



Appeal Decision

Hearing Held on 27 – 28 February 2024

Site visit made on 28 February 2024

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2024

Appeal Ref: APP/Z0116/W/23/3325342

Ever Ready House, Narrowways Road, Eastville, Bristol BS2 9XB

- 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 Developments Ltd against Bristol City Council.
 - The application Ref 23/00732/P, is dated 17 February 2023.
 - The development proposed is Outline application with access, layout and scale to be considered, for demolition of existing buildings and redevelopment of site to provide up to 40no. C3 dwellings and up to 3no. Class E units, with associated drainage and hard/soft landscape works.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The application is made in outline with appearance and landscaping reserved for future consideration. Although some plans refer to being indicative, it is clear from the application form that layout, scale and access are fixed. At the hearing it was agreed the plans fix the access position and width, the positions and dimensions of the residential and commercial buildings, and the layout, except for details of the refuse vehicle turning space, refuse and cycle storage. The plans showing landscaping and appearance are treated as indicative only.
3. The appeal was submitted due to the failure of the Council to give notice of its decision within the prescribed time period. The Council subsequently advised it would have refused the application, providing putative reasons for this. It states it would have found the proposal harmful to the character and appearance of the area, to highway safety, and that it would not make adequate provision for affordable housing or other infrastructure. I have had regard to these and the hearing discussion in setting out the main issues.
4. The Council's objection in respect of affordable housing provision related to Vacant Building Credit. Amongst other highway matters it raised concerns about the access, parking and cycle storage. In response to matters, the appellant provided a Viability Assessment (VA), Hearing Statement on Highway Matters and an amended Statement of Case well in advance of the hearing.
5. Amongst other things, the late evidence indicated how affordable housing provision should be calculated, cycle parking could be re-configured, the

existing on-street parking conditions, surveys and tracking plans. They did not involve significant changes to the scheme. The application and appeal required re-publicising due to errors in the initial consultation process. Therefore, I am satisfied that accepting the evidence would not result in prejudice to any party.

6. A Unilateral Undertaking (UU) was submitted later than required by the Procedural Guide: Planning Appeals - England (2024), however I have accepted the UU. The UU is not dated, there is no red line plan provided to me, though signed it is not sealed and it is not clear if it has been executed, and it does not appear to bind any successors in title to the obligations. Following discussion at the hearing I allowed a further timescale for a revised obligation to be submitted. This has not been received and my determination is made having regard to the submitted UU.
7. Since the appeal was lodged the 2022 Housing Delivery Test (HDT) results and the revised National Planning Policy Framework (2023) (the Framework) were published. I have given the Council and Appellant the opportunity to comment upon these matters and taken the comments into account in determining this appeal. Any references below are to the new Framework.

Main Issues

8. The main issues are:

- the effect of the proposal upon the character and appearance of the area;
- the effect of the proposal upon highway safety; and,
- whether or not the proposal would make adequate provision for affordable housing.

Reasons

Character and appearance

9. The area is characterised by a mix of uses, building ages, layouts, access arrangements and topography. Broadly to the north and east of the appeal site are primarily two and three storey terraced, semi-detached and flatted developments addressing the highway with varying garden sizes and parking arrangements. Broadly to the south are commercial buildings and premises of single, two or three storeys with wide frontages and yard/parking areas. Due west is part of a large verdant informal green corridor.
10. Narrowways Road (herein NR) is an interface of the varying local characteristics, with dwellings of varying age and appearance on both its sides, the green corridor to its west, and the appeal site as a commercial premises with a wide highway frontage and access. NR and surrounding land broadly slopes down with the wider landscape towards the east and south, with existing buildings reflective of the topography.
11. The appeal site layout and construction are broadly reflective of some nearby commercial premises. Its use was divided between a few businesses, the building and yard areas appeared in need of some repair and maintenance, and some trees had been removed due to Japanese Knotweed (JK) treatment. Its present form, condition, and use, results in the site making an overall limited negative contribution to character and appearance. Its size and the topography mean it is prominently visible from much of NR, is visible above

- and to the side of a builder's merchant and utility provider's premises on Glenfrome Road (herein GR), and a significant length of Eastgate Road.
12. Amongst other things Framework paragraphs 131 and 135 expect good design and the creation of high-quality places that are sympathetic to local character, function well and add to the overall quality of the area. Paragraph 139 advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance.
 13. The appeal proposal fixes the dimensions of the main residential and commercial buildings. The three storey buildings would be sizeable and would appear a limited amount higher than some nearby. However, with the submission of high-quality reserved matters submissions, could be designed to be of a satisfactory form and appearance, so their scale would not appear harmful to the character and appearance of the area.
 14. The new four-storey element might be on land lower than part of NR and below a few ridge heights of dwellings opposite, but those heights are staggered and reflective of surrounding topography, so it would appear markedly higher than many. It would also be viewed as being considerably higher than the neighbouring builder's merchant's building from the south, and of such a height that it would not relate well to the position at the edge of the greenspace. This appearance of greater scale would be particularly exacerbated by its width and the deeper southern bookend element. I am not satisfied the integration of features such as the indicated saw-toothed roof forms and recessed terraces, or other similar design features could adequately mitigate the significant harm.
 15. The four-storey element would appear as a large, wide, abrupt, and stridently high development in its context. It would therefore be clearly viewed as responding poorly to its surroundings, and not reflect the wider buildings, or the topography as the surrounding buildings do. Though it could be considered to be within the 'up to' 1.5 times height guideline in the Urban Living Supplementary Planning Document (2018) (the ULSPD)¹, this is a guideline and regard should be had to site specific context. The height of the scheme does not pay adequate regard to its context, and its height, scale and prominence, would result in harm of a high order.
 16. Having regard to the scope for the future form and appearance of the building and other matters that could be covered by conditions, I am simply not satisfied this harm could be adequately relieved or mitigated. The harm would be highly visible from a significant length of NR as well as being prominently discernible from significant sections GR and Eastgate Road.
 17. It appears Victorian terraced dwellings were only developed on one side of NR and the appeal site was formerly part of a brickworks, before the current building was erected. For this reason, the development should not be specifically required to repair the street with terraced dwellings. However, regard should be had to matters such as reinforcing local character and establishing a coherent and consistent building line that relate to street alignment as sought by Policy DM27 of the Site Allocations and Development Management Policies Local Plan (2014) (the DMPLP).

¹ Page 27 of the Urban Living Supplementary Planning Document (2018).

18. Terracing would be reflective of buildings on NR and there could be said to be some degree of synergy between the three-storey commercial block with buildings to its north and east. However, neither of the two main residential buildings arranged in an 'L' shape configuration could be said to have a consistent building line that relates well to the street alignment, and the perpendicular positioning and large scale of the four-storey building would appear particularly harmful and strident.
19. Some significant areas of parking to the frontages were visible in the wider area, so the proposed layout with parking towards its frontage could be considered partly reflective of wider character and appearance. However, this appeal scheme would be most closely viewed in the context of the layouts on NR with which it would be at odds. Though narrowed, the access would still be rather wide. The radii, waste collection buildings, communal green space, and a high-quality landscaping scheme, would only mitigate the wide access and parking dominated layout to a limited degree.
20. There would be pedestrian footways around the car park and greenspace, and the evidence suggests a pedestrian vehicle cross-over can be designed into the access. These together with the modest green spaces at dwelling frontages and hard and soft landscaping would be some limited improvement to the current site situation. However, given the wide access and extensive car parking, as a whole, the layout could not be said to create a people friendly street as sought by the ULSPD. It would also conflict with the expectations of Policies DM28 of the DMPLP insofar as this seeks that parking does not dominate the public realm. Additionally, the cycle parking building could create a rather enclosed area and dead frontage. Within the scope of this appeal scheme is not clear how this could be remedied.
21. It is not demonstrated a new layout with parking to the rear would be unsatisfactory, or that a scheme towards the front of the site would result in unsatisfactory living conditions for future and neighbouring occupiers, although that is not the scheme before me. Having considered the ULSPD as a whole, it would be difficult for a development to comply with all its of guidance and expectations, and it will often be a matter of balance and planning judgement as to what elements might be acceptable compromises.
22. While on-balance, some aspects of the proposal would result in an improvement to the existing site, the development cannot be said to take the opportunities to improve the area. Overall, the proposal would result in significant harm to the character and appearance of the area, and it cannot be considered to be well-designed.
23. For the reasons set out above, the proposal would be harmful to the character and appearance of the area. It would conflict with Policies BCS21 of the Bristol Development Framework Core Strategy (2011) (the BCS) and Policies DM26, DM27 and DM28 of the DMPLP. In combination and amongst other things these require that development should deliver high-quality urban design that contributes positively to character and distinctiveness, should be of a height and scale appropriate to its immediate context, enables active frontages to the public realm, establishes a consistent building line and setback that relates to the street alignment, is of appropriate height, and ensures that any car parking and servicing areas are sensitively integrated to not dominate the public realm.

Highway safety

24. The appeal site currently has an approximately 30m wide dropped kerb footway crossover with limited parking within the appeal site. NR is a lit cul-de-sac of a minimum of approximately 7.3m wide with footways on both sides. Up to No 38, parking is restricted to one side by double yellow lines. Beyond this save for the dropped kerb, parking takes place on both sides reducing its effective width to approximately 3.8m. The access provides a place for two vehicles to pass.
25. From what I heard, numerically sufficient², and accessible, cycle storage could be achieved. The appeal scheme layout indicates parking provision for 20 vehicles for up to 40 dwellings. Applying the Council's maximum parking standards to the maximum 40 dwellings and sizes advanced, the scheme would generate the need for 48 spaces for the dwellings and 5 spaces associated with the commercial use. Although the latter would be likely to be mostly daytime parking when some residents may be at work.
26. Being for up to 40 dwellings and sizes not fixed, there might be less spaces expected. For example, parts of the VA suggest 30 flats and not 32. Although there is also a need to have regard to the objective of making efficient use of urban land. Car ownership for the census output area suggests the potential for up to approximately 49 cars to be owned by future dwelling occupiers. However, it has a much higher proportion of 3+ bedroom homes, so may not be an accurate indicator of likely vehicle ownership. Based upon a Bristol-wide average it would be in the region of up to 44 vehicles for dwelling occupiers.
27. The accessibility of services, facilities and non-car transport can have some influence upon whether an occupier chooses to own a car. A moderate range of services are indicated within 3 – 12 minutes' walk of the appeal site. This includes food shopping, takeaways/restaurants, and primary/nursery school provision. Though many other types of non-food retail opportunities, professional and financial services and leisure uses are limited.
28. Three sets of bus stops are approximately 250m, 350m and 500m away hosting services 6 – 7 days per week³. The frequencies of the No 24 and withdrawal of No 506 were clarified at the hearing, and I heard varying evidence upon journey times to the city centre. Only one of the sets of stops is within the recognised recommended maximum walking distances for the frequency of services⁴. I could see that only two of six stops had shelters, and I could not see real time information. These are all factors that may reduce their appeal. The nearest train stations were distant, but Stapleton Road would have some appeal to fitter and more confident pedestrians and cyclists.
29. The routes to the services, facilities, public transport, and wider cycle network vary in distance. The routes to bus stops and many services were fairly reasonable, but traffic volumes would not make walking or cycling to these, feel particularly comfortable at busier times, including along a section of GR which has experienced a number of PIAs involving cyclists from the records provided. Outside daylight hours significant sections of the routes also lack

² Bristol Transport Development Management Guide (October 2022).

³ Figure 3.1 and Table 3.1 of the Hearing Statement on Highway Matters by Highgate Transportation (2023).

⁴ Table 4 of Buses in Urban Developments by the Chartered Institution of Highways & Transportation (2018).

- natural surveillance. Use of electric scooters might make some difference to appeal, but their location, availability and use by many is by no means certain.
30. I do not consider the site is deemed to be within a location defined as an accessible centre, or along or close to main public transport routes under Policy BCS10 of the BCS. Overall, the site location is unlikely deter car ownership such as to mean that it would be significantly below the levels put to me.
31. As the UU is flawed and incomplete the TRO is not secured, so it is not clear if a betterment of two spaces can be secured. I have noted the Council's and interested party photographs and commentary upon parking, although these do not represent a parking survey. The appellant's parking survey represents snapshots of parking on 13 and 14 September 2023 indicating 16 – 17 spaces free at approximately 22:00hrs within 150m, and anecdotally up to 6 other spaces available on GR over 150m away. As those at the lower end of NR may deem it a convenient place, I give some weight to spaces on GR.
32. The Council's parking survey methodology only seeks a survey within 150m of a site, assumes regular parking lengths and because of being required after 22:00hrs, the appellant's surveys were not undertaken at a time when the 35-person capacity Gasworks studio space at No 27 was in choral use. It was undertaken in accordance with the Council's methodology, so it is a useful snapshot of parking conditions. However, I do not have certainty that it covers the effects of relevant land uses that may contribute to local parking stress during the course of a typical evening, when many occupiers may be at home.
33. Levels of future car ownership is by no means certain. However, even if cars from the development might be reduced by some reduction in dwellings and the availability of on-street spaces, the proposal is highly likely to generate a parking demand greater than would be catered for on-site, the two new spaces and on-street spaces recorded in the appellant's surveys. Occupiers would generally park as close to home as they are reasonably able, particularly if they have items to carry or young children. It is therefore highly likely this appeal proposal would result in a situation of close to, if not full parking uptake on NR, and potentially the closest section of GR, for a significant proportion of evenings and weekends.
34. It is highly likely to result in situations where cars have to reverse up or down NR and/or into the appeal site access, park in tight spaces or unsuitable positions, resulting in excessive manoeuvring and a high potential for frequent user conflicts. Therefore, it would be likely to frequently result in conditions that are significantly prejudicial to highway safety. This could also have a knock-on effect for on-street spaces away from NR, adding to my concerns. The Council confirmed such a situation would not be reflective to the conditions of a residents parking zone, as permit numbers can be controlled.
35. The vehicle cross-over and double yellow lines would provide an adequate crossing facility and circulation space for larger vehicles including emergency vehicles and refuse collection requirements. The access arrangements are acceptable, subject to a Traffic Regulation Order (TRO) being secured by the planning obligation to ensure there is sufficient space for a refuse and other larger vehicles such as certain delivery vehicles, associated with the appeal proposal, to manoeuvre without conflicting with parked vehicles.

36. Without the double yellow lines, such vehicles could not enter and leave the site without excessive manoeuvres across the access. This would be detrimental to highway safety, so the clause sought by the UU is necessary. However, the UU is flawed and incomplete and also does not appear to secure its obligation by the successors in title. Therefore, satisfactory access arrangements do not appear to be secured so the proposal would be prejudicial to highway safety. Even if this could be secured by another means not put to me, the TRO would not mitigate the other harm I have found.
37. The appeal scheme would generate approximately 204 vehicular trips per day. Given the size, layout, site condition, local highway conditions, that the comparator use for an entirely warehouse use is not directly comparable to the nature of the current and recent appeal site uses, the suggested fall-back of 365 vehicular trips is not a realistic one. The existing site arrangement has the potential to generate a number of larger goods vehicle movements and reducing these would be a form of benefit. However, it is not demonstrated this outweighs the harm and conflicts that would result from the scheme.
38. Overall, I am not persuaded there would be any overall benefit to highway safety that would mitigate or outweigh its harmful effects, or that conditions could mitigate the harm. The Council explained that it is highly unlikely area wide parking controls could be achieved and would have their own adverse highway safety implications. Though it was initially sought by the Council and the subject of some discussion, a scheme is not proposed or secured, so there is not a prospect of such a scheme being realised.
39. For the reasons set out above, the proposal would be prejudicial to highway safety. It would conflict with the aims of Policy BCS10 of the BCS and Policy DM23 of the DMP. Amongst other things these aim to ensure that higher density mixed use development is at accessible centres and along or close to main public transport routes, is designed to ensure safe streets, provide adequate parking, and not give rise to unacceptable traffic conditions.
40. It would also conflict with the aims of paragraphs 114 and 115 of the Framework, insofar as these require that development takes appropriate opportunities to promote sustainable transport, can cost effectively mitigate significant impacts upon highway safety, and should be prevented if there would be an unacceptable impact on highway safety.

Affordable housing

41. Policy BCS17 of the BCS seeks a target of 30% affordable housing provision in developments of 15 dwellings or more in the appeal site location. Where scheme viability may be affected, developers will be expected to provide full development appraisals to demonstrate an alternative affordable housing provision. Initially 2 affordable homes were proposed, but the VA suggests affordable housing or a financial contribution towards it, is unviable.
42. The UU states that if I find a financial contribution is viable then the appellant undertakes to enter negotiations with the Council to secure the contribution via a section 106 at the reserved matters stage that will secure the percentage contribution. At the hearing the parties agreed an approach that my findings upon specific costs and values shall be entered into modelling agreed by the both the Council and the appellant, and any consequent contribution be worked out from this. As it requires an undertaking by the Council, the UU is not

sufficient, and a section 106 agreement would be required to secure this. However, I have no section 106 agreement and my assessment is made based on the UU, which would not secure any contribution.

43. Through the Statement of Common Ground (SoGC) the Council and appellant indicated where there is agreement, where they disagree and to what extent. I see no reason to question the areas of agreement further. The Council provided a rebuttal to the Council's VA, but did not provide its own formal VA, so could not fully detail or run modelling to demonstrate its findings. Some indications were given about how some of the Council's inputs would affect the viability calculations, but the Council stated it did not include all elements upon which it disagreed, and cash flow was not clear.
44. At the hearing it was also confirmed the parties also agreed that a 17% profit on Gross Development Value (GDV) was acceptable, that Community Infrastructure Levy (CIL) contributions were £88,361, and that the sales profile would start higher and tapering off. The Council's witness stated the commercial units were being provided at a significant loss but there is no planning policy requirement to provide them. However, they are part of the submitted scheme, so are assessed as such.
45. Both parties agreed the Benchmark Land Value (BLV) should be based upon the defined EUV+ measurement. The appellant's approach has regard to properties for sale and sold on the local market, whereas the Council notes a previous unsuccessful marketing exercise and applies the Valuation Office Agency rateable value. The VA states the site is generally in poor condition for the existing operation and in need of refurbishment to improve functionality and specification, and the access is somewhat limited by the nature of NR.
46. I do not have the full details of the comparator sites, but three Central Park units have similarities in location to the appeal scheme, although it appears they benefit from a shared service yard so might be in a commercial/industrial location, which might be less constrained and of more appeal to buyers. Overall, I believe the BLV is likely to be closer to the Council's estimate.
47. There are no internal plans before me and the appearance of the building would not be approved under this scheme, so there is limited evidence upon which for me to base construction costs. The Council considers the BCIS Median Values the most appropriate measure, because it would not be skewed by a limited number of higher value schemes. However, I am informed the PPG suggests this could be used but it is not mandatory, and the appellant's costings have had regard to BCIS.
48. The appellant's witness informed me the BCIS Median is generic, it has a lag time, and inflation has been running high for many materials, with some also subject of local market fluctuations. I have little detail on the Stockwood Road scheme so cannot fully reconcile the price differences between it and the costs of the appeal scheme. Overall, I find the appellant's evidence more convincing in this case. Noting the inflation issue, factors including invasive species, the historic use of the land, the more recent land uses, potential for contamination, and development type, I believe such factors justify a contingency of 7.5%.
49. I have considered the details of the various comparator developments set out in the VA, including the locations, description of specifications, parking and dates of transactions. Factors such as cost of living and interest rate rises have

influenced affordability. Sales prices in NR street appear high, but from what I heard and saw, I am in little doubt that the particularly large gardens and good outlook would add a significant premium to prices. Many do not adjoin the builder's merchant which may also make them more appealing.

50. The Abi Clay Court and Brooks Dye Works sites, appear within an established residential area, with parkland around it, away from a trainline, so might be regarded as a more desirable location. I don't doubt that being new build and allocated parking adds marked premiums. However, many comparators were new build and included allocated parking. As I do not have the geographic extent of postcode areas before me, I am cautious to give this anything more than limited weight. On-balance noting the locational merits of the appeal site I find the appellant's price per square metre for the flats, houses and commercial units to be well-reasoned based upon the location, likely specification and the more recent prices when the VA was prepared, including reflecting the house price index.
51. The overall implications of my findings in respect of whether the scheme is viable and can provide affordable housing is not clear, and no affordable would be secured. Having regard to my findings on the various matters in dispute and the proportions and pricing of the figures, with limited certainty, it appears likely that the scheme would not be viable with an affordable housing contribution, so no affordable housing should be provided.
52. Were this to be the case, the proposal would not conflict with Policy BCS17 of the BCS. It would also not conflict with the aims of paragraphs 58 and 60 of the Framework, insofar as these state that viability assessment can be used to demonstrate a departure from contributions expected by planning policies, that the needs of groups with specific housing requirements should be addressed and that land is developed without unnecessary delay.

Other Matters

53. The appeal site lies within the inner consultation zone of the Glenfrome House Gas Storage Installation and appears to be clipped by the outer consultation zone of the Frampton Cotterell/Stapleton Road pipeline. The Health & Safety Executive (HSE) does not object to the appeal scheme subject to a pre-occupation condition securing the revocation of the Hazardous Substances Consent for the gas holder at Glenfrome House. This would move the site into an outer consultation zone. The holders of both consents (Wales & West Utilities) have been notified of the scheme, but no response has been received.
54. The gas holder has been removed and letter NR-1 is a request from the consent holder to revoke the consent from some time ago, although this is yet to be completed. There is an administrative process to revoke the consent, but from what I heard, I see no reason this would not take place. Both main parties agreed a condition in the form suggested by the HSE is necessary to remove the HSE objection, secure the removal of the consent, and I can be certain there is a reasonable prospect of the condition being discharged.
55. Once revoked the scheme would fall within the outer consultation zone or outside the zone all together, for which the HSE would not advise against recommendation. On this basis, the appropriate bodies have been consulted and the appeal scheme would ensure public safety in accordance with the aims

of paragraphs 45 and 101 of the Framework, and Planning Practice Guidance (PPG) Reference ID: 39-069-20161209.

56. Some concerns were expressed by the Council in respect of whether the proposed development could provide satisfactory living conditions for future occupiers of the apartments with particular reference to outdoor space and outlook, although there was no putative reason for refusal in these regards.
57. The appropriate standards are set out in the ULSPD. The plans and Design & Access Statement indicate the provision of terraces and balconies. They could ensure a satisfactory level of outdoor space for future occupiers, and their provision would be addressed at the RM stage. The Council agreed that ultimately, the gardens for houses were acceptable. I heard the main area of open space would provide above the ULSPD requirements and could be used as an external children's play space for the development.
58. I sought further views in respect of the matter of outlook having regard to the relationship between a number of likely window positions serving some of the southernmost apartments, which would look onto the gable wall of one of the dwellings at close proximity. It was agreed that the internal layouts and outlook would be addressed during the RM stage, at which point the Council would assess any application against the appropriate policies and guidance. There is no other evidence advanced that would lead me to an alternative view.
59. The Shadow Study indicates from the new buildings there would be some overshadowing of the frontage of a limited number of existing properties on NR for parts of the day, around the winter solstice. Though it covers only three fixed points of the day and year, there was no substantive evidence advanced that would lead me to believe the study was not undertaken in accordance with good practice recommendations. There were also concerns expressed by interested parties in respect potential effects upon the privacy of existing neighbouring occupiers on NR. However, in-light of my findings upon the main issues, I have not considered either of these matters in further detail.
60. Aside of an affordable housing contribution and the TRO, the infrastructure in dispute was a contribution for the provision of a fire hydrant and an Employment and Skills Plan monitoring fee. A skills plan could be secured by a planning condition, and there is no dispute it is necessary having regard to the aims of Policy BCS8 of the BCS. At the hearing the Council informed me that the monitoring fee is a future approach in emerging policy, and not a matter it intended pursue for the appeal scheme. In-light of this, I have not considered the matter further.
61. At the hearing the appellant agreed to provide a contribution for a fire hydrant, but one is not secured by the UU. The Council informed me there are long standing arrangements between the fire service and water company that make a planning obligation necessary. However, it is not fully clear to me based upon Policy BCS 11 of the BCS and the Planning Obligations Supplementary Planning Document (2012) (the POSPD), that its provision would not already be secured under Part B5 of the Building Regulations. However, in-light of my findings upon the main issues, and that a hydrant is not secured, I have not considered this matter in detail.

62. While I note the appellant's dissatisfaction with the way the Council has handled the application, my assessment of the proposal relates to its planning merits only.

Planning Balance

63. The proposal would result in a significant temporary economic benefit during construction and once complete an on-going benefit to the economy through spend in the local economy and the support to local services, facilities and related employment.
64. The site is within a large city with a large housing requirement which has increased due to a government uplift. Though it is only a snapshot, the Council can currently demonstrate a housing land supply of approximately 2.45 years. The evidence suggests there has been a persistent under delivery of housing, and the most recent HDT measurement was 88%. Therefore, paragraph 11d) of the Framework is engaged, the policies most important for determining the application are considered out of date, and the tilted balance applies.
65. The Framework gives substantial weight to the value of using suitable brownfield land within settlements, supports appropriate opportunities to remediate contaminated land and the efficient use of land. The provision of up to 40 dwellings of a size to meet anticipated increases in household sizes, some of which could be secured to be accessible, and in an area where general affordability is an issue, would result in significant social benefits.
66. From the accounts of interested parties there is likely to be, some moderate environmental benefits in respect of matters including noise and air quality. The proposal includes a limited element of Class E floorspace and the Council does not object to this having regard to Policy BCS7 and BCS8 of the BCS. The SoCG states there is no objection to the loss of the employment or retail use. Noting the decline in of some types of industrial floorspace and demand for smaller units⁵, there would be a moderate benefit to its provision.
67. What I saw, heard and the substantive evidence before me suggests the appeal site has a limited ecological value and addressing invasive species has and will result in some vegetation removal to address this issue. There is scope for overall improvements and long-term maintenance to be secured by suitably worded planning conditions, together with a limited green/play space and further landscaping. There is also a proposed overall drainage benefit that could be secured, and there would be some funding to general infrastructure from CIL contributions. Although this is likely to be a relatively modest gains and benefits which attract limited in favour of the scheme. The remediation of the land from contamination can be secured by the planning conditions before me, which is a matter that attracts moderate weight.
68. Measures to decrease resource and energy consumption, provide for renewable energy generation and ensure the scheme could utilise and generate renewable heat and energy in the future would reduce and partly mitigate the impacts of the scheme. However, the scheme would partly off-set its effects, rather than achieve an overall net benefit, so this is more of a neutral matter.
69. On the basis I were to agree the proposal could secure compliance with policies in respect of matters such as protected and priority species, protection of the

⁵ Appendices 1 – 3 of the Appeal Hearing Statement Update (October 2023).

adjacent site areas of ecological importance, construction management, invasive species clearance, and the living conditions of future and neighbouring occupiers, construction management, local infrastructure, these would be neutral matters in the balance.

70. The policy compliance and benefits of the development attract significant weight in favour of the scheme. However, the proposed development would be result in harm to the character and appearance of the area of a high order, and it would result in conditions significantly prejudicial to highway safety so would therefore be unacceptable. These are harms are such that adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework taken as a whole.

Conclusion

71. The proposed development would be contrary to the development plan read as a whole, and the Framework. There are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed, and planning permission be refused.

Dan Szymanski

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Hugh Richards, Barrister, No5 Chambers;

Mr Kit Stokes, Director, Town & Country Planner, Stokes Morgan Planning Ltd;

Mr Sam Litt, Director/Appellant, Horizon Developments;

Mrs Penelope Marrick, Land and Planning Manager, Horizon Developments;

Mrs Fiona Bennett, Director, Transport Consultant, Highgate Transportation Ltd;

Miss Martha Freer, Surveyor, JLL;

Mr Duncan Hay, Director, Construction Consultant, Cubix Construction Consultants Ltd.

FOR THE COUNCIL:

Mr Lewis Cook, Team Manager (Interim), Development Management (Bristol City Council);

Mrs Jane Woodhouse, Transport Development Co-Ordinator (Bristol City Council);

Mr Nitin Bhasin, Principal Urban Designer, (Bristol City Council);

Mr Jim Cliffe, S106 and CIL Project Manager (Bristol City Council);

Mrs Dawn Bodil, Solicitor (Bristol City Council).

INTERESTED PARTIES:

Councillor David Wilcox (Bristol City Council);

Ms Linda Glennie (Local Resident);

Mr Ian Chatfield (Local Resident);

Dr Mo McManus (Local Resident);

Ms Amanda Pitt (Local Resident);

Mrs Dee Jarlotte (Local Resident);

Mrs Amy Rowe (Local Resident).

SUBMITTED DOCUMENTS:

NR-1: Letter from Wales & West Utilities to Bristol City Council (23 July 2020);

NR-2: Planning Obligations Supplementary Planning Document (27 September 2012).