

28 November 2023



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Sent via Planning Portal only

Dear Sir/Madam,

**Land At Corner Of York Road And St Luke's Road, Bedminster, BS3 4AD
Section 73 Application to Vary Conditions 39, 45 and 50 of Planning Permission 21/06878/F
On behalf of Donard (Bristol) Ltd**

I write on behalf of Donard (Bristol) Ltd to submit an application under Section 73 of the Town and Country Planning Act 1990 to vary conditions 39, 45 and 50 of planning permission 21/06878/F at the site known as 'York Gate' in Bedminster, Bristol.

This submission is accompanied by the following drawings and supporting information:

1. Application Form (application submitted via Planning Portal)
2. Cover Letter
3. Architectural Drawings
4. Landscaping Drawings
5. Supporting Information
 - a. S73 Design Amendment Summary
 - b. Transport Addendum
 - c. Fire Strategy/Planning Gateway One
 - d. Ecological Assessment and BNG Assessment
 - e. Heritage Statement of Conformity
6. Community Infrastructure Levy Form 1

Background

Full planning permission was granted for the following description of development on 17 May 2023:

Mixed-use redevelopment including 221 residential (C3) units and 651 sq.m. of commercial floorspace (Class E) on ground floor, together with a new vehicular access off Mead Street, cycle and car parking provision, private amenity space, servicing arrangements, landscaping, public realm, and associated works.

A Non-Material Amendment (NMA) was submitted in August 2023 under 23/03279/NMA to make amendments to the scheme. The NMA primarily sought amendments to the approved drawings to facilitate compliance with new building regulations by amending the layout of lift and stair cores and including an external walkway on the eastern elevation. Other changes were also sought to enhance the buildability of the scheme, including the removal of balconies and a reduction in the scale of the basement which resulted in a reduction of car parking spaces from 43 to 14 spaces. Officers considered that the proposed amendments would constitute material changes within a letter dated 17 October.

Following the submission of the NMA, further changes to the approved scheme have been identified. Some of the changes previously sought within the NMA submission are no longer proposed.

The approved scheme was designed to be built using traditional methods of construction. In August 2023 Donard became the sole UK & Ireland partner of SIBS, a world-leading modular homes producer which have constructed close to 5,000 modular homes across the globe. The SIBS modular system is accredited by BOPAS, a UK accreditation company who provide assurance to lenders, Housing Associations and

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Homeowners that systems designed using MMC conform to industry best practice in terms of durability and system integrity. In order to build the scheme using modern methods of construction, minor (albeit material) changes are required to the drawings approved under the original consent.

Donard intends to deploy this construction methodology in order to deliver this development. The SIBS MMC approach brings a number of benefits to the scheme, which include a reduction in time under construction, with factory-quality installation allowing completion of the development at a much quicker pace than traditional construction. This will accelerate the delivery of new homes in Bristol at a time when the city maintains a chronic undersupply of housing.

The modular system also brings substantial sustainability benefits, including the ability for all apartments to: be EPC A rated; gain a Home Quality 4 Star Mark; provide an improvement on Building Regulations Part L (including a 50% improvement on dwelling emission rate); align with the proposed Future Homes Standard Fabric Specification 2025; and reduce operating expenses, specifically energy costs, by 30%. The reduction in operating expenses for residents is a key benefit at a time when the UK is experiencing unprecedented rises in the cost of living, of which a contributing factor is the increased costs of household gas and electricity bills.

In addition to the amendments required to facilitate construction using modern methods of construction, other amendments are required to the scheme to enable compliance with new building regulations, particularly with regard to enhancing fire safety. These are set out in detail within the accompanying **S73 Design Amendment Summary** with a comparison of the approved plans against the accompanying revised plans to assist your assessment of the proposed changes.

To confirm, the S73 amendments would continue to provide 221 dwellings, provide a private balcony for each dwelling, maintain the general scale and massing of the extant consent, and deliver the same quantum of Class E commercial floorspace.

Proposed Amendments to Condition 50

The amendments would be secured by varying the list of approved plans under Condition 50 of the decision notice. The below table confirms which of the approved proposed drawings are requested to be replaced.

Drawing Title	Drawing Listed in Condition 50	Replacement Drawing	Rev
Proposed Basement Floor Plan	233_POD_XX_B1_DR_A_STAGE3_TPP_1012_A1 rev 02	Drawing to be removed from list – the basement is no longer proposed.	-
Proposed Ground Floor Plan	233_POD_XX_00_DR_A_STAGE3_TPP_1000_A1 rev 02	YGB-TOD-20-00-DR-A-20001	P08
Proposed First Floor Plan	233_POD_XX_01_DR_A_STAGE3_TPP_1001_A1 rev 02	YGB-TOD-20-01-DR-A-20003	P08
Proposed Second Floor Plan	233_POD_XX_02_DR_A_STAGE3_TPP_1002_A1 rev 02	YGB-TOD-20-02-DR-A-20004	P08
Proposed Third Floor Plan	233_POD_XX_03_DR_A_STAGE3_TPP_1003_A1 rev 02	YGB-TOD-20-03-DR-A-20005	P08
Proposed Fourth Floor Plan	233_POD_XX_04_DR_A_STAGE3_TPP_1004_A1 rev 02	YGB-TOD-20-04-DR-A-20006	P08
Proposed Fifth Floor Plan	233_POD_XX_05_DR_A_STAGE3_TPP_1005_A1 rev 02	YGB-TOD-20-05-DR-A-20007	P09
Proposed Sixth Floor Plan	233_POD_XX_06_DR_A_STAGE3_TPP_1006_A1 rev 02	YGB-TOD-20-06-DR-A-20008	P08
Proposed Seventh Floor Plan	233_POD_XX_07_DR_A_STAGE3_TPP_1007_A1 rev 02	YGB-TOD-20-07-DR-A-20009	P08
Proposed Eighth Floor Plan	233_POD_XX_08_DR_A_STAGE3_TPP_1008_A1 rev 02	YGB-TOD-20-08-DR-A-20010	P08
Proposed Ninth Floor Plan	233_POD_XX_09_DR_A_STAGE3_TPP_1009_A1 rev 02	YGB-TOD-20-09-DR-A-20011	P08

Proposed Tenth Floor Plan	233_POD_XX_10_DR_A_STAGE3_TPP_1010_A1 rev 02	YGB-TOD-20-10-DR-A-20012	P07
Proposed Roof Plan	233_POD_XX_XX_DR_A_STAGE3_TPP_1011_A1 rev 02	YGB-TOD-20-RF-DR-A-20013	P03
Proposed Site Plan	233_POD_XX_XX_DR_A_STAGE3_TPP_0002_A1 rev 01	YGB-TOD-20-ZZ-DR-A-20000	P02
Proposed Block Plan	_XX_XX_DR_A_STAGE3_TPP_0003_A1 rev 01	YGB-TOD-20-00-DR-A-20001	P02
Proposed North West Elevation	233_POD_XX_XX_DR_A_STAGE3_TPP_2001_A1 rev 01	YGB-TOD-30-ZZ-DR-A-30010	P02
Proposed North East Elevation	233_POD_XX_XX_DR_A_STAGE3_TPP_2002_A1 rev 02	YGB-TOD-30-ZZ-DR-A-30011	P02
Proposed South West Elevation	233_POD_XX_XX_DR_A_STAGE3_TPP_2003_A1 rev 01	YGB-TOD-30-ZZ-DR-A-30012	P02
Proposed South East Elevation	233_POD_XX_XX_DR_A_STAGE3_TPP_2004_A1 rev 01	YGB-TOD-30-ZZ-DR-A-30013	P02
Proposed South East Section	233_POD_XX_XX_DR_A_STAGE3_TPP_2004_A1 rev 01	YGB-TOD-40-ZZ-DR-A-40001	P02
Proposed North East Section	233_POD_XX_XX_DR_A_STAGE3_TPP_3002_A1 rev 01	YGB-TOD-40-ZZ-DR-A-40002	P02
Proposed North East and South West Communal Sections	233_POD_XX_XX_DR_A_STAGE3_TPP_3003_A1 rev 01	YGB-TOD-40-ZZ-DR-A-40003	P02
Proposed North East and South West York Gate Sections	233_POD_XX_XX_DR_A_STAGE3_TPP_3004_A1 rev 01	YGB-TOD-40-ZZ-DR-A-40004	P02
Landscape general arrangement plan	596-CTF-XX-XX-DR-L-10000 rev 04	596-CTF-XX-XX-DR-L-10000	P05
River Garden Walk section 02	596-CTF-XX-XX-DR-L-20003 rev 02	596-CTF-XX-XX-DR-L-20003	P03
York Street section	596-CTF-XX-XX-DR-L-20000 rev 02	596-CTF-XX-XX-DR-L-20000	P04
St Luke's Road and Mead Street section	596-CTF-XX-XX-DR-L-20001 rev 03	596-CTF-XX-XX-DR-L-20001	P03
River garden walk section	596-CTF-XX-XX-DR-L-20002 rev 02	596-CTF-XX-XX-DR-L-20002	P03
Hardworks landscape plan	596-CTF-XX-XX-DR-L-40000 rev P04	596-CTF-XX-XX-DR-L-40000	P05
Softworks landscape plan	596-CTF-XX-XX-DR-L-50000 rev P05	596-CTF-XX-XX-DR-L-50000	P05
Roof Garden General Arrangement Plan	596-CTF-XX-RL-DR-L-10001 rev P01	596-CTF-XX-RL-DR-L-10001	P02
Topsoil Plan	Drawing not previously listed	596-CTF-XX-XX-DR-L-60000	P02
Courtyard Sections	596-CTF-XX-XX-DR-L-20004 rev 02	596-CTF-XX-XX-DR-L-20004	P04
Roof Garden Topsoil Plan	Drawing not previously listed	596-CTF-XX-RL-DR-L-60001	P03
Roof Garden Section	Drawing not previously listed	596-CTF-XX-RL-DR-L-20005	P03

Proposed Amendments to Conditions 39 and 45

The submitted plans will alter the plans that are currently referenced within Conditions 39 and 45. It is proposed that these are amended to ensure the consistency of plan references within these conditions

Condition 39 would be amended as follows:

39. Landscaping (Tree Planting) works

The Planting proposals hereby approved (Softworks landscape plan (Dwg 596-CTFXX-XX-DR-L-50000 Rev P04 P05) shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a program, details of which shall be submitted to and agreed in writing by the local planning authority. All planted materials shall be maintained for 5 years and any trees removed, dying, being severely damaged or become seriously diseased within 5 years of planting shall be replaced with others of a similar size and species to those originally required to be planted.

Reason: To ensure there are sufficient replacement trees to mitigate the impact of the development.

Condition 45 would be amended as follows:

45. Use Class Restriction

Notwithstanding the provisions of Use Class E (of the Town and Country Planning General Permitted Development) Order 1987 (as amended) Class E floorspace shown on the approved ground floor plan (233_POD_XX_00_DR_A_STAGE3_TPP_1000_A1 Rev 2 YGB-TOD-20-00-DR-A-20001 P08) falling within use classes E(a) (retail); E(b) (café/restaurant); E(c) (financial, professional and commercial services) and E(g)(i) (office), shall not exceed 200 sqm floor area in total, unless otherwise agreed in writing by the LPA.

Reason: To avoid creating a standalone destination, in view of the site's location outside of a designated centre, and in the absence of any justification for such uses.

Planning Considerations

Principle of Development

The extant planning consent (21/06878/F) established the principle of residential-led mixed-use development at this site. The changes proposed within this S73 application will continue to deliver development in accordance with the approved Description of Development, continuing to propose 221 dwellings, 651 sq.m. of commercial floorspace (Class E) on ground floor, a new vehicular access off Mead Street, cycle and car parking provision, private amenity space, servicing arrangements, landscaping, public realm, and associated works. A full assessment of the principle of development against local and national planning policy and guidance was undertaken within the Planning Statement and the Report to Committee for the approved scheme. The proposed changes do not affect the principle of development proposed and should be considered acceptable in this respect.

Public Benefits

Development Control Committee A considered the application and resolved that planning permission be granted for the scheme, noting its substantial public benefits. An updated list of benefits to reflect this submission is provided below. These are considered to be of significant positive weight in favour of this S73 application. It must be noted that the benefits only arise if the scheme is built, which depends upon it being buildable and viable, which, in turn, relies on the changes proposed within this S73 application being accepted.

221 new dwellings in a Local Planning Authority area that can only demonstrate a 2.45 year supply of housing land;

At least 44 (20%) new affordable dwellings secured by a Section 106 Agreement and additional unsecured affordable housing provided on-site;

The redevelopment of previously-developed land in a highly sustainable location;
New sustainable and energy efficient homes;
New flexible commercial, business and service floorspace;
The creation of new employment in the construction and operational phases;
A new north-south link between York Road and Mead Street with landscaped public realm;
The potential to connect to a future District Heat Network;
Contributions to local highway infrastructure;
The introduction of new residents and visitors in a location with an anticipated future mass transit hub which will enhance patronage of the service;
The first development in the Mead Street Regeneration Area, which will encourage further sustainable development in an area identified for regeneration by BCC.

Heritage

It is recognised that this application proposes amendments which may be considered to change the external appearance of the buildings. The site is located outside of a conservation area, but it is near the Bedminster Conservation Area. In order to demonstrate compliance with Policies BCS22 (Conservation and the Historic Environment) and DM31 (Heritage Assets) potential effects on the setting of the Conservation Area have been considered and assessed within the accompanying **Statement of Conformity**.

Housing Mix

The approved scheme seeks an amendment to the housing mix provided within the scheme, by providing a greater share of 1- and 2-bedroom apartments. The Applicant considers that the proposed mix is more appropriate for the proposed tenure, being Build to Rent, where occupants would generally live for shorter periods rather than for long-term occupancy where larger units may be considered to be more appropriate.

To confirm, at least 2% of units will be delivered to meet Part M4(3) of the building regulations, in accordance with Policy DM4 (Wheelchair Accessible Housing).

Affordable Housing

The approved scheme sought to provide 66 (30%) of the approved dwellings as Section 106-secured affordable housing, to be delivered as Affordable Private Rent. The Applicant seeks to amend the Section 106 Agreement via Deed of Variation to reduce the secured provision of affordable housing to 44 homes (20%). The Applicant is actively discussing the potential for unsecured 'additional' affordable housing with registered providers at the site. It is anticipated that further discussion with BCC's Housing Enabling and Delivery team on this matter will occur during determination.

Removal of Basement and Car Parking

This application seeks the removal of the basement from the approved scheme. This would result in the number of car parking spaces reducing from 43 spaces to 5 spaces which will now be provided at ground level in the location where a ramp previously provided access to the basement. All 5 spaces are DDA compliant and will be for designated for disabled residents only. To demonstrate compliance with Policies BCS10 (Transport and Access Improvements) and DM23 (Transport Development Management) the implications of the removal of the basement and car parking have been considered and assessed within the accompanying **Transport Statement**. The site is in a highly accessible and sustainable location near the City Centre and East Street Town Centre where low car parking provision is supported by local planning policies and guidance.

It must also be noted that, in addition to CIL, the Section 106 associated with the planning consent secured a Transport Infrastructure Contribution of £221,000 to be used for expenditure by the Council on road safety, sustainable transport and parking restrictions in the local area, and a Travel Plan Monitoring Fee of £5,693. These contributions are designed to mitigate any impact from the low level of car parking provision within this scheme.

Residential Living Quality

The proposed amendments seek to enhance the quality of the living environment for future residents beyond the scheme in the extant consent. All units will have access to a private balcony, internal communal private amenity space and communal outdoor amenity space. The Applicant has confirmed that each unit, including affordable unit, will be delivered to a high quality specification, to include timber flooring, underfloor heating, wetroom bathrooms with floor to ceiling tiling and high quality kitchen installations.

As shown within the submitted drawings, the footprint of the building is proposed to be slightly modified to facilitate the construction of the building using modern methods of construction. This has resulted in a very minor variation in the footprint of the communal courtyard and north/south public pedestrian route within the scheme. However, the proposed scheme now includes new communal indoor amenity space, which may be equipped by the end operator with entertainment and social equipment and facilities. This is considered to mitigate this very minor variation in the amount of communal outdoor space provision.

Further information on residential living quality, with regard to natural lighting, is demonstrated within the **Internal Daylighting Assessment** that accompanies this submission.

Ecology

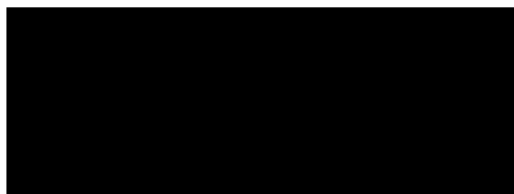
Due to the time elapsed since the original ecological surveys at the site, this S73 submission is accompanied by an updated **Ecological Assessment** and **BNG Assessment**. Please refer to these items for further information.

Conclusion

The proposed changes will facilitate the regeneration of this currently vacant site and provide substantial public benefits. The introduction of modern methods of construction in addition to connection to the Heat Network has maximised the potential sustainability of the scheme as well as delivering much needed housing, including affordable housing. The proposed revisions comply with the recently amended requirements of the fire regulations and will deliver a development in accordance with the approved Description of Development of the extant consent, continuing to propose 221 dwellings, 651 sq.m. of commercial floorspace (Class E) on ground floor, a new vehicular access off Mead Street, cycle and car parking provision, private amenity space, servicing arrangements, landscaping, public realm, and associated works. In the context of Bristol's lack of five year land supply there is a presumption in favour of sustainable development from which the scheme benefits.

I trust that this submission provides sufficient information to allow you to consider this S73 application, though please do not hesitate to contact me if you have any queries.

Yours faithfully,

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Craig O'Brien
Head of Planning