

Dear Mr Westbury

Re Application 19/02364/X . 104- 106 Stokes Croft Bristol BS1 3RU

The intention of this document is to demonstrate that the developer of this site is repeatedly making fundamental changes to the existing planning permission seemingly without due planning process being employed.

They have done so first under the guise of minor amendments and now under Section 73. Both with their applications for minor amendments and now the section 73 application they are arguing that they are not changing the design significantly which is clearly not true.

Summary of changes:

- 1. Addition of two storeys to Block A** – So that it now contravenes guidance policies on Natural light, Overshadowing and Overbearing.
- 2. Reconfiguration of Block A plan/layout** so that it now into 108 Stokes Croft – So that it now contravenes guidance policies on privacy.
- 3. Changes to Ashley Road Frontage and removal of a key commercial unit.** – This commercial unit is a visual signifier that this a commercial arcade and entrance to a public space.
- 4. Changes to Ashley Road Frontage** - Including reduction/removal of the ‘Commercial architectural language’ to the ground floor. (as though the intention is to remove this commercial element from the development.)
- 5. Removal of Roof Gardens.** - reduction of amenity space.
- 6. Redesign and reduction of Bin Storage** – Including returning 108 Stokes Croft’s bins to the entrance arcade (significantly compromising its viability) and reconfiguring occupiers bins to make them less convenient to users.
- 7. Reconfiguring stairwells** – resulting in a reduction of natural light in internal corridor spaces and an increase in internal travel distances. Reducing quality of environment.
- 8. Redesign of internal elevations to remove evidence of commercial element.**- The ground floor frontage of Block A is now drawn as identical to the first floor flats frontage. (as though the ultimate intention is to remove this element from the development.)

Changes that might have been expected but are in fact lacking:

Still no real discussion or information on Cultural plan delivery.

No information of how the public space is to be used or evidence of such e.g. Public toilets, storage, electric and drainage hookups and provision for drop off and pick up vehicles. Similarly no additional detail of commercial element. No indications of the type of use, type of business, scales of businesses or how these businesses might relate to or support the proposed uses of the so called public space.

A strategy of implementing change without due process.

This latest application has been submitted under S73 of the Town and Country Planning Act 1990 (as amended). Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an existing previous planning permission. Under this section a local planning authority may amend or remove conditions "*but may not amend any other part of the permission.*"

The Arrowcroft legal case which the applicants planning consultant refers to clearly established that Section 73 cannot be used where it would result in a 'fundamental' alteration of the previous proposal. CSJ planning Consultants letter even states this.

The planning consultant proceeds to state his opinion i.e that the dictionary definition of the word 'fundamental' is what should be used in this context. It is unclear exactly what this means but is presumably justification for use of S73. In any event this interpretation of the word 'fundamental' is simply his opinion, not a statement of fact nor a position established in law. It is just the opinion of a planning consultant with a vested interest in getting his clients changes passed.

As an experienced practising architect and a Teaching Fellow at Bath University I feel fairly well qualified to determine when a design has changed 'materially' as in the previous applications for so called, 'minor amendments' or 'fundamentally' as is the case in this current application under Section 73.

An analysis of the amendments.

A lack of intention and lack of transparency.

This developer and presumably also their architects do not appear to understand or value either the original 'vision' for this site as created during the lengthy community consultation process or many of the fairly simple architectural strategies that had been employed to realise it.

The variations being made to the scheme are consistently reducing quality and amenity rather than developing the design. Many changes remove quite sophisticated architectural device for no obvious benefit putting into question the competence of those involved. So far all changes appear as alterations to improve profit with little or no regard to quality. None appear to develop or improve the design.

It should also be noted that to facilitate these changes being approved by the Planning Department the architects and planning consultants are very cynically omitting key drawings when they make these applications. They are making lists which purport to describe all changes, however they are omitting changes or describing others unclearly. Some drawings appear to be drawn in a manner to intentionally mislead or are drawn inaccurately in a way that favours their argument or plays down a change. I am referring not only to the current application drawings but also the consultation drawings.

Specific examples and analysis of the more obvious revisions.

1. Addition of two storeys to Block A

This application proposes to add two floors to the north end of block A increasing it from 4 storeys to 6.

This is obviously a fundamental change to the existing proposal and to suggest that it can be dealt with under section 73 is completely unjustifiable.

This should not even be the subject of a subsequent planning application because the planning department should make it very clear at this stage that this has already been deemed to be unacceptable by the planning department and the planning committee. I refer to the original version of this scheme that had to be revised in order that it did not compromise the amenity of 108 Stokes Croft. Among other things the top two stories were removed revising it to its current form.

The currently proposed 4 storey Block A already seriously compromises the rear of 108 Stokes Croft. It does so in terms of 'overlooking', 'overbearing' and reduction of natural light. It compromises it to an extent that barely conforms to the current policies and guidance and in some areas actually fails to do so. e.g. The three storey brick wall 13 meters away from a roof terrace would normally be deemed as 'overbearing'. If not, then the 5 storey block 5 meters to the south east definitely would. It is highly irregular that the scheme was passed at all in its current state.

NB. A similar situation exists at the south end of this development where the 6 storey block sits in an overbearing fashion next to a 2 storey community centre's external space and the domestic gardens on Hepburn road. I can site specific cases elsewhere in the city where this planning department has not allowed overbearing that was approximately half this in terms of massing.

Similarly in terms of natural light levels in the internal spaces of 108 Stokes Croft. The introduction of a 6 storey block to the rear cannot be made to work. Even with the current scheme which has been approved average daylight factors will be dropped to a point where it will be necessary to turn on artificial lights in order to work at a table. NB. Calculations were supplied with the aforementioned application and an independent consultant showed they proved lack of compliance, but you don't need the calculations. It is obvious to any competent architect or planning officer just by looking at the plans and imagining the massing. (I almost said 'plans and sections' but of course the applicant in this latest instance did not include the one sectional drawing that would make my point here obvious).

The Applicants argument for this change to six storeys in their commentary of amendments are:

Firstly: *"That it does not exceed the height of the rest of the block."* which is completely Irrelevant and no logical argument at all.

It does highlight the fact that the rest of the block is in fact too high, being completely out of context in terms of massing. A fact that the occupants of all the neighbouring houses will attest to; now and, without doubt, once the development is complete.

Secondly that; *"it is 41.3 meters high"*. Also arbitrary and irrelevant.

And finally that; *"The height of the parapet does not exceed the height of Tucketts building"*. Comparing the height of a flat roofed building to the height of a pitched roof building is illogical and comparing the height of an arbitrary element to overall height is similarly a nonsensical thing to do.

How the addition of two storeys effects the Ashley Road elevation is another matter that will be touched on later.

2. Reconfiguration of Block A.

The layout of the north part of Block A which sits immediate behind 108 Stokes Croft has been revised with absolutely no regard to the guidance on privacy. Unlike the current scheme it no longer conforms in this regard.

The current layout of this block was designed to ensure that no habitable spaces could look directly into the habitable spaces to the rear of 108.

The guidance for minimum distances between habitable windows is 22 meters. The actual distance between these two facades is 13 meters which is deemed to be the minimum distance between a habitable window and a blank wall.

The revised layout now has living spaces looking straight into living spaces at a distance of only 13 meters. In fact it is much worse than even this appears.

The applicant is providing balconies in this position. They are not labelled on the drawing but they are clearly shown drawn in a similar manner to the other balconies on plan and are in fact shown on the sectional elevation. In a characteristically misleading fashion the access doors are not drawn as doors but as windows. (but one assumes, given the expense of adding balconies, the intention is to actually fit doors).

3. Revisions to the north Entrance to the Courtyard – Including removal of a key commercial unit

The existing design provides a clear route through the public space. Both entrances need to be articulated clearly to ensure the public know the courtyard is there and accessible thus ensuring its financial viability.

One entrance is off Stokes Croft and one off Ashley Road. The existing planning permission has commercial units located in the north entrance 'arcade' off Ashley Road. The northern most commercial unit 'pokes its head out' onto Ashley Road marking this entrance an 'arcade' and an 'entrance' rather than just an alley. It also cleverly employed two architectural devices; a setback in Block A Ashley down rd facade to form a threshold and a curved facade on this commercial unit to draw people in off the pavement. This Unit will also be visible from Stokes Croft Ashley road. A clever move again designed to signify entrance from that vantage point.

This latest application removes this architectural feature (and most of that shop unit) entirely.

Misleadingly, again, the commentary on amendments describes this design change as:

"Removal of chamfered north west corner to ground floor non-residential unit. This rounded edge has been discarded and moved to the corner near the lobby entrance, drawing the eye, and people, round and into the lobby." This statement demonstrates a complete lack of understanding of some of the key principles underlying the existing scheme design and is a completely inadequate way of describing the changes. e.g The Chamfered north west corner removed is actually a curved, glazed shopfront. Contextually this also referenced the curved glazing in 108A. The replacement is a chamfered piece of brick wall next to a doorway.

Public consultation has repeatedly prompted discussion and debate about the design of this entrance way. Expectations were that we would be seeing details of changing paving materials, signage and lighting that would develop the design of this important entrance. It has the potential to effectively be an extension of Picton Street. (Thus the suggestion that it might be called 'Picton Alley'.) Instead of the design being developed, the opposite is occurring with the design being steadily eroded. It puts into question the developers commitment to the Community Vision for the site that included this as a viable public entrance.

4. Changes to Ashley Road Frontage - specifically a lack of commercial architectural language.

Changes to the Ashley Rd frontage to Block A are being proposed. At the last CAG public consultation meeting there was a very negative response in terms of the new aesthetics. While it might be argued that this is perhaps subjective, the consensus was also that the new design proposals were contributing to the erosion of the original design principles, both in terms of the Community Vision but also in terms of the previous architects efforts to translate that vision into built form.

This elevation needs to be doing many things. Primarily it needs to look like shops on the ground floor - very clearly with no confusion. As the public drive or walk down Cheltenham road/Stokes Croft they need to be able to look into Ashley Road and see more shops and an entrance into a Courtyard – to do anything else would compromise the financial viability of these commercial units. The architects need to understand the architectural syntax that say ‘shops’ and employ it.

This elevation needs to do lots of other things. It needs to try and disguise the low ceiling heights of the shops (low for financial reasons as opposed to aesthetic) which the existing permission did quite well. They need to pick up on and relate to the horizontal datum of the high ceilinged/corniced Victorian Shops of 108 Stokes Croft and at the same time relate to the smaller units of the courtyard (and Picton street) that are more Georgian or Dickensian in scale.

One has to ask if this might actually be intentional. Is it in fact the intention to try and change these shop units to flats at a later date once they have been proved to be financially unviable?

Also this elevation sits at the end of Picton street (reportedly the most complete Georgian shopping street in Bristol) and at the beginning of the very beautiful domestic Georgian house architecture of Ashley Road. If this elevation is to be revised surely it should demonstrate some analysis and response to this context.

On a much more simplistic level, objectively, this elevation is a transition between the elevation and massing of 108 Stokes Croft and the elevation and massing of the Salvation Army building. The current elevation, at least in terms of size is precisely that. There is a clear ‘stepping down’ in scale. The proposal being two storeys higher obviously is not. A six storey elevation in this position is completely over-scaled and out of context.

It also sits to the south of the external patio area of the commercial units on the end of Picton street so effects them very badly both in terms of ‘overbearing’ and ‘overshadowing’.

NB. Again the drawings are intentionally misleading. The architects have ‘greyed’ out the upper two levels to make them appear less prominent. While this effect is indeed used in architectural rendering to show depth, it is never used in this manner when the distances involved are so small.

5. Removal of Roof Gardens

Some roof terraces were recently removed as a minor amendment. And it is the intention to remove most if not all of the remainder with this section 73 application. I would argue that this is in fact not a minor amendment.

While roof gardens are not a planning requirement in city centre flats the inclusion of them in this scheme was something that mitigated its very high density. Also to remove the roof gardens changes the type of accommodation from one that is suitable for children to one that is not. As such it is a change in the mix of housing types on the site. On another level, assuming no child occupants, it simply compromises the 'quality' of the housing.

6. Removal of bin storage for Neighbouring 108 Stokes Croft

Additionally there appears to have been a removal of the bin storage provision that was to be provided for the occupants of 108 Stokes Croft.

108 has existing external bin storage within (2 bins) and outside its external rear wall (4 bins). The location of which would be totally inappropriate to a viable public North entryway to the public courtyard. The previous architects understood this, it was discussed and alternative bin storage was included in the new scheme and clearly labelled on their drawings. Without this provision smelly bins will reside in the north entrance way to the public space.

Reduction in quality of Amenity provision.

Reduction in Bins

Despite what the application claims there appears to be an overall reduction in the amount of bin storage. There certainly appears to be lack of provision for the number of bins that are now required due to recycling. Certainly reducing the number of bin stores is a real retrograde step in terms of travel distances for residents.

7. Removal of a stairwell

This represents further reduction in amenity, again a material change, in order to increase the overall area of flats. Two stairwells meant that the internal corridor was naturally lit from both ends. The proposed single stairwell means that now a large proportion of the flats are accessed via a corridor with little or no natural light. Similarly rather than two bin stores and reduced travel distances to each you now have one, reducing convenience to half the occupants

8. Ground floor flats instead of shops/workshops.

In recent community consultation drawings a number of the ground floor flats around the public space reverted back to shop units. This change has, predictably, failed to materialise on any of these revised schemes.

A developer who understood and appreciated the Community Vision developed for this site would commit totally to the inclusion of the small shop/workshop units around the courtyard. Currently four units are still laid out as flats. This effectively creates a 'dead area' in one corner of the courtyard. No 'active frontage' in that section and no point in walking around that area. Approximately one third of the frontage is non commercial. This again is a 'designed in' compromise to the scheme which will directly effect overall viability of the courtyard and the commercial element.

Another proposed amendment in this area of the design are the revisions to the commercial unit frontages which is described like this:

'In only having the one door to enter the non-residential units, less space is wasted to unnecessary circulation. The undulating façade and recessed door ways activate the frontage and improve the aesthetic.'

In fact what this does is design out the intended size flexibility. The intention was that twice as many small units could be offered. Not only are half the doors being removed, with no provision being made to put them back if they were needed, but a large proportion of the glazing is being removed and replaced with blockwork.

In actual fact:

THE SHOP/ WORKSHOP UNITS AROUND THE INTERNAL COURTYARD HAVE BEEN REMOVED COMPLETELY FROM THE ELEVATIONS. Again there is no mention of this in the commentary of revisions.

The ground floor frontage of Block A is now drawn as identical to the first floor flats frontage. I would suggest that the intention is to poorly premarket these shops that no longer look like shops and then argue a lack of financial viability. They will then apply for change of use to flats. It may also be possible the change will be made through permitted development rights. (Since 2017 change from light commercial and some shop types to residential can be considered under permitted development)

Cultural Plan Consultation and delivery.

It was assumed by CAG, PRSC, the public in general and presumably the planning department that the Cultural Plan consultation and the production of the Cultural Delivery Plan would be the primary vehicle to work up the details of the public space and the commercial element, thus ensuring both its quality and its financial viability.

However to date all representations to the public of the Cultural Plan demonstrate no clear Cultural Plan and show little understanding or commitment to deliver any of what the planning department, CAG, PRSC and the public hoped for this development.

If the public space is to be used as such we should by now be seeing design provisions on these application drawings. Public toilets, storage, electric and drainage hookups and provision for drop off and pick up vehicles are just a few of the more obvious items that have been identified by the public and market and event consultants.

Similarly there has been little said about the commercial element and certainly no clear outline of the type of use, type of business, scales of businesses or how these businesses might relate to or support the proposed uses of the so called public space.

A developer committed to the original design would understand the importance of making the commercial element and the public space it surrounds as viable as it can be so that it can become the driver of the scheme and the basis of the community living over and around it.

In summary:

This analysis is far from complete. It has been done piecemeal, without an adequate set of drawings, with the intention initially only of making a few points to the planning department about some of the more obvious shortcomings of this latest application and the inappropriate use of Section 73. However as the exercise proceeded I became increasingly aware of more and more hidden alterations to the original design scheme.

My final conclusion, as an architect and a Teaching Fellow at Bath University (with 15 years experience reviewing architectural designs) is this;

The developer, their architects and their planning consultants actual goal is to remove all the commercial element (except possibly some on Stokes Croft) and replace it with flats.

This is the conclusion one must take when you assess all the design modifications together.

This rather surprising conclusion is supported by the fact that despite the very long time frame there has been a complete lack of any real information or discussion relating to the commercial or public element.

The only other possible explanation is that they are so lacking in architectural understanding as to be completely incompetent. But I don't personally believe that to be the case. Too many of the changes are simply too 'odd' to be accidental. I suspect there are actually reasons for some of the things I cant explain that will only become apparent as the shift to a completely housing based scheme is realised. e.g. That odd space that has been created in the North entrance for example is probably provision for a bin store.

Sincerely Yours

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