sustainable transport modes, it is likely that car ownership would be very low with minimal disruption caused by vehicle movements associated with the scheme.
26. Should the proposal generate comings and goings from cars, there would be limited on-street parking availability due to double yellow lines along the length of Wade Street. Instead, vehicles would have to rely on the nearby multistorey car park serving Cabots Circus, ensuring there would be limited obstruction or congestion caused by indiscriminate parking on the street.
27. If I were to allow this appeal, concerns regarding any subsequent increase in unacceptable levels of noise and disturbance can be addressed through a student management plan to be agreed through a planning condition.
28. Concerns have been raised that the application wasn't submitted as a full type. I understand that this would allow a more holistic assessment, nevertheless I am required to determine the appeal based on the individual merits of the appeal development and the evidence before me.

Conditions

29. The suggested conditions have been considered in light of advice contained in the Planning Practice Guidance and the tests within the Framework. I have amended

or amalgamated those suggested for clarity, precision or to avoid duplication, taking account of the guidance and policy referred to.

30. I have imposed a condition specifying the approved plans as this provides certainty.
31. Conditions related to the timescale for reserved matters applications and commencement of development to ensure development is carried out in a timely manner, have been attached. A condition is necessary requiring approval of the remaining reserved matters prior to the commencement of development. I have also considered it necessary in the interests of local character to attach a condition requiring details of the appearance of set-backs at 5th and 6th floor level.
32. A condition requiring the approval of an energy statement is necessary to meet climate change and carbon reduction targets.
33. A construction management plan is necessary to establish safety and environmental procedures for the work phase of the scheme. This is required before the commencement of development so the relevant standards and procedures relating to the construction phase are established and familiarised by site operatives before work begins.
34. Several conditions have been attached relating to land contamination, specifically the assessment of risks, remediation, and verification thereto. These are necessary in the interests of the health and safety of occupiers and the surrounding environment.
35. Conditions relating to a service and delivery plan, the management of waste at the site and the provision of cycle and bin storage are considered necessary to ensure that adequate facilities are provided for the appeal building and to make the development acceptable in planning terms.
36. A condition requiring details of surface water drainage are necessary to prevent the increased risk of flooding at the site.
37. It is necessary to include conditions requiring details of works to the highway as well as a condition survey once those works are complete, in order to safeguard the safety of road users.
38. To ensure that noise and disturbance is controlled and to an acceptable level, a student management plan shall be agreed prior to occupation. This is necessary in the interests of neighbouring living conditions and general amenity.
39. I have not included the condition requiring a waste management plan as this duplicates details that are required under other conditions.

Conclusion

40. For the reasons given, and having had regard to all matters raised, the appeal is allowed, and outline planning permission is granted.

RE Jones

INSPECTOR

Schedule of Conditions

Time limit for commencement of development

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall begin no later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.
3. Details of the Appearance and Landscaping; (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Pre commencement conditions

4. Each reserved matters submission shall conform to the following information and design parameters approved at outline application stage:
19.016-010B Proposed site plan, received 6 August 2021;
19.016-011B Proposed ground and first floor plan, received 6 August 2021;
19.016-012 Proposed second and third floor plan, received 6 August 2021;
19.016-013A Proposed fourth and fifth floor plans, received 6 August 2021;
19.016-014A Indicative elevations and section 1, received 6 August 2021;
19.016-015A Indicative elevations and sections 2, received 6 August 2021;
7592501 Drainage strategy, received 26 February 2021;
Air Quality Assessment, received 26 February 2021;
Archaeological Report, received 26 February 2021;
Broadband Connectivity Report, received 26 February 2021;
Economic Statement, received 26 February 2021;
Flood Risk Assessment and Drainage Calculations, received 26 February 2021;
Noise Report, received 26 February 2021;
Photo Sheet, received 26 February 2021;
Sequential Tests, received 26 February 2021;
Sustainability Statement, received 26 February 2021; and
Transport Statement, received 26 February 2021.
5. Scale Parameters

Alongside the reserved matters for the appearance of the building, details shall be provided of how any fifth or sixth level floors, as indicated on the scale parameter plans (Proposed Elevations 1 & 2, refs. 19.016-014A & 19.016-15A), have been set back from the outer extent of the façades below. The building shall be constructed in accordance with those reserved matters details.
6. Highway works - General arrangement plan

No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority:

- The reinstatement of footways around the site, with iron kerbs restored and services dropped where necessary.
- A dropped kerb provided outside the bin store on Great George Street to provide level access to the store.
- The creation of a table that spans the complete junction between Wade Street, Great George Street and Little George Street.
- Introduction of physical preventative measures along Wade Street to protect the footway from footway parking.

Where applicable indicating proposals for:

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

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

Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and in accordance with the approved scheme.

7. An energy statement and a sustainability statement must be submitted with each Reserved Matters submission to demonstrate that the proposed development could achieve a 20% reduction in CO2 emissions, beyond residual emissions. This should include:
- Predicted energy consumption and CO2 emissions utilising SAP and NCM methodologies
 - Compliance with Part L of the Building Regulations
 - Utilisation of a centralised CHP system
 - A roof plan demonstrating the location of PV
 - A specification of the proposed PV
 - BREEAM new construction (2018) assessment, demonstrating excellent rating

The development shall be completed in accordance with the agreed details.

8. A detailed surface water drainage design must be submitted with each Reserved Matters submission, formed in accordance with the approved Surface Water and Foul Water Drainage Strategies (Chapter 7, Appendix G and Appendix H of the Flood Risk Assessment, Campbell Reith) in this outline application.

9. Construction Management Plan

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

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site;
- Deliveries, waste, cranes, equipment, plant, works, visitors;
- Size of construction vehicles;
- The use of a consolidation operation or scheme for the delivery of materials and goods;
- Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - Programming;
 - Waste management;
 - Construction methodology;
 - Shared deliveries;
 - Car sharing;
 - Travel planning;
 - Local workforce;
 - Parking facilities for staff and visitors;
 - On-site facilities;
 - A scheme to encourage the use of public transport and cycling
 - Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
 - locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
 - Locations for storage of plant/waste/construction materials;
 - Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
 - Arrangements to receive abnormal loads or unusually large vehicles;

- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
 - Any necessary temporary traffic management measures;
 - Measures to protect vulnerable road users (cyclists and pedestrians);
 - Arrangements for temporary facilities for any bus stops or routes;
 - Method of preventing mud being carried onto the highway; and
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
10. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken.

The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

11. Detailed drawings at the scale of 1:100 of the following shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement. The detail thereby approved shall be carried out in accordance with that approval.
- Cycle parking meeting BCC's minimum standard as defined by the Local Plan.
12. Land affected by contamination - Site Characterisation

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

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

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

13. Land affected by contamination - Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall be carried out in accordance with the agreed scheme.

Pre-occupation conditions

14. Land affected by contamination - Reporting of Unexpected Contamination

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

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

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

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

16. No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.
17. A student management plan shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the development hereby permitted and the use shall not be carried out otherwise than in accordance with the details so approved and shall be so maintained. This management plan shall include details on health and safety standards and procedures; maintenance and repairs; environmental quality; landlord and tenant relationship; student welfare; anti-social behaviour and disciplinary procedures (for example, a student tenancy agreement including conditions to ensure that students are responsible in their behaviour and describe how the terms and conditions of the tenancy will be enforced); and administration, accreditation and compliance procedures.
18. No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development. The delivery and servicing plan shall include:
 - 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.

*****End of Schedule*****

DOCUMENTS SUBMITTED

Document 1	Copy of Hearing Notification Letter
Document 2	Copy of Appeal Notification Letter
Document 3	Copy of Interested Party Representation
Document 4	Correspondence between Agent and Old Market Quarter Neighbourhood Partnership
Document 5	Updated Conditions List

APPEARANCES

FOR THE APPELLANT:

Kit Stokes	Stokes Morgan Planning Ltd
Kevin Morley	Stokes Morgan Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Peter Westbury	Planning Team Manager
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