

Mr P. Chick  
Development Management  
Bristol City Council  
City Hall  
PO Box 3399  
Bristol  
BS3 9FS

Your ref: 22/01221/F  
Date: 2<sup>nd</sup> February 2023

Dear Mr P Chick,

**RE: PLANNING APPLICATION REF. 22/01221/F AT ST. CHRISTOPHERS SCHOOL, WESTBURY PARK, BS6 7JE**

This letter has been prepared by Rapleys LLP on behalf of SCAN (St. Christopher's Action Network), a group set up to help achieve the appropriate development of the St. Christopher's School site. Formal representations were previously prepared on behalf of the group in response to the initial submission of planning application ref 22/01221/F, which sought permission for, inter alia:

- 122 self-contained extra care residential units.
- A wide range of wellbeing facilities, amenity facilities and flexibility services.
- Landscaping and active outdoor space & extensive shared and private gardens.
- 65 car parking spaces.
- 940sq.m new Community Hub within Grace House.
- Urban Village Hall within North Lodge.

The St. Christopher's representations on behalf of SCAN were submitted to the LPA on the 6<sup>th</sup> May 2022. SCAN's stated purpose is to seek the appropriate and sensitive redevelopment of St Christophers, however, in summary, they considered that the submitted application was not appropriate for the following reasons:

- The proposed scale, mass and bulk of the proposals were inappropriate within this sensitive heritage context and gave rise to unacceptable impacts on heritage assets and townscape;
- In the context of an increasing need for SEND accommodation in Bristol, the applicant failed to satisfy the requirements of BCS12 and DM5 which seek to safeguard community facilities;
- The extent of tree loss proposed was inappropriate, particularly so in terms of high quality individual specimens which make a valued contribution to the character and appearance of the Conservation Area;
- The proposal was not appropriate in transport and highway terms, owing to insufficient on-site parking provision and inappropriate access/egress arrangements, which would increase the road safety risks in an area where there is already a significant concern;

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- The proposal included no affordable housing and was not supported by an unredacted Viability Appraisal to justify such lack of provision, which is contrary to the adopted Development Plan.

The stated reasoning for the lack of provision was not consistent with adopted policies or adopted supplementary planning guidance.

## **AMENDED PACKAGE AND SCHEME CHANGES**

Following the feedback received during the formal consultation period, on the 1st December 2023, a revised application package of amended plans, supporting documents and information has been submitted by the FORE Partnership (and their associates) for the development of the site. A summary of the main changes is provided below:

- A reduction in the number of units proposed from 122 (as submitted) to 116 units, by virtue of the removal of 6 proposed units, as described below;
- A reduction in the height of villa B from 6 storeys to 5 storeys, resulting in a net loss of 5 proposed units, and lowering all villa height by 300m;
- Minor changes to the footprint and positioning (in some cases) of villas A, B, C and D;
- Replacing the 2 most northerly cottages toward the north east corner of the site with one single storey unit, resulting in the net loss of 1 proposed unit;
- Amending the façade treatment of proposed villas to reduce the visual bulk of the mansard roofs, using red brick rather than of buff, and revised window designs;
- A re-design of the landscape proposals increasing the amount of soft landscaping, particularly around Grace House;
- Removing the proposed spa extension to Grace House and relocating it along the north site boundary; and
- Maintain the current arrangement of the access from Etloe Road as serving the Western Power Distribution substation only, and instead proposing limited parking accessible via The Glen.

Unfortunately, the revised application package is still considered to be an inadequate response to the significant concerns raised over the original scheme and fails to amount to any measurable improvement. Given the extraordinary level of opposition to the original application, submitted in March 2022 and a lengthy PPA process, it is disappointing to discover that the changes the developers now propose are so modest.

The revised application demonstrates an unwillingness on the part of the developers to respond positively to the concerns that have been set out in over 620 objections to the original planning application. Since the submission of the revised application, the number of objections has risen to 1254. In percentage terms this amounts to 97.4% of all public comments with just 1.3% in support and 1.3% neutral.

Furthermore, the revised proposals continue to directly conflict with a significant number of adopted and long-established Bristol City Council (BCC) planning policies. The SCAN Group therefore maintain their strong objection to the proposal for the reasons outlined in the following sections.

## **IMPACT ON HERITAGE ASSETS**

S66 of Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a general duty on Local Planning Authorities in the exercise of their planning functions regarding listed buildings. 'Special regard' must be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Similarly, S72 prescribes a general duty in respect of Conservation Areas, which are also designated heritage assets. 'In this instance, legislation requires that "special attention" should be paid to the desirability of preserving or enhancing the character or appearance of that area'.

These legislative requirements are mandatory, not discretionary. The Local Planning Authority has a statutory duty to pay special attention and regard to preserving or enhancing heritage assets within an application for development.

For clarity, the Case Law referenced in SCAN's initial objection letter has been replicated below. This is relevant in identifying the importance of heritage considerations and provides an interpretation of how the duties should be applied. In particular:

Barnwell Manor Wind Energy Ltd v E.Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137

*The judgment in Barnwell Manor emphasised that "there is a need to give considerable importance and weight to any harm...when carrying out the planning balance".*

R (on the application of) Forge Field Society & Others v Sevenoaks DC & Interested Parties [2014] EWHC 1895 (Admin)

*Forge Fields* reiterated Barnwell Manor's approach, finding that the statutory duty imposed under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their settings requires that 'considerable weight' must be accorded to any harm to listed buildings or their settings. The judgment concluded:

*'The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the right balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation...'*

Therefore, it is incumbent upon the Local Planning Authority to afford considerable importance and weight to heritage impacts when considering the applications at St. Christopher's.

As part of the revised application package, Heritage & Planning Statement Addendum's have been submitted, providing an overview of the revised scheme. Whilst the Addendum Heritage Assessment notes that the revised scheme is improved and results in less heritage harm overall, the same overall conclusion is maintained that the proposed development will result in **'less than substantial harm'**, at the lower end of the spectrum, to the grade II Listed Grace House and **'no harm'** to the overall significance of the Downs Conservation Area.

The addendum notes that it is important to recognise the extent of this harm has been reduced, identifying a number of improvements compared to the originally submitted scheme. The Planning Statement Addendum maintains that approach to how the planning balance should be undertaken, set out in paragraphs 8.1 to 8.7 of the original Planning Statement remains appropriate.

In essence it is the applicant's claim that the public benefits set out in paragraphs 8.8 of the original Planning Statement will all remain, but the heritage harm of the revised proposals is reduced, and, accordingly, the public benefits are now considered to outweigh the heritage harm. This conclusion is contended by SCAN, as explained below.

## Harm to Downs Conservation Area

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

The revised application reduces the number of new housing units from 122 to 116. This amounts to a 5% reduction, a minor adjustment, one that does almost nothing to respond to the hundreds of objections stating that the scale, massing, and height of the proposed blocks of flats are entirely out of keeping with the scale and form of the adjacent, largely 2-storey, housing of Westbury Park.

Furthermore, only one block has been reduced by a single-storey, and one other by merely 300mm (the height of a ruler and almost indiscernible). Four large blocks of flats up to five stories high will remain which, along with the houses on site, are too close together, too close to neighbouring properties, and completely out of character with the Conservation Area, dominating nearby two-storey homes and stifling the Grade II Listed Grace House that lies at the heart of the site.

Such significant proposals and change to the Conservation Area cannot reasonably be considered as 'no harm'.

It is far closer to substantial harm. Most of the other proposed revisions consist of minor cosmetic changes to the external envelopes of the proposed blocks, including slight adjustments to façade colour, design and fenestration, having little impact on the scale of the scheme, which will still dominate the site.

The LPA asked for a 'landscape-led' scheme; however, it is clear upon review of the revised Landscaping Plan that large apartment blocks and houses still dominate the site, leaving minimal green space, with any discernible change to landscaping and greenery a result of tinkering around the edges of the site.

Whilst these revisions to the proposal can be considered slightly positive in nature, they do not reduce the heritage harm caused to a remotely justifiable level. It is self-evident that the scheme remains overwhelming, overbearing and densely populated, and that the distinctive character of the local townscape would be very seriously and permanently damaged if this revised scheme were to be permitted.

Historic England objected to the original planning application on precisely the same grounds as the ones set out by SCAN. In their formal objection (submitted on 12/4/22) they also drew attention to Section 72(1) of the 1990 Act and stated that the proposals do not preserve or enhance the character of the Downs Conservation Area:

*'This is a high-density scheme that we consider to be harmful to the character and appearance of the Conservation Area. We believe that the site is capable of being redeveloped in a manner that responds positively to the setting of Grace House, while delivering a layout, massing and design that is clearly more contextual than that currently proposed' (Historic England objection, 12/4/22 p.3).*

In their comments on the revised planning application (submitted on 22/12/22) Historic England indicate that the concerns they expressed relating to the original application have not been adequately addressed. In short, Historic England continues to take the view that this revised scheme will be harmful to the character and appearance of the Conservation Area. This clear professional guidance from the national authority responsible for protecting the historic environment of England, suggests that BCC should reject this planning application summarily.

As stated in Michael Gove's (SoS) recent open letter to Council's on December 5<sup>th</sup> 2022, *'local authorities will not be expected to build developments at densities that would be wholly out of*

*character with existing areas or which would lead to a significant change of character, for example new blocks of high rise flats which are entirely inappropriate in low-rise neighbourhood'.*

Fundamentally, because the revised planning application continues to envisage an entirely unacceptable level of over development of this sensitive site, it would not 'preserve' or 'enhance' the character of the Downs Conservation Area at all. On the contrary it would do irreversible harm, for which no reasonable justification has been provided.

Again, and notwithstanding the above position, SCAN consider that 'less than substantial harm' is at a higher degree than as stated within the submission, principally due to the quantity, height, mass, and bulk of new buildings proposed in the Conservation Area, which will be an intrusive and unwelcome addition to the built fabric within The Downs Conservation Area. On this basis, the level of justification required, in accordance with NPPF 200, is at an even higher scale than what is already absent from the application.

### **Harm to Listed Buildings**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 prescribes a duty on local planning authorities in the exercise of their planning functions regarding listed buildings. This requires planning authorities to pay 'special regard' to the desirability of preserving a listed building or its setting.

BCC's Conservation and Urban Design Officers were extremely critical of the original scheme. In their statement (dated 24/2/22) they concluded that: *'...the building scale, form, massing, grain and landscape of the proposed development indicates the current proposals are unacceptable in their current form'.*

Given that the revised planning application is very similar indeed in building scale, form, and massing to the original application, it is reasonable to expect that the BCC Conservation and Urban Design are likely to conclude that the revised application remains unacceptable, as per the as the original application.

As previously stated, Historic England considers this high-density scheme *'to be harmful to the character and appearance of the Conservation Area'*. They point out that the excessive density of the proposals will have a damaging impact on the heritage assets of the site.

The impact of this scheme on Grace House, a Grade II listed building, should be highlighted as it continues to be entirely unacceptable. Visualisations of the impact of this proposal on the setting of Grace House, provided by SCAN, show, and this fact cannot be contested, that if this scheme is permitted, Grace House will be surrounded by tall blocks of flats, including one 5-storeys high, that are unreasonably close to the heritage asset.

Whilst the revised planning application makes some minor adjustments to improve the setting of Grace House, such as the removal of the spa extension, the adjacent blocks will still dominate the 2/3 storey Listed Building of St. Christopher's causing irreversible harm to the building itself, its setting and significance - NPPF para 199 and 200 show any harm should be afforded great weight.

It is clear upon review of the revised application package that, whilst the Heritage Addendum has provided a response to the numerous concerns raised through consultee responses, the fundamental issues of height, mass, bulk and proximity highlighted have not been addressed. There remains no satisfactory assessment of the impact of such large blocks of flats set in close proximity to the listed building.

Accordingly, SCAN consider that the proposals will cause 'less than substantial harm', towards the upper end of the spectrum of this classification. The revised planning application shows no understanding, at all, of the importance of protecting the heritage assets of this remarkable site.

This fundamental weakness, in and of itself, provides grounds for the outright rejection of this planning application.

The term 'less than substantial harm', derives from the NPPF and does not indicate that such harm is of low importance. Quite the reverse is true, as explained in case law identified above, which is reflected within NPPF para 199.

In Paragraph 18 of the Heritage Addendum, in responding to the comments received from BCC Conservation Officer's the applicant recognises the 'Barnwell' decision in that the finding of harm to a designated asset gives rise to a strong presumption against the granting of planning permission, further referencing 'Forge Fields' in that: *"The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so"*. It is clear in this instance, that the harm caused to the heritage assets is far greater than that stated by the applicant, and not outweighed by any material considerations powerful enough to do so.

In conclusion, the proposals are clearly contrary to Policies BCS22 and DM31. The proposal will result in an unacceptable level of heritage harm to designated heritage assets, which has not been adequately justified, which do not conserve or enhance the assets themselves nor their settings.

## **LOSS OF SEND SCHOOL PROVISION**

At the moment there are no replacement school places on site to make up for the loss of the vital community asset. The Planning Statement Addendum notes that work is ongoing to investigate the feasibility to make space within the development available for the provision of SEND spaces, however, this vague offer amounts to the possible occasional and shared use of a room within what is described as an 'Urban Village Hall'.

Expert Advice received has informed SCAN that this arrangement would not work from a safeguarding perspective and is not the significant SEND provision which Bristol desperately needs, undermining the legacy of St. Christopher's which served the city's vulnerable children for more than 70 years. It should be noted that the current lawful use of this land is, then, as a school for children with special educational needs.

Bristol City Council explained this background to the applicant in 2021 and, in formal Pre-Application guidance provided to the applicant (8/11/21), the council stated that there would be 'a need for an ongoing Education/Community use of this site' for special education needs. The BCC guidance went on to state:

*'As the site was formerly in educational use, it will be essential for you to fully explore the potential for SEND provision in your proposals'.*

The applicant has completely failed to respond to this formal demand from the city council. The developer has, instead, set aside this clear guidance and attempted to argue, in the face of abundant evidence to the contrary, that there is no need for any SEND provision on this site. They arranged for a planning consultant, based in London, to write a report to justify this claim. Upon examination this report was roundly criticised by the Council's Specialist Places Team (See Jessica Taylor letter attached), who highlighted numerous significant flaws in the data presented, emphasising that the findings of the report could not be used with any certainty.

In practice, there is a very serious and evidenced shortfall in provision within Bristol. The level of SEND need within Bristol has increased by 16% within the last year, compared to 10% nationally and 6% within neighbouring planning authorities. Bristol City Council readily acknowledges this under provision, with councillors at a recent cabinet meeting (06/12/22) deciding to approve a tender process for an education provider to deliver 30 SEND placements for children with complex needs (to be delivered by an INMSS - independent and non-maintained special school) at a cost of £10m+.

It is unclear, however, whether these placements are intended to be residential or day care, with many children previously attending St. Christopher's requiring around the clock residential care. SCAN are of the understanding that currently there is no remaining residential care for children with complex special needs within Bristol. The below extract from the meeting demonstrates the severity of the existing situation, highlighting the need to provide SEND spaces to young people in Bristol who currently have 'no other offer':

*'Whilst it is understood that it is proposed to bring children who are already receiving education, outside of Bristol back into the area and that it may reduce more costly out of 7 area spend on alternative provision, it is also offer school places to some young people who have no other offer. On this basis this may not substitute existing spend and there is a risk additional cost pressures on the High Needs Block. This contract will therefore need to substitute existing high needs spending or will create an additional further budget pressure on £10.5m.'*

The growing SEND demand, specifically that of the 'High Needs' children previously served by St. Christophers, is further evidenced by the increased allocation (10% increase) to 'High Needs' block funding at the last Bristol Schools Forum Meeting (29/12/22). Despite this additional funding, the High Needs block continues to be under significant pressure, with the current spending levels in 2022/2023 indicating the increased allocation in 2023/2034 will not cover current year forecast shortfalls and will not provide any additional funding for historic deficits. The same document from the Bristol Schools Forum Meeting advocates a target of 450 additional SEND places in Bristol by 2024.

The current situation is such that, as revealed in the Bristol Post (18/01/23), the Government has ordered Bristol City Council to fix its "fractured relationship" with parents of children with special educational needs (SEND). City Hall bosses are finalising an "accelerated progress plan", which needs to be submitted to the Department for Education (DfE) by February 1st (2023), following a re-inspection by Ofsted and the Care Quality Commission (CQC) in October.

(<https://www.bristolpost.co.uk/news/bristol-news/government-orders-bristol-city-council-8042842>)

In the revised planning application, the applicant claims to be providing space, in a so-called 'Urban Village Hall', to be used by local children, 'including those with special education needs'. This suggestion has not been agreed or discussed with Westbury Park Primary School, who have made it clear that such an offer would not be feasible on safeguarding or health & safety grounds. Whilst it may have been discussed with specialist education experts at Bristol City Council, as demonstrated in the accompanying email by Jessica Taylor (Council's Specialist Places Team), there is still variance between BCC and the applicant in regard to SEND provision.

Simply put, no formal offer has materialised or more importantly been agreed upon, yet the above proposal is included in the revised planning application to give the false impression that, in relation to SEND needs, the applicant has listened to the council. In practice, this proposal is hollow.

SCAN has conducted an analysis of the 630 objections submitted to the original planning application. This analysis shows that 132 (21%) of the objections complain about the absence of provision for SEND children. Given that the original planning application did not refer to SEND at all, these 132 objections show that many people in Bristol have a very high level of awareness of the important role this site can play in meeting the needs of Bristol children with disabilities. It is disappointing that the FORE partnership (and their associates) has chosen to ignore the major public policy concern relating to SEND provision in Bristol.

Ultimately, the applicant has still not demonstrated that there is no longer a need to provide a SEND use on the site. In fact, evidence points towards an urgent need to expand SEND provision within Bristol. The opportunity to re-use the existing premises or re-building should therefore be afforded substantial weight.

Consequently, the applicant has failed to satisfy the requirements of Development Plan Policies BCS12 & DM5 regarding the protection of community facilities and therefore there is an in-principle policy conflict.

## **LACK OF AFFORDABLE HOUSING**

The applicant has argued, for over a year now, that the Land Use Class for their scheme is C2 (residential institution) rather than C3 (residential dwelling). The Planning Statement Addendum notes that following confirmation from the council that the proposed development falls into Class C2, the application has been absolved from providing affordable housing on site.

In practice, there is ambiguity in UK planning law. When it comes to 'integrated care' projects that deliver both housing and social care, it is not always easy to distinguish between the C2 and C3 Use Classes. It is the case that so-called 'extra care' schemes in different parts of the country have blurred the boundary between these two Use Classes.

However, even though BCC have accepted the applicant's claim that their scheme is Use Class C2, this does not necessarily absolve the developers of their responsibility to provide affordable housing on the St Christopher's School site. The relevant legal finding here is the decision of the High Court (24/8/20) in *the 'Rectory Homes Limited v SSHCLG and Oxfordshire District Council'* dispute. The High Court found that 'extra care developments within Use Class C2 are not exempt from providing affordable housing solely by virtue of falling within that use class'.

Therefore, it is SCAN's contention that the application is still subject to Policy BCS17 (Affordable Housing Provision) of the Bristol Core Strategy (2011), requiring the applicant to arrange for 40% of the housing in their scheme to be affordable. BCC guidance requires developers (see the Affordable Housing Practice Note 2018) to 'provide affordable homes on site without any public subsidy in line with the Council's affordable housing policy'.

Moreover, the application provides no explanation of why the model of care proposed cannot cap the service charge on 40% of the new homes. Doing so may enable the scheme to meet the 40% affordable housing target. The applicant claims that the scheme will not be financially viable if affordable housing is included. However, this claim relating to financial viability is inaccurate.

The applicant was required to provide a Financial Viability Assessment (FVA) within the original submission package in March 2022, however, failed to do this. Following numerous requests, an FVA was provided in June 2022, of which SCAN provided a detailed review, submitting comments on it to the BCC Planning Portal on 12/7/22. The SCAN review shows that the submitted FVA, contains some significant flaws. In essence, the developer's FVA claimed to show a deficit of £1.9 million on the scheme. However, the SCAN report demonstrates that this is not at all the case. Even if conservative figures are inputted to the FVA calculations, the evidence shows that the scheme proposed by the applicant in the original planning application would be expected to generate a surplus of £5.3 million (or more).

Most importantly, the SCAN financial viability assessment shows that it is perfectly possible to deliver a financially successful scheme with far fewer new housing units on this site than the developers claim. Fundamentally, this revised application package has not made it clear or provided any justification why even within a C2 category they should be excluded from Bristol City Council policy requirements to provide affordable housing. The application therefore fails to meet the requirements of Policy BCS17 and should be refused accordingly.



## OTHER STATED CONCERNS

### Alleged community 'benefits'

SCAN would also like raise objections against the developers' claim to be offering 'community benefit', with there being scant detail or evidence of this within the proposed application package and less evidence still that their claimed "benefits" - e.g., of a cafe which would be open to the public, and meeting rooms which could be used for community events - are either needed or wanted by the community.

SCAN Group would like to make it clear that these vague, unspecific offerings in no way compensate for the very serious and concerning issues that are still outstanding as outlined above. There has been no meaningful discussion with the community about their real priorities and needs; consequently, what the developers seem to be offering is not seen as needed or even particularly beneficial.

Westbury Park already has a multitude of popular and well supported cafes, often run by people living locally - therefore another cafe on site does not meet a 'need' in the community. Similarly, there are also plenty of meeting rooms within the churches and schools in Westbury Park - and these charities rely heavily on rental income as revenue. Furthermore, the most useful community asset currently on the St Christopher's site is the large hall. This is the only part of the site that has had any genuine community use recently and it would be far more beneficial to retain this but sadly, this is set to be destroyed.

Lastly, the distinction between the public and private realm is still undefined, and there is a lack of clarity or detail about access arrangements the community would actually have once the development is completed and the reality of 200+ vulnerable elderly adults moving in becomes clear.

### Vagaries and omissions of detail within the application package

Another objection raised by SCAN Group relates to the litany of errors, omissions of detail and misleading information contained within the application package, as well the lack of proper consultation during the process. Whilst individually many of these discrepancies may appear minor in nature, accumulatively they show a disregard by the applicant to present the community with basic factual information surrounding the scheme. Several examples of which are provided below:

- **Height of H01 Cottages in site section drawing 2006 rev A** - During consultation with the developer these were described to us as single storey with accommodation in the roof. The rooftops now line up with the top of a 1930s house so are more like a townhouse with two full storeys and a roof above, and will be significantly higher than the current single storey building.
- **Site section drawing 2006** – The top of roofline of the H01 cottages has been obscured by tree branches to disguise their height. In fact, there is no tree that can obscure the front of these cottages, so the view is misleading and incorrect.
- **2006 site section** – this section is still showing the two very large trees tree 52 and tree 65 which elsewhere in the proposal says are to be removed for sewer works. The inclusion of these trees makes the scene deceptively green, and this error was pointed out in the first consultation, however, has not been remedied.
- **Landscape addendum** – Shows the ground as level between the rear boundary of the proposed Cottages and the rear of 15/16/17 The Glen. This is incorrect, with there being a change in ground level, with the proposed cottages being higher.

## Highways impacts

It should be noted that the scope of this letter does not contain the full extent of concerns held by SCAN in regard to the submitted application. SCAN maintain the concerns raised in their previous representations to the original application package regarding highways impacts, however, to be succinct, these have been addressed in separate submission which should be read in conjunction with this letter, notably:

- Updated Objection from SCAN on Highways Grounds Document

SCAN would also like to refer the LPA to the recent Appeal decision ref. APP/Z0116/W/22/3299847 relating to Belvedere Road, one of the roads next to the neighbouring site. The appeal, which resulted in an increased parking demand of only an estimated 4 cars, was rejected by PINS on the 30<sup>th</sup> January 2023 due to the effect on 'highway safety and congestion, having regard to on-street parking in the locality'.

The following commentary from the Inspector's Report is relevant in this instance:

*"there is no dispute that on-street parking in the area is at a premium with a high level of demand" and that the proposal "would result in additional demand for parking, exacerbating the existing problems. This would risk further vehicles blocking footways and dropped kerbs...[and] would result in conflict with moving vehicles and risk the highway safety of road users."*

The issues with parking referred to by the Inspector within this appeal demonstrably exist throughout the whole area neighbouring the St Christopher's site. It is therefore SCAN's contention that the Inspector's Appeal decision should be given weight in the determination of the proposed scheme, which will likely result in an increased demand of at least 50 cars and thus should be similarly rejected.

## SUMMARY & CONCLUSION

This formal representation has been prepared by Rapleys LLP for and on behalf of St. Christopher's Action Network (SCAN) and has been provided in response to the revised application package submitted on the 1<sup>st</sup> December 2022 pertinent to planning application ref: 22/01221/F.

Unfortunately, the revised application package forms a completely inadequate response to the significant concerns raised over the original scheme and fails to amount to any measurable improvement.

The revised application has demonstrated an unwillingness on the part of the developers to respond to the feedback received from BCC internal consultees and Historic England, as well as the serious concerns raised in over 1250 objections. None of the concerns raised by SCAN in their original objection have been satisfactorily addressed, with the application remaining inappropriate for the following reasons:

- The proposed scale, mass and bulk of the proposals remain wholly inappropriate within this sensitive heritage context and will give rise to a high level of unacceptable impacts on heritage assets and townscape;
- The applicant has not demonstrated that there is no longer a need to provide a SEND use and continues to disregard the increasing need for SEND accommodation in Bristol, therefore failing to satisfy the requirements of BCS12 and DM5;

- The extent of tree loss proposed remains inappropriate, particularly so in terms of high-quality individual specimens which make a valued contribution to the character and appearance of the Conservation Area;
- The proposal remains inappropriate in transport and highway terms, owing to insufficient on-site parking provision and inappropriate access/egress arrangements, which will increase the road safety risks in an area where there is already a significant concern;
- The proposal includes no affordable housing, which is contrary to the adopted development plan. Upon review, the submitted Viability Appraisal to justify such lack of provision is not considered to be reliable, with the stated reasoning for the lack of provision in conflict with adopted policies and adopted supplementary planning guidance;
- The alleged community benefits are not proved to be either needed or wanted by the community and in no way compensate for the very serious and concerning issues that are still outstanding; and
- The application package is littered with vagaries and omissions of detail, showing disregard to present the community with basic factual information surrounding the scheme.

For these reasons, it is considered that the submitted application should be summarily refused by the Local Planning Authority.

Yours faithfully,

**Rapleys LLP**