



Appeal Decision

Hearing Held on 31 October 2023

Site visit made on 31 October 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Appeal Ref: APP/Z0116/W/23/3324936

91-101 Church Road, Redfield, Bristol City, Bristol BS5 9JS

- 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 Redfield Land Bristol Ltd against Bristol City Council.
 - The application Ref 23/00024/P, is dated 23 December 2022.
 - 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 dismissed and planning permission is refused.

Preliminary Matters

2. The appeal proposal was made in outline form with appearance and landscaping reserved for future consideration. Any submitted details pertaining to the appearance and landscaping of the scheme have been treated as indicative.
3. The appeal was submitted against the failure of the Council to determine the application. Since the appeal was lodged, the Council has indicated that had it been in a position to do so, it would have refused the proposal for a number of reasons, which have framed the main issues in the appeal. Additionally, a high number of local residents raised issues in connection with the nature and scale of the use relative to the largely residential neighbourhood in which it is proposed. As such, this has also formed a main issue in the appeal.
4. A draft unilateral undertaking made as a deed under S106 of the Town and Country Planning Act 1990 was submitted at the hearing with the completed version provided a short time after. I return to this matter below.

Main Issues

5. The main issues in the appeal are:
 - whether the proposal would result in a loss of employment uses, and, if so, the factors influencing such;
 - whether the nature and scale of the use would be appropriate having regard to the character of the area;
 - the suitability of the transport infrastructure and parking measures to serve the development;

- the effects on the character and appearance of the streetscene and surrounding area from the loss of the host building and introduction of the proposed development, with particular regard to its scale and layout;
- the effects on the living conditions of neighbouring occupiers;
- whether the design of the scheme would create an adequate quality of living environment for future occupiers; and
- whether the proposal would provide adequate contributions towards necessary infrastructure.

Reasons

Loss of employment uses

6. The appeal site occupies a large section of a block fronting Church Road. The eastern part is a surface car park, but the remainder has buildings on it, ranging between a large span single storey building, to a chapel and some ancillary buildings of around two storeys overall height. The parties agree that the site was previously in a mixed use, or 'sui generis' under the terms of the Use Classes Order 1987 (UCO) (as amended). The mix of uses incorporated a funeral parlour and chapel of rest, and office space. The business that formerly occupied the site has moved to an alternative premises in Church Road. Since then, the site has been derelict and has been the subject of illegal trespass and arson.
7. The site lies within the 'Inner East' area of Bristol which is a focus for regeneration. Policy BCS3 of the Core Strategy¹ seeks to promote the social, economic and physical regeneration of the area through means such as encouraging the development of new employment premises, especially flexible and small business floorspace which can stimulate enterprise and deliver new employment opportunities. The Policy goes on to say that the emphasis in the Inner East area will be on the following:
 - *Retaining employment sites and supporting centres;*
 - *Ensuring a mix of new housing to meet local needs;*
 - *Encouraging development which provides a mix of uses.*
8. Policy BCS8 of the Core Strategy seeks to deliver employment land but also to protect the existing employment land that makes a valuable contribution to the economy and employment opportunities. Whilst the appeal site is not a 'Principal Industrial or Warehouse Area' that the Policy specifically references, it can still apply to employment land outside of such areas. The explanatory text details that employment land is that which is used, was last used, or is allocated for employment uses which 'are generally those' falling within use classes B1-B8 under the UCO.
9. Policy DM12 of the DMP² adds detail to the implementation of Core Strategy Policy BCS8. In my view, there is no conflict between the Policies despite that one refers to 'employment land' and the other 'employment sites'; they share the same objectives and can apply to either single sites or aggregated parcels of land. The explanatory text to Policy DM12 similarly refers to employment sites being those 'generally' used for B2-B8 uses.

¹ Bristol Development Framework Core Strategy – adopted 2011

² Bristol Local Plan – Site Allocations and Development Management Policies - adopted 2014

10. In my view, the Policy wording does not include a closed list and a planning judgement can be made that the Policies bite on the basis of the nature of the current or last employment-sustaining use and the scale of economic benefits associated therewith. Other Policies, such as those which seek to protect shops, may be more relevant to those specific types of business and are not relevant even though undertakers may typically otherwise fall into such a high street use.
11. The written evidence on the former use is lacking, although at the hearing it was suggested that the office component was used as the business headquarters. The number of employees was also suggested to be around 10 in total. To me, this is a reasonably low number of jobs relative to the overall scale of the site. In addition, due to the site's state of dereliction, it could not be reused for employment purposes without redevelopment.
12. Nevertheless, in drawing these aspects together, my view is that the site was last used for employment purposes and can be considered an employment site, albeit of a lower value than the B1, B2 and B8 uses which the Policies principally seek to protect. The proposal would result in the permanent loss of the employment use. In terms of whether there is a demand for the site to be redeveloped for alternative employment uses, limited evidence has been offered. For these reasons and given that the proposal does not fully align with the regeneration aspirations of Core Strategy Policy BCS3 in terms of employment retention and creation, the proposal conflicts with the development plan, in particular, Policies BCS3 and BSC8 of the Core Strategy and Policy DM12 of the DMP.

Scale and nature of use

13. Policy DM2 of the DMP seeks to allow for the provision of shared and specialist housing subject to a range of criteria. Specialist student housing will not be permitted where it would cause harm to the residential amenity or character of the locality from excessive noise or disturbance, or levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures, cumulative detrimental impacts of physical alterations to buildings or where there would be inadequate storage for recycling/refuse and cycles. The Policy also prevents student accommodation being permitted where it would create or contribute to a harmful concentration of such uses within the given locality.
14. The surrounding area is predominantly residential, albeit that there are a number of businesses, shops and community buildings in the surroundings. At the reasonably large scale of 174 student beds, the proposal would represent a sizeable addition of students to the population demographic. Whilst a low number of examples of student housing or houses in multiple occupation (HMOs) of a more general nature have been brought to my attention, it has not been made out that there is an existing over-concentration of student housing in the area.
15. The Council did not offer a putative reason for refusal on this basis, and the subsequently agreed Statement of Common Ground (SoCG) indicates that the 'Redfield' area is suitable for students in principle. I find no reason to disagree with this position, though there would need to be controls over the premises via planning condition to avoid harm to residential amenity through noise and disturbance.

16. The Council's main contention with the scheme in terms of DMP Policy DM2 and the character of the area is the demand for parking that would be generated, as addressed below.

Transport and parking issues

17. The site currently contains 33 surface car parking spaces. The proposal would provide a total of 8 spaces for use either by on-site staff or resident blue badge holders. These spaces would also be managed to provide time slots for the moving in and out processes. It is agreed between the parties that the proposal meets the Council's maximum parking standards.
18. The surrounding area is predominantly residential in character, and housing in the surrounding streets; Heber Street, Brook Street, Edward Street, Byron Street and Morse Road etc., is typically terraced and without on-plot parking. Consequently, the parking of vehicles by existing residents occurs on either one or both sides of the surrounding streets. Heber Street, directly behind the site, is challenging to pass through due to the instances of parking on both sides of the street. I did not see any notices of parking restrictions in the area and the parties agree that there are no resident-only parking permit schemes in operation. Though I saw the site at two particular snapshots in time and do not have a parking survey to support my observations, there was very limited on-street parking and the representations of third parties underline that it is highly challenging to find an available on-street space.
19. I noted a range of shops and services available locally which are accessible from the site on foot and cycle. The site is a walk of around five minutes to Lawrence Hill Station which connects via a short journey to Bristol Temple Meads Station and Bristol Parkway. Services to and from Bristol Temple Meads Station are regular and wide ranging. There are also buses available from waiting points within around 150m that access a range of areas, including the City centre. The area is also cyclable beyond Brook Street, with links to the Bristol and Bath Railway Path. The combination of these factors means that most everyday needs can be met without reliance on a private car, though clearly many local residents opt otherwise.
20. In terms of proximity to universities, the submitted evidence alludes to the journey time combining walking and train to UWE³'s Frenchay Campus which I estimate, with appropriate train waiting times to be around 35 – 40 minutes in total. The Council alleged at the hearing that the underestimated walking journey time from the station would make this around 5 - 10 minutes longer than stated. I was not made aware of any direct buses that would result in a lower overall journey time.
21. Bristol University also has a campus which is accessible within around 30 minutes walk time from Bristol Temple Meads Station, or by regular bus journeys. Despite the limited detail provided, my view is that the journey time is still likely to be an overall 35 - 40 minutes or thereabouts.
22. The Appellant's evidence also refers to a proposed campus which will be constructed close to Temple Quay, around 10-15 minutes walking distance from Temple Meads Station. However, the provisional opening date at some point in 2026 and number of students that will be based at this facility leaves

³ University of the West of England

- some ambiguity as to how many journeys would be shorter than those to existing campuses.
23. The Appellant's evidence also highlights the ability for walking times to be minimised through the use of E-scooters, whilst available for the public to hire, cannot be strictly guaranteed at the locations needed and/or with sufficient battery range. In any event, journey times to either of the aforementioned operational campuses would be likely to be shorter by car, depending on traffic congestion, though I appreciate that parking options may be limited when students reach these destinations.
24. Though I accept the Appellant's point that planning conditions and/or obligations cannot be used to remedy an existing problem, the consideration here is, whether the development would exacerbate the existing problem, and if so, how such effects could be mitigated. In my view, it seems reasonable to assume that some of the total 174 students would opt to keep a car, even if not specifically to access universities, particularly given that the Redfield area is one in which many residents keep cars without specific restriction. Given the already congested nature of the area, even a small increase in the demand for parking generated by the development would be likely to have a material and harmful impact on congestion, amenity and potentially also safety.
25. The Appellant's evidence indicates that students would be discouraged from bringing a car to the site through restrictive measures in their leasehold tenancy agreement as detailed in the submitted unilateral undertaking. In addition to this, a Travel Plan has been submitted which the Council could implement, through financial contribution offered by the Appellant, to further support the shift to non-car modes of travel.
26. Whilst I regard the leasehold measures as a discouragement tool capable of having some effect, the uncertainty around the monitoring, enforceability and means of remedy if breaches were to occur would, in my view, prevent it from forming a sufficiently robust and reliable planning control in isolation. Whilst I have been referred to instances where the Council have accepted such⁴, I was also advised that some of those cases involved resident parking permit schemes. In any event, I consider that each case must be determined on its own merits.
27. In terms of other transport considerations, the written evidence of the parties details aspects relating to cyclists, pedestrians, delivery vehicles and bus users.
28. In terms of cycling infrastructure, the proposal would also provide 184 cycle parking spaces within a store of which details could be secured by way of planning condition. To address the lack of connectivity for cyclists between the appeal site and the surrounding highway infrastructure, the Appellant has proposed a Traffic Regulation Order (TRO) to provide cyclists with the ability to cycle in either direction along Brook Street. Though the specific details of this are lacking at this stage, there would be a need for at least such a measure to enhance the cycling infrastructure to serve such a sizeable development.
29. In relation to pedestrian movements, the existing footways on Church Road and Brook Street are wider than the adopted footway extent of 1.2m. The extra

⁴ Planning reference: 22/05155/F, 23/00879/F and 23/02680/F

space is in the ownership of the Appellant. The street trees in Church Road and their root areas encroach into the useable footway area and now that the site safety hoarding encloses the privately owned land, it is plain to see that the proposal should include the formalisation of wider footways than the 1.2 metre minimum width.

30. The Council allege that the proposal would materially deteriorate the existing pedestrian infrastructure and accessibility in Brook Street. Conversely, the Appellant indicates that the proposal would not impact on the existing width of these footways. In my view, there is a lack of clarity on the Proposed Site Plan, Ref 201-P1, but the provision of a suitable footway of a width and specification to meet the Councils' adoption standards could be a matter resolved by way of planning condition.
31. In terms of the ability to facilitate convenient deliveries to the site in the absence of a dedicated loading bay, I note that the bus lane outside of the site is capable of being used for loading at times other than in the peak AM and PM periods. Otherwise, a 3.5T vehicle will be able to enter into the site via Brook Street and turn internally before exiting in forward gear. Whilst I share the concerns that the entry point would be gated and would introduce a deterrent, and that interception of deliveries at the concierge/management office needs consideration and designed to be highly visible, this matter in itself does not give me concerns about a material prejudicial effect on highway safety.
32. In terms of bus infrastructure, the Council indicate that the bus infrastructure would require upgrading to address the inevitably increased waiting times from the additional passengers at local stops. I agree with the Appellant that the existing bus shelters are relatively modern and have real time information. However, having heard the views of local residents about wait times and seen the nearby shelter on the south side of Church Road at near capacity and the footway congested at its current level of use, it seems reasonable to assume that the proportion of 174 students that would use the busses would place a demand for enhanced infrastructure. Such infrastructure has not been offered within the current proposal and I am not persuaded by the Appellant's evidence that it is not needed.
33. The Appellant has offered a Travel Plan contribution to assist the Council with incentivising non-car modes of travel, i.e., through encouraging bus use. Along with the cycle parking and TRO contribution towards a cycling contraflow, there would be measures that would assist, but in the context of the existing and proposed infrastructure, I do not regard that they would fully mitigate the potential effects of the proposal given the volume of students that it would generate.
34. For the reasons given above, I conclude that the transport infrastructure and parking measures I would not be suitable to serve the development, contrary to, in particular, Core Strategy Policies BCS10 and BCS11, and Policies DM2 and DM23 of the DMP. These Policies collectively seek to design and locate developments to reduce as far as possible the negative impacts of vehicles and provide the necessary infrastructure and improvements to overcome unsatisfactory transport conditions created or exacerbated by the development.

Character and appearance

35. The appeal site is not within a conservation area but some of the buildings have been previously nominated for listing and are identified as a non-designated heritage asset (NDHA). The purpose-built funeral parlour and chapel of rest were constructed in c.1957, largely from Portland stone and other traditional high-quality materials (wrought iron, lead windows) that speak of the status of the building. From photographs, the colonnaded façade onto Church Road is particularly striking, and the Chapel of Rest sits at an angle behind it, with its crucifix visible above the roof line from points in the surrounding area.
36. The loss of historic, largely internal fabric of the building in the recent fires has prevented it from being listed at Grade II. Nonetheless, it is a building which has some historic interest as one of a relatively small number of purpose-built mid-C20 funeral parlours and the frontage elements add character and depth to the streetscene. The manner in which the frontage also provides generous space to the public footway and has allowed the street trees to flourish is a positive attribute of the street.
37. The proposal would result in the total loss of the NDHA. The National Planning Policy Framework (the Framework) sets out that for proposals that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. In my view, the asset has a moderate degree of significance and its total loss weighs proportionately against the proposal.
38. In place of the NDHA, the building that would be constructed would take the form of an 'L' shape, fronting Church Road and Brook Street, with an underpass through to allow access into the site. The development would create more openness to the rear of Nos 30 – 48 Heber Street, but would position a large amount of mass onto the Brook Street side, taking a continuous line from the flank wall of No 11 Brook Street and providing a six storey feature element on the corner of Brook Street and Church Road.
39. In urban design terms, the manner in which the layout of the proposal would form an enclosure of the perimeter block would seem logical. The way in which the proposal would be set back from the frontage further from the street trees to retain their role and importance would be positive. The treatment of the courtyard, parking spaces and manoeuvring space would detract to an extent from the success of the layout, but, save for some particular relationships with neighbouring dwellings detailed below, and the increased depth in the section containing the studio rooms, the layout principles appear broadly sound and compatible with the street scene and surrounding area.
40. The scale of the proposal deals with the heights of the various components, and the overall massing of the building. The height of the building would range between two storeys adjoining No 11 Brook Street, four storeys adjoining Nos 85 - 87 Church Road, to six storeys on the corner. Generally, the building heights would step up progressively towards the corner feature from the lowest elements adjoining the existing neighbouring buildings, though some of the fifth floor would be recessed from the front and rearmost walls.
41. The Council's *Urban Living Supplementary Planning Document* (2018) (UL SPD) provides guidance on how to create successful places at higher densities. On

page 26 and Fig. 5, it seeks to prompt designers to consider whether a scheme responds positively to an existing context through determining the prevailing height, scale and mass of surrounding buildings, streets and spaces. Figure 5 of the UL SPD defines the 'prevailing building height' as the most commonly occurring height of buildings within an area of common character. As is mentioned repeatedly in the Appellant's evidence, the area surrounding the appeal site is predominantly residential. Those residential properties are, in the main, two storeys in height and traditional in form and proportion. There are a limited number of anomalies to this general rule, including No 85 – 87 Church Road, which is a period property of overall three storeys (including a commercial storey at ground floor), with pitched roof above. There is also a former chapel on the opposite side of Church Road, which, with a pitched roof form, is around 3 storeys in height. There is also the 11 storey anomaly that is Moorfield House, very much of its period, but at least benefitting from being centred within a more spacious context.

42. For as many examples as there are of local buildings higher than the prevailing height, there are examples of buildings lower than it too. There are a number of commercial premises in the surroundings, some within two storey buildings, but others within single storey buildings with large footplates. These variations indicate that the area is not completely uniform and lends to some ability to create variation within the streetscene, but sensibly, the prevailing building height must be taken as being around two storeys.
43. Using Figure 5 of the UL SPD, the proposed building would be considered a 'contextual tall building', which are buildings that are significantly taller than the prevailing height. The explanatory text indicates that in areas of varied height, a contextual tall building is one *more than 2 x* prevailing height whereas a building of 'amplified height' is defined in the UL SPD as one which is modestly higher than the prevailing building height, i.e. *up to 2 x* prevailing height.
44. In my view, the scale of the proposal has been approached more ambitiously than would be appropriate for its context. This is particularly evident from the proposed Church Road elevation which shows the building as very strident and imposing in relation to the typical two storey building on the opposite corner of Brook Street. This disconnect between the height of the building and its surrounding counterparts would lead to it appearing incongruous and overbearing.
45. Taking the above into account, I conclude that the proposal would be harmful to the character and appearance of the streetscene and surrounding area, contrary to, in particular, Policy BCS21 of the Core Strategy and DMP Policies DM26, DM27 and DM31 which seek to ensure the height, scale and massing of new development is appropriate to the immediate context, retain existing buildings and structures that contribute positively to local character and distinctiveness. For similar reasons it would also fail to adhere to guidance in the UL SPD.

Living conditions of neighbouring occupiers

46. The proposed street elevations provide a clear visual cue as to the distinct difference in the heights between the Heber Street dwellings and height of the proposal. Whilst the proposal would be sited further from them than some of the existing buildings and may open up and provide greater light to their rear

gardens at certain times, the sense of enclosure and overbearing created by a building of such a height and mass would still cause material harm to the occupiers of Heber Street, including those at Nos. 30 – 54. Similar effects from the overbearing nature of the proposal would affect the occupiers of the Brook Street properties facing towards the site, though their private rear gardens and elevations would remain unaffected.

47. The effects of overlooking, either direct or perceived, would also be likely to affect the occupiers of Heber Street given the elevated position of occupants of the proposal relative to their rear gardens and elevations. The caveat is that as the appearance of the scheme is a reserved matter, the precise window position and detailing is as yet unknown. However, it is clear that windows would be necessary within each room and contrived solutions to maintain the neighbours' privacy could detract from either the ingress of light or the occupiers' outlooks. Thus, even at this stage, my view is that the introduction of the proposal, given its position, indicative appearance and overall scale, would detrimentally affect the living conditions of residents of Heber Street in terms of overlooking. A more direct example of a harmful relationship would be if any windows in the rear of the part of the building adjoining No 11 Heber Street were to be positioned in the section of wall that would be around 12 metres of the rear windows of No 52 Heber Street.
48. Part of the proposed building would adjoin the flank wall of No. 11 Heber Street and its rear elevation would project around 800mm beyond the rear wall, which is a two storey high outrigger. The Appellant has taken the 45 degree line from the middle of the habitable window in the rear outrigger to determine that the proposal would not breach it. Whilst the Council suggest that the 45 degree line should be taken back to the centre of the window in the original rear wall, this is already likely to be breached by the outrigger itself. Given the position of No 11 tucked into the corner, a more neighbourly relationship would be possible, but I do not view the effects of the proposal on No 11 to be materially harmful.
49. In terms of overshadowing, the Appellant's final comments indicate that the proposal would not block daylight to rear windows to the properties on Heber Street through a Figure showing that the 5-storey element would fall below the 25-degree rule. It is not entirely clear where in Heber Street the section is taken through, but there is a question about whether these properties would be more affected than is portrayed given the slight angle of the rear elevations of properties on Heber Street and the overall six storey height of the proposal.
50. The updated Shadow Study appears to show that during the mid-afternoon in December, properties in Brook Street, including Gulshan House (Nos 2 – 8), would be cast in shade. It was not disputed that these properties were occupied by individuals who would be more likely to spend longer than typical periods inside during the day. The Appellant's argument is that there is little sunlight at 15:00 onwards during the mid-winter point, and thus, little material effect. However, the Shadow Study does not look at any points in time between 12:00 and 15:00, and consequently, gauging the extent of the impact is difficult. However, as the effects of overshadowing some of the Brook Street properties from afternoon onwards would persist through to March, I can only deduce that the proposal would be likely to materially detract from the available light from the dwellings on Brook Street during the winter months.

51. For the stated reasons, and in the absence of robust evidence to the contrary, my view is that the proposal would result in a range of harmful effects on the living conditions of neighbouring occupiers of dwellings in Heber Street and Brook Street from overshadowing, to privacy effects, to creating an unwelcome sense of enclosure. The proposal is therefore contrary to Policies BCS21 of the Core Strategy and Policy DM27 of the DMP which, amongst other things, seek to safeguard the amenity of existing occupiers and enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight.

Living conditions of future occupiers

52. The format and orientation of the proposed building and single aspect nature of the rooms would result in some occupiers having windows facing due south, and some facing due north. The Council's concern, particularly in the absence of details in relation to such, is that the southerly rooms would be prone to overheating and the north-facing rooms would not receive enough light to provide adequate living environments for future occupiers. The Appellant's response is that the appearance of the scheme is a reserved matter, and details such as heating and ventilation can also be addressed by way of condition.
53. Other aspects of concern for the Council are noise, the ratio of bedspaces to communal lounges and the indirect relationship of the studio rooms to the communal lounge on the ground floor, which would lend to occupiers of those rooms spending more time in isolation in either north or south facing bedrooms. The Council's desire to have all active frontages onto the street, or at least lounge spaces as opposed to street-fronting private bedrooms, is also noted.
54. The Appellant's Design and Access Statement explains the design approach to the scheme, but the response to the Council's criticisms is that whilst it may not be perfect, there are many positive attributes that would make the resultant development a good place for students to live.
55. In my view, the north-facing rooms would receive compromised daylight levels due to their orientation. Those bedrooms which would not have access to a south-facing communal lounge on the same floor, including the relatively deep studio units on the northern side, would not be able to easily access any rooms with a different better orientation or different environment. The effects would also be exacerbated if additional privacy measures were required on north-facing windows at higher levels to avoid impacts on neighbouring occupiers.
56. The south-facing elevation could more easily be designed to prevent overheating through window canopies or similar features where the street trees were not capable of minimising such. However, in respect of the other aspects, there would be the ability to use planning conditions and/or require measures at the detailed matters stage to seek further details. Such details could include the acoustic specification of the windows and need for a defensive landscaped space on the street frontage. Furthermore, student accommodation is occupied by individuals for time-limited tenancy periods, which in my view, allows for a degree of proportionality to the design response.
57. Drawing together the above points, the shortcoming with the scheme would be the north-facing single aspect rooms would be likely to create poor quality

living environments for future occupiers, set against the otherwise broadly acceptable aspects or those in respect of which additional detail could be secured or conditioned. My overall conclusion is that, on balance, the design of the scheme would fail to create an adequate quality of living environment for future occupiers. It would therefore be contrary to Core Strategy Policy BCS21 and Policy DM27 of the DMP which collectively seek to ensure that developments achieve appropriate levels of privacy, outlook and daylight for future occupiers.

Provision of infrastructure

58. The submitted unilateral undertaking would provide for an employment and skills monitoring fee of £2,000, a Traffic Order Contribution of £6,310 towards a Traffic Regulation Order to allow cyclists to use Brook Street, and a Travel Plan Contribution of a total of £10,780. The Travel Plan Contribution is not defined in the unilateral undertaking, and so the means to which it would be spent can only be inferred from its name and the related suggested Travel Plan condition that indicates that the Highway Authority will have a role to play in the implementation of the submitted Travel Plan.
59. Whilst I find that these contributions would be necessary to make the development acceptable in planning terms, given the findings in respect of the highway and parking main issue, the offered contributions would fall short of fully mitigating the effects of the development. Consequently, the proposal would not provide adequate contributions towards necessary infrastructure and is therefore contrary to Policy BCS11 of the Core Strategy and Policy DM23 of the DMP which seek to ensure development provides or contributes towards measures to directly mitigate its impact.

Other Matters

60. A number of supportive letters indicate that the site is in poor condition and that a redevelopment scheme is welcome. The undesirable antisocial behaviour and squatting that has occurred on site is also a theme of a number of objections and it is clear to me that local residents would like the misuse of the site to cease. However, in my view, the appeal scheme would generate different issues for local residents, and I am not persuaded that it is the only solution to achieve such outcomes.
61. There are a number of comments that indicate that the area is in need of homes for families more than accommodation for students and that it would be preferable to have residents that have a longer-term investment in the local area. In my view, the scheme would not result in a loss of housing, and the provision of student accommodation can have the effect of reducing pressures on the existing housing stock that is suitable to help families stay in the area.
62. I have seen the suggestion of the Appellant that the Council did not make an approach to discuss the highways related aspects of the proposal, and vice versa. Be that as it may, though it is regrettable that further agreement could not be reached following submission of the appeal, I have determined the proposal on its own merits on the evidence presented to me.

Planning Balance and Conclusion

63. A balanced view is to be taken in relation to the loss of a non-designated heritage asset based on its significance and the extent of harm in relation to

the public benefits of the scheme. The total loss of a moderately significant NDHA is a harm that would be caused by the scheme.

64. The scheme would also cause numerous other harms. It would result in the loss of an employment use. It would fail to provide sufficient transport related infrastructure, thus generating prejudicial effects on local highway conditions and the amenity of local residents. Harm would be caused to the character and appearance of the area and to the living conditions of neighbouring occupiers. Additionally, the living conditions of future occupiers would be suboptimal in at least one particular regard. The combination of these factors bring the proposal into conflict with the development plan when taken as a whole.
65. The parties agree that the Council is unable to demonstrate a sufficient housing land supply in the context of the Framework's requirement to demonstrate a supply equivalent to five years' worth, with an appropriate buffer. The outcomes of the 2022 Housing Delivery Test indicate that the Council's supply was in the region of 3.7 years' worth, though the Council's Statement indicates that more recent estimates are closer to 2.45 years' worth. There is limited evidence on which to assess how long such a shortfall is likely to persist, though my view is that it will be particularly challenging to address such a shortfall. The tilted balance set out in Framework paragraph 11 d) is therefore engaged and the seriousness of such a shortfall attracts substantial weight.
66. Paragraph 11 d) sets out that where planning policies are out-of-date, planning permission must be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. However, that does not mean that all development plan policies are to be set aside, but that the weight to be attributed to them should be a matter of planning judgement.
67. In my view, the conflict with the Policies seeking to retain employment sites, including Core Strategy Policy BCS3, BSC8 and DMP Policy DM12, attract reduced weight as they would have a clearer constraining effect on the potential supply of housing land. The low density nature of the employment use on this site also limits the weight I attach to this particular harm.
68. However, Policies seeking to prevent unacceptable effects from congestion on the highway, harm to the character and appearance of the area and harm to the living conditions of neighbouring occupiers, such as Core Strategy Policies BCS10, BCS11 and BCS21, and DMP Policies DM23 and DM26 still attract substantial weight, despite many being of an age. Similarly, the Policies relating to the requirement to secure a good standard of living environment for future occupiers, such as DMP Policy DM27, still attract weight. Taken together, the range and extent of the conflicts identified with these Policies weigh significantly against the scheme.
69. In terms of the public benefits, as agreed between the parties, the provision of 174 student bedspaces would be equivalent to delivering around 70 homes. This is a substantial benefit in favour of the scheme. The provision of student accommodation also has the wider benefit of supporting the Universities and the educational and research opportunities they provide.
70. The redevelopment of a previously developed site within a regeneration area would be a clear advantage of the scheme, as too would be the economic benefits. The construction phase would provide a boost to the local job market

and related businesses for a not insignificant temporary duration given the scale of the scheme and given the employment and skills plan and contribution on offer. Thereafter, the occupation of the development by students would provide an economic boost, with employment opportunities created on site to oversee the management of the premises and spin-off benefits in the wider community.

71. The biodiversity enhancements would be relatively modest in number and range, and in an urban context such as this, would be of limited benefit overall. That the building would be sustainably designed would also be of limited additional benefit as it is necessary to achieve compliance with the development plan's energy efficiency policies in any event.
72. In coming to a balanced view specifically in relation to the loss of the NDHA, I consider that the public benefits would outweigh the loss of the modestly significant asset. However, considered in the round, the adverse impacts of granting permission would significantly and demonstrably outweigh the totality of the public benefits in this case. The tilted balance does not therefore constitute a consideration of such materiality to justify granting permission.
73. For the foregoing reasons, the scheme is in conflict with the development plan and the appeal should fail. Planning permission is therefore refused.

Hollie Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Hugh Richards	of Counsel
Mr Kit Stokes	Stokes Morgan Planning Ltd
Mr Darren Cox	Highgate Transport
Mr Sam Litt	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Charlotte Sangway	Bristol City Council Development Management
Ms Jane Woodhouse	Bristol City Council Highways Development Management
Mr Nitin Bhasin	Bristol City Council Urban Design
Ms Dawn Bodill	Bristol City Council Legal Services

INTERESTED PARTIES:

Mr Richard Jones	Local resident
Mrs Hazel Jones	Local resident

DOCUMENTS:

Document 1	Printed version of submitted shadow study
Document 2	S106 Unilateral Undertaking (draft)
Document 3	Email chain relating to prior notification for demolition

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 3	Completed unilateral undertaking
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