

Bristol City Council's response to Inspectors' matters, issues and questions

Matter 12: Urban Living

This statement sets out the council's response to the Inspectors' matters, issues and questions regarding urban living matters.

Council's introduction

The Inspectors' questions are shown below in ***bold italics*** with a border, following any preamble to the question also in ***bold italics***. The council's responses are shown in normal typeface below the Inspector's questions.

Suggested main modifications arising from the Inspectors' questions are set out in grey tint boxes.

Responses to Inspectors' questions

Issue 12.1: Whether policies UL1 and UL2 are justified, effective and consistent with national policy.

Policy UL1: Effective and efficient use of land

Q12.1: Is Policy UL1 justified, effective and consistent with national policy? In particular:

a) Is the policy sufficiently clear as to what is meant by efficient use of land and the development under-used land?

Council's response

1. The term efficient use of land is used in the NPPF September 2023 paragraph 124-125. The NPPF does not define the term but instead provides a list of issues that should be taken into consideration in preparing planning policies and making planning decisions to ensure development makes efficient use of land. These considerations are addressed by policies UL1 and UL2 which are intended to operate together. These issues are:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;	Addressed partly in UL2, second bullet point. Recognises that densities below the suggested minimum may be acceptable where proposals make a significant contribution to the creation of mixed and balanced communities. Housing mix is also addressed directly in some development strategy policies (DS4-9, 13-14) where the issue has been identified as particularly appropriate to consider.
b) local market conditions and viability;	Addressed in UL2, third bullet point. Note proposed modification from PQ.113 to better align wording with NPPF.

<p>c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;</p>	<p>Addressed in policy UL1 sub section 'locations for more intensive forms of development' - Location of more intensive forms of development is connected to areas with higher availability and capacity of infrastructure and services such as the city centre, town and district centres and major public transport routes, as well as areas of growth and regeneration. Also indicatively outlined in Diagram 5.1.</p>
<p>d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and</p>	<p>Addressed in UL2, first bullet point. Also addressed through other local plan policies, in particular chapter 13. Residential gardens are addressed through policy BG6: Private gardens and policy DC1.</p>
<p>e) the importance of securing well-designed, attractive and healthy places.</p>	<p>Addressed in UL1, first paragraph of policy text. Also more directly addressed through the local plan's wider policy suite, in particular chapter 13 for design and 14 for health and wellbeing.</p>

2. The council's responses to Preliminary Questions PQ107 and PQ108 provide additional context to this relationship between the policies and how they reflect the NPPF September 2023.

3. The term under used land is consistent with the use of the term 'under-utilised' in the NPPF September 2023 paragraph 120 (d) as referenced in the council's response to Preliminary Question PQ107. Specific application of these terms when assessing a planning application would be determined through the development management process.

Q12.1 b) References are made to the Urban Living: Making Successful Plans Supplementary Planning Document. Has this document been produced and, if so, what does it require? If not, are the requirements of this document sufficiently defined and precise?

Council's response

4. As noted in the council's response to PQ148, the Urban Living SPD (EXA020) is an adopted supplementary planning document. The document is intended to support achieving optimal densities for new development, balancing the efficient and effective use of land with aspirations for a positive response to context, successful placemaking and liveability. The SPD was adopted in 2018 and has been used by applicants and officers across a range of development types. The SPD provides guidance for all residential development, major development, major residential development and for tall buildings. It includes general design principles, compliance

tools and more quantitative information and standards. This includes guidance on outdoor space, internal layout, aspect, shared access and internal space, blocks and street design and for tall buildings (30m/10+ storey) on visual quality, functional quality and environmental quality.

5. The Urban Living SPD is structured around the existing local plan and so will need to be updated to reflect the new local plan. The council intends to update the SPD and incorporate it as part of a city-wide design guide.

Q12.1 c) Given that Policy UL2 prescribes minimum densities for various areas in the city, does Policy UL1 provide additional requirements that would aid the assessment of a proposed development?

Council's response

6. Policy UL1: Effective and efficient use of land is the overarching policy aimed at ensuring efficient use of land for all land-use types, residential and non-residential. It sets out overarching principles that relate to achieving an efficient use of land, including the development of under used land, or where appropriate, extending buildings upwards. It also aims at achieving optimal density for new development, balancing the need for denser development with liveability considerations. It also details specific areas of the city where more intensive forms of development are likely to be appropriate; whilst also providing criteria to determine where more intensive forms of development may be appropriate across the wider city in its explanatory section. These considerations apply to all forms of land use.

7. Policy UL2: Residential densities only applies to residential development, specifying minimum densities for homes. The policies are intended to work in conjunction, with policy UL1 directing more intensive development to areas better suited to accommodate it, and UL2 providing indicative residential densities for areas of the city identified in UL1.

Policy UL2: Residential densities

Q12.2: Is Policy UL2 justified, effective and consistent with national policy? In particular:

a) Policy UL2 refers to 'suitable sites', but this phrase has not been defined. Does wording provide sufficient certainty to future developers and decision-makers as to where developments with higher densities should be directed?

Council's response

8. As noted in the council's response to PQ112, the term 'suitable sites' is not intended to be a defined term. Paragraph 5.15 of the policy's explanation section also outlines where a site might be considered unsuitable for higher densities, stating: *'Not all sites will be suitable for higher density forms of development. Densities above the 50dph minimum will be sought where this would be consistent with the site considerations set out above and other policies of the local plan.'*

9. The policy is indicating that higher density development (in accordance with the suggested minimum general and more intensive densities provided) will be appropriate in the areas outlined in policy UL1:

- Within Bristol City Centre, Bristol Temple Quarter and St. Philip's Marsh;
- Within or close to the city's town and district centres; and
- Close to major public transport routes and corridors.
- Areas of growth and regeneration set out in the Development Strategy (Policies DS1-DS14).

10. These areas are considered better suited to supporting higher densities due to the availability of services and public transportation, proximity to the city centre, town and district centres and ability to promote sustainable travel patterns as a result. Sites within these areas would be assumed to have the potential to be suitable for higher levels of density. Indicative densities are provided, reflecting NPPF paragraph 125 a-b (NPPF September 2023). This approach is considered consistent with paragraph 124 c (NPPF September 2023) which notes planning policies and decisions should support development that makes efficient and effective use of land, taking into account: 'the availability and capacity of infrastructure and services, both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.'

11. Sites within these areas are considered to be broadly suitable for higher densities; subject to the considerations outlined in the fifth paragraph of policy UL2. The policy caveats the assumed suitability of sites by providing considerations that may make it appropriate for residential development to be built to a lower density in certain circumstances which are outlined in NPPF paragraph 124 a – e (September 2023).

12. The approach outlined in policies UL1 and UL2 (which are intended to work in conjunction) is similar to that outlined in core strategy policy BCS20: Effective and efficient use of land (DPD001). This policy similarly sets out areas where higher densities are more likely to be appropriate for these same reasons, namely proximity to the city centre, other centres or public transport routes. It also provides site considerations that might inform the optimum density ('appropriate' in the policy wording). This approach has been applied since 2011 and the approach outlined in policies UL1 and UL2 is considered to provide certainty to future developers and decision makers as to where higher densities should be directed.

Q12.2 b) What evidence underpins the minimum densities listed in the policy?

Council's response

13. The council's response to PQ109 outlines the approach taken in outlining the minimum densities listed in the policy.

Q12.2 c) The table in Policy UL2 refers to suggested minimum densities, whilst the text of the policy outlines the circumstances where a lower density might be acceptable. Therefore, are the text and the table in Policy UL2 compatible?

Council's response

14. The table in policy UL2 provides suggested minimum densities across various areas of the city, with higher densities being typically better suited to locations proximate to the city centre, town and district centres and public transport infrastructure. The policy outlines circumstances in which these minimum densities

may not be appropriate due to site specific considerations. Where these circumstances are not present, the suggested minimum densities would be expected to be delivered. Where these circumstances are present, the policy can be applied flexibly to enable delivery of development at a lower, more appropriate density for the specific site. These two components of the policy are compatible in the operation of the policy.

Q12.2 d) The policy refers to the need to consider 'market signals'. Are the requirements as to what information should be provided in respect of these points sufficiently defined to be clear and unambiguous; and how will it be assessed?

Council's response

15. As indicated in the policy, applicants would be expected to provide supporting information explaining why delivery at the minimum density indicated in the policy for the site is not achievable. This would typically take the form of a viability report considering all aspects of development delivery, including market signals such as increased build costs, at the density proposed and how the minimum suggested by the policy is unviable. Submission of viability information and its assessment by the council is an established process associated with development proposals.

Q12.2 e) How would the policy be applied in conjunction with other policies of the plan, such as DC2 and H4?

Council's response

16. Any proposals for tall buildings would be subject to policies UL2 and also DC2. Policy UL2 deals with minimum residential densities and DC2 deals with the location design and siting of buildings of the specified height or higher.

17. Policy H4 refers to the aim of policy UL2, securing effective and efficient use of land and optimising the density of new development. In doing so, it identifies this aim as a matter to consider when determining what an appropriate mix of housing should be within any development. Housing types and their mix are a factor in considering the optimal density of a development and can be a reason for delivering at a lower level than the suggested minimums. The remaining criteria for policy H4 would not directly interact with the application of policy UL2.

18. For policies in the plan more broadly, as noted in paragraph 5.15, the overall suitability of a given site to support higher densities (identified as the suggested minimums), would be subject to considering the plan holistically. A judgement would be made as part of assessing proposals as to the merit of a given proposal against the overall planning balance.