

Development Control Committee B 28 September 2016

Report of the Service Director - Planning

Index

Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Lawrence Hill	Grant	16/00719/F - Avonbank Feeder Road Bristol BS2 0TH Proposed installation of low carbon, bio-diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid.
2	Central	Grant	16/01888/F - Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU Amended proposal Conversion of the Old BRI Hospital building including two upper storey additions and partial demolition to accommodate 6283sqm Office floorspace (Use Class B1) and 4031sqm Medical School (Use Class D1); and part 6, part 7, part 8, part 12, part 14, part 16, and part 20 storey building to the rear for student accommodation (Sui Generis) comprising 738 student bedspaces; communal areas and refurbishment of Fripps Chapel for communal student facility with ground floor commercial use (Use Class A3); associated landscaping, car parking and cycle parking.
3	Clifton	Grant	16/02137/F - Land Adjacent To 2 Southernhay Avenue Bristol Proposed four storey, three bedroom single dwelling house.
4	Lockleaze	Refuse	16/01193/X - Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX Application for removal of condition No 6 following grant of planning permission 15/00907/X (Insertion of additional mezzanine floorspace into combined Units C/D and alterations to the front and rear of Units C/D - to now allow the sale of food from Unit J)

WARD: Lawrence Hill CONTACT OFFICER: Ken Reid
SITE ADDRESS: Avonbank Feeder Road Bristol BS2 0TH

APPLICATION NO: 16/00719/F Full Planning
EXPIRY DATE: 6 April 2016

Proposed installation of low carbon, bio-diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid.

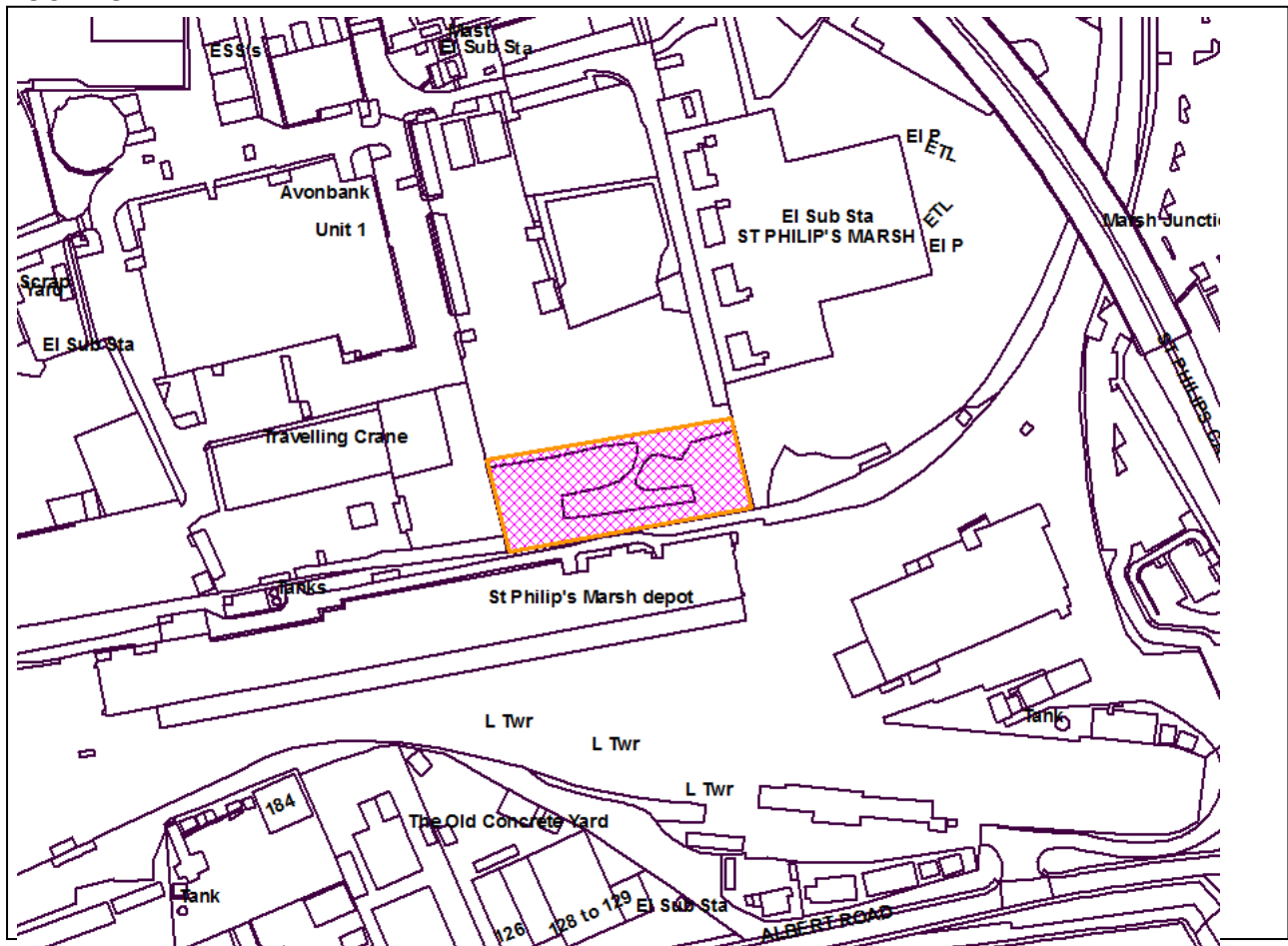
RECOMMENDATION: Grant subject to Condition(s)

AGENT: WYG
100 St John Street
London
EC1M 4EH

APPLICANT: Plutus Energy Limited
23 Hanover Square
London
W1S 1JB
United Kingdom

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

BACKGROUND

Members will recall that this application for the installation of 48 bio diesel powered generators, two double bunded storage tanks (for the bio fuel) and associated infrastructure to link into the National Grid, was considered at the meeting of the Development Control Committee B on 13th July 2016.

The item was deferred as members considered that the health aspects had not been unequivocally resolved. Officers were asked to provide information in response to the review of the Air Quality Assessment by Air Quality Consultants (AQC) on behalf of the RADE (Residents Against Dirty Energy) group. Officers were asked to provide further information in relation to the start-up and shut down effects of the engines on emission levels, together with a response to whether the relevant receptors have taken account of exposure to 3 to 4 year olds at St Philips Nursery (i.e. lower than the 1.5m readings above ground level), and for this to be included in the Air Quality Assessment. Information was requested over the toxicity of catalysts to be used in the green diesel (Cerium Oxide). Officers were also asked to provide a revised Noise Assessment to take account of tonal issues of the plant especially in relation to the proximity of St Phillips Nursery School.

Committee also requested that a medical opinion on the impact of the proposal on the health of children was sought. However in response to this request, the committee was advised that it would not be possible to obtain such an opinion and that this issue was not relevant to the consideration of the application beyond the normal considerations of the impact on air quality. It was the opinion of the Air Quality Officer that the health impact of emissions has been dealt with by the air quality assessment. If the objectives are not breached, there is not a reasoned argument to suggest that there is a significant impact on health from plant emissions.

A description of the application site, details of the relevant development plan policies, the representations received on the application and all key issues for the consideration are set out in the report that was presented to committee on 13th July 2016 (a copy of this report is attached under Appendix A). There are no additional representations to report.

In response, the applicant has submitted an addendum to the Air Quality Assessment, which provided further justification of the assessment methodology, along with additional modelling in accordance with Environment Agency requirements. The applicant has also provided a revised Noise Impact Assessment in accordance with BS4142 2014 which is more detailed and includes tonal content. The previous Noise Assessment had originally been carried out in accordance with the older BS4142 1997. The findings will be summarised below. These documents are also attached as appendices to this report.

FURTHER RESPONSES TO AIR QULAITY HEALTH IMPACTS

Summary of AQC'S review of the Air Quality Assessment on behalf of RADE

Full details of ACQ's review have been attached under Appendix B of this report. The issues raised included concerns that account had not been taken of the baseline concentrations and therefore higher than predicted exceedances of toxins at many locations including St Philips Nursery and the Paintworks site. There was also concern with the modelling and methodology used in compiling the Air Quality Assessment and the technical data with regard to a number of issues. These included emission rates, exhaust velocity, exhaust gas temperature, metrological data, assumed operating hours and calculations of the number of exceedances in harmful emissions. The review added that it was unclear whether the assumptions made for the Air Quality Assessment were the same for noise in the noise assessment and in particular to the exhaust velocity.

Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

Response to AQC's findings from the revised Air Quality Assessment

In response to this the applicant was instructed by the Local Planning Authority to provide a response to AQC's findings in a further report to the Air Quality Assessment. A copy of this document has been attached (please see Appendix C for details). The applicant has provided further information and assessment in response to the concerns raised by AQC's report. This included a further justification of the assessment methodology used. Additional modelling was carried out in accordance with the Environment Agency's worst case scenario methodology for determining the level of oxidation.

The results from the additional assessment undertaken concluded that the greatest impacts were predicted to occur at industrial receptor locations, with the majority of receptors predicted to experience minor to negligible impacts as a result of the generator emissions. In addition, the severity of the impacts and significance of the effects were based on the results of the modelling of the typical, or representative, operating scenario for low sulphur diesel, rather than the biodiesel which is proposed for the generators. Taking account of all factors in the Air Quality Assessment further report, it concluded that the overall effect of the predicted impacts resulting from the emissions associated with the use of the proposed standby generators remains not significant as previously concluded.

Response to the impact on emissions during start up and shut down of generation plant

The efficiency of modern engines means that they are running at maximum capacity in a very short period of time. The applicant has stated that shut-down takes place when a button is pressed and the generators stop operating immediately. As such there is no data available from any of the engine manufacturers covering the short period when the engines start up or when they shut down. These factors were considered under paragraphs 3.2.2 and 5.2.2 of the Air Quality Assessment (See Appendix D).

Response to the receptors used in readings at St Philips Nursery

The Air Quality Officer advised that it is standard practice to model a receptor height with that of an average adult (around 1.5m). There was no evidence to show any significant variation between concentrations modelled at 1.5 to 0.6m (the height of a small child of nursery age). However the applicants were advised by the Local Planning Authority to instruct their consultant to run modelling based on receptor heights between 0.6 and 0.8m in the vicinity of St Philips Nursery. Details of the reading can be found under the appendices attached to the addendum to the Air Quality Assessment (see Appendix C). The results showed that there would be no exceedances in oxidants based on the modelling using the lower level receptors based on heights between 0.6 and 0.9m (in addition to the recommended 0.8m).

The impact of Cerium Oxide on public health

The applicant was asked by the Local Planning Authority to provide a response to the toxicity of the catalyst to be used in the bio fuel. The applicant confirmed that Cerium Oxide would be in used in the fuel as a pollution reducing additive. The Applicant states that this combination with the HVO offers the lowest possible NOx emissions available on the market in the UK (see Appendix E). In summary the applicant states that Cerium Oxide is a globally used catalyst that reduces NOx, CO and particulates with no ill effects.

In response the Air Quality Officer advised that there is not enough evidence to consider that Cerium Oxide is a risk to health.

Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

RESPONSE FROM AIR QUALITY OFFICER

For full details of the Air Quality officer's comments, please refer to the background paper (Appendix F). However the comments are summarised as follows. The applicant has responded to the critique (from AQC) by thoroughly addressing all the points raised and carrying out further assessment and reporting on the revised predictions on potential air quality impacts.

This type of back-up power generation plant is relatively new and as a result, there is not an accepted tried and tested methodology for realistically and reasonably assessing air quality impacts (as demonstrated by the AQC report).

The relative newness of these types of developments is reflected by the fact that Defra have yet to consult on options for legislation that would set binding emission limit values on relevant air pollutants from diesel engines used for back-up power generation. Defra have stated that legislation is proposed to be in force by no later than January 2019. Until that time, the Local Air Quality Management Regime, which considers the significance and acceptability of air quality impacts through air quality assessments, is the main mechanism for controlling emission of pollutants.

Based on a realistic prediction of likely air quality impacts (for 200 hours of operation), the revised air quality assessment shows that there is a risk of the short term air quality objective for NO₂ being exceeded at Spark Evans Park. However due to the likely operating profile of the plant, (between 5pm and 7pm on winter evenings), it is unlikely that people will be exposed at these times in this location for the relevant hourly period. The largest impacts upon residential receptor locations are predicted to occur at the Paintwork Phase 3 development. Whilst predicted to be close to the objective (based on using the Environment Agency assessment methodology), no exceedance of the objective is predicted in this location or any other residential locations considered in the assessment.

No exceedances of the health based short term NO₂ air quality objective at St Phillips Marsh Nursery are predicted for any of the assessment scenarios considered. This includes the unrealistic worst case scenarios which have reported results with the plant operating for over 3000 hours per year.

The required planning conditions as put before committee on the 13th July 2014 should ensure that the development operates within the parameters modelled in the air quality assessment and therefore we do not object to this development on the grounds of air quality effects, based on the predictions contained within the air quality assessment.

Summary of revised noise assessment

The details of the full results of the Noise Impact Assessment are attached under Appendix G. As mentioned the revised Noise Assessment has been carried out in accordance with the updated BS 4142: 2014 which also takes account of tonal issues. Based on the worst case scenario of all the generators and transformers running, the impact of the proposed generator facility on St Phillips Nursery will not be significant. Notwithstanding this the typical operating period of the proposed generators would be in the evening after 5pm which is generally outside the nursery school's hours albeit for the after school club which operates up to 5:45pm.

RESPONSE FROM THE POLLUTION CONTROL OFFICER

Details of the Pollution Control Officer's comments are attached under Appendix H. On considering the revised Noise Impact Assessment the Pollution Control Officer is satisfied with the impact in terms of tonal noise associated with the generators. Whilst no background noise levels have been taken near to the nursery, the predicted noise levels at the nursery have been compared to the recommended noise levels given in Building Bulletin 93, Acoustic Design of Schools: Performance Standards, Department for Education, February 2015. The report predicts that the noise level from the generator units operating will be within the guideline values for both inside and outside spaces.

Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

Therefore the Pollution Control Officer has re-affirmed that there is no objection to the proposal subject to conditions.

OTHER COMMENTS

The question was asked by committee to why the applicant would not be taking the Renewable Obligation Certificates (ROCs) issued under the Renewables Obligation Order 2009 (ROO), even though the fuel is eligible for this subsidy. In response the applicant states that in order to obtain a Capacity Mechanism Contract from the National Grid (to provide emergency power); it cannot receive any form of 'subsidy' from the fuel it uses (see Appendix E).

CONCLUSION

This report addresses the concerns of Members at the meeting of Development Control Committee B on 13th July 2016, and the reasons for deferral. The Air Quality Assessment has demonstrated that there would not be a detrimental impact on pre-existing levels of air quality in regards to St Phillips Nursery. The revised calculations suggest some higher short term NO2 levels at the Paintworks site and Spark Evans Park based on the worst case scenario. However given the other factors this is not considered as significant to warrant a refusal on grounds of public health. In wider strategic terms the benefits of the development have been assessed and have to be given due weight, namely the need for infrastructure improvements to the energy network. The conclusions from the revised Noise Assessment have demonstrated that there would not be an unacceptable impact on the closest noise sensitive locations including St Philips Nursery.

RECOMMENDED GRANTED subject to condition(s)

Time limit for commencement of development

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre commencement condition(s)

2. Construction management plan

No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

Parking of vehicle of site operatives and visitors
 Routes for construction traffic
 Hours of operation
 Method of prevention of mud being carried onto highway
 Pedestrian and cyclist protection
 Proposed temporary traffic restrictions
 Arrangements for turning vehicles
 Arrangements to receive abnormal loads or unusually large vehicles

Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development.

3. Acoustic barrier

No development shall take place until full details of the acoustic barrier detailed in the acoustic report submitted with the application have been submitted to and approved in writing by the Council.

Reason: In order to safeguard the amenities of nearby occupiers.

4. Details of a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary shall be submitted to and approved by the Local planning Authority before development commences.

Reason: To ensure the safe operation of the railway line and the protection of Network Rail's adjoining land.

5. Ecology

No development shall take place until an ecological mitigation strategy prepared by a qualified ecological consultant has been submitted to and approved by the Local Planning Authority. This should include:

- A Precautionary Method of Working method statement with respect to the potential presence of legally protected reptiles;
- Measures to protect nesting birds;
- A method statement for the control and removal of Japanese knotweed which was recorded on site during the extended phase one habitat survey dated July 2015;
- An update badger survey to be undertaken no more than three months prior to construction commencing;
- Measures to protect foraging or commuting badgers becoming trapped in open trenches or pipework;
- The provision of bird and bat boxes;

Reason: - In the interests of maintaining the ecological value of the site.

6. Submission and approval of landscaping scheme

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting can be carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory.

Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

Pre occupation condition(s)

7. Servicing & Management Plan

No building or use hereby permitted shall be occupied or use commenced until a servicing and management plan addressing vehicle arrivals, departures, parking, stopping and waiting has been prepared and lighting, has been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved servicing and management plan.

Reason: In the interests of highway safety.

8. Ambient Air Quality Monitoring

An ambient air quality monitoring station will be commissioned in an agreed location by the Local Planning Authority before the development commences operation. Real-time nitrogen oxides monitoring, using monitoring equipment that has been type approved under the UK Environment Agency MCERTS Scheme is required to fulfil this requirement. The air quality monitoring site should be operated and maintained in line with the QA/QC standards applied to Bristol City Councils air quality monitoring network. Bristol City Council should be provided with access to raw data and calibration data for the monitoring equipment. Wind speed and direction data should also be collected at or in close proximity to the air quality monitoring site. The applicant should pay for the equipment installation and running cost for a minimum period of 2 years from the date that the proposed plant is operational:

Reason - To ensure that the air quality impacts at a relevant location are in line with the predictions made in the air quality assessment.

Post occupation management

9. Restriction of noise from plant and equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard the amenity of nearby premises and the area generally.

10. Inspection and maintenance

The generator plant shall be inspected and maintained in line with manufacturers guidance:

Reason - To ensure optimal engine performance and to minimise emissions to air throughout the life of the plant.

11. Total hours

The plant should not operate outside the hours of 07:30 to 22:30 and for no more than 200 hours in any one year. The applicant must submit records listing the annual hours of operation to Bristol City Council. Any variation to increase operating hours must be accompanied by a revised air quality assessment:

Reason: This is the basis on which the air quality impacts have been assessed and any changes required to the plant operation will need to assess the potential impact on air quality.

Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

12. Regular and on-going stack emissions monitoring

There shall be regular and on-going stack emissions monitoring, throughout the operational life of the plant, to demonstrate that engine emissions comply with the pollutant emission concentrations as stated in Table D3 of Appendix D contained in the Air Quality Assessment Appendices Document (1750086/R2016/001). This monitoring should also demonstrate that the stack emission parameters are in line with the exhaust flows and temperatures as modelled in the air quality assessment and contained in Table D4 of the Air Quality Assessment Appendices Document (1750086/R2016/001). Data should be reported to Bristol City Council's Sustainable City and Climate Change Service.

Reason: This is the basis on which air quality impacts have been assessed in the planning application and to which the engines will be required to perform.

13. If the measured concentrations of nitrogen oxides are higher than those predicted by the modelling and give rise to concern about breaches of air quality objectives/health impacts, Bristol City Council will review the operation of the site to ensure impacts are reduced to a level that do not give rise to concern. Mechanisms to bring air quality impacts in line with the predicted modelled concentrations could include but would not be limited to examples such as, placing a restriction on the meteorological conditions under which the plant could operate, requiring additional abatement technology to be installed or changing the stack release parameters:

Reason - To ensure mechanisms are in place to ensure that the plant is operating within acceptable parameters to protect health.

14. Bio fuel

The fuel to be used shall comprise of Hydrotreated Vegetable Oil (HVO) only.

Reason: To protect local air quality and as assessed under the Air Quality Assessment.

15. Sustainability criteria

The development hereby permitted shall only operate when the bio fuel satisfies the sustainability criteria.

For the purposes of this condition:

- (a) 'biomass' has the meaning given by Article 2(e) of the Renewables Directive;
- (b) 'sustainability criteria' means such criteria relating to the sustainability of biomass as are set out in the Renewables Directive from time to time;
- (c) 'Renewables Directive' means Directive 2009/28 of the European Parliament and of the Council on the promotion of the use of energy from renewable sources, as amended or replaced from time to time.

Reason: To ensure the use of low-carbon fuel in compliance with policy BCS14 of the Bristol Development Framework Core Strategy.

16. Annual reports

Throughout the operational life of the development, there shall be submitted to the Council annual reports on the sustainability of the biofuel to be used in the electricity generating engines. This information shall provide the same levels of assurance and verification which the operator of the development is required to do (or would be required to do, if they were claiming

Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

financial assistance through Renewable Obligations (RO)).

Reason: To ensure that the fuel used complies with the national criteria of a sustainable fuel.

17. Monitoring

Within 1 month of the granting of this application an assessment of noise generated by the development shall be submitted to and approved by the Local Planning Authority. Should the assessment show that noise generated by the development is above the noise levels predicted in the acoustic report submitted with the application then a further report detailing mitigation measures shall be submitted, approved in writing and works completed in full within 2 months of the commencement of the use.

Reason: In order to safeguard the amenities of nearby occupiers.

List of approved plans

18. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

110 Proposed tracking plan, received 31 March 2016
 104 C Proposed site sections (sheet 1 of 3), received 22 April 2016
 105 C Proposed site sections (sheet 2 of 3), received 22 April 2016
 106 C Proposed site sections (sheet 3 of 3), received 22 April 2016
 Unilateral Undertaking given by Plutus Energy Limited, received 30 June 2016
 Air Quality Assessment - Further Information, received 6 April 2016
 Air quality assessment, received 2 June 2016
 Arboricultural constraints report, received 10 February 2016
 Extended phase 1 habitat survey, received 10 February 2016
 Noise impact assessment, received 10 February 2016
 1525_SK002 A Site location plan, received 10 February 2016
 5355-03 Generator plan & elevations, received 10 February 2016
 5355-04 Switch room elevation & plan, received 10 February 2016
 5355-05 Double dunded diesel storage tank, received 10 February 2016
 1525_SK005 A Existing site with boundary, received 10 February 2016
 03 C Proposed site layout, received 10 February 2016
 13442-1-1 A (1) Internal layout, received 10 February 2016
 13442-1-1 A (2) General arrangement, received 10 February 2016

Reason: For the avoidance of doubt.

Advices

1. Network Rail

You are advised to refer to the comments and recommendations from Network Rail dated 21st March 2016 which is to ensure that the safe operation of the adjoining railway is continued.

2. Environment Agency

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank

Development Control Committee B – 28 September 2016
Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH

is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

BACKGROUND PAPERS

Covering letter to Bristol City Council	24 August 2016
Noise Impact Assessment	13 September 2016
Air Quality Assessment – Further Information	15 September 2016
Pollution Control	15 September 2016
Email from agent	16 September 2016
Air Quality	16 September 2016

commde|granted
V1.0211

WARD: Central **CONTACT OFFICER:** Charlotte Sangway
SITE ADDRESS: Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre
 Bristol BS1 3NU

APPLICATION NO: 16/01888/F Full Planning
EXPIRY DATE: 21 July 2016

Amended proposal Conversion of the Old BRI Hospital building including two upper storey additions and partial demolition to accommodate 6283sqm Office floorspace (Use Class B1) and 4031sqm Medical School (Use Class D1); and part 6, part 7, part 8, part 12, part 14, part 16, and part 20 storey building to the rear for student accommodation (Sui Generis) comprising 738 student bedspaces; communal areas and refurbishment of Fripps Chapel for communal student facility with ground floor commercial use (Use Class A3); associated landscaping, car parking and cycle parking.

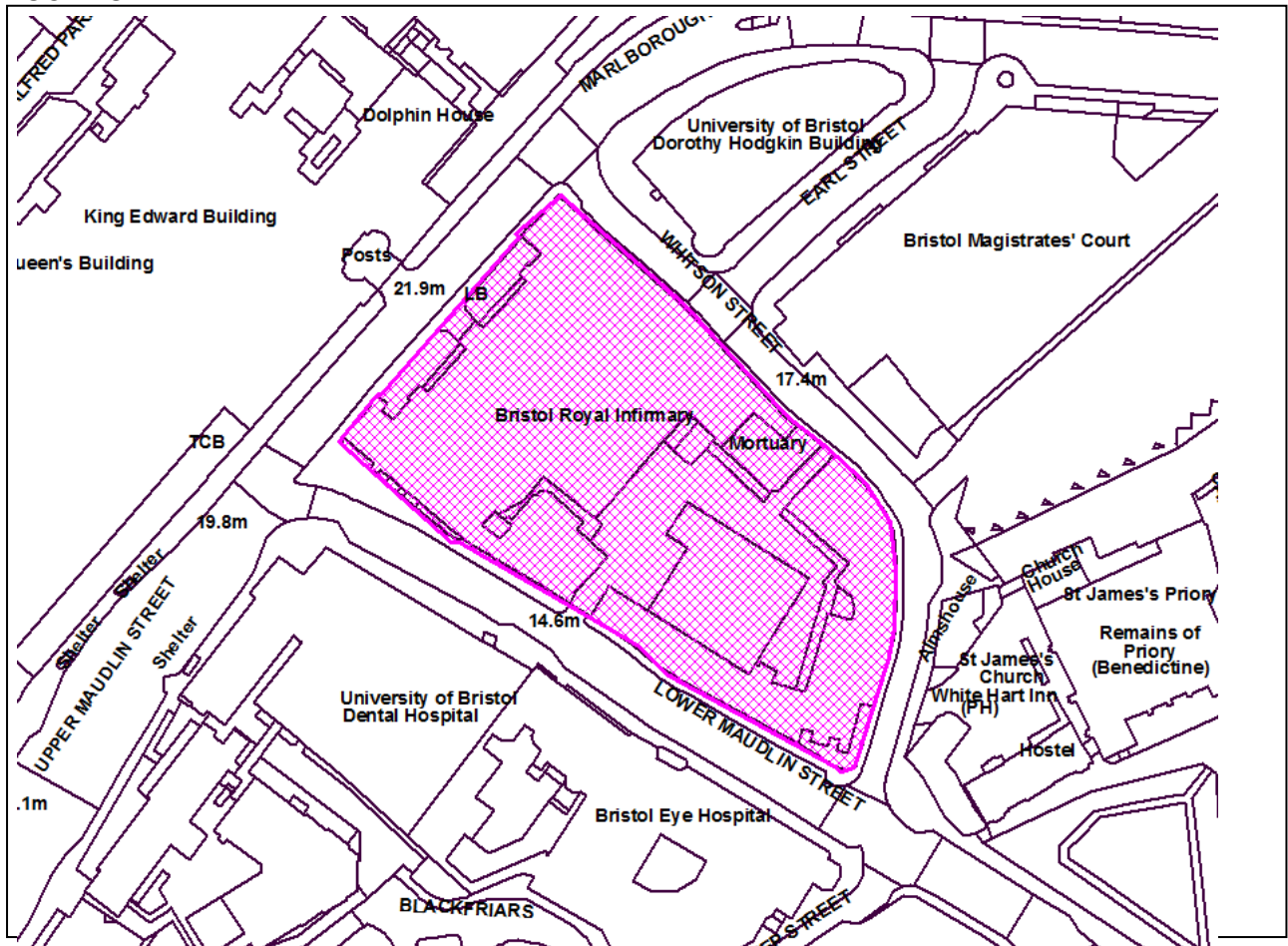
RECOMMENDATION: Grant subject to Condition(s)

AGENT: CgMs Limited
 7th Floor
 140 London Wall
 London
 EC2Y 5DN

APPLICANT: UNITE Group Plc
 The Core
 40 St Thomas Street
 Bristol
 BS1 6JZ

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

SUMMARY

The application site is in the City Centre within an area designated as Hospital Precinct. The site was formerly owned by the hospital Trust but has been acquired by Unite Group Plc. (student accommodation providers). The buildings on the application site are not listed buildings but the Old BRI Building and chapel are 'locally listed'. The site is not within a conservation area but is adjacent to the St James Parade Conservation Area.

Significant objection has been received to the application (85 objections out of 90 contributors) on grounds including the proposed student uses, loss of hospital uses, impact on the nearby listed buildings and design, management, viability and impact on neighbouring occupiers (St James Priory social housing).

The application proposes 6283sqm of offices at the upper floors of the Old BRI Building, 4031sqm of medical school teaching accommodation (linked to University of Bristol) at the ground and basement level of the Old Building and a new-build development providing 738 student bedspaces to the lower half of the site. A small commercial unit is proposed to front Whitson Street.

The proposed development is arranged around a courtyard providing parking for 11 vehicles (including 2 disabled bays). Demolition is proposed of a number of elements of the existing Old BRI Building, including the Hill Ward Block, South Entrance Block, unsympathetic modern additions to the rear and rooftop level and a portion of the historic structure to the rear, central element. Extensions are proposed to the Old BRI building to facilitate its refurbishment including a rear glazed atrium and rooftop extensions.

The key consideration for the application is whether the public benefits of retaining the Old BRI building and chapel on the site outweigh other design concerns regarding the height, massing, architecture and heritage assets of the new build elements and the extent of alteration to the Old BRI building itself through demolition and roof additions.

Objections on these grounds have been received from both Historic England and the Council's City Design Group (as appended in full to this report). However officers, having carefully weighed up this issue, consider that the level of harm resulting from the proposals in visual terms would be less significant than that identified by both these consultees and public objections considering the context and specific public realm impacts. National policy requires any harm to heritage assets to be given considerable importance and weight but to be weighed against the public benefits of this scheme. In this instance, the public benefits are very significant given that they would involve the retention of the historic Old BRI building, that could otherwise be demolished. Despite the complexities of retaining the building, the applicant has agreed to work with officers to seek a solution that retains the building. This application therefore represents a significant opportunity to ensure retention of the building for the city that may otherwise be lost if the proposal is rejected. **Officers strongly consider that weighing all considerations in the balance that the public benefits of the building's retention would outweigh other concerns.** Other public benefits would also result in terms of contributing to housing supply, employment floorspace and educational facilities and wider social, economic and regeneration benefits.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

The applicant has undertaken a viability appraisal to support their argument that the amount of development proposed is necessary to enable retention of the Old BRI building and chapel given the significant costs in refurbishing the building. The appraisal has been independently reviewed and concluded that a similar amount of development to that proposed would be required to cross-subsidise the retention of the Old BRI building and to return a reasonable profit by industry standards. Objectors have argued against some of the assumptions made in the viability appraisal or that the applicant has overpaid for the land, however officers are satisfied that this is not the case and this has been addressed in the report.

Officers are clear in their recommendation that the principle and amount of student accommodation would be acceptable on policy grounds (Policy BCAP4), there being no evidence that it would result in a harmful concentration of such accommodation on grounds of reduced housing choice or harm to the residential amenity of the area.

Other key issues include highway matters, and your officers are satisfied that all impacts can be managed and dealt with via condition to include public realm improvements around the entire site.

In conclusions, officers recommend that Members approve the application subject to conditions.

SITE BACKGROUND

The application relates to a site situated within Bristol City Centre as defined by the Bristol Central Area Plan (BCAP). The site is designated by the BCAP as being within the Hospital Precinct area of the St Michael's neighbourhood. The site was formerly owned by the hospital Trust but has been acquired by Unite Group Plc. (student accommodation providers). The area surrounding the site is mixed in character including hospital buildings, the courts, the bus station, St James Priory, office buildings and a public house.

The application site contains buildings that are not listed- the Old BRI building and chapel are 'locally listed'. The site is not within a conservation area, but immediately adjacent to the St James Parade Conservation Area. The site is in Flood Zone 1 and a Coal Authority Low Risk Area.

Works of demolition have already commenced at the site under a separate permission (refer to 'Relevant Planning History' below).

RELEVANT PLANNING HISTORY

16/03447/N- Prior approval for demolition of the buildings, boundary walls and ancillary structures on the lower half of the site. Approval given 25 July 2016. (See below for an explanation of the scope of control of such applications).

15/06495/PREAPP- Preapplication enquiry for the "Redevelopment of site to provide purpose-built student accommodation (750 bedspaces), a medical school and offices". Responses given 25 Jan 2016 and 19 April 2016.

15/04110/PREAPP- Pre-application enquiry for the "Redevelopment of site to provide purpose-built student accommodation, medical centre and offices". Response issued 6 November 2015. Development proposal comprising:

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

- A medical school (in partnership with the University of Bristol) circa 2000sqm fronting Whitson Street;
- A 742 bed student residential development (approx. 89 cluster flats providing 673 bed spaces and 69 studios);
- New office accommodation (circa 3000sqm) at the junction of Whitson Street and Lower Maudlin Street;
- Retail uses (circa 440sqm) fronting Marlborough Street;

15/00872/PREAPP- Pre-application enquiry by hospital Trust for the ‘Redevelopment of site to provide medical school and student residential accommodation’ involving demolition of the existing structures and physical features on the site and the erection of a medical school (approximately 2000 sqm) comprising teaching accommodation and ancillary accommodation; and circa 800-835 bed student residential development and associated support spaces including communal student uses.

APPLICATION

The building and its ancillary structures are not listed or within a conservation area and therefore have no statutory protection from demolition and planning permission is not required for their demolition. Prior approval for demolition of the ancillary structures and boundary walls of the lower half of the site was given in July 2016 (see ‘Relevant Planning History’ above- permission 16/03447/N) and now appear to be largely complete.

Prior approval applications are required in such circumstances but may only consider method of demolition and restoration/ aftercare of the site. Conditions were attached to consent 16/03447/N in relation to these issues and while an application has been made to the Local Planning Authority (LPA) for their discharge, the demolition works have been commenced prior to any decision on these conditions being issued. Officers will be seeking to agree a strategy to deal with the site in the interim period between now and a decision, and should permission be consented, commencement of works.

The application proposal comprises the following uses:

- Medical school at ground floor and basement level of the Old BRI Building (approx. 4031sqm);
- Offices for new Unite Head Office at upper levels of Old BRI Building (approx.. 6283sqm);
- New build student accommodation (738 bedspaces, 151 units);
- Fripp’s chapel building- communal spaced related to student accommodation;
- Use Class A3 (café/ restaurant) commercial unit fronting Whitson Street (188sqm);

11 car parking spaces for office use including 2 disabled bays and cycle parking (refer to the Transport Key Issue);

Physical works to the Old BRI Building involve demolition of the Hill Ward Block (rear extension adjacent to Lower Maudlin Street) and South Entrance Block (low level rear extension, former rheumatology department). Extensions are proposed to the rear elevation, top floor and to the chapel.

Development Control Committee B – 28 September 2016

Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU

RESPONSE TO PUBLICITY AND CONSULTATION

A site notice and press notice were issued and neighbours consulted by individual letter.

Following submission of the revised application scheme on 23 August 2016, a further site notice was issued and neighbours were reconsulted by letter (with an expiry date for comments of 15 Sep 2016) advising of the revisions, including any additional contributors to the application.

In total at the time of writing, 90 contributors have commented on the application, 1 in support/ neutral and 89 objecting to the application.

The consultation period (as specified on the site notice) continues until next week however and therefore an update will be given in the committee amendment sheet of any further public representations received.

Objections to the application:

Proposed uses:

- Proposed student accommodation is not required and would lead to an overconcentration of such accommodation at the expense of more diverse communities and additional pressure on services;
- Student drop off and collection at start/ end of term times could disrupt the highway network and important functions such as the bus station and hospital access; Disabled parking needs to be addressed and provided for.
- The loss of the hospital land should be questioned and justified- the Trust's Masterplan is short sighted lasting only 10 years;
- The commercial unit would be better sited on Lower Maudlin Street;

Viability

- The viability reports made available have been heavily redacted so as to be meaningless. The viability argument put forward should be queried as Unite may have overpaid for the land on the basis of the proposed land value;
- Some of the assumptions made do not hold for instance incentives provided for future tenants and void periods when the offices are pre-let;

Design

- The height and scale of the proposed development would be incongruous, would spoil the skyline of Bristol and would not enhance the historic character of the area or respond to Bristol's topography;
- Proposals would harm the historic environment around the site particularly the setting of the listed St James Priory and also other listed buildings including the White Hart. Historic England object to the application;
- The proposals are too intensive for the site;
- The roof extensions proposed to the BRI Old Building are clumsy and the proposed tower blocks are bland, characterless and unexceptional;
- The proposed public art to the stained glass window would not be appreciated by the public;
- The small courtyards within the development would not be publicly accessible to the community and would receive little sunlight;
- The Townscape Visual Impact Assessment is commissioned by the applicant and clearly biased and the objector strongly disagrees with its conclusions, particularly Viewpoint 6 listed

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

as 'Minor beneficial' and Viewpoint 7 'Moderate beneficial', which they consider to be highly detrimental.

- The proposal is likely to create wind tunnels on either side;
- Landscaping should include more trees (**Bristol Tree Forum**);

Impact on neighbours

- The amenity of occupiers of the Priory would be harmed through overlooking, overbearing, loss of daylight/ sunlight (which has not been adequately assessed), overshadowing of private external space and noise and disturbance issues;

Ward Member Councillor Paul Smith has objected to the application, advising that the revised proposals have not addressed his original objections regarding the impact on St James Priory as a listed building as well as a secluded sanctuary for those recovering from addiction. It is recommended that Members visit the Priory to understand the nature of the site for themselves. There is already an overconcentration of student accommodation close to the site and the proposal would be contrary to the Council's policies by adding more.

St James Priory Project charity has commented (in summary) as follows:

- The St James Priory Project charity supports vulnerable people and is a secluded location, the proposed student accommodation would harm this without attention to the health of those on the St James Priory site;
- The charity are custodians of the Priory church (Grade I listed), still in use.
- Other buildings on the site provide other services: a Men's Mental Health Crisis Service (which provides support for men for up to 28 days each in Walsingham House), a Supported Housing Service (which provides housing support to those recovering from addiction at St James House) and offices, administration and meeting rooms at Church House. Café Refectoire is the St James Priory café and operates to provide funding for the ongoing maintenance of the Priory and also to support the charitable work of the Project.
- The charity is grateful for the changes made to the scheme at the bottom of Whitson Street, however have considerable concerns remaining about the proposals.
- There is too much student accommodation in the immediate environment already. In the BS1 area there are already around 3,000 units of specialist student accommodation. (Bristol Central Area Plan- Student Accommodation Topic Paper.) This document also states "The provision of specialist student accommodation is supported by policy BCS2 where such development contributes to the diversity of uses within the local area." In our view this development does not contribute to a diversity of uses and actually increases a pattern of specialist student accommodation in this area.
- Major objection still concerns the height of the buildings immediately opposite and overlooking the Priory site. The proposed application reveals a continuing out of character buildings plan which has no true understanding or concern for the immediate historical environment or for the vulnerable people who receive residential support on the St James Priory site. This important heritage site would still be dominated and overlooked by the mainly student accommodation, which is of ultra-modern design and up to 20 floors in one area.
- St James House (the old Almshouses) is a 3 storey construction. The new buildings that are now proposed would be of 7 storeys immediately opposite the Priory and St James House (St James Almshouses) - the Supported Housing provision. Light for the residents would still be seriously and detrimentally reduced. This is supported by the planning document"Daylight & Sunlight Summary Report". Appropriate lighting levels are crucial for the well-being of individuals. Walsingham House would also suffer from reduction in light and a sense of being overwhelmed in the same way. Church House would also be overlooked in a way that it has not been over the past 30 years at least.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

- Access to Light is a right under the Prescription Act 1832. This proposal rides roughshod over this right for St James House, Walsingham House, Church House and the Historic Priory Church. There are fundamental inaccuracies in the Daylight / Sunlight Assessments.
- St James House is assessed as the old Almshouses and the layout now is different. The Priory Church has not even been assessed and yet it is open on a daily basis and light is an important factor. Church House has only been assessed for 2 windows when there are 6 windows that will be affected. Walsingham House has the most windows and can be assessed as being most affected by taller buildings than previously on the proposed site.
- The local authority has a responsibility for protecting the character of historically important areas. Policy DM26 of the Site Allocations and Development Management Policies Local Plan states: "Local Character and Distinctiveness Policy BCS21 of the Core Strategy states that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness." This development does not contribute positively to the area's character and indeed would alter it substantially.
- A Gated Community for students will not enhance this area.
- The Planning application still includes many cleverly presented Drawings and Photographs which give a false impression of the final outcome. The Visual Impact Verified Views from the St James Priory courtyard are misleading. The tree masks the true impact which will be more clearly viewed during the late autumn and winter months. More importantly there is no visualisation from the Lounge of St James House where the visual impact will be most severe for the residents of this Supported Housing Service. View from the Lounge in St James House before demolition started (included online)
- Our view is that if an application is approved then none of the structures immediately opposite the St James Priory site should be greater in height than the Bristol Eye Hospital."

The Christmas Steps Arts Quarter (Residents and Traders) (CSAQ) object as follows (in summary, please refer to full comments available online):

- The pre-application planning history and local involvement to the previous schemes was strong objection to the scheme from many parties;
- Subsequent response included adding an additional bedroom (739) bedspaces making this the largest student complex in Bristol. Massing revised to push mass away from Priory and creates a 20 storey tower.
- Proposal would overwhelm Dental Hospital and Eye Hospital (listed);
- Revision would be architecturally more ordered than the original proposal but fails to address the main thrust of all of the objections regarding scale;
- CSAQ continue to object and propose a scheme with half the number of student bedrooms, which appears more comfortable in the surroundings;
- The viability report concludes that the number of bedrooms could be reduced by 5-10% (to 662 rooms), an improvement but not nearly sufficient. However Unite's report states that all 739 bedrooms are required for the development's viability.
- The dilemma is that CSAQ considers it is vital for the Old BRI and chapel to be preserved however they consider strongly that the proposal is far, far too big;
- Should viability influence the planning decision either way? The Government has rules that viability should not influence planning policy (see appendix);
- It is assumed that the 2 viability assessments are based on the presumable high price paid by Unite to purchase the site- should this influence the scale of the development? Is Unite the right developer for this site?

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

- Objections given by CSAQ's scrutiny committee are listed;
- Appendix: Planning Portal article regarding Islington Council's liaison with the Government regarding viability which concludes that "site value should reflect planning policy requirements" to avoid developers paying too much for land and then failing to make provision for affordable housing.

The Kingsdown Conservation Group (KCG) has commented as follows:

"While KCG is pleased the client has responded to comment from many quarters and chosen to retain much of The Old Building and Fripp's chapel, the group still has a considerable number of major concerns, some of which have been mentioned at Pre-Application meetings and discussions. Primarily these relate to the scale and height of the entire development, and to the lack of sympathetic development on top of the Old Building, and to the scale and vernacular of the surrounding streets and buildings.

The Old Building: The massive, inelegant superstructure proposed as additional accommodation above The Old Building continues to be curiously insensitive to its location despite our conversation with Huw Jones of Rio Architects. Although it is set back from the Marlborough Street facade, it is correspondently too close to the Whitson Street and Maudlin Street facades, which appears irrational. The aerial views are misleading. What is proposed would be a discordant, elongated box, whose aesthetic, materials, height, mass and form clearly have been carried over from the design thinking expressed in the proposed perimeter buildings to the south. This incongruous approach has not been a success. The design of The Old Building's extended-attic storeys should be re-considered and generated by an interplay with the existing fabric and a respect and deference for it.

New buildings: The overall height of the new buildings to the southerly part of the site is regrettable. The tower of St James's Priory, the oldest building in Bristol would be diminished in stature.

Existing views would be interrupted and panoramas of Bristol further dominated by an unmemorable, undistinguished, generic jumble of buildings. Much has been made in Pre App discussions by the applicant of the potential for views across the city from the new accommodation on top of the Old Building. It is a shame that these views will be significantly affected by the height of the buildings proposed on the lower portion of the site KCG is also concerned that the requirement for high level student accommodation is predicated on the 'need' for 742 units. We have seen no justification for this, and unless there is a good justification we feel that the height and dominance of the accommodation should be addressed."

The Bristol Civic Society has commented as follows (9 Sep 2016- The below revised response abbreviates the earlier responses and responds to the final iteration of the design):

"The Old Building: The Society supports the proposal to convert the Old Building to give it new uses as Unite's headquarters above a medical school on the lower floors. The Society commends the design of the courtyard elevation. The Society's concern about the roof extension is its impact on views of the Old Building along Marlborough Street, Dighton Street and Upper Maudlin Street. The Society would strongly prefer that the redevelopment of the Old Building restore the original window sizes and the plat bands that were damaged in earlier casual and informal alterations.

The height and mass of the new student accommodation blocks: The Society supports demolition of the buildings to the rear of the Old Building including the curtilage stone wall and the construction of student accommodation. The Society welcomes the set-back of the buildings facing on to the lower part of Whitson Street to give more width to Whitson Street for accessing the bus station on foot. Subject to consideration of the overall height and mass of the new building the Society supports the architectural design and the transfer of the tallest buildings to Lower Maudlin Street, away from Whitson Street. The Society's primary aim has been to retain and reuse the Old Building. Unite's

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

Viability Statement maintains the need to construct 738 student bed-units to create a viable development to enable the retention and conversion of the heritage asset. The redactions in the Viability Statement make it impossible for the Society to form an independent judgment. There is no information about the cost of the site. It is unknown whether the cost of the site is proportional to the amount of permitted development. It must therefore be for the Council to decide whether the public value of the scheme justifies the proposed height of the accommodation block in Lower Maudlin Street; a significant departure from previous planning policy.”

The Conservation Advisory Panel has commented (17 May 2016) that:

“The panel is pleased the current proposal has abandoned the idea of completely clearing the site and would now retain much of The Old Building and Fripp's chapel. However, it is regretted that the scale and height of the entire development is still a matter of great concern.

The Old Building: The discordant, elongated "rectangular box" proposed as additional accommodation above the Old Building appears to be remarkably insensitive to its location. Its aesthetic, materials, height, mass and form clearly have been carried over from the design thinking expressed in the proposed perimeter buildings to the south. This incongruous approach has not been a success. Although it would be set back from the Marlborough Street facade, the box would be correspondently much too close to the Whitson Street and Maudlin Street facades. The aerial views are somewhat misleading in this respect. The proposed design of the Old Building's extended-attic storeys should be re-considered and generated by deference and respect for Paty's neoclassical work below. The structure should be altogether more recessive, visually lighter and set further back from the three facades of Marlborough Street, Whitson Street and Upper Maudlin Street. The new south elevation must also be more restrained and respectful to the original Paty building.

The new buildings: The Panel is concerned about the impact of the new buildings on the adjoining listed buildings including St James. The overall height of the new buildings to the southerly part of the site, which would rise to 13 storeys, remains problematic. The architectural context, the neighbouring listed buildings and the broader cityscape would be substantially harmed by the scale of the proposed development. Fashionable architectural detailing should be avoided. Large scale contextual drawings should be provided.”

Reasons for support:

University Hospitals Bristol NHS Foundation Trust has commented as follows:

“The Trust fully supports the planning application submitted by Unite for the development of the Old Building site. We believe the plans as submitted reflect the most imaginative development of the site achievable given the restrictions imposed by the requirement to retain the main building. The Trust is particularly supportive of the mixed use approach to the use of the site and is pleased to support the development of a medical education facility which will retain long term links with the hospital and provide long term training of future medical staff.

The Trust confirms that the site is no longer required for health provision as part of its wider site development and rationalisation plans as defined within the Trust 5 year Estate Strategy and are content to have directly facilitated the opportunity to create new units of accommodation, meeting a number of strategic objectives for the City.

The Trust is working closely with Unite to effect the handover of the site to meet their development programme and look forward to a successful outcome to their planning application.”

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

COMMUNITY CONSULTATION

Refer to Statement of Community Involvement for full detail.

Pre-application engagement with the Local Planning Authority and engagement with local stakeholders; amenity groups and the local community have been undertaken as follows:

- First Pre-application meeting held on 27th August 2015 following submission on 5th August 2015. This sought the full demolition of the site including the old BRI building and redevelopment for a student residential led mixed use development;
- Public Workshop Key Stakeholder event held on 21st October 2015 which included representatives from Bristol Civic Society; Christmas Steps Arts Quarter; Kingsdown Conservation Group as well as other local representatives;
- Second Pre-application meeting held on 18th December 2015. The design evolved such that the Old BRI Building and Fripp's Chapel were retained under the new proposals;
- Public Workshop Key Stakeholder event held on 6th January 2016 which included representatives from Bristol Civic Society; Christmas Steps Arts Quarter; Kingsdown Conservation Group as well as other local representatives;
- Meeting with Historic England held on 3rd February 2016;
- Third Pre-application meeting held on 12th February 2016;
- Public Exhibition held on 24th February 2016;
- Full Planning application for retention of the Old BRI and conversion of the building for mixed use development and redevelopment of the site to the rear submitted on 5th April 2016;
- Post-submission meeting held with Bristol planning officers on 30th June 2016 to discuss the planning application;
- Post-submission meeting held with Bristol planning officers on 20th July 2016 to agree to proposed strategy forward as per the determination of the scheme and submission of amended plans;
- Prior Approval Given, LPA Ref. 16/03447/N, on 25th July 2016 for demolition of ancillary Trust buildings at the southern part of the site. Additional details submitted 2nd August in respect to hoarding details and Demolition Environmental Plan.
- Key Stakeholder update meeting held with local amenity groups on 3rd August 2016; this included the Bristol Civic Society, St James' Priory; Christmas Steps Arts Quarter and Kingsdown Conservation Group.
- Resubmission on 23rd August 2016.

The community involvement process is advised to be appropriate and the Bristol Neighbourhood Planning Networks has advised that 'there has been extensive community involvement.'

EQUALITIES IMPACT ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010. In this case the design and access to the development have been assessed with particular regard to disability, age and pregnancy and maternity issues.

Development Control Committee B – 28 September 2016

Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU

OTHER COMMENTS

Historic England has objected to the application- comments appended to the report in full.

The Council's City Design Group (Urban design, Conservation, Archaeology, Public Art, Landscape) has objected to the application- comments appended to the report in full. Refer to Key Issue (D) for further details.

The Council's Transport Development Management Team has objected to the application on the grounds of failure to provide a plan showing appropriate public realm improvements. This has been requested of the applicant prior to the Committee meeting- update to be given via amendment sheet/ at Committee. There are no other in principle objections. Refer to Transport Key Issue (E) for full details.

The Council's Sustainability Team has raised a number of queries in relation to the scheme relating to the proposed heating system, solar shading to prevent overheating and provision of renewables. The applicants have not complied with Policy BCS14 regarding provision of renewables. Officers have asked the applicant to respond to these issues prior to Committee- refer to Key Issue (G) for details.

The Council's Pollution Control Team raises no objections subject to conditions.

The Council's Contaminated Land Team raises no objections subject to conditions.

The Council's Flood Risk Management Team raises no objections subject to conditions.

The Council's Air Quality Management Team raises no objections subject to a Construction Management Plan to control dust and details of CHP and Gas plant.

RELEVANT POLICIES

National Planning Policy Framework – March 2012**Bristol Core Strategy (Adopted June 2011)**

BCS2	Bristol City Centre
BCS5	Housing Provision
BCS7	Centres and Retailing
BCS8	Delivering a Thriving Economy
BCS9	Green Infrastructure
BCS10	Transport and Access Improvements
BCS11	Infrastructure and Developer Contributions
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS18	Housing Type
BCS20	Effective and Efficient Use of Land
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment
BCS23	Pollution

Development Control Committee B – 28 September 2016

Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU

Bristol Site Allocations and Development Management Policies (Adopted July 2014)

DM1	Presumption in favour of sustainable development
DM2	Residential sub-divisions, shared and specialist housing
DM4	Wheelchair accessible housing
DM5	Protection of community facilities
DM7	Town centre uses
DM10	Food and drink uses and the evening economy
DM14	The health impacts of development
DM15	Green infrastructure provision
DM19	Development and nature conservation
DM23	Transport development management
DM26	Local character and distinctiveness
DM27	Layout and form
DM28	Public realm
DM29	Design of new buildings
DM31	Heritage assets
DM32	Recycling and refuse provision in new development
DM33	Pollution control, air quality and water quality
DM34	Contaminated land
DM35	Noise mitigation

Bristol Central Area Plan (Adopted March 2015)

BCAP1	Mixed-use development in Bristol City Centre
BCAP3	Family sized homes
BCAP4	Specialist student housing in Bristol City Centre
BCAP6	Delivery of employment space
BCAP11	University and hospital development
BCAP15	Small scale retail developments and other related uses in Bristol City Centre
BCAP20	Sustainable design standards
BCAP21	Connection to heat networks
BCAP26	Old City - reducing traffic in the heart of Bristol City Centre
BCAP29	Car and cycle parking
BCAP30	Pedestrian routes
BCAP31	Active ground floor uses and active frontages in Bristol City Centre
BCAP34	Coordinating major development in Bristol City Centre
BCAP36	Bristol shopping quarter
BCAP43	The approach to St Michaels

Supplementary Planning Documents

SPD1	Tall Buildings (January 2005)
SPD5	Sustainable Design and Construction (February 2006)
SPD7	Archaeology and Development (March 2006)
Planning Obligations - Supplementary Planning Document - Adopted 27 Sept 2012	

Supplementary Planning Guidance

Kingsdown Conservation Area Character Appraisal
 St James Parade Conservation Area Character Appraisal
 St Michaels Hill & Christmas Steps Conservation Area Character Appraisal
 GPA 2- Managing Significance in Decision-Taking in the Historic Environment (Historic England, 2015)
 GPA 3- The Setting of Heritage Assets (Historic England, 2015)

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU****Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

The Town and Country Planning Act 1990

KEY ISSUES

(A) EXISTING AND PROPOSED LAND USES

i) Existing land use

The site was formerly owned by the University Hospitals Bristol NHS Foundation (Trust) (UHBT) but has now been acquired by Unite Students. The Old BRI site was last used by the Trust for ancillary office facilities with some non-clinical services. All services have been moved off the site into new or existing Trust accommodation as a part of a long term rationalisation of the overall UHBT estate, the site having been deemed surplus to requirements through the UHB Trust's Estate Strategy 2015-2020 and Estate Strategic Plan 2014-2020. This forms part of the wider Bristol Health Services Plan, a major capital programme that seeks to replace old accommodation that is redundant and no longer serves adequately modern day healthcare use. The Estate Strategy focuses on removal of ancillary and non-clinical estate provisions such as the Old BRI building site, which could not support modern operational healthcare service and is no longer economically viable due to high maintenance and running costs.

Paragraph 171 of the National Planning Policy Framework (NPPF) advises that *"Local Planning Authorities (LPAs) should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being."* The application site is designated as Hospital Precinct by the Bristol Central Area Plan (BCAP). Policy BCAP11 refers to both university and hospital development and states that: *"The Hospital Precinct will be developed for healthcare and ancillary uses associated with the University Hospitals Bristol Trust."* Local Policy BCS2 relating to the City Centre states that there will be a continuing consolidation and expansion on the University of Bristol and Bristol Royal Infirmary sites.

ii) Proposed land uses

The application is for a mixed use, though predominantly residential, scheme on the site in accordance with Policy BCAP1 which seeks mixed use schemes in the City Centre, and in St Michael's 'neighbourhood' (as designated in the BCAP) predominantly residential development given the low flood risk.

Medical School

A medical school linked with the University of Bristol is proposed at the lower levels of the Old Building (4000sqm), which would fall within the definition of 'healthcare and ancillary uses' permitted by Policy BCAP11, subject to ensuring the provision of the medical school in future via condition. The existing gross internal floor area of the Old BRI building is approximately 8000sqm, so the total loss of healthcare floorspace would be around 4000sqm (and it is stated that the inefficiencies of the old building reduce efficiency of the use and is poor quality). While the policy designates the site as Hospital Precinct, given the retention of a healthcare ancillary facility on the site and the Trust's long-term Estate Strategy to dispose of the site the proposed change of land use is considered to be acceptable.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU****Offices**

Policy BCAP6 seeks the delivery of new employment floorspace in the City Centre on all sites in the BCAP boundary unless designated for other uses. Specifically, Policy BCS2 seeks the provision of 150,000sqm net additional high quality office floorspace by 2026. The application proposal is for 6000sqm of office floor space expected to accommodate 280 employees (and with potential to expand to 450 employees). The proposed office use is considered acceptable.

Ground floor commercial use (A3)

A unit of 188sqm floorspace is proposed fronting Whitson Street. Policy BCAP15 states that new small-scale retail uses (Use Classes A2-A5) outside of designated shopping frontages/ areas in the City Centre would be acceptable where they would contribute to the vitality of the area. The unit would contribute to the activity and vitality of this ground floor frontage.

Food and drink uses are acceptable provided they would not harm the character, residential amenity or public safety of the area taking into account concentration of other similar uses, impact of noise, activity, fumes/ smells, litter; transport considerations, refuse storage and flues. The proposals are deemed acceptable in relation to these criteria, subject to appropriate conditions to control matters including opening hours, servicing, extraction equipment, plant noise levels and odour.

Purpose built student accommodation

Policy BCS2 states that development up to 2026 will include the provision of 7400 new homes. Student accommodation contributes towards citywide housing delivery targets in accordance with national guidance (the NPPG) on the basis of the number of cluster units and studio flats proposed. There would be a total of 151 new units (96 cluster units and 55 studio flats) comprising 738 student bedspaces proposed.

The applicants have submitted a report by CBRE (commercial property advisors) relating to student housing need, which sets out a very clear picture that there is currently a significant demand for and undersupply of purpose built student accommodation (PBSA) in the city. This supports the LPA's pre-existing understanding of this situation through discussions with higher education establishments.

The report indicates that there are currently a total of 21,823 students in Bristol without access to purpose-built student accommodation – these students are likely to live in Houses in Multiple Occupation (HMOs). In 2017/18 this figure will increase to a total of 24,261 students. The University of Bristol is understood to be seeking 1-1,500 additional beds via 3rd party agreements to house 1st year and international students. The University has been in a sustained period of growth with undergraduate numbers increasing year on year by 6.5% for the last 3 years and currently 10,567 students without access to PBSA. According the CBRE report, Bristol ranks low against comparable cities in terms of private sector PBSA with only 11% students able to access it against a mean of 17% and maximum of 23%. It is understood that the proposed development would have nominated status as a student housing provider for the University of Bristol.

The report advises that further PBSA would reduce pressure on the local housing stock, as for every 1,000 students in HMOs this takes around 200 homes out of the local housing supply. The proposed development would mean the potential for 147 homes to remain free in the future for families and young people. In terms of the future pipeline of development, there is evidence of 800 beds to be provided by UWE and 612 private beds in the pipeline. The supply of PBSA has reduced over the last 12 months as private rented accommodation values have increased. As a consequence there are likely to be upwards of 1,000 units of Private Rental Sector (PRS) housing completing within the next 18 months according to the report. PBSA offers a number of benefits compared to student housing in HMOs including location in the city centre close to facilities and the university, 24 hour management, ability to restrict students bringing vehicles through lease arrangements and high-quality new-build accommodation offering regeneration benefits to sites.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

Finally, Policy BCAP4 of the Bristol Central Area Plan (BCAP) is clear that specialist student housing schemes that contribute to the diversity of uses within the local area will be acceptable in Bristol City Centre unless it would create a harmful concentration of such housing in any given area.

The principle of student accommodation in this location is therefore considered by your officers to be acceptable as contributing to the housing supply and meeting a clear demand for purpose built student accommodation in the city subject to consideration of detailed policy requirements (see below). Furthermore, beyond their contribution to the city's higher education establishments, students bring considerable economic benefits to the city through support of existing services.

iii) Summary: Student accommodation is acceptable in principle on the basis of local policy requirements (Policies BCAP4 and DM2) and offers benefits in removing pressure on other housing stock.

(B) TYPE, MIX AND AMOUNT OF HOUSING*i) Type of housing*

As referred to earlier, Policy BCAP4 states that specialist student housing schemes that contribute to the diversity of uses within the local area will be acceptable within Bristol City Centre unless it would create or contribute to a harmful concentration of specialist student housing within any given area. Policy DM2 of the SADMP goes on to define what a 'harmful concentration' should be assessed:

DM2 states that specialist student accommodation (and other forms of residential sub-divisions/ conversions/ shared/ specialist housing) "*will not be permitted where:*

i. The development would harm the residential amenity or character of the locality as a result of any of the following:

- *Levels of activity that cause excessive noise and disturbance to residents; or*
- *Levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; or*
- *Cumulative detrimental impact of physical alterations to buildings and structures; or*
- *Inadequate storage for recycling/refuse and cycles.*

ii. The development would create or contribute to a harmful concentration of such uses within a locality as a result of any of the following:

- *Exacerbating existing harmful conditions including those listed at (i) above; or*
- *Reducing the choice of homes in the area by changing the housing mix.*

Where development is permitted it must provide a good standard of accommodation by meeting relevant requirements and standards set out in other development plan policies.

Specialist Student Housing – Location Criteria

Specialist student housing schemes will be acceptable within the city centre. Other locations may be suitable subject to the general criteria set out above."

The application site is situated within a mixed use area and is surrounded by a variety of uses including: the bus station, courts, university buildings, hospital services, offices, public house, residential flats, places of worship and temporary residential uses (both short stay and longer stay uses) at St James Priory.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

The CBRE report is a detailed study of student accommodation in the city and includes listings of the other student accommodation in the city either provided by the institution, leased by the institution or purpose-built and directly let. It is apparent that the application proposal if built would be the largest single student accommodation block in the City Centre by a significant margin. The next largest (Marketgate, Unite), accommodates 490 students. Fusion Tower close by to the site (run by Collegiate) accommodates 438 students. The recently completed Orchard Heights on Trenchard Street (also Unite) accommodates 399 students. The University of Bristol (UoB) Stoke Bishop halls of residence accommodate similar numbers whereas the UWE Student Village (at UWE) accommodates over 1900 students.

The CBRE report (page 29) maps PBSA in central Bristol. This shows that the nearest PBSA to the site is within 100m of the site in a cluster of 4 sites around Marlborough Street where it meets St James Barton roundabout and Dighton Street/ Cherry Lane. This comprises Blenheim Court (231 beds), Cherry Court (176 beds), King Square Studios (243 beds) and iQ Marlborough Street (361) - a total of 1011 student bedspaces. Another local cluster of units exists around Rupert Street/ Nelson Street around 150-200m away from the site- an area where planning policy has encouraged such uses in recognition of the regeneration benefits these schemes offer. The cluster includes Fusion Tower (438 beds), New Bridewell (499 beds- under construction opens Sep 2018), The Courtrooms (224), Fitzhardinge House (47), Nelson & Drake House (301) - a total of 1509 student bedspaces.

There is therefore a clear pattern of student residences located within the City Centre, as would be expected given that this is the main area of demand close to the UoB and public transport links to UWE. This is concluded to be an appropriate location for student accommodation, away from areas with a predominantly residential character, where they are surrounded by and contribute to a diverse mix of uses and in accordance with Policy BCAP4- which is clear that refusal would only be justified on the grounds of evidence of a harmful concentration of uses based on either demonstrable harm to residential amenity or harm to housing choice.

While there is not a high residential population immediately surrounding the site, both St James Priory residential accommodation and the hospital facilities are noise sensitive uses. There would be an increase in footfall around the site due to the development, but that would not be anticipated to be a level that would cause unacceptable disturbance to neighbouring occupiers given the location in the city centre with high existing levels of background noise. It is recognised that the nature of the St James Priory site, which faces towards the application site, currently enjoys a degree of separation from the busy character of other parts of the city centre, however any development on this site beyond the very low level existing hospital accommodation blocks would have an impact on the relationship with this site and would be likely to result in increased footfall and activity around the site. The site would be managed with a staff presence and security on site 24 hours a day (see submitted Housing Management Plan) to avoid any noise issues or conflict with residential uses. Free onstreet parking does not exist in this location, and resident/ controlled parking exists in neighbouring areas thereby restricting students from bringing cars to the city. In terms of the character and visual appearance of the area, this is highly varied and not residential in character and therefore would be less sensitive to the physical change of development.

The proposals are considered to be in accordance with the other criteria of Policy DM2. The choice of homes in this area would not be reduced but increased as there would be no loss of existing housing stock. The proposal would also improve the prospects of housing stock in other parts of the city (particularly family-sized homes) remaining available for family uses.

ii) Mix of housing

Policy BCS18 of the Core Strategy expects new development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. While the proposal is for only student housing, the evidence above sets out how this

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

would contribute to addressing the demand in the city for this type of accommodation and the applicant has advised that it would not be viable to include other housing types within the constraints of this site.

Policy BCAP3 of the BCAP seeks provision of family homes within the City Centre, particularly St Pauls/ Stokes Croft, Old Market & The Dings and Easton/ Lawrence Hill. It notes that development for specialist student housing should be assessed against Policy DM2 of the Site Allocations and Development Management Policies (SADMP). Refer to section (B) i) above for consideration against Policy DM2.

iii) Amount of housing

Policy BCS20 states that new development will maximise opportunities to re-use previously developed land. Opportunities will be sought to use land more efficiently throughout the city. Imaginative design solutions will be encouraged at all sites to ensure optimum efficiency in the land use is achieved and higher densities of development will be sought in the City Centre.

The density of housing on the site would be approximately 110 dwellings per hectare (dph) (based on 155 units and a site area of 0.7ha). Given that the size of each cluster unit is between 5-10 bedspaces, which is typically larger than the size of market housing units in the City Centre (though with lower levels of communal space)- care should be taken when comparing this figure with market development. It is likely that this would equate to a higher density of market housing. However even so, higher densities of up to 200dph (Wapping Wharf) and 150dph (The Zone, St Phillips) are typical and expected of new development in the City Centre to ensure efficient use of land- Policy BCAP20 refers.

iv) Affordable housing/ Key Worker Housing

Student accommodation is exempt from the local policy seeking affordable housing provision from new residential development as it is recognised that such a requirement may make these schemes unviable and the LPA recognises the strong need for student housing in the City Centre to support Bristol's role as a thriving university city. Purpose built student accommodation provision also alleviates the pressure on the private housing stock elsewhere in the city for conversion to student residences- an issue that the LPA has sought to address through a planning mechanism known as an Article 4 Direction, which requires an application for planning permission for changes of use of homes to houses in multiple occupation (HMOs) in those areas of the city most under pressure.

The question has been raised whether the accommodation should be key worker housing for healthcare workers/ students. While the site is within the Hospital Precinct, this designation applies to healthcare and ancillary uses and does not seek to include healthcare worker housing. There is no policy requirement to require provision of this housing type on the site.

v) Summary

Local planning policies BCAP4 and DM2 are clear that specialist student housing schemes will be acceptable in the City Centre provided that they wouldn't result in a harmful concentration through harm to residential character or reduction in housing choice through changing the housing mix.

There is a clear and serious demand for purpose built student accommodation in the city and policy directs such specialist student housing to the City Centre, which helps to relieve the pressure on the private rental housing stock and offers a sustainable location.

While officers acknowledge the public perception that there is an excess of student housing in the city, they are satisfied that this application has demonstrated that it would:

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

- Help to address the serious undersupply of student accommodation in the city;
- Make efficient use of previously developed land in the City Centre;
- Be an appropriate location for student accommodation within a mixed use area that is not predominantly residential and is close to the University of Bristol (UoB) campus;
- Be a sustainable location close to local services and facilities and the UoB;
- Would not result in loss of existing housing stock that would reduce the choice of homes in the area and this site would be unlikely to have potential for family-sized housing;
- Not result in harm to residential amenity or the character of the area through noise and disturbance to residents, parking issues, inappropriate structural additions to buildings or inadequate refuse and cycle storage;
- Not result in a harmful concentration of student uses;
- Offer significant economic benefits to the city;

Officers are therefore satisfied that the proposals would meet all of the policy tests in this respect and strongly advise Members to support the principle of the proposed use on this basis.

(C) VIABILITY CONSIDERATIONS

The applicant has stated that the costs involved in retaining and converting the Old BRI building are significantly higher than would be the case if the building was to be demolished and a new building constructed in its place. They claim that these high costs have necessitated the provision of the 738 student bed spaces applied for, in order to cross-subsidise the conversion costs of the Old BRI building, whilst still providing a reasonable profit. A viability appraisal has been submitted to support the level of student provision.

It is acknowledged that the Old BRI Building is not a standard construction and does not lend itself to being easily converted. However, in order to be satisfied that the applicants' case was valid, officers commissioned build cost consultants Gardiner & Theobald to assess the build costs, and viability consultants Adams Integra to assess the overall viability of the scheme.

For a non-residential development located on a complex City Centre site such as the proposed scheme, a reasonable benchmark profit margin would be considered to be in the region of 20% profit on cost. In simple terms this means that if a scheme cost £1,000,000 to build, the developer would need to make £200,000 profit.

The Council's consultants identified slightly different costs and values than those identified in the applicants' appraisal. This is to be expected on a complex scheme involving demolition, conversion and new build, with a total value of in the region of £90,000,000. However, what is important is the profit margin, as this is what determines whether the level of student accommodation proposed is required. The following table identifies the results of both the applicants and the Councils appraisals.

Table 1

Appraisal	Resulting Profit on Cost
Applicant	17.84%
Councils consultant	20.87%

Since the Council's appraisal was completed it has come to light that the new Medical School and the Fripp's Chapel will not be income generating, whereas they had been included as income generating by Adams Integra. Removing this income from the Council's appraisal would result in a reduction in the Profit on Cost.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

Responses to the application assume that the viability appraisals are based on the price that the applicant paid for the site, which they assume was “very high”. The appraisals actually assume a land value based on the existing use value of the site (i.e. the value of the site in its current state as a hospital) as valued by the District Valuer, plus a premium of 20% to incentivise the landowner to release the site for development. The actual price paid for the site is unknown and does not form part of the appraisals.

Responses also state the following:

“Bristol City Council’s commissioned independent report concludes that in favourable market conditions the number of bedrooms could be reduced by 5% to 10%, from 739 rooms to 662 rooms”

However this does not accurately reflect what Adams Integra stated; which is as follows:

“However with some cost engineering, favourable market conditions and a reduced expectation of profits, the number of rooms could be reduced by 5%-10%”

Whilst the Council’s appraisal shows a higher profit on cost than the applicants appraisal; officers are of the opinion that overall the proposed level of student accommodation is “in the right ball park” in order for the applicant to secure a reasonable profit. It could be argued that the level of student accommodation could be reduced slightly if a reduced profit were accepted, however the reduction would make only a marginal difference to the scale of building required and it would take the profit well below the accepted benchmark profit margin.

Consequently, officers are satisfied that in the region of 738 student bed spaces are required in order for the scheme to show a reasonable benchmark profit margin.

(D) HISTORIC ENVIRONMENT: WOULD THE PROPOSED DEVELOPMENT PRESERVE THE SPECIAL INTEREST OF DESIGNATED HERITAGE ASSETS AND SAFEGUARD OR ENHANCE NON-DESIGNATED HERITAGE ASSETS?

i) Introduction

a) *Policy and legislation: historic environment*

In considering the impact of proposals on the historic environment, the National Planning Policy Framework (NPPF) requires Local Planning Authorities (LPAs) to identify and assess the significance of and impact on any heritage asset affected by a proposal.

A ‘heritage asset’ is defined in the NPPF as “A *building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.*” ‘Significance’ is defined as “*the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.*”

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

The NPPF divides heritage assets into two categories: designated heritage assets and non-designated heritage assets. The heritage assets relevant to this site can be summarised as follows:

Table 2

<u>Designated heritage assets</u>	<u>Non-designated heritage assets</u>
<p>Listed buildings</p> <ul style="list-style-type: none"> • Church of St James, Whitson Street (Grade I); • Church House, Whitson Street (Grade II*); • Churchyard walls and gates (Grade II); • Listed walls and railings Whitson St (Grade II); • The White Hart Inn, Lower Maudlin Street (Grade II); • Bristol Eye Hospital, Lower Maudlin Street (Grade II listed); • 7 Bridewell Street (Grade II) • Former Fire & Police Stations, Silver Street (Grade II) <p>Conservation Areas</p> <ul style="list-style-type: none"> • St James Barton (adjacent) • Kingsdown • St Michaels Hill and Christmas Steps 	<ul style="list-style-type: none"> • Old BRI building and chapel (Local List ref. 225)

ii) Impact on non-designated heritage assets (including the Old BRI Building and Fripp's Chapel)

a) Policy: non-designated heritage assets

The term non-designated heritage asset is explained by the National Planning Policy Guidance (NPPG) as: "...buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets..." The application proposes the retention of the Old BRI building and chapel, which is not listed or within a Conservation Area, but is identified on the city's Local List as being a valued building in heritage terms and is categorised as a non-designated heritage asset.

Paragraphs 135 and 136 of the NPPF state that "*In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*"

Local Policy BCS22 of the Bristol Core Strategy (BCS) states that "*Development will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including historic buildings both nationally and locally listed... and conservation areas.*" Policy DM31 of the SADMP requires that "*proposals affecting locally important heritage assets should insure they are conserved having regard to their significance and the degree of harm or loss of significance.*"

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

Policy DM31 goes on to state that: *“Conserving heritage assets: Where a proposal would affect the significance of a heritage asset, including a locally listed heritage asset, or its wider historic setting, the applicant will be expected to:*

- i. Demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and*
- ii. Demonstrate that the works proposed are the minimum required to secure the long term use of the asset; and*
- iii. Demonstrate how those features of a heritage asset that contribute to its historical, archaeological, social, artistic or architectural interest will be retained; and*
- iv. Demonstrate how the local character of the area will be respected.”*

b) Assessment of impact on the significance of the Old BRI building and Fripp’s chapel

Bristol Royal Infirmary is one of the earliest hospitals founded in the country outside of London (1736) though the Old Building on the site dates from a later period (1784-1814) by architect Thomas Paty. The chapel was added in 1858-60 by local architect S.C.Fripp. An application was made to Historic England (formerly English Heritage) that the buildings be listed but was declined.

The applicant’s Heritage Statement notes that ‘while later additions to the Old Building detract from its heritage significance; the building is not entirely lacking in architectural integrity, particularly on the north, east and west elevations which have undergone lesser alteration. Internally, the Ground Floor retains moderate preservation of architectural details and elsewhere few internal details survive excepting the original ward/ dormitory layouts albeit with later partitions. The 18th-century cantilevered staircase at the east end of the building is a well-preserved feature and was recently cited as a reason to have the building’s earlier refusal for Listing reconsidered.’ The Heritage Statement summarises the heritage significance/ value of the site as being generally of low or moderate value with the Old Building having high historical and communal value and Fripp’s Chapel as having moderate/ high aesthetic value.

The Council’s City Design Group (CDG) (for full comments see Appendix 1) advises that the Old Building has high community and streetscape value, and plays a key role in defining the history and sense of identity to the area. The independent panel considering nominations for local listing has given a good score to the building for its architectural interest and historic importance. It is important to retain the key aspects of the building i.e. original external fabric, the H-form plan, floor slabs and any other notable features that contribute to the significance of the heritage asset. The hospital chapel is a key feature in the streetscape and its retention is welcomed though concerns remain regarding the massing and relationship of the new development to the chapel.

CDG welcomes the opportunity to clean up the front façade and principle street elevations of the Old Building and supports the principle of removal of 20th century rear extensions and the introduction of the a glazed atrium to the rear. However it is considered that considerable harm is posed to the significance of the heritage asset in the proposed demolition of the rear section of the building (Demolition Site Plan ‘Rio 0282 A-02-01 B’ refers), which would damage the historic and structural integrity of the building. CDG considers the proposed extension to be over-scaled and incongruous. The proposed massing would compromise the special interest of the locally listed building, its reading in the townscape and settings of the conservation areas (St James’ Parade, St. Michael’s Hill and Christmas Steps and Kingsdown) and listed buildings (Eye Hospital, St James House, and White Hart). Together these alterations represent harm to the significance and special interest of the locally listed buildings.

Historic England (for full comments see Appendix 2) has commented that “Although outside the formal remit of Historic England, the retention of locally listed building is welcomed; as is the intention to remove many of the later interventions to its primary frontage, which may be regarded as an

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

enhancement. That said, the scale of the proposed roof-top extensions is of concern (being the equivalent of three storeys in places). The removal of the later interventions to its rear elevation is welcomed, and we do not object to the principle of a glazed circulation zone to the rear of the building. However, the demolition of a significant portion of the back of the locally listed building must be of concern, and we remain to be convinced that the scale of the roof top extension is not overbearing. We welcome the retention of the rear Chapel, but the relationship of the new building with the Chapel's south-eastern gabled elevation is particularly clumsy and overbearing" (10 June 2016- prior to latest revisions to footprint and scale in relation to the chapel).

c) Summary and conclusion

The Old Building and chapel are locally listed and of architectural/ aesthetic, historical and communal importance, however the building is not statutorily listed or within a conservation area and is therefore not protected from demolition (i.e. planning permission would not be required). The Local Planning Authority therefore welcomes the applicant's approach to work with them to explore a scheme that includes retention of the building.

The existing building has a number of modern additions that are harmful to its significance, particularly to the rear façade- these are currently highly prominent and harm the appearance of the area and the significance of the asset. The proposal also includes removal of unsympathetic additions to the main façade. The removal of these elements represents benefit to the building.

A substantial amount of demolition is proposed to the rear of the building, including fabric of the original building in addition to the harmful modern accretions. The proposals include significant renovation of this façade to create a glazed atrium to the office element of the scheme- which is considered to be a high quality; contemporary design approach in line with Section 7 of the NPPF that states that great weight should be given to innovative designs and bring the building to a standard to create a modern working environment. The proposed atrium would obscure the rear façade of the building that would obscure any appreciation of the rear façade and this element of the building would not be highly visible in public realm views due to the surrounding proposed development.

Roof top additions are proposed to the Old Building, some of which replace existing modern unsympathetic elements but at a larger scale and are proposed to be metal clad or more lightweight and glazed. The Townscape Visual Impact Assessment (TVIA) shows the impact of these proposals in the public realm. While visible, the impact would be mainly on the asset itself from views along Upper Maudlin Street and would not impact on any listed buildings or conservation areas. Although this would have some impact on the heritage asset itself, the proposed additions would be read as highly contemporary extensions amid a highly varied existing townscape context and it must be remembered that they would replace some existing unsympathetic additions and would enable retention of the asset overall.

While the concerns and objections of the City Design Group and Historic England and amenity groups are noted, the building is not listed and its significance lies mainly in its architectural and historic interest, both of which it is considered by your officer could be conserved, and in some areas enhanced by the proposals and updating the building for both modern day and future use. Weighing the scale of the impact on the heritage asset against the significance of this asset, officers are satisfied that works proposed are justified and the policy considerations met.

Appropriate conditions would be recommended to ensure that any alterations to the buildings would be carried out sensitively. Conditions are also required relating to the phasing of the development to ensure that the works to this building would be phased within an appropriate timescale in relation to the remaining development.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU***iii) Impact on designated heritage assets (listed buildings and Conservation Areas)*

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

Section 12 of the national guidance within the National Planning Policy Framework (NPPF) 2012 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, Para.133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Finally, Para 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In addition, the adopted Bristol Core Strategy 2011 within Policy BCS22 and the adopted Site Allocations and Development Management Policies within Policy DM31 seek to ensure that development proposals safeguard or enhance heritage assets in the city.

The Setting of a heritage asset is defined within the NPPF as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate that significance or may be neutral."

a) Impact on listed buildings (as set out within Table 2 above)

Historic England commented in their summary response that *"We previously commented on proposals for this site at pre-application stage and on this planning application in our letter dated 10 June 2016. Whilst the additional information submitted with amendments to the scheme is helpful, and the reduction in massing to the south-east end of the site will reduce its immediate impact at this point, the proposals will still cause harm to the setting of the Grade I Church of St James. The reduction in height is offset by an increase in height elsewhere on the site, which will cause further harm to the historic environment, and fails to address the concerns set out in our previous consultation response. The elevational treatment of the facades has been simplified, and lacks any architectural sophistication which might serve to break down the massing of the building. We remain of the view*

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

that this application be refused on the grounds of its impact on the historic environment.” See appendix for full comments.

The Council's City Design Group consider that although the amended proposals seek to draw back from the site boundary at ground level, the vast scale, massing, design, and material quality of the new-build proposals would constitute harm to the setting of The White Hart Inn, Bristol Eye Hospital, Listed walls to St James's Priory, St James's Church and Church House contrary to local policies BCS22 and DM31. They consider that as the highest designation applies to St James's church the impact on the setting of this building is an important factor in determining the degree of harm posed. Due to the proximity and scale of the new structures there remains an unacceptable degree of harm posed to the building and its group interest with adjacent assets. The disparity in this scale is most obviously damaging to the setting when standing within the parvis (the courtyard), in front of the architecturally significant west end of the Romanesque church. The special interest of the church is further harmed by the continued incremental loss of prominence of the medieval church tower within the urban environment. The new buildings will coalesce with the tower from some perspectives, but the general sense of overdevelopment and scale on the Old BRI site will diminish the essential legibility of the church and its skyline in this context. As such there is harm posed to the Grade I Listed asset, and an equal threat to the setting of assets of a lower grade, but in closer proximity.

The above expert advice is noted and the Townscape Visual Impact Assessment and other supporting Visual Representations of the proposed scheme have been reviewed in detail.

The proposed development would clearly have an impact on the setting of nearby listed buildings, particularly the Priory. In middle range views from the Haymarket (Photoviewpoint 2) the height of the proposed tower elements would be of a comparable scale to the Priory tower, however they would be significantly set back and receding into the distance and it is the view of officers that the tower of the Priory would remain dominant. Furthermore, some weight must be given to the fact that for part of the year these views are screened by tree planting, diminishing the visibility of the development. In other similar views from this direction (Photoviewpoints 3, 4 and 8), the elements of the development that would be visible would remain recessive, and while they provide a backdrop to the Priory tower from some angles, the Priory would very much remain in the foreground and prominence of these views. The St James Parade Character Appraisal identifies some of the key views of the Priory from within the Conservation Area, which tend to be very short range (given the size of the conservation area) and local, glimpsed views of the Priory that would remain unaffected by the proposal.

Another key view is Photoviewpoint 7 where the full height and extent of the scheme is visible looking up Lower Maudlin Street at the junction with Deep Street. From this angle, the scale of the development, while reduced, would be in contrast to the scale of the two-storey White Hart Inn opposite. The setting of this listed building is not distinct but is highly varied; on the one side being formed by the Priory and St James Parade Conservation Area and on the other (and across the highway) by larger scale development such as the recently constructed Premier Inn and the Eye Hospital. The building has no surrounding outside space within its curtilage that forms its setting, rather its setting is the surrounding urban form and infrastructure. Such differing scale is not uncommon for heritage assets and listed buildings in urban contexts and it is considered by officers that the proposal would not harm the setting of the listed building substantially. Any harm caused to the setting would be outweighed by the public benefits of bringing the site back into use and the retention of the Old BRI building.

Photoviewpoint 7 also indicates the relationship with the Grade II listed Eye Hospital on Lower Maudlin Street opposite the site. What constitutes the setting of this building is also difficult to describe exactly given its siting within a terrace of modern buildings along a main street of varied character. The proposal would be considered to result in some harm to the setting of this listed building due to the height of the tower elements in this location. However, while such harm is given considerable importance and weight, in this instance there are very significant public benefits of the

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

scheme through the retention of the locally listed Old BRI and chapel that would be considered, on balance, to outweigh this harm.

Photoviewpoint 11, the view from the courtyard outside the west entrance to the Priory is another key view in terms of impact on setting of the Priory buildings. The design of the development has been specifically lowered at this end of the site to reduce the impact on this view and setting. While the proposed development immediately fronting Whitson Street is considered to be generally of an appropriate scale in relation to the listed buildings and surrounding context, it is clear that the larger tower blocks of the development would remain visible beyond it. Given the receding nature of the proposed development blocks away from the Priory site, the degree of harm to the setting of the listed buildings has been reduced compared to the previous iteration of the scheme and provides a greater degree of separation and distinction from the Priory complex and Conservation Area. Moreover the St James Park side of the Priory setting would remain largely unaffected. On balance, the resultant level of harm is considered to be justified by the considerable benefits of the scheme through retention of the locally listed building and other benefits of the proposals.

Longer range views towards listed buildings (Old City church spires) across the city have also been assessed and while there would be an impact on views from Dove Street; this view is not identified within SPD1- Tall Buildings or the Kingsdown Character Appraisal and in fact is a very fleeting and glimpsed view from a specific standpoint. As such, there is no objection on that basis.

Considerable importance and weight has been given to the harm caused to the listed buildings, their special interest and their setting however it is concluded that the public benefits of the scheme through retention of the locally listed Old BRI building and chapel would outweigh this level of harm. The development is considered to preserve the buildings, their setting and features of special architectural or historic interest in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF and Local Plan policies BCS22 and DM31.

b) Impact on conservation areas (see Table 2 above)

The City Design Group considers that the proposals would harm the setting of the St James Conservation Area (refer to full comments, appended) and would compromise the skyline, constituting an incongruous addition to these views of the conservation area, be unacceptably harmful to its setting, unjustifiably dominant, and detract from its special character. They advise that the Old Building of the BRI has a visual presence from the St Michael's Hill and Christmas Steps Conservation Area (CA). Viewed from an elevated position on Park Row, or closer to the building on Upper Maudlin Street, the proposed new rooftop additions and the tall buildings would project incongruously above the existing context. It is considered that this change in emphasis from medium to high-density development would have a harmful visual impact on the CA setting. The additional rooftop storeys, and the new tower, fail to preserve or enhance the local distinctiveness of the Conservation Areas affected. This harm is not adequately addressed by the application so there is not sufficient justification or mitigation to balance the harm against the wider public benefit contrary to national policy and policies BCS22 and DM31."

This advice is noted by officers; however it is their opinion that the proposals, while visible in places above the existing skyline, would not be considered to have any demonstrably harmful impacts on the Conservation Areas or key views identified within the SPD1- Tall Buildings guidance or character appraisals for individual conservation areas. The proposals would generally be compatible with the scale of existing development in the city centre and while a reduction in scale would be more reflective of the existing topography of the area, it is the view of officers that the Townscape Visual Impact Assessment and Visual Representations indicates a degree of impact that would be acceptable within the diverse and varied city centre context.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

Impacts from within the St Michaels Hill and Christmas Steps Conservation Area (views along Perry Road) would not be significant or harmful and the development would be similar to the heights of other visible taller buildings. Impacts from within the Kingsdown Conservation Area are also limited to a limited number of public views, in which the development, while visible would not be highly prominent and would be viewed against the context of other hospital precinct development. The development would be viewed as a distinct element when compared to the heritage assets of the Priory, neighbouring listed buildings and St James Parade and St Michael's Conservation Areas and would not compromise their special interest. Furthermore there are considerable public benefits that should be balanced against any impact, and would be considered to outweigh any harm.

Considerable importance and weight has been given to any harm caused to the conservation areas and their setting, however this is considered to be a limited degree of harm and outweighed by the public benefits of the retention of the Old BRI building. The development is therefore considered to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF and Local Plan Policies BCS22 and DM31.

iii) Proposed new development blocks- design considerations

The NPPF and NPPG identify good design as a key aspect of sustainable development and establish the importance of local distinctiveness. Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

The Bristol Core Strategy contains a number of policies relating to design that require development in the city centre to be of the highest standard in terms of appearance, function, conservation of heritage assets, sustainability and maintaining and enhancing green infrastructure and protecting key views. The criteria are outlined of the key elements of ensuring high quality design (Policies BCS2 and BCS21). The Site Allocations and Development Management Policies (SADMP) document sets out more detailed criteria for assessing design through a suite of policies (DM26-DM3), and places particular importance on contributing to local character, layout of form, public realm and design of new buildings.

Finally, the Bristol Central Area Plan (BCAP) contains specific policies relating to this area or 'neighbourhood' within the city centre. Section 8.21-8.24 outlines the importance of considering impacts on views and landmarks in the city centre, particularly in consideration of tall buildings and outlines the relevant policies. The site lies within St Michael's neighbourhood (as identified within the BCAP) where development should *"protect the area's historic assets and respond strongly to the area's topography through its design, preserving or enhancing local and long distance views respecting the dominance within the townscape and skyline of existing historic landmarks. A flexible approach will be taken to the redevelopment of sites within the university and hospital precincts, although higher standards of urban design will continue to be sought. Regard should be had however to the impact of proposed development on the skyline of the city and the historic environment. Opportunities should be taken to improve the public realm and accessibility. The design of new development should take account of the distinctive scale and character of the key historic streets within the neighbourhood."*

a) SPD1- Tall Building Assessment (adopted 2005)

The Council's Supplementary Planning Document 1 'Tall Buildings' is relevant given the revised proposal on the site for a tower form of development, 20 storeys in height. This sets out an indication of areas within the City Centre considered likely to be appropriate for tall buildings based on topography, consideration of protected views of city landmarks and existing clusters of taller buildings. The site does not lie within an area identified as likely being appropriate. Outside these identified

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

areas, the document states that tall buildings would have to be very carefully assessed against the criteria set out and to be of exceptional design quality.

CDG has commented that *“The SPD1 policy position excludes the site from the area identified for a tall building. The site forms the context of secondary City Centre Landmarks in form of St James Church and King Edwards Building. It also forms a part of the rising topography with matching built form as set out in SPD1. The site is not a natural location for a (series of) tall building(s) as currently designed and the proposal fails to meet the SPD1 policy assessment for tall buildings (as set out under SPD1 assessment at the end of the report).”*

SPD1 sets out the assessment criteria as being:

- Relationship to context (topography, built form, skyline): see below
- Effect on the historic environment (citywide and locally): see previous key issues
- Relationship to transport infrastructure: see transport key issue
- Architectural excellence: see below commentary
- Contribution to public spaces/ mix of uses: proposed new areas, though limited of public realm and an improved mix of uses including active frontages.
- Effect on environment including microclimate and amenity;
- Contribution to access through an area: enhancement of key pedestrian routes.
- Sufficient accompanying detail to enable a full assessment: on balance, acceptable.
- Sustainable design and construction: see sustainability key issue
- Consideration of similar density in an alternative urban form: the pre-application process has considered alternative options.

While it is noted that the site is not identified as likely being appropriate for a tall building, it does not rule out a tall building in this location subject to assessment against the criteria. The guidance on siting of tall buildings states that they should not be positioned where they hide or mask the topography of the city e.g. they should not be positioned either on the side or the base of the Clifton-Kingsdown Escarpment (as defined by the 50m contour on the associated SPD1 maps). The application site sits below the escarpment albeit at a slightly raised topography than Broadmead and therefore could be considered the base of the escarpment. The impact of the development needs to be considered in terms of impacts on the protected view framework and identified key views rather than simply height alone.

While there would be a clear impact looking out from identified long range views (Kingsdown Character Appraisal) and some identified views (Dove Street), it is considered that the impact on these views would be acceptable given the glimpsed nature and context of these views. The proposal would not be visible from the wider vistas and viewing points in Kingsdown. It is acknowledged that the proposals would be visible from private residences; however these impacts can be afforded only limited weight as a planning consideration. The analysis of impact on other long range views indicates very minimal or no impact on views within the View Protection Framework. While the proposal would be visible in more local views, these are not considered by officers to be unacceptable harmful.

Daylight sunlight impact: This has been assessed in terms of impacts on the upper floors of the White Hart Public House and the second floor flat within St James Church House. The assessment indicates only negligible impact on light and sunlight to these units. It is noted that this assessment does not include the temporary stay residential flats within St James Priory Almshouses. The Priory Trust advises that while some of their site is used for very short stay accommodation, that the Almshouses are used for longer term rehabilitation purposes where residents stay for several years. This is noted, and while some weight can be given to the impact on this accommodation, given that this is not permanent accommodation, the weight given is more limited. Officers advise that refusal of the application on this basis would not be reasonable given the temporary nature of this accommodation.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

Wind assessment: The assessment concludes that taking into account the frequency and speeds for all wind directions and all seasons in the year, the results of the assessment indicate that the overall impact of the proposed development on the local wind environment is likely to be minor. All areas remain suitable for their intended use (e.g. walking/ seating).

In conclusion, officers consider that the proposal would be acceptable in terms of the tall buildings assessment.

b) City Design Group (CDG) Comments

- Form, scale and massing

CDG acknowledges the changes made to the massing and design of the scheme following the submission of the original planning application, which have improved the composition and massing of the development but concerns remain about the excessive scale and massing of development considering the context of topography, townscape, listed buildings (including locally listed), conservation areas and public realm. It appears overbearing in the views from south, west and along Lower Maudlin Street.

- Architecture and fenestration

CDG- The revised design approach to create a series of distinct buildings with varying architecture, fenestration, materials and details is supported in principle. However, the proposed development is of significant scale and as per SPD1, the design of the buildings must be of “exemplar quality”. This is further reinforced by policies DM26 and DM29. This places very high emphasis on the design articulation of the buildings to address some of the aspects under consideration as per SPD1. However, the current design falls far short of the criteria for tall building as set out in policies.

- Materials and details

CDG- There is concern about some of the materials and details being proposed. It is inappropriate to use brightly coloured Anodized aluminium for rooftop extension over the Old Building, as this will detract from the existing building and its contribution to the street scene. CDG remains unconvinced about the use of brick slips, GRC (glass reinforced concrete) cladding, and metal cassette framing for windows for achieving an appropriate level of design quality within the city centre.

c) Design Issues Summary

The input and comments of the City Design Group are noted; and while the request to seek further design changes is acknowledged, a decision is due to be taken on the current scheme and a recommendation to Members must be made on that basis. On balance, officers consider the proposals to be an appropriate quality and design in this location, although admittedly some of the blocks are more utilitarian in appearance than others, which is reflective of the proposed uses. The scale of the development is the main consideration, and while the concerns are noted, officers consider that these concerns are outweighed by the viability considerations which mean that such a height is necessary to ensure the retention of the Old BRI building.

Another key consideration will be to make sure that the varied palette of materials will not appear overcomplicated but your officers advise that this could be dealt with through conditions to review sample materials prior to construction. Further review would be needed of the proposed use of brick slips in particular. It is recognised that the architect has also taken efforts to re-use the stone from the existing (recently demolished) boundary walls of the site in both the plinth and the element on Whitson Street and this approach is welcomed.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

The Design and Access Statement includes examples of large scale details of different elements of the scheme, particularly windows, which show that the windows would be set-back from the main facades by a reasonable amount, which will contribute to a sense of depth to each façade, breaking up the massing.

While there is scope for improvement, officers consider the design to be an appropriate response in this location and through the condition agreement process, a high quality finish could be ensured.

d) Crime prevention and security

Officers have liaised with the Police Crime Prevention Advisor and are satisfied that measures have been put in place to reduce opportunities for crime. An advice note is recommended to advise the applicant of this.

iv) Archaeology

There is potential on the site for local to regional and high significance of archaeological remains on the site. An initial stage of evaluation has been commenced but has been temporarily halted due to the presence of asbestos. It is hoped that works will resume imminently however, it is unlikely that the results of this work will have been completed and fully assessed in time for adequate consideration of their significance and thus adequate mitigation agreed (including preservation in situ). Officers are satisfied that these matters can be covered by condition.

iv) Public Art

Policy BCS21 states that major developments should deliver high quality design including the delivery of public art. A public art strategy has not been submitted except brief reference to commissioning a new stained glass window to the chapel building; however this is not publicly accessible. Officers recommend, should Members be minded to grant consent, that public art can be dealt with via an appropriate planning condition requiring a public art plan, with a view to inputting into public realm works, particularly at entrances and access points.

v) Summary

The proposal is considered to be acceptable by your officers on heritage and design grounds subject to appropriate conditions.

(E) TRANSPORT AND MOVEMENT CONSIDERATIONS

The site is in a sustainable location that in principle in highway terms is considered to be acceptable for an intensive mixed use development such as this, as it would concentrate development close to public transport hubs, services and facilities in accordance with Policy BCS20 of the Core Strategy.

Access and vehicle movements

Access to the site is currently from Lower Maudlin Street into a courtyard last used for hospital access (ambulances and staff use), currently a construction access. The application also proposes vehicular access from Lower Maudlin Street- this would be slightly relocated northwards of the zebra crossing due to the demolition of the Hill Ward Block. This will remove an existing conflict between emerging traffic and the crossing. No objections are raised on the grounds of any change in vehicle movements to and from the site.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

Car parking and cycle parking

Below is a summary of the proposed car and cycle parking facilities for each use:

- Offices:
 - 11 staff car parking spaces (9 spaces plus 2 disabled parking spaces) within courtyard;
 - 192 cycle parking spaces shared with medical school with Old Building Level 0 (-2) plus shower facilities. Additional 34 shared spaces beneath canopy at back of Old BRI in rear courtyard (TOTAL= 226);
- Medical school
 - No car parking;
 - 192 cycle parking spaces shared with medical school with Old Building Level 0 (-2) plus shower facilities. Additional 34 shared spaces beneath canopy at back of Old BRI in rear courtyard (TOTAL= 226);
- Student accommodation
 - No car parking. Disabled car parking to be arranged as required (from Unite staff parking);
 - 185 cycle parking spaces at Level 0 (student accommodation), accessed by lift. Two-tier cycle racks;
 - 42 uncovered cycle parking spaces proposed within the courtyard for staff, student, visitors * This would need to be reviewed to establish if there is space to accommodate this number of additional spaces without comprising the use of the courtyard for amenity purposes/ access/ manoeuvring.
- Commercial unit fronting Whitson Street (Use Class A3)
 - No car parking;
 - No cycle parking proposed; * Potential for 1 or 2 sheffield stands within newly created additional public realm;

Disabled parking: The Transport Development Management Team advises that an increased number of disabled parking spaces should be provided and that there is space to accommodate this within the parking courtyard area, albeit that a reduced number of disabled spaces could be provided due to the extra space required. This is likely to equate to around 8 disabled bays rather than the 11 spaces proposed at present, which is an appropriate amount to serve the development including offices, medical school and student accommodation based on the parking standards which would require around 8.5 spaces to be provided. Officers will be contacting the applicant prior to the Committee meeting to seek this update, but it can otherwise be conditioned if there is insufficient time to provide this.

A condition would also be required to ensure that the disabled parking is made available for users of the medical school, offices and student accommodation from occupation in perpetuity. A further condition seeking provision of 1 electric vehicle charging point is also recommended.

The Transport Development Management Team has raised no objections to the levels of parking etc. and compliance with parking standards. There is an issue around the width between cycle parking units to manoeuvre cycles and more space would be required to address this issue. Officers recommend a condition to resolve this issue.

The Framework Travel Plan submitted is acceptable and within 6 months of occupations, a Full Travel Plan would be required via condition.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

Student drop off/ management

An updated Travel Plan and 'Moving In/ Moving Out Management Strategy' have been provided. In brief, the strategy is to use the car parking spaces on the site at the start and end of term for student loading/ unloading- students will be booked into slots and will have to park elsewhere in public car parks until their slot is available. Please refer to the strategy for further details.

This approach is deemed to be acceptable by the Council's Transport Development Management Team and in line with other student developments in the city centre. As above, a condition would be needed to secure this facility permanently in the future, even were Unite to vacate their office development.

Pedestrian access and public realm

The site is in a city centre location situated along two major pedestrian routes and close to key services and facilities including the bus station. Due to the historic background of the site, pavements are typically narrower than would be sought today for a location with such high footfall. The proposals would introduce approximately 450 employees, a significant number of medical students and student residents (738) all using the site at any time. While the site was last used by the hospital trust for offices/ wards which would attract a certain footfall, the proposal would increase footfall to the site dramatically. It is estimated that this would equate to 2500 pedestrian movements daily.

National policy is clear that good design goes beyond architecture and should address connections between places, integrating new development into the existing environment to create safe and accessible places for all people and improve the way that they function (Section 7, NPPF). Local Policy BCAP30 states that "Development on or adjacent to primary and secondary pedestrian routes will be expected to provide an appropriate and proportionate level of public realm improvements to the route." Whitson Street between the bus station and Lower Maudlin St is an existing primary pedestrian route (as designated by the BCAP) whereas all of the other streets bordering the site are existing secondary pedestrian routes.

The applicant has proposed a number of public realm improvements at the request of the Council's Transport Development Management Team; however these do not address all of the requests made and are disproportionately limited in relation to the scale of the development and associated footfall.

The Transport Development Management (TDM) Team has requested a plan to be submitted prior to any decision on an application to show, in principle, the following (these works can then be secured in details through a s278 highway agreement):

1. Refurbishment of footway in Marlborough Street, Lower Maudlin Street and Whitson Street to a condition suitable for a highly used city centre location including appropriate materials;
2. Widening of footway in Whitson Street on site's frontage to an absolute minimum of 2m;
3. Relocation of motorcycle parking;
4. Removal of redundant ambulance bay in Lower Maudlin Street and replacement with short pay and display car parking / motorcycle parking;
5. Pedestrian improvement scheme for the junction of Whitson Street with Marlborough Street to aid crossing movements along Marlborough Street;
6. Alterations to the waiting restrictions to enable the works;
7. Associated ancillary measures including but not limited to lighting, signing, street furniture, street trees, drainage, resurfacing;
8. Dedication of highway extents to be agreed by the Highway Authority.
9. Refurbishment of the zebra crossing on Lower Maudlin Street;
10. Oversailing structures to require an oversailing licence.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

To widen the footway into the carriageway at the northern end of Whitson Street, it is possible to remove the loading bay in Whitson Street at the top end of the site. There is loading available internally for the development site, and the Dorothy Hodgkin Building has a loading bay to the rear in Earl Street. This loading bay is not necessary for the building on the other side of Marlborough Street, and would be unsafe to use this for that purpose.

Without these essential improvements to the highway the Highway Authority would recommend refusal on highway safety grounds on the basis that, through failing to provide appropriate measures to mitigate the impact of the development, it would exacerbate existing road safety concerns, create an unsafe environment, not be accessible for all, to the severe detriment of pedestrian safety.

The Traffic Regulation Orders around the site would need to be amended as required- this can wither be secured through a unilateral undertaking or a highways 278 agreement.

Officers have requested a highway plan showing the above measures sought by the TDM Team from the applicant prior to the Committee meeting. Should this not be provided, a condition is recommended requiring agreement of such a plan prior to commencement of any works however it would be preferable to receive this up front to demonstrate the developer's commitment to addressing these outstanding issues.

Servicing

Servicing would need to be undertaken by a private waste contractor as the Councils' operators will not carry large waste containers over a distance of greater than 5m no enter private land to collect waste. The Transport Development Management Team has advised that a Servicing Strategy would be required to ensure that servicing takes place within the site and confirming that a private contractor would be used. This should also include servicing of the commercial unit on Whitson Street. A relevant condition is recommended.

The fire service reviews major development proposals independently and has raised no objections to the proposals. With a development of this type it is likely that the building regulations requirement would be for a sprinkler system, removing the need for fire appliances to enter the internal courtyard of the development, which is not accessible to vehicles.

Construction Management

A Construction Environmental Management Plan (CEMP) would be required by condition * Condition. Ongoing issues with construction management relating to the demolition works that have been undertaken would need to be resolved firstly and then any future construction works to take place would be dealt with under a new CEMP secured by condition. Considerations such as the operation of the bus station taxi rank and cycle lanes around the site are highly important and will need to be addressed immediately to reduce impacts to an absolute minimum.

(F) IMPACT ON ENVIRONMENTAL AND RESIDENTIAL AMENITY

Neighbouring residential occupiers

Some of the impacts on neighbouring residential uses have been covered above in terms of noise disturbance and daylight/sunlight impacts. While the proposed development would directly overlook the St James Priory Almshouses, this is considered to be typical of a city centre relationship. Any development of the application site would likely involve overlooking of these properties, which are for long stay temporary accommodation (several years), and given that they have enjoyed a relatively private relationship with the site opposite for many years given the nature of the high boundary wall, it is not unreasonable to state that any redevelopment would likely have an impact. On balance, this would not be considered to be an unacceptable impact taking into account the needs of this group of individuals and the Priory more generally. While it is noted that the use of the building is for rehabilitation purposes where additional privacy and relative quiet are important, the site is within a

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

busy city centre location adjacent to the bus station and therefore not totally isolated from the surrounding context.

Future occupiers

Student uses are not required to meet the national space standard, given that they are regarded as temporary uses. The Council's Pollution Control Team is satisfied that noise, and food smells impacts (from the proposed A3 use) on future residents can be controlled through appropriate conditions.

Air quality is not considered to be an issue for the residential uses in this location, as advised by the Council's Air Quality Management Team. While the outlook from some of the student bedrooms would be limited given the constrained nature of the site, this is considered appropriate given the urban context and temporary nature of the accommodation.

(G) SUSTAINABILITY

The Bristol Core Strategy (21 June 2011) contains specific policies relating to sustainability as follows: Policy BCS13: Climate Change, BCS14: Sustainable Energy, BCS15: Sustainable Design and Construction and BCS16: Flood Risk and Water Management. The Bristol Central Area Plan also includes further policies BCAP20 and BCAP21 relating to sustainability standards and connections to district heat networks.

The proposed student accommodation is seeking to achieve a BREEAM (Building Research Establishment Environmental Assessment Method) 2014 New Construction rating of excellent, in line with local policy. BREEAM 2014 Non-Domestic Refurbishment is proposed for the Old BRI Building (also targeting an Excellent rating). Conditions would be recommended to secure these targets.

An Overheating Analysis has been carried out and all selected spaces in the proposed student accommodation pass under the current weather scenarios and in the 2030 and 2050 scenarios the risk is reduced using solar reflective internal blinds. These are not the preferred solution however as they rely on correct use by occupants and are generally considered to be less effective than external shading. The analysis compares the options- further comparison of external horizontal shading is sought. This could be sought by appropriate condition to ensure the best option is selected. No analysis has been undertaken for the top floor extension of the Old Building, which is considered to be at risk of overheating. Further information is sought by condition in this respect to ensure that any external louvres are considered comprehensively as part of the overall design.

The Energy Statement proposes renewable energy generating technologies in the form of solar photovoltaic panels to the new building elements. This would only reduce the CO2 emissions overall by 5.6% for the student accommodation and 2.2% for the office accommodation from the residual level when the policy requirement (BCS14) is for a 20% reduction. PV panels are not proposed to the new extension of the Old BRI building but insufficient justification has been provided for this- it may be possible to incorporate them with minimal visual impact. Queries have been raised by the Council's Sustainability Team regarding the proposed electric heating system versus a wet heating system. Further information will be sought from the applicant on this point and an update given at Committee.

Connection to a district heat network is unlikely to take place within the timeframe of the construction process, but through conditions, further consideration could be given to this matter or to providing the ability to connect to future networks.

(H) FLOOD RISK AND SUSTAINABLE URBAN DRAINAGE

There are no objections on the grounds of the above issues subject to conditions.

Development Control Committee B – 28 September 2016

Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU

(I) CONTAMINATION AND COAL MINING RISK ASSESSMENT

There are no objections on the grounds of the above issues subject to conditions.

(J) NATURE CONSERVATION

Officers are satisfied that nature conservation considerations such as potential for roosting bats/ nesting birds can be covered by appropriate planning condition.

(K) PLANNING OBLIGATIONS/ HEADS OF TERMS

The key planning obligations relate to the requirement to amend traffic regulation orders (TROs) around the site, which requires a financial payment of £2500 to achieve this. This obligation can be secured by a legal agreement prior to or following the Committee meeting.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

How much Community Infrastructure Levy (CIL) will this development be required to pay?

The development will be liable for CIL, however the sum has yet to be finalised as floorspace information is still awaited from the applicant.

CONCLUSION

In conclusion, your officers recommend approval of the application subject to the conditions outlined and subject to receipt of a legal agreement for the payment of TRO monies or an agreement to enter into a s278 highways agreement, which could secure this.

The key considerations are the principle and amount of proposed student accommodation, which your officers strongly advise to be acceptable in policy terms.

Another key issue relates to the balance between the visual impact of the proposed scheme on the surrounding townscape and middle/ longer range views and heritage assets and the public benefits in terms of the retention of the Old BRI Building. While Historic England and the Council's City Design Group and other stakeholders have raised objections on these grounds, the role of the planning system is to weigh these concerns regarding harmful impacts (and to give these impacts considerable importance and weight) against the public benefits of the scheme. It is the view of officers that the retention of this historic building for future generations would outweigh those matters.

An independently assessed viability assessment has in the opinion of officers, demonstrated that the amount of development proposed by the applicant is required in order to off-set the costs of the retention of the Old BRI building and chapel.

Transport is another key issue and it is considered that this can be satisfactorily addressed via conditions.

In conclusion, approval of the application is recommended subject to conditions.

RECOMMENDED GRANTED subject to condition(s)

Recommended conditions will follow in an Addendum Report to be issued prior to the Committee- this is due to the complexity of the case and the short timescales for consideration of the revised scheme.

Development Control Committee B – 28 September 2016**Application No. 16/01888/F : Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU**

BACKGROUND PAPERS

Archaeology Team	25 May 2016
Landscape	18 May 2016
City Centre Projects (Public Art)	20 May 2016
Flood Risk Manager	26 May 2016
Sustainable Cities Team	2 June 2016
Transport Development Management	29 June 2016
Urban Design	To follow
Historic England	10 June 2016
Nature Conservation Officer	25 May 2016
Arboricultural Team	31 May 2016
Pollution Control	7 June 2016
Contaminated Land Environmental Protection	7 June 2016
Crime Reduction Unit	3 June 2016
Wessex Water	13 May 2016
The Coal Authority	20 May 2016
Wessex Water	20 May 2016
Bristol Civic Society	6 June 2016
Bristol Civic Society	9 September 2016

APPENDIX 1-
THE COUNCIL'S CITY DESIGN GROUP FULL COMMENTS
TO FOLLOW

APPENDIX 2-

HISTORIC ENGLAND FULL COMMENTS

a) 12 September 2016

b) 10 June 2016



Historic England

SOUTH WEST OFFICE

Ms Charlotte Sangway
Bristol City Council
Brunel House
St George's Road
Bristol
BS1 5UY

Direct Dial: 0117 975 0676

Our ref: P00510566

10 June 2016

Dear Ms Sangway

**Arrangements for Handling Heritage Applications Direction 2015
& T&CP (Development Management Procedure) (England) Order 2015**

**OLD BRISTOL ROYAL INFIRMARY BUILDING, MARLBOROUGH STREET
(SOUTH SIDE) , CITY CENTRE, BRISTOL, BS1 3NU
Application No 16/01888/F**

Thank you for your letter of 10 May 2016 notifying Historic England of the above application.

We provided pre-application advice on proposals for this site in our letter to the applicants, dated 1 March 2016 (our ref. PA00411769, attached). In that letter we set out serious concerns regarding the scale of the proposals and the impact on the setting of the adjacent listed buildings and conservation area. Unfortunately, there has been no response to any of those concerns, and we can only reiterate the significant, if not substantial, harm that these proposals would cause to the setting of those designated heritage assets.

Historic England Advice

The proposals have the potential to impact on the settings of the Grade I listed Church of St James' (Priory) and the Grade II* listed Church House, as well as the settings of other Grade II listed buildings (such as the White Hart Inn and the Eye Hospital) and the St James' Parade Conservation Area. The hospital building on the site is on the Bristol City Council's list of valued buildings, and as such is covered by their Core Strategy Policy BSC22.

Whilst the St James' Parade Conservation Area is small in size, it does not diminish its importance. The Priory itself is one of the oldest and most historically significant buildings in Bristol. Although there are taller buildings to the north of the Priory, its primary aspects are to the west and south. Directly to the north is the low-rise bus/coach station and the buildings beyond are not immediately apparent, as is shown by the views presented in the *Visual Impact Assessment*. In views from the south the Priory is generally seen against a backdrop of clear sky rather than buildings. There



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk





SOUTH WEST OFFICE

are taller buildings to the east of the Conservation Area, but these are viewed in the context of the post-War Bearpit Roundabout (when looking towards the Conservation Area from the east) and are surprisingly shielded in views out of the Conservation Area.

The setting of St James' Priory to the south is largely bounded by the raised green space of the churchyard. Due to the topography and the mature trees, along the edge of the churchyard, one has limited awareness of the buildings (and main road) to the south of the Conservation Area.

The primary elevation of the Priory faces west, and on this side of the Conservation Area the buildings are of limited scale. The west end of the church building is the most important architecturally, both in terms of its stone carving and it being the main entrance to the building.

The Eye Hospital is of four storeys with mansard roof, whilst the Grade II element is of three domestic storeys with a mansard roof. There is a newly constructed hotel building on the corner of Lower Maudlin Street and Lewins Mead, and taller buildings further to the west; and although visible in views to and from the Grade I Priory they are not overly dominant. Given the scale of some of the buildings in the vicinity, the view from the west end of the Priory through the listed gates is, again, surprisingly open; looking at buildings of a relatively low scale.

The Grade II White Hart Inn and the Eye Hospital are modest in scale, and in turn are viewed within the context of similar buildings within their immediate townscape.

The former Bristol Royal Infirmary building on the site is a locally listed building, and has townscape value, albeit compromised by later additions and alterations especially to the rear. The Chapel building to the east of the site also has historic townscape value, particularly its gabled elevation to the south-east. Although of limited architectural interest in themselves, the rest of the buildings on the site were historically, and remain, of a relative low scale. They continue to afford a more open aspect to the heritage assets facing the development site, and contribute towards their setting in an otherwise modern urban context.

It should be noted that the setting of historic assets is not limited to inter-visibility with their surroundings but also includes the context in which they experienced. In this context the view down Whitson Street is important as one approaches the Priory from higher ground to the north: one has sight of the complex of buildings over the low bus station, within buildings of a relatively modest scale.

Given the scale of the proposals they come within the tall buildings policy of the Council, and they will also have potential wider townscape impacts: for example, in views along Upper Maudlin Street/Marlborough Street and down Marlborough Hill.



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk





Information

Whilst the wireframe views presented with the application are useful, it is disappointing that they are not full renderings of the proposals in context. Views from the west end of the Priory have not been provided, nor have views along Upper Maudlin Street and Marlborough Street (from both east and west). Closer views along Lower Maudlin Street should be provided to better illustrate the relationship with the Grade II Eye Hospital buildings. A realistic view up Whitson Street should also be presented, as should closer views (over the Priory) from within the Conservation Area from the south. The more immediate views from outside the White Hart and the bus/coach station (pages 72-75 of the Design and Access Statement) are useful, although they fail to illustrate the full impact of the proposals by limiting themselves to the lower storeys of the building. Confirmation should be provided as to how these views have been generated.

The Heritage Statement by CGMS is cursory in its consideration of the impacts of the proposals on the setting of nearby designated heritage assets, and is of limited value.

Impact

Although outside the formal remit of Historic England, the retention of locally listed building is welcomed; as is the intention to remove many of the later interventions to its primary frontage, which may be regarded as an enhancement. That said, the scale of the proposed roof-top extensions is of concern (being the equivalent of three storeys in places). The removal of the later interventions to its rear elevation is welcomed, and we do not object to the principle of a glazed circulation zone to the rear of the building. However, the demolition of a significant portion of the back of the locally listed building must be of concern, and we remain to be convinced that the scale of the roof top extension is not overbearing. We welcome the retention of the rear Chapel, but the relationship of the new building with the Chapel's south-eastern gabled elevation is particularly clumsy and overbearing.

Whilst we do not object to the principle of the replacement of the existing building to the rear of the site, the proposed development (at 10, 12 and 13 storeys) is clearly out of scale with much, if not all, of the existing townscape around the site. The overwhelming impact of the proposals is exacerbated by the lack of any response to the sloping topography of the site; leading to a particularly overbearing presence to the south and south-east of the site.

The overbearing impact of the proposals is illustrated by the view provided looking up Lower Maudlin Street, and would no doubt be confirmed if views were provided from outside the west end of the Priory. The sections clearly illustrate that the proposals are significantly out of scale with the surrounding listed buildings and would present a sheer cliff face of development of questionable architectural quality.





SOUTH WEST OFFICE

In all the views presented from the south the Priory and its tower are viewed against open sky, which despite its urban context maintains a degree of openness which is an important aspect of its setting. The proposals would interrupt the skyline and be visible in views over the nave of the Priory (particularly views 2 and 3 in the Visual Impact Assessment) and possibly in the backdrop to the landmark tower. In views down Whitson Street the proposals are likely to become a dominant and discordant feature, to the right hand side beyond the historic Chapel.

Given the scale of the building it will also impact in longer views, such as those along Silver Street, which currently has an open view northwards across to the Conservation Area and beyond. The proposals will also impact on views down Marlborough Hill as one approaches the city from the north.

Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that the local planning authority shall have special regard to the desirability of preserving a listed building **or its setting** or any features of special architectural or historic interest which it possesses. The *National Planning Policy Framework (2012)* (NPPF) reinforces the importance of conserving and enhancing the historic environment as an essential component of sustainable development; stating (paragraph 132) "great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be." It goes on to state that Grade I buildings are "heritage assets of the highest significance".

New development should preserve or enhance the settings of designated heritage assets, including conservation areas. Paragraph 137 of the NPPF states that "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance."

The proposals should also be considered in light of Historic England's *Advice Note 3: the Setting of Heritage Assets*. This echoes the definition of setting given in the NPPF: "the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral (NPPF glossary)."

Bristol City Council's *Supplementary Planning Document 1: Tall Buildings (2005)* identifies St James Church as being a historic asset that is a prominent landmark, and that tall buildings should not be positioned where they "have an adverse impact on the city's historic environment."

Position



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk





SOUTH WEST OFFICE

As is illustrated by the photomontages and long sections, the proposals are considerably out of scale with surrounding development. They fail to respond, not only to the heights of surrounding built form, but also the sloping topography of the site. It presents overbearing and incongruous cliff-like facades to most elevations, and will cause considerable harm to the settings of nearby heritage assets; including the Grade I listed Priory. It will be visible in views over the Priory from the south, causing further harm to its setting. The elevational treatment of the proposals fails to disguise the overwhelming bulk of the buildings.

The proposals will fail to preserve or enhance the settings of the nearby designated heritage assets, and based on the information submitted are likely to cause significant, if not substantial, harm. As such are contrary to the *Planning (Listed Buildings and Conservation Areas) Act 1990* and to guidance in the NPPF, as well as the City's own *Supplementary Planning Document 1: Tall Buildings*.

Recommendation

We do not object to the principle of development of the rear of the former Bristol Royal Infirmary site. However, given the unacceptable scale of the proposals we would recommend that there is a significant reduction in the height of the proposals across the entire site; particularly to the corner of Lower Maudlin Street and Whitson Street, due to its direct impact on the settings of St James' Priory and the White Hart. Any new scheme should also seek to respond to, not only to the settings of the important heritage assets in the vicinity, but also to the falling topography of the site. Views through, over and into the Conservation Area also need consideration. Further views analysis should indicate the impact of the roof top extensions to the locally listed building, which from the information presented appears to be of concern; as is the extent of demolition of the back of the building.

The relationship of the development with the historic Chapel on the site should also be reconsidered.

We are unable support this scheme, due to the significant harm to the setting of the designated heritage assets in the vicinity. We would recommend that it is refused, on heritage grounds, or preferably withdrawn, to allow for meaningful dialogue over development proposals of a considerably reduced and far more realistic scale.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk





Historic England

SOUTH WEST OFFICE

Simon Ramsden
Principal Inspector of Historic Buildings and Areas
simon.ramsden@HistoricEngland.org.uk



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



Historic England

SOUTH WEST OFFICE

Ms Charlotte Sangway
Bristol City Council
Brunel House
St George's Road
Bristol
BS1 5UY

Direct Dial: 0117 975 0676

Our ref: P00510566

12 September 2016

Dear Ms Sangway

Arrangements for Handling Heritage Applications Direction 2015 & T&CP (Development Management Procedure) (England) Order 2015

**OLD BRISTOL ROYAL INFIRMARY BUILDING, MARLBOROUGH STREET (SOUTH SIDE) , CITY CENTRE, BRISTOL, BS1 3NU
Application No 16/01888/F**

We have received amended proposals for the above scheme.

Summary

We previously commented on proposals for this site at pre-application stage and on this planning application in our letter dated 10 June 2016. Whilst the additional information submitted with amendments to the scheme is helpful, and the reduction in massing to the south-east end of the site will reduce its immediate impact at this point, the proposals will still cause harm to the setting of the Grade I Church of St James. The reduction in height is offset by an increase in height elsewhere on the site, which will cause further harm to the historic environment, and fails to address the concerns set out in our previous consultation response.

The elevational treatment of the facades has been simplified, and lacks any architectural sophistication which might serve to break down the massing of the building. We remain of the view that this application be refused on the grounds of its impact on the historic environment.

Historic England Advice

The heritage assets likely to be impacted on by the proposals, and a consideration of their settings as they contribute to their significance, are set out in our previous letter. The legislative and policy context is also set out in that letter.

The amendments appear to propose a similar quantum of development to the previous iteration of the scheme. There is a reduction in scale to the south-east corner of the site and running up Whitson Street, but with a significant increase in height to other sections on Lower Maudlin Street (up to 19 storeys, opposite the Grade II Eye



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk





Hospital). The elevations have been simplified.

More accurate photomontages have been submitted (previous photomontages were mostly wire frame views) and a view from the forecourt area to the Grade I St James Church has now been provided. Views along Upper Maudlin Street, and wider townscape views, have now been provided, although it is noted that none of the proposed improvements to the elevations of the Locally Listed former BRI building are shown on the photomontages.

We previously raised concerns regarding the overall scale of the proposals, in the context of the surrounding streetscape, as well as the harmful and overbearing nature of the proposal on the setting of adjacent heritage assets, such as the Grade I Church of St James. Of particular concern were the views up Lower Maudlin Street, from the Church of James itself, and over the Priory from the south.

Whilst it is accepted that there has been a slight reduction in scale to the south-east of the site the proposals will still represent a substantial intrusion into views from St James Church (View 11). The inclusion of a 19 storey element will also introduce a vertical element in View 2, which will compete with the primacy of the tower of the Church, particularly in views from the south. Additionally the 19 storey element will now be visible in longer views across the City. The simplified elevational treatment leads to more monotonous, regular facades, which further adds to the overwhelming massing of the proposals.

Historic England's *Advice Note 4: Tall Buildings* is of relevance. It updates previous guidance by English Heritage and CABE, produced in 2007. It sets out the criteria for assessing the impact of tall buildings on the historic environment, which is echoed in Bristol's *Supplementary Planning Document 1: Tall Buildings* (SPD1).

SPD1 identifies St James Church (36m) as an historic asset that is a prominent landmark, and that tall buildings should not be positioned where they "have an adverse impact on the city's historic environment." (p17) It also states that responses to the consultation informing the document "suggests there is a general acceptance that it is entirely appropriate and desirable for these [significant landmarks, such as St James Church] to **dominate** the skyline of the city, an acceptance which is not often conveyed to tall residential or commercial buildings." (p11). It should also be noted that the site falls outside areas identified where tall buildings may be appropriate (Figure G, p26).

As noted in our previous letter, Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that the local planning authority shall have special regard to the desirability of preserving a listed building **or its setting** or any features of special architectural or historic interest which it possesses. The *National Planning Policy Framework* (2012) (NPPF) reinforces the importance of conserving



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk





Historic England

SOUTH WEST OFFICE

and enhancing the historic environment as an essential component of sustainable development; stating (paragraph 132) "great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be." It goes on to state that Grade I buildings are "heritage assets of the highest significance".

The proposals will fail to preserve or enhance the settings of the nearby designated heritage assets, and based on the information submitted are likely to cause significant harm. As such are contrary to the *Planning (Listed Buildings and Conservation Areas) Act 1990* and to guidance in the NPPF, as well as the City's own *Supplementary Planning Document 1: Tall Buildings*.

We do not object to the principle of re-development of the site, albeit at a scale, and in a form, which does not cause harm to the historic environment. Should a justification be put forward for the level of student accommodation proposed, there would appear to be other sites within the City where it might be sited.

Recommendation

The revisions have failed to address the concerns set out in our previous letter and the recommendation in that letter still stands: i.e. that it should be refused on the basis of its harmful impact on the historic environment.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely

Simon Ramsden

Principal Inspector of Historic Buildings and Areas

E-mail: simon.ramsden@HistoricEngland.org.uk



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 1308
HistoricEngland.org.uk



WARD: Clifton **CONTACT OFFICER:** Susannah Pettit
SITE ADDRESS: Land Adjacent To 2 Southernhay Avenue Bristol

APPLICATION NO: 16/02137/F Full Planning
EXPIRY DATE: 29 June 2016

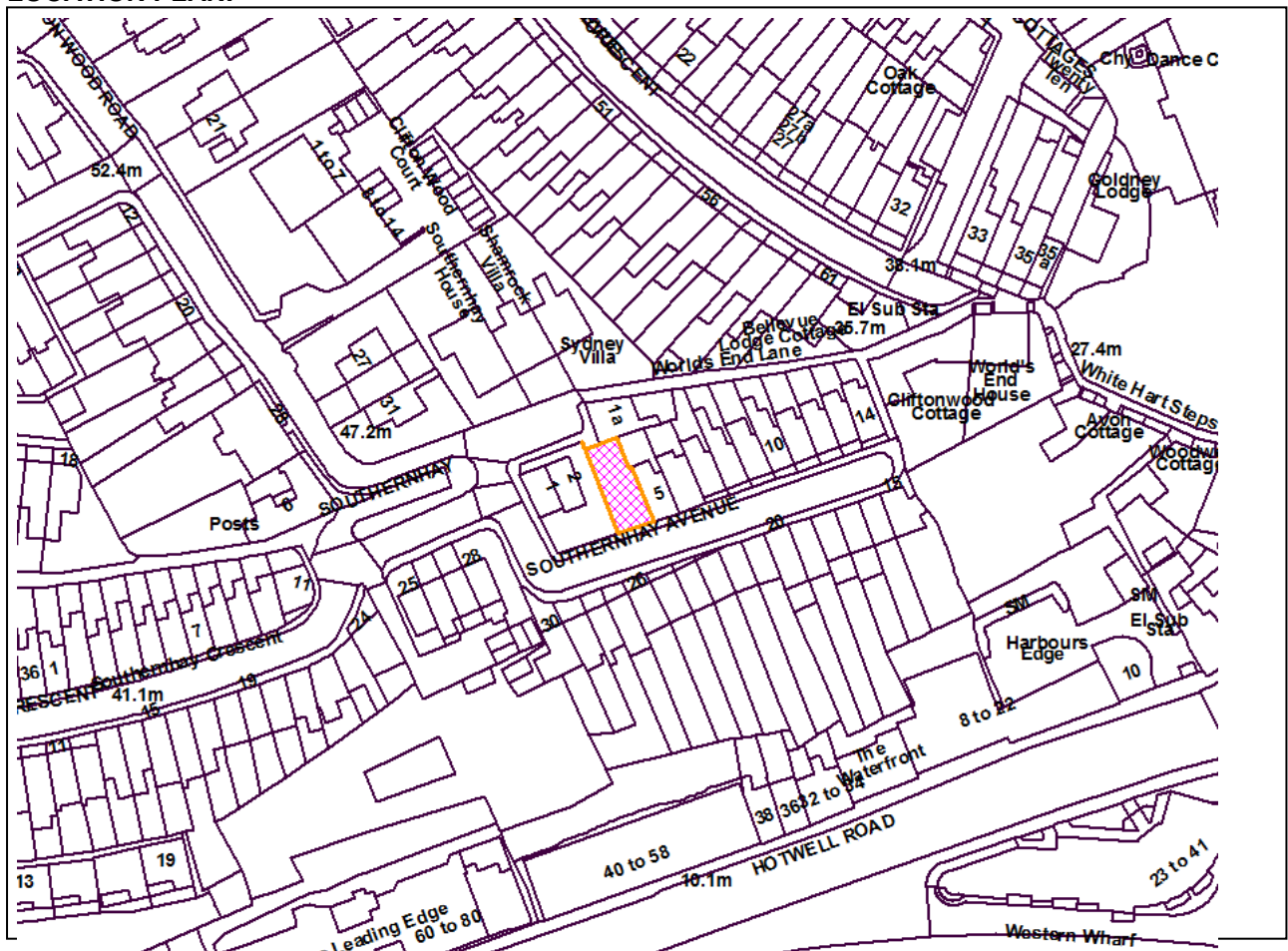
Proposed four storey, three bedroom single dwelling house.

RECOMMENDATION: Grant subject to Condition(s)

AGENT: Greenheart Sustainable Construction Studio 2
St Andrews Road
Montpelier
BS6 5EH **APPLICANT:** Mr Grimshaw
6 Windsor Terrace
Clifton
Bristol

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

SUMMARY

This case is being referred to committee due to the fact that forty (40) objections have been received. The proposal is for a family sized house to be built on a brownfield site which contains foundations of a pre-war house. The house would be of a modern design and would achieve high standards of sustainability which would be over and above the policy requirement.

The objections that have been raised by neighbours raise issues which are summarised below, but include loss of light, parking, wildlife and land stability.

Officers consider that the scheme is an acceptable response to the site, delivering as it would much needed family sized housing and being of a high quality and sustainable design. A balance has been made between this positive aspect, and the less positive effect that would occur in terms of daylight and sunlight. An assessment on this matter is set out below, but concludes that the loss of light experienced by some of the neighbouring windows and gardens would not be so harmful as to warrant a refusal.

SITE DESCRIPTION

The proposal relates to a vacant piece of land adjacent to 2 Southernhay, which has frontages both to the north and south section of the road. The road at this point forms a two pronged shape, with the upper section called Southernhay, and the south section called Southernhay Avenue. Due to a steep change in levels, numbers 1, 1a and 2 Southernhay are on higher ground than their neighbours at 5-30 Southernhay Avenue. The properties are also set further back from the road up the hill, and they front onto and have access to the upper part of Southernhay.

The site falls within the Clifton Conservation Area. There are no listed buildings in the immediate vicinity of the site. The site also falls within an area covered by a Residents Parking Scheme.

RELEVANT HISTORY

There are no previous planning decisions for this site, although a pre-application enquiry in respect of the proposed development was submitted (BCC ref 15/05947/PREAPP) and a response was issued 31 December 2015.

APPLICATION

The application seeks planning permission to construct a four storey, 3 bedroom family dwelling (lower ground, ground, first floor and second floor). Due to the level changes within the site, the lower ground floor would be built into the hill so the building appears as a three storey building from Southernhay (the upper part of the road). The building would be of a modern style of architecture, using white render, full height glazing and timber framed windows as the main materials, and a bespoke internal layout design. The windows would predominantly face south, and the access would be both from the southern and northern parts of Southernhay Road. The garden would contain a bike and bin storage which would be built into the hill, with a raised garden over, and accessed from new gate inserted in the rubble-stone wall on Southernhay Avenue. A timber framed walkway and steps would lead from the lower ground courtyard level to the ground floor entrance. There would be one parking space located within the site, to the west side of the house and accessed from the northern branch of Southernhay Road.

Historical maps (circa 1900) show a house in the same location as proposed, which was destroyed during the war. Foundations from this building still exist on site.

Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

The aim of the proposed building is to attain the highest possible specification in terms of sustainability and energy efficiency, with the proposed measures set out in a sustainability report and discussed in the assessment section of this report. Due to the difference in levels in the area, and following comments received during consultation, the applicant has also provided a Structural Engineers report.

PRE APPLICATION COMMUNITY INVOLVEMENT

The application falls below the threshold for which a Statement of Community Involvement is required as a validation requirement, however, in view of the constrained nature of the site has submitted a response in this regard. This statement sets out that the applicant recognises the importance of maintaining a good relationship with the local community and engaging with the prospective neighbours. The document sets out that the applicant intends the proposal to be a family house in which they would live. The document discusses the applicant's desire to create an eco-house that would have a low impact environmentally.

Initial meetings were held with individual neighbours in May 2015 and were ongoing through November 2015 and February 2016. This also included a meeting with a structural engineer. Meetings with individual neighbours were also held in April, May and June 2016.

The outcomes of each meeting have been set out in the report, including how each concern was taken into account. On each matter raised, the applicant has provided a response, and recognises that the proposal is within a very tight and close knit residential area.

Issues addressed have included:

- Alteration of location of bathroom windows facing north to avoid overlooking;
- Retention of party wall between 1a Southernhay and proposed development site;
- Introduction of wooden fencing between proposal's garden and no. 2 Southernhay;
- Submission of a full Daylight and Sunlight Assessment in response to concerns on loss of light from neighbouring gardens and windows.

RESPONSE TO PUBLICITY AND CONSULTATION

A site notice and a press advert were both posted on 25.05.16, and letters were sent to 46 neighbouring occupiers on 13.05.2016. A second consultation was also undertaken on 03.08.16 giving a further 14 days to comment on additional material which had been submitted by the applicant. The final date for comment was 17.08.16.

The consultation exercises generated 40 objections during the first consultation, and a further 22 during the second. 5 letters of support were also received.

Issues raised are summarised below:

Loss of light

- The building would deprive windows and gardens on Southernhay Avenue of light and sunlight, particularly in the late afternoon;
- The proposals will result in loss of light from the east facing windows of 2 Southernhay;

Loss of privacy

- The windows in the proposal would overlook neighbouring windows
- West facing windows should be obscure glazed;
- West facing windows are too close to 2 Southernhay;

Design and Conservation

- The proposed building is too high and would affect the skyline;
- The modern design of the proposed building is out of character with the rest of the neighbourhood;

Development Control Committee B – 28 September 2016

Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

- The proposed building shows no reference to the pre-war history of the site and is not a sympathetic addition to the conservation area;
- The proposed building is shoe-horned into the corner of the site rather than completing the square of Southernhay;

Parking and Highways

- Even though the plans show a parking space, this is misleading as this is understood to be under separate ownership and usage. This would mean the proposed house has no off-street parking and as such, would place pressure on the surrounding streets;
- There is not enough parking for the house;
- The proposal would involve the loss of an on-street parking space;
- The parking space would not achieve adequate entrance / egress and a swept path diagram should have been submitted to show how this can be accessed safely;

Land and Building Stability

- Clifton area is built upon rock. The proposed building would require extensive excavation to accommodate a basement and its foundations would result in underpinning of 1a Southernhay. This could pose a serious threat to surrounding buildings in terms of subsidence;
- The area is known for subsidence;
- The drawings show the proposed building is to be built very close to the side wall of no. 1A Southernhay and it is queried how these residents would be able to maintain the external walls of their properties.
- The Structural Engineers' Report submitted with the application states that Structural Solutions Management Ltd accept responsibility for any structural damage cause to nearby properties. What does this mean?

Construction disturbance

- There is limited direct access to the plot, therefore disruption to residents during construction would be severe;
- There is no mention in the application of how rock and rubble created from excavation would be removed;

Other matters

- The application documents are inadequate and misleading;
- The access point to the site is different to what is shown on the plans;
- The loss of the garden should be resisted;
- The garden provides a feeding space for Leisler bats and other wildlife;
- Social areas within the proposed house are arranged towards the front of the house unlike other properties in Southernhay - this would lead to noise pollution;
- The application states no trees are to be felled, however the tree at no.5 would need to be removed to make way for the scaffolding;
- Residents were not contacted by the author of the Daylight and Sunlight report to arrange access, and the report is inaccurate on several counts;

Ward Members

Councillor Jerome Thomas: Supports the application.

- As a City we are seeking to increase the availability of homes at a time when there is a severe housing shortage;
- I am supportive of the green and energy efficiency credentials of the proposed development;
- The design will not be to everyone's taste but it would not dominate the street or skyline.

Bristol Civic Society: Strongly objects to the application. The height and design bear no relation to neighbouring houses and would harm the conservation area. The site is visible from the Floating Harbour. The proposed building would be incongruous.

Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

OTHER COMMENTS

City Design Group has commented as follows:-

The proposal would preserve the appearance of the conservation area. It would not result in harm. View Impact Analysis shows the building would sit comfortably within the context. Material samples of render and timber and balcony materials should be made available on site for approval. Details of boundary treatment to include planting should also be conditioned.

Transport Development Management has commented as follows:-

The proposal for 3-bedroom house is unlikely to generate a severe negative impact on the surrounding highway in terms of traffic movements and parking once built. The site is located sustainably and as such its location will deter excessive car reliance. An off-street parking space is provided whilst the site is located within an existing controlled parking zone to deter detrimental overspill of parking and highway safety issues.

However, this will be a difficult site to access for construction traffic in view of the need to keep the highway clear. Therefore, development should not commence until a Construction Management Plan (CMP) is submitted and agreed in writing. The CMP will be required in the interests of avoiding unnecessary blockage or obstruction to surrounding occupiers.

Adequate cycle parking is provided to encourage movement to / from the site by sustainable means in line with the requirements of the transport team's standing advice. Sufficient bin storage is shown and this will need to be conditioned to avoid overspill of refuse containers / bins onto the footway.

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Core Strategy (Adopted June 2011)

BCS20	Effective and Efficient Use of Land
BCS5	Housing Provision
BCS2	Bristol City Centre
BCS9	Green Infrastructure
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS13	Climate Change
BCS18	Housing Type
BCS20	Effective and Efficient Use of Land
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment

Bristol Site Allocations and Development Management Policies (Adopted July 2014)

DM23	Transport development management
DM26	Local character and distinctiveness
DM27	Layout and form
DM29	Design of new buildings
DM31	Heritage assets
DM32	Recycling and refuse provision in new development

Supplementary Planning Guidance

Clifton & Hotwells Conservation Area Character Appraisal

Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

KEY ISSUES

(A) LAND USE PRINCIPLE

Policy BCS5 sets out the need in Bristol for 30,600 new homes, and the requirement to build the new homes on previously developed land. This site is not identified for housing development within the Local Plan, but would be classed as a 'windfall site', to be developed by a private developer. The Policy Delivery section of policy BCS 5 states that where proposals are in accordance with other policies in the Core Strategy and other Development Plan Documents (DPD), the potential contribution of small unidentified housing sites towards the delivery of 30,600 homes will be a relevant consideration.

This site would constitute 'previously developed land' as identified in the Core Strategy. Furthermore it is in an area of the City where higher densities are appropriate, as described in policy BCS20 being located close to the City Centre and with good access to public transport. As such, the continued residential use of the site is acceptable and can be further developed for housing to add to the city's housing stock.

Some of the objections have raised the issue of the existing site contributing to the City's green areas as a garden. However the site is a vacant plot and does not fall into the category of a private garden (as referred to in DM21, 'Development of Private Gardens'). The more recent keeper of the site had taken it upon themselves to plant and maintain the site as a garden, but this was fortuitous site maintenance and may not be taken into account as a reason to protect the site as a green space.

Wildlife and tree aspects are discussed further at Key Issue (F) of this report.

(B) WOULD THE PROPOSAL OFFER A SATISFACTORY RESPONSE IN TERMS OF DESIGN AND CONSERVATION?

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission, the Local Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 12 of the national guidance within the National Planning Policy Framework (NPPF) 2012 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In addition, the adopted Bristol Core Strategy 2011 within Policy BCS22 and the adopted Site Allocations and Development Management Policies (SADMP) within Policy DM31 seeks to ensure that development proposals safeguard or enhance heritage assets in the city.

The Council's adopted Clifton and Hotwells Conservation Area Character Appraisal states that "The variety and quality of views in Clifton are a critical component of the area's special interest. Clifton's elevated position on the escarpment that rises high above sea level afford it exceptional views across the City and beyond, while local and glimpsed views lead towards key landmarks or townscape features." The site falls within Character Area 7 (Clifton Wood Slopes) identified within this document, which is described thus; "a little backwater full of cranky corners and wide vistas. Close packed, rubble and stuccoed terraces hug the contours of the steep slopes above the Harbour."

Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

Characteristics in this area include domestically scaled buildings being typically of 2 to 3 storeys in height, sometimes with basements; terraces which directly address street or set behind low boundary wall or railings; vertical emphasis; diminishing window heights and concealed roofs. Exemplary materials are pennant sandstone; Stucco (painted) render; low rubble boundary walls; timber framed sash windows and doors and natural slate roof coverings.

Officers have considered whether a three storey with basement level building would be appropriate within this context, in view of the typically lower 2 and 3 buildings nearby. It is considered however, that in view of the elevated position of this site, and the slightly taller buildings in the immediate context of the site, on the hill, this height can be supported here. The proposal is shown as being no higher than its neighbour at no.1 Southernhay, and detail design and materials show a successful modern intervention. This view has also been reached due to the apparent careful design and positioning of the proposed building, which responds well to its site and its slope.

The modern design is acceptable, and there are several local examples of such modern buildings in the wider vicinity. The proposed materials would be sympathetic to those elsewhere in the conservation area, and as such, this justifies the modern design. The proposal is considered to preserve the appearance of the conservation area, and in terms of the tests in the NPPF, would not result in harm thereto. The View Impact Analysis submitted with the application shows that the building would sit comfortably within the context. Conditions shall be imposed requiring samples made available on site for inspection and for details of front boundary treatment (to include planting) to be submitted.

(C) WOULD THE PROPOSAL PROTECT THE AMENITY OF EXISTING AND FUTURE RESIDENTS?

Good design and protection and enhancement of the environment are critical components of central government guidance, as identified in the NPPF. Adopted Bristol Core Strategy Policy BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and to enable flexibility and adaptability by meeting the appropriate space standards. In addition, Policy BCS21 expects development to safeguard the amenity of existing developments and create a high-quality environment for future occupiers. Furthermore, Core Strategy Policy BCS15 requires development to address issues of flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting.

Daylight and Sunlight

Due to the difference in levels on and around the site, properties to the east of the site are at a lower level and somewhat overshadowed by the current retaining wall on site. The proposed building would to some extent intensify this relationship, and following the first round of consultation, a number of objections raised the issue of loss of daylight and sunlight to neighbouring windows and gardens. In the light of the comments and in order to present a more detailed analysis of the relationship, the applicant supplied a more in depth Daylight and Sunlight BRE (Building Research Establishment) Assessment to supplement the originally submitted Shading Report. The Daylight and Sunlight Assessment is a desk-based survey, and has been informed using a measured survey, architects drawings photographs, Ordnance Survey information, topographical survey data and a 3D model of the proposed development.

The BRE assessment consists of a set of tests which can be applied according to the type of development. In this case, the Vertical Sky Component (VSC); Average Daylight Factor (ADF) and the Annual Probable Sunlight Hours (APSH) tests have been used.

Vertical Sky Component (VSC)

The VSC is a measure of light falling on a window, and the target for a good level of light is 27% -

Development Control Committee B – 28 September 2016**Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol**

meaning a ratio of direct sky luminance falling on the surface of the window. 40% is the maximum possible VSC score, and would mean that if one had a view from a window which was totally unobstructed by buildings, 40% of the total hemisphere would be visible. If a development would reduce the VSC from a given window to less than 27%, AND to less than 0.8 times its former value, then according to the BRE guidelines it is likely that the loss of light would be harmful. It should, nevertheless, be noted that the 27% VSC target value is derived from a low density suburban housing model. The independent daylight and sunlight review states that in an inner city urban environment, VSC values in excess of 20% should be considered as reasonably good, and that VSC in the mid-teens should be acceptable. However, where the VSC value falls below 10% (so as to be in single figures), the availability of direct light from the sky will be poor.

VSC results

The results in the submitted analysis document show that 3 of the 19 windows tested would experience a reduction of less than 0.8 times their former value. These are the ground floor east facing windows at no. 2 Southernhay, and the ground floor side (west facing) kitchen window at no. 5 Southernhay Avenue. Of these, the side window at no.5 is the only one to ALSO fall below 20% - the others all maintain a VSC of 20% or above. This therefore complies with the BRE guidelines: whilst there would be some loss of light from these windows, it would not be harmful.

No Skyline Contour (NSC)

This test is also known as the "Daylight Distribution" method as it looks at how daylight is distributed within a room. If a development reduces the amount of daylight to less than 0.8 times its former value, the loss of light is likely to be noticeable. There is no absolute minimum identified by the BRE guidelines however. None of the windows assessed yielded a score of less than 0.8 times its former value.

Sunlight to Gardens and Outdoor Spaces

This test looks at the proportion of an amenity area that receives at least 2 hours of sun on 21st March in the existing condition, and compares this with the proportion of the area that receives at least 2 hours of sun on 21st March with the proposal in place. The document tested the gardens of no.5 and no.6. No. 5 was found not to see two or more hours of sun across any of its garden area on March 21st. No. 6 had two or more hours of sun across 3% of its garden. The concluding assessment is that these north-facing gardens are currently very poorly sunlit on March 21st and that the proposed building would not unacceptably reduce this.

Conclusion on Daylight and Sunlight

It must be borne in mind that the BRE tests are guidelines only, and not planning policy. They are intended to be applied flexibly, and the background sets out that in some areas (for example city centres and high density areas,) developments may not always fully comply with the guidelines or achieve optimum levels of daylight or sunlight.

The site is within a relatively dense central residential location and residents currently enjoy a relatively open aspect due to the vacant and underdeveloped site. The development itself does not breach established building heights in the area, as it matches the height of no 1. Southernhay. Whilst three of the windows tested would experience some loss of daylight or sunlight, it is not considered that these impacts would be significantly harmful. Similarly, it is not considered that the proposal would result in a significantly harmful loss of light from neighbouring gardens.

Overlooking

Potential overlooking could occur from the corner windows proposed on the west elevation, facing no. 2 Southernhay, however the applicant has agreed that these windows would be fitted with obscure

Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

glass to prevent harmful views between the properties. The two windows in the east elevation are high-level. One relates to a stairwell and the other is a second window of a bedroom. Due to them being high level, no harmful views would be afforded over the rear of properties on Southernhay Avenue. The external deck leading from basement to ground floor level is not envisaged to result in an amenity issue as its intended use is to gain access between lower and upper ground levels. Residents of the property would be able to use their external courtyard at basement level for sitting out purposes, and this is commensurate in size and location with other neighbouring gardens in the area.

Quality of Accommodation

The proposed house would comply with the National Space standards for a three bedroom property.

(D) WOULD THERE BE ANY HARMFUL HIGHWAYS OR TRANSPORT ISSUES?

DM23 expects development to provide a safe secure, accessible and usable level of parking provision having regard to parking standards, as well as secure and well-located cycle parking and facilities for cyclists. In reference to a three or more bedroom house or flat, the residential parking standards (appendix 2 of Site Allocations and Development Management Policies) require an average of 1.5 spaces per dwelling, however the same standards also state that in respect of individual or small-scale developments these standards will be applied flexibly to allow for the best layout of the site.

Car Parking

One car parking space is identified on the proposed plans and this is sufficient for a family-sized house in this location. It is also acceptable in terms of access and egress. Some of the objections have alleged that this space is proposed to be used by another party, however the application is assessed at face-value as submitted and the application proposes one car parking space within the site. A condition is proposed on the recommendation to ensure the car parking space is maintained and made available for vehicles associated with the development.

Cycle Parking and Refuse Storage

The scheme proposes adequate storage space for bicycles and refuse containers beneath the raised garden area, and these would be accessed from a gate on Southernhay Avenue.

Construction Management

As acknowledged in the transport officer's comments, the site is constrained and would be difficult for construction traffic to access. The development should not therefore commence until officers have assessed and approved a Construction Management Plan which should demonstrate a satisfactory response on the following points:

- parking of vehicle of site operatives;
- routes for construction traffic;
- hours of operation;
- method of prevention of mud being carried onto highway;
- pedestrian and cyclist protection
- arrangements for turning vehicles

Advice notes are also attached to the recommendation notifying the developer of the requirement to enter into the relevant Highways agreements for the works proposed thereto.

(E) SUSTAINABILITY

Sustainability should be integral to all new development in Bristol. BCS13 encourages developments

Development Control Committee B – 28 September 2016**Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol**

to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it. BCS14 expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity.

The design of the building is aimed at achieving a Passivhaus standard, which is a rigorous, voluntary standard for energy efficiency in a building, reducing its ecological footprint, and is awarded post-construction. The building would have a super-insulated thermal frame; an airtight envelope with Heat Recovery System, which minimises ventilation heat loss. It would have triple glazed windows and doors, renewable energy through PV panels and would use recyclable materials such as timber, fibre insulation and would reuse stonework from remaining walls.

An Energy Strategy has also been submitted showing that the PV array would achieve a policy compliant 20% saving on residual carbon emissions.

This response is welcomed, and the Passivhaus certification is encouraged. A condition is proposed to require the development to be undertaken in accordance with the submitted Energy Statement in terms of the PV panels. It would go outside the remit of this application to attempt to impose a condition on the Passivhaus certification however, as this is not a policy requirement and therefore not necessary to make the development acceptable.

(F) WILDLIFE AND TREES

Policy BCS9 states that individual green assets should be retained wherever possible, and that development should incorporate new or enhanced green infrastructure of an appropriate type, standard and size.

Policy DM19 seeks to protect habitat, features and species which contribute to nature conservation, and developments are expected to be informed by appropriate surveys.

The site contains features which have the potential to support legally protected slow-worms. The vegetation on site also has the potential to be used by nesting birds (typically between March and September inclusive).

It is quite possible that Leisler's bats forage over this site, but as it is relatively small the development of the site is not considered to have a significant impact on this species.

In view of the above, a condition is recommended to require a pre-commencement of vegetation clearance and development method statement for a precautionary method of working (PMW) with respect to the potential presence of nesting birds and legally protected slow-worms (reptiles) and other legally protected and priority species. The PMW shall be produced by a qualified ecological consultant. The reason for this is to ensure the protection of legally protected and priority species (both protected and priority species are a material planning consideration).

The application proposes to include a pond and wildlife garden, to provide a habitat for insects birds and invertebrates and would include planting of fruit trees. The roof of the bike shed would be covered in long grasses and wildflowers, and there would be a vertical kitchen garden with climbing plants.

In order to formalise the above proposals, a condition requiring a landscaping plan to be submitted prior to occupation is included in the recommendation. This would also ensure that the habitat lost during construction has the best opportunity to replenish.

Permission from the owner as well as a separate application for conservation area consent would be required to remove or carry out works to the tree in the garden of no.5 Southernhay Avenue.

Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

BUILDING CONTROL

Land and structural stability are not normally considered in planning applications of this size. However the NPPF does require planning applications to be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts arising from subsidence albeit this is in a mining and quarrying context. In view of the nature of some of the objections however, it is considered a response was necessary in this regard and the applicant has duly provided a letter from a Structural Engineer which covers the issues raised.

The submitted Structural Engineers' letter outlines that the proposed building could be constructed using a combination of existing foundations, a basement raft and concrete floor at ground level, and provides assurance that the construction works would be undertaken so as not to undermine surrounding properties. A detailed methodology would form part of a Building Regulations submission, however for the purpose of this planning application, the submission provides adequate assurance at this stage that the building works could be safely undertaken and would not result in damage to neighbouring properties.

A Party Wall Agreement would need to be entered into and this also falls outside of the planning remit. This would need to be entered into in the event that construction would impact on neighbouring walls and basements, and is a civil matter between the parties involved.

CONCLUSION

The proposed development would provide a family house on a vacant brownfield plot which is close to the City Centre. It would also provide off-street parking and would be of a highly sustainable design which would cause no harm to the character or appearance of the conservation area. The less desirable consequence of the development would be the effect it would have on neighbouring windows and gardens, which are predominantly north facing, and would experience a certain loss of light. Whilst this loss would be noticeable, it is recommended that this would not result in such harm to amenity as to warrant a refusal of this scheme. It is therefore recommended that subject to the attached conditions, planning permission should be granted.

COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is £13,100.63

RECOMMENDED GRANTED subject to condition(s)

Time limit for commencement of development

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

Pre commencement condition(s)

2. Construction management plan

No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

Parking of vehicle of site operatives and visitors
 routes for construction traffic
 hours of operation
 method of prevention of mud being carried onto highway
 pedestrian and cyclist protection
 arrangements for turning vehicles

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development.

3. Prior to commencement of development or clearance of vegetation or structures, a method statement for a Precautionary Method of Working (PMW) with respect to vegetation and site clearance and the potential presence of nesting birds and legally protected slow-worms (reptiles) and any other legally protected and priority species shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of legally protected and priority species.

4. Submission of samples before relevant element starts

No development shall take place until the developer has applied to the LPA giving notice when timber and render samples are available for viewing on site, and the samples shall subsequently be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.

Reason: To ensure that the external appearance of the building is satisfactory.

Pre occupation condition(s)

5. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

Development Control Committee B – 28 September 2016

Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

6. Completion and Maintenance of Car/Vehicle Parking - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

7. Completion and Maintenance of Cycle Provision - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

Post occupation management

8. The Energy Strategy (prepared by Piers Sadler Consulting) shall be adhered to and the measures outlined therein installed within the development and maintained throughout its lifetime, unless prior written consent is first obtained from the LPA.

Reason: In order to secure a sustainable development in accordance with the Council's policies.

9. Non opening and obscured glazed window

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed west facing windows; shall be glazed with obscure glass and shall be permanently maintained thereafter as obscure glazed.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

10. No further extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of this dwelling or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area.

Development Control Committee B – 28 September 2016
Application No. 16/02137/F : Land Adjacent To 2 Southernhay Avenue Bristol

List of approved plans

11. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

SH23 , received 28 July 2016

PL01 Existing Plot, received 4 May 2016

PL02 View from South of the river, received 4 May 2016

PL03 Proposed Building from North, received 4 May 2016

PL04 Proposed Site Roof and 3dView Plan, received 4 May 2016

PL05 West Elevations, received 4 May 2016

PL06 South Elevation, received 4 May 2016

PL07 East Elevation, received 4 May 2016

PL08 North Elevation, received 4 May 2016

PL09 Sections, received 4 May 2016

PL10 Floor Plans, received 4 May 2016

PL11 East Facing Windows- Sightlines, received 4 May 2016

Reason: For the avoidance of doubt.

Advices

- 1 Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority in the administration of the existing Controlled Parking Zone of which the development forms part, that the development should be treated as car free / low-car and the occupiers ineligible for resident parking permits.
- 2 The development hereby approved is likely to impact on the highway network during its construction. The applicant is required to contact Highway Network Management to discuss any temporary traffic management measures required, such as footway, Public Right of Way or carriageway closures, or temporary parking restrictions. Please call 0117 9036852 or email traffic@bristol.gov.uk a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

BACKGROUND PAPERS

City Design Group

17 May 2016

commdelgranted
V1.0211

WARD: Lockleaze **CONTACT OFFICER:** Angelo Calabrese

SITE ADDRESS: Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX

APPLICATION NO: 16/01193/X Variation/Deletion of a Condition

EXPIRY DATE: 3 June 2016

Application for removal of condition No 6 following grant of planning permission 15/00907/X (Insertion of additional mezzanine floorspace into combined Units C/D and alterations to the front and rear of Units C/D - to now allow the sale of food from Unit J)

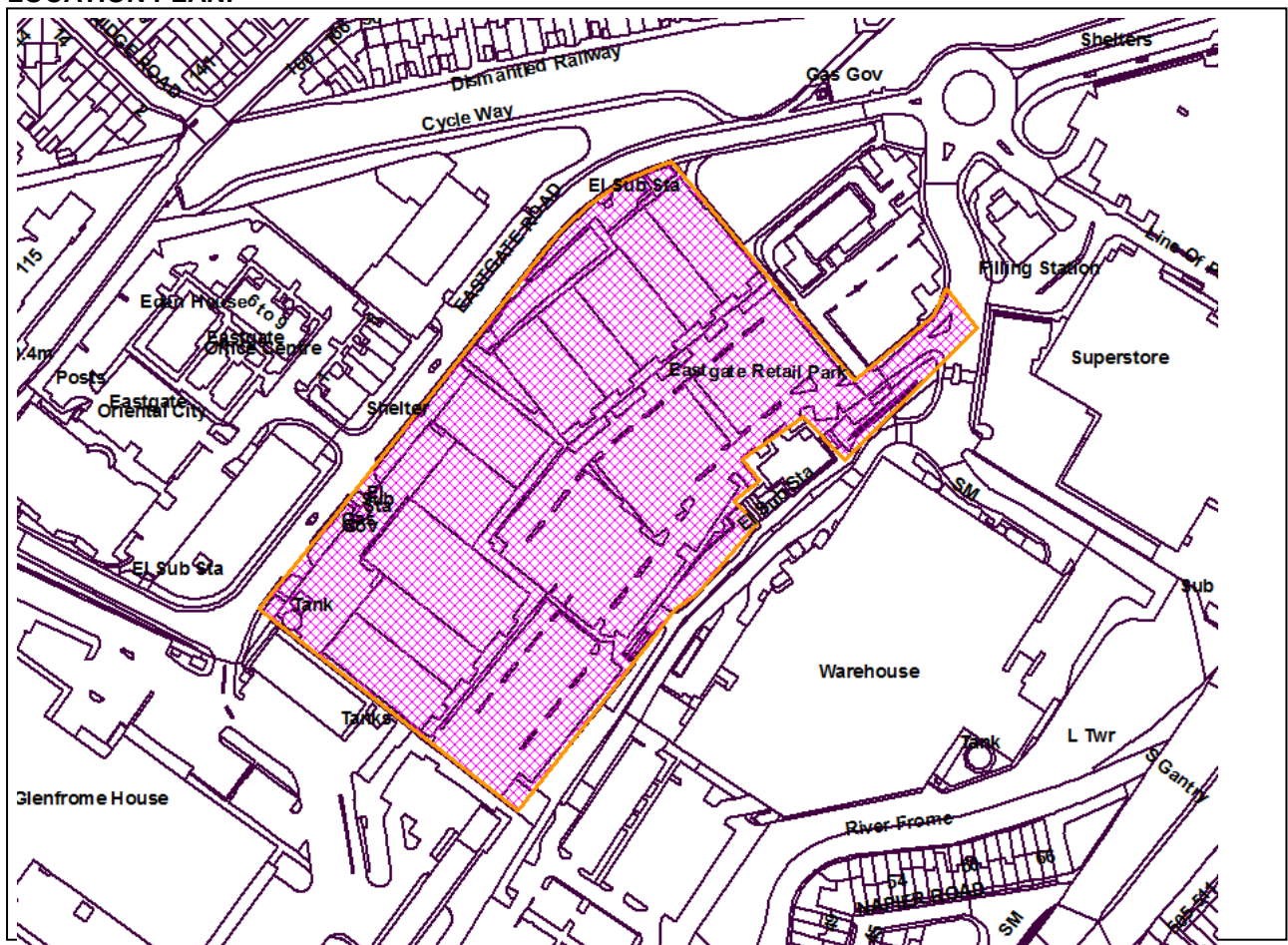
RECOMMENDATION: Refuse

AGENT: Savills (UK) Limited
Belvedere
12 Booth Street
Manchester
M2 4AW

APPLICANT: CPG South East Limited
C/O Agent

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 28 September 2016**Application No. 16/01193/X : Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX****COUNCILLOR REFERRAL**

The application has been referred to the next available Development Control Committee by local ward councillor Gillian Kirk who has been approached by the applicant.

The councillor considers Eastgate retail park as an important retail amenity for the local residents in Lockleaze and we need it to adapt and be viable for the future, able to attract good companies and provide good local employment. It should not be regarded as an 'out of town' shopping centre as it is in a residential area and improving the offer here would not impact detrimentally on Cabot circus or other designated shopping areas. Cllr Kirk considers that the issues need to be raised and discussed at committee.

SITE DESCRIPTION, BACKGROUND AND RELEVANT HISTORY

The site concerned is the Eastgate retail park. The park has 10 retail units fronting a parking area.

There is a detailed planning history for this site dating back to 1987 when the Eastgate Centre was granted full planning permission in March 1987 under planning permission reference 00207F/87N for non-food retail warehousing and associated car parking. Condition 7 reads as follows:

"No retail warehouse hereby permitted shall be used for the retail sale predominantly of clothing, fashion accessories, sporting goods, books or stationery or any of them and for the avoidance of doubt it is confirmed that the occupation of Unit 2 by Children's World Limited, a subsidiary of the Boots Company Plc or their successors trading in a similar manner is deemed to comply with the provisions of this Condition".

The Council's case for justifying a restriction on the range and type of goods sold from the application site and across the Eastgate retail warehouse park is driven by a need to seek to protect the vitality and viability of the hierarchy of protected retail centres across the city. Whilst not in force at the time of the 1987 decision, the objective as set out above is established by the former policy framework PPS 6 and specifically by former Bristol Local Plan 1997 policies S1 and S2.

Further applications to increase the overall quantum and to vary the nature of the use of the floor space were considered in 1999 and 2000 either by the Council and/or at appeal and were duly dismissed. It is relevant to note that during the consideration of one of the appeals that were heard in 2000 with regards to condition 7 of the 1987 permission as set out above, an Inspector concluded that the use of the word predominant within the condition establishes a bench mark for enforcement purposes.

In September 2002 planning permission (ref:02/01127/F/C) was granted for the extension of units D and H to form 3no. new retail units referred to as H, J and K and an extension to existing unit D to form a new unit E. The permission effectively allowed an increase in the amount of retail floor space by just 18 sqm (as reported) metres and 124 car parking spaces. To reflect a change in the retail trade since 1987 and to continue to ensure there was no impact on existing retail centres, the following condition (condition 3) was attached to the consent:

'None of the floor space hereby permitted shall be used for the retail sale predominantly of clothing, fashion accessories, sporting goods, books or stationery, or any of them'.

The key change arising from the wording of the condition compared to the 1987 condition is that the restriction applies to the approved floor space and not to each individual unit.

Development Control Committee B – 28 September 2016**Application No. 16/01193/X : Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX**

Subsequent to the 2002 approval application 03/04902/X/C was submitted and sought to vary condition 3 as set out above to allow the sale of clothing, fashion accessories and footwear in as far as it relates to unit H. The application was refused on the grounds that no robust assessment had been undertaken including an assessment of need and available sites and that the proposed liberalisation of retail trade from the site would be detrimental to the vitality and viability of surrounding centres. Whilst the application was refused Unit H is now occupied by Next selling a full product range. Because the unit still sells predominantly non restricted goods in terms of the amount of floor space allocated to each product range the LPA have not pursued enforcement action. When interpreting condition 3 the LPA has agreed that providing one of the restricted ranges of goods did not take up a greater proportion of retail space than the non-restricted goods, then that change of goods could not be argued to be predominant. This approach would allow up to 49% of the floor space within the 4 units covered by the 2002 permission to be used to retail restricted goods.

Planning permission 05/04078/X then varied the terms of trade to provide greater clarity for any future occupier of unit K. (Unit K was then the only unit of the four covered by the 2002 permission which had never been occupied). Planning permission 05/04078/X established an overall limit of floor space (5331 sqm) across all the floor space in the 4 units covered by the 2002 application. Thresholds for each unit are based on the proposition that all of the floor space in unit K is used to retail goods from the restricted range. Further variations to the pattern of trade were then approved 06/01237/X (Units A, B, C, D F and G) and 06/04148/X (units E to K) to seek to clarify the terms of trade across the park as a whole. No increase in floor space was involved in either of these later proposals.

Planning permission for an insertion of additional mezzanine floorspace into combined units J/K and alterations to the pattern of trade across the park was approved on 9th August 2007 (07/02550/F). The approval included a condition which applied a single figure of 5,331sq to the permitted floor area for the sale of restricted goods across the park.

Application 08/01342/F granted permission for the insertion of additional mezzanine floorspace into combined Units C/D and alterations to the front and rear of Units C/D. Permission was granted subject to a condition restricting the area of floorspace which can sale restrictive goods. This condition is the subject of the planning application.

In the last 4 years the applicants have sought to remove the restrictive goods condition on two separate occasions (12/00254/X and 12/05316/X) with both applications being refused on the grounds that the application failed to satisfy the sequential test and that the development would have a negative impact on designated centres. The applicant appealed these two decisions and both were dismissed by the Planning Inspectorate. The inspector concluded that there are currently suitable, viable and available premises within the City centre to accommodate retail development. Allowing the appeals could prolong their vacancy longer than would otherwise be necessary and to this extent there would be an adverse impact on the city centre's vitality and viability in the short term. The appeal decision is attached to this report.

In 2013 an application (13/03623/CE) was submitted by the applicant arguing that the sale of all retail goods was lawful as the condition as worded does not explicitly refer to the use class order or remove its operation. The application was refused and an appeal was lodged by the applicant but was subsequently withdrawn.

In 2015 permission was granted to sell food for unit J(15/00907/X).

A further planning application (15/04749/X) was submitted in 2015 to again remove the condition. This was refused permission under delegated powers for the same reasons as the previous appeals, that the proposal still fails the sequential test and would have an impact on retail

Development Control Committee B – 28 September 2016**Application No. 16/01193/X : Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX**

investment and undermine the growth of the city centre.

Since 2012 there have been a total of 5 applications (including this one) seeking to remove the condition.

APPLICATION

This application is the latest in a line of identical proposals by CPG South East Ltd at Eastgate Retail Park, which have included two appeal dismissals (in 2013) and refusal of permission in 2015.

The wording of the condition 6 is as follows:

Unless otherwise agreed in writing by the Local Planning Authority the amount of floor space to be used for the retail sale of clothing, fashion accessories, sporting goods, books or stationery or any of them, shall not exceed 1,858 sqm in Units C/D and 3,473 sqm in the total combined floorspace of Units A, B, E, F, G, H, J and K.

Reason: To minimise any adverse impact upon designated centres.

The applicants have submitted a detailed retail assessment which addresses the tests required by the NPPF and the Bristol Local Plan (sequential test and impact). The applicants consider that the circumstances have changed since the last decision taken in 2015 by officers and the appeal decision and consider the application is acceptable for the following reasons:

- o There is a change in circumstances following an appeal decision by the Secretary of State (Rushden Lakes 2014) and the Government has rescinded the practice guidance on need, impact and sequential approach that previously required applications to consider the scope for disaggregation. Therefore the sequential test for this application should consider sequentially preferable sites for the entire retail park, and there is no suitable sites available in the city centre.
- o Regarding sequential preferable sites- The two allocated sites in the Bristol Central Area Plan (KS02 and KS03) identified in the Bristol Central Area Action Plan (AAP) that was referred to as the emerging development plan in the previous appeal decision are unlikely to be available within the medium to long term, therefore they cannot be considered to be an available site.
- o The proposal would not have a significant adverse impact on Bristol City Centre as concluded by the previous appeal inspector.
- o The condition is unenforceable. In order to enforce the condition, the use of the retail floorspace as a whole has to be constantly monitored.

Following discussions between officers and the applicant, the applicant has presented a revised condition which would reduce the amount of floorspace that can be utilised for the sale of bulky goods to the two units currently occupied by Halfords and Pets at Home. This request will be discussed in the key issue section of the report.

In order for the Local Planning Authority to robustly review this submission and consistency of decision making, officers have sought the view of planning consultants GVA Grimley who have provided expert retail advice and represented the council on both previous appeals. Their comments are set out in the key issue section of the report and included as a background paper.

Also included as a background paper are letters from the application submitted with the application and in response to the assessment by the Councils retail expert GVA Grimley.

Development Control Committee B – 28 September 2016**Application No. 16/01193/X : Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX**

RESPONSE TO PUBLICITY AND CONSULTATION

A site notice was issued, no representations received.

Ward Members-

As well as the councillor referral, Local Ward Councillor Estella Tincknell has comment that councillors are keen to sustain Eastgate as a retail centre given the lack of such provision in the area, and recognise that small scale retail parks of this kind may be under particular pressures. She comments that her understating is that this proposal was intended to make the offer to potential retailers more attractive.

RELEVANT POLICIES

National Planning Policy Framework – March 2012**Bristol Core Strategy (Adopted June 2011)**

BCS7 Centres and Retailing

Bristol Site Allocations and Development Management Policies (Adopted July 2014)

DM7 Town centre uses

Bristol Central Area Plan (Adopted March 2015)

BCAP36 Bristol shopping quarter

KEY ISSUES.

WOULD THE REMOVAL OF THE CONDITION COMPROMISE THE DELIVERY OF SEQUENTIALLY PREFERABLE SITES FOR DEVELOPMENT AND WOULD THE PROPOSAL UNDERMINE THE VITALITY OF DESIGNATED CENTRES?

The adopted local plan policies reiterate the retail policy tests set out by Central Government within the National Planning Policy Framework (NPPF).

Policy DM7 requires applications for town centre uses to address the sequential test which aims to direct retail development to designated centres first. Where there are no suitable sites to meet the needs for such uses in centres, edge of centre locations may be appropriate provided that the proposal would support the role of the centre and would be of a scale and intensity proportionate to the centre's position in the identified hierarchy. Out of centre sites will only be acceptable when no centre or edge of centre sites are available, the proposal is of a small scale, and is aimed at providing for local needs.

DM7 also requires an impact assessment on retail developments of more than 500 sqm. The key tests is whether the development would be liable to have a significant adverse impact on the vitality, viability and diversity of existing centres; or it would impact on existing, committed and planned investment.

In terms of how Eastgate Retail Park fits into this policy context, Eastgate it is one of 4 retail parks found in the city which are not identified within the hierarchy of retail centres set out under policy BCS7 of the Core Strategy. Therefore it is considered to be in an 'out of centre' location and there is no specific policy which protects and promotes retail in the retail park.

Development Control Committee B – 28 September 2016**Application No. 16/01193/X : Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX****Sequential test**

The applicant places particular emphasis on condition No.6 relating to all of the units at the retail park, allowing for the sale of any non-food goods and, if granted, the permission applying the day it is granted and not at some point in time in the future. The effect of this definition is to suggest that the proposal, in the context of the sequential test, can only be considered as relating to the whole of the proposal floorspace in one single block. In addition, their covering letter also suggests that to consider the proposal in any other way would be to suggest disaggregation which is not part of the National Planning Practice Guidance. A copy of their covering letter is included in the background papers.

This is a repeat of the applicant's arguments used at the appeals in 2013 and also within the 2015 application. GVA Grimley have advised that the correct approach with applying the sequential test on this proposal as has previously been outlined by the Planning Inspector at appeal, is to recognise that the proposal will allow different retail units to become available to retailers selling the wider range of goods sought over a period of time when leases expire at the retail park. In other words in reality, retail units would become available one by one and not all at once.

In relation to the sequentially preferable alternative sites within Bristol city centre, the applicant considers that the Council did not clearly set out which sites were available when the previous 2015 application was refused. Nevertheless, the applicant has examined vacant units in the city centre and also the two allocations in the Central Area Plan. (CAP) Again, it should be noted that the applicants assessment proceeds on the basis that the alternative sites must be able to accommodate the whole of the retail park. Apart from the assumption that they must be able to accommodate the whole of the retail park, the applicant has suggested that they can (A) only be delivered in the medium to longer term and (B) they are not available now so cannot be considered to be genuinely 'available' and (C) there must be planning permission(s) in place in order to classify them as being 'available'.

The suggestion that these sites, particularly the Horsefair/Callowhill Court allocation (KS02- Central Area Plan), are medium to long term opportunities only appears to be based on the conclusions of the Inspector in 2013. Since that time, the CAP has been adopted (March 2015) and it is clear that matters regarding the redevelopment of the Horsefair/Callowhill Court area are advancing with pre-application meetings taking place between the Council and landowners. This supersedes part of the information that was available to the Inspector at the second appeal in 2013/14 and reinforces the Horsefair/Callowhill Court area as a suitable and available sequentially preferable site for comparison goods retailers who could be attracted to Eastgate Retail Park should this application succeed.

Therefore the approach supported by the applicant is contrary to the view taken by the planning inspector at appeal and it is considered that there are available sites in the city centre now and in the future that can accommodate the proposal.

Impact assessment

Whilst the applicant's covering letter is correct to note that the Inspector at the second appeal in 2013 did not conclude that the previous (identical) proposal would have a significant adverse impact upon the vitality and viability of Bristol city centre, he nevertheless indicated that there would be "adverse effects". GVA Grimley have advised that whilst such a conclusion does not suggest that the provisions of paragraph 27 of the NPPF¹ apply, this is still a negative impact of the proposal to be weighed in the overall planning balance when the Council reaches its final view on this application.

¹ Section 27 of the NPPF 27- Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Development Control Committee B – 28 September 2016**Application No. 16/01193/X : Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX**

Our expert retail advice considers that as the Horsefair/Callowhill Court proposals (allocated site KS02 in the Central Area Plan) are now progressing, and given that the effect of the proposed variation of condition would allow high street style retailers to occupy Eastgate Retail Park rather than the city centre site, officers consider that there is now more of a concern over the scale of impact on future city centre investment. It should be noted that the current proposal to extend The Mall at Cribbs Causeway has the potential to have a further cumulative impact on the health of the city centre. The Retail expert also considers that whilst this remains an undetermined application at this stage, an approval for The Mall extension, when combined with the Eastgate Retail Park proposal, would increase the cumulative impact on the health of, and investment within, Bristol city centre.

Enforceability of the condition and management problems

The applicant considers that the condition require the use of the retail floorspace (as a whole) to be constantly monitored and they consider that it is not reasonable for the LPA to monitor the retail park, the tenants to monitor each other and the landlord to arbitrate between tenants.

This was considered by the Inspector at the previous public inquiry. The Inspector concluded that the condition specifically refers to the maximum amounts of floorspace that can be used for the sale of the restricted goods and that it does not create uncertainty for the Appellant. The Inspector also considered that if the condition has proved to be unduly onerous to administer, the restricted floorspace could be divided between the units through a revised condition, but this was never suggested at the previous appeal and has not been suggested under this application. The applicant has suggested revised condition but this does not fully address the entire floorspace covered by the condition and is discussed below.

Proposed revised condition

The appellant has suggested that permission could be granted that removes the non-food retail use restriction for Units A/B, C/D, E, H, J and K and keeps in tact the restriction for Units F and G.

While this would retain units F and G, the level of change proposed would be significant and would not address the issues identified in this report. Currently the condition permits approximately 4000 sqm of floorspace for bulky goods sales, and if only units F and G sold bulky goods that level of sales area for bulky goods would reduce to approximately 1800 sqm of sales area (this is based on the floor areas provided at the previous appeal). This would represent the introduction of approximately 2,000 sqm of unrestricted retail floorspace which would not have been subject to a sequential assessment. This would set a precedent as the required sequential test would not have been applied.

Conclusion

Officers consider that the proposal fails to satisfy the sequential test and therefore as stated at paragraph 27 of the National Planning Policy Framework, such applications should be refused. In addition, there remains a likelihood of a clear adverse impact upon the health of, and investment within the city centre which could now be larger due to the progress being made on the Horsefair/Callowhill Court redevelopment area.

Development Control Committee B – 28 September 2016

Application No. 16/01193/X : Unit 4 Eastgate Centre Eastgate Road Bristol BS5 6XX

RECOMMENDED REFUSED

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. The submitted retail assessment fails to satisfy the requirements of the sequential test as set out in the National Planning Policy Framework (NPPF) and DM7 of the Bristol Local Plan, as there are sequentially preferable, suitable and available alternatives within Bristol City Centre. These existing sites could accommodate retail development that might otherwise locate within Eastgate retail park. In so doing, this proposal would lead to the loss of existing and potential retail investment, undermining the growth of the city centre contrary to the objectives of the National Planning Policy Framework, Bristol Core Strategy 2011 (Spatial visions and objectives) and the Bristol Central Area Plan 2015.

Advice(s)

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

14-114 SK_07 Location Plan, received 4 March 2016