

WARD: Central

SITE ADDRESS: (Former Debenhams & Building To West) 33-47 (odds) The Horsefair, 6-10 (consec) The Haymarket, St James Barton & 29 - 31 (odds) The Horsefair Bristol BS1 3JE

APPLICATION NO: 23/04490/F Full Planning

DETERMINATION DEADLINE: 30 April 2024

Demolition of existing buildings and erection of a mixed use development comprising residential (Class C3) and commercial (Class E) floorspace, together with amenity space, landscaping and public realm works, vehicular access, and servicing arrangements.

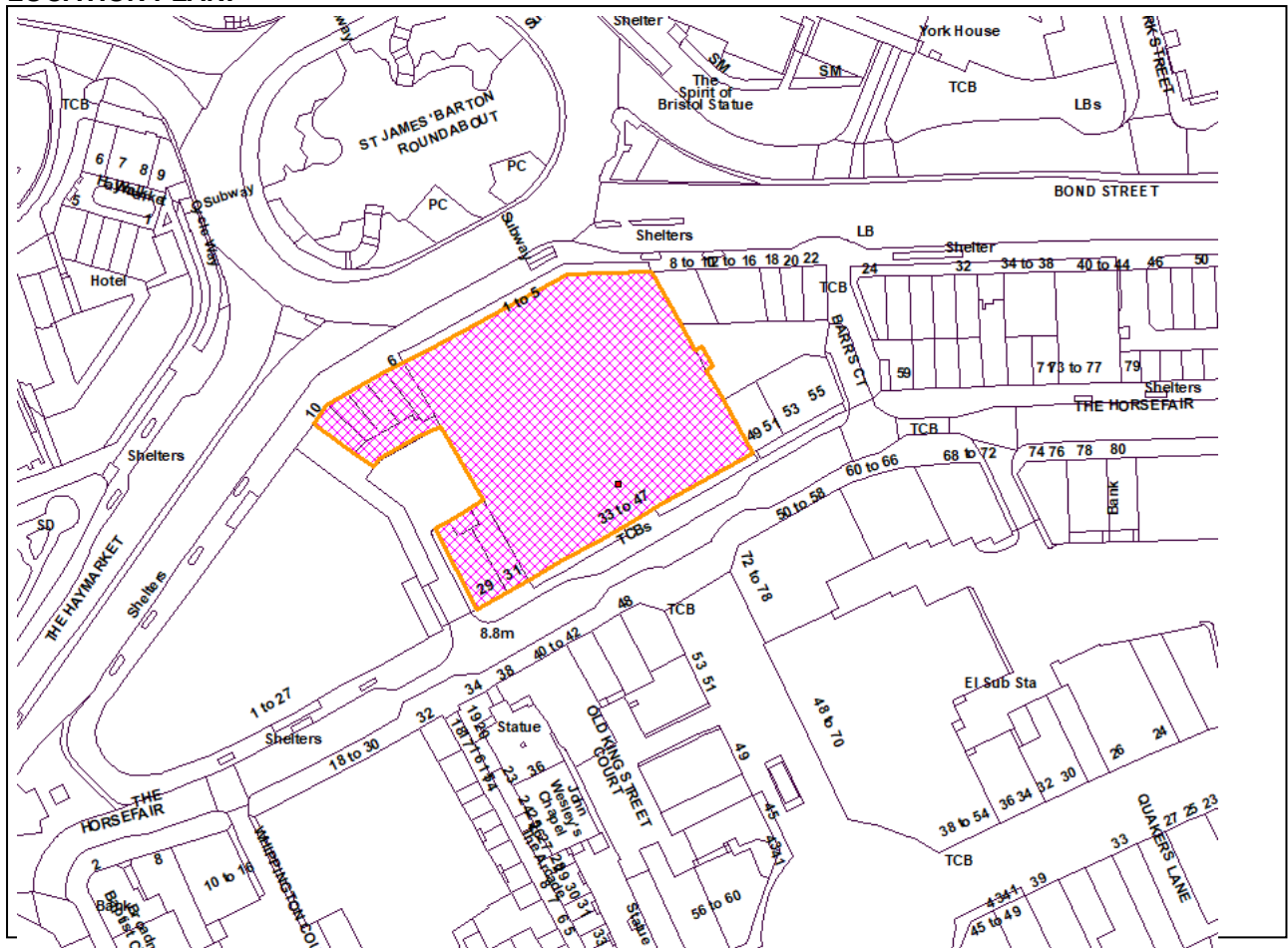
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Savills (UK) Limited
Embassy House
Queens Avenue
Bristol
BS8 1SB

APPLICANT: 33 Horsefair Ltd

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

LOCATION PLAN:



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The proposal is for the Demolition of existing buildings and erection of a mixed-use development comprising residential (Class C3), and commercial (Class E) floorspace, together with amenity space, landscaping and public realm works, vehicular access, and servicing arrangements.

The application is brought to Committee due to the number of objections received and public interest. To date a total of 107 objections received and 17 letters of support.

These concerns have to be weighed against the benefits of making efficient use of a sustainable brownfield site, including the provision of affordable housing, improvements in design and the public realm that will be secured through the development of the site, improvements to the area around the bus stops, the provision of a more efficient building and the economic benefits of the development. In reaching a decision on the application, therefore, these issues must be given weight and a balanced decision be reached.

In this respect, officers are of the view that the benefits would outweigh the harm, and have recommended the application for approval, subject to a section 106 agreement and conditions.

BACKGROUND

The Site is within Bristol City Centre and is approximately 0.462 hectares. It falls within Central Ward. It is broadly rectangular in shape and there are level changes, with a fall of 4.5 from north (Bond Street) to south (The Horsefair). The Site comprises a former department store and adjoining buildings on the west, with frontages on St James Barton Roundabout (known as 'The Bearpit') to the north and The Horsefair to the south. The main part of the Site was most recently occupied by Debenhams until the company entered administration and vacated the premises in May 2021. The building's use as a department store falls into Use Class E (Commercial, Business and Service). Part of the first floor was most recently in use as a gym, which also falls within use Class E. The blocks to the west are also Class E commercial use. The Site is bound by Bond Street and St James Barton Roundabout (north), The Haymarket (north west), The Horsefair (south), and Barr's Court (east). The surrounding area comprises mostly commercial and residential uses, including offices, shops, hotels and PBSA. There are a number of tall buildings in the immediate vicinity, including the Premier Inn and IQ Student Accommodation to the north. Other tall buildings including Castlemead, The Eclipse and Castle Park View are located to the south.

The Site is located in both Flood Zone 1 (low risk) and Flood Zone 2 (medium risk). It falls within Bristol's Air Quality Management Area boundary and the Clean Air Zone boundary. There are no ecological designations in close proximity to the Site and there are no trees subject to Tree Preservation Orders within it.

PROPOSAL

The Scheme is for the mixed-use redevelopment of a previously developed site, in a highly sustainable location within Bristol.

The description of development is set out below: Demolition of existing buildings and erection of a mixed-use development comprising residential (Class C3), and commercial (Class E) floorspace, together with amenity space, landscaping and public realm works, vehicular access, and servicing arrangements.

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HISTORY

23/02355/PREAPP

(EIA) Screening Opinion (Ref: 23/02610/SCR)

18/02791/F Change of use of part-first floor from retail use (Class A1) to leisure (Gym) use (Class D2). Granted, subject to conditions (12 Sept. 2018)

PRE-APPLICATION CONSULTATION

A Statement of Community Involvement has been submitted.

Both ward councillors were offered briefings early in the engagement process, along with the cabinet member for housing;

Key stakeholder groups were approached. This resulted in a number of briefings including with Visit West, BID City Centre, BID Broadmead and Business West.

Key neighbours were also contacted, including Bristol Bus & Coach Station, existing occupiers and management companies/agents for neighbouring buildings;

A two-week online community consultation was undertaken, promoted heavily via extensive media coverage and via a postcard mailout (see appendix) to 1,702 homes and businesses closest to the site;

An in-person drop-in event was held outside Debenhams on The Horsefair on 19th June, which 41 people attended;

An online presentation and Q&A session was also held on the evening of 19th June, which 30 people registered to attend;

There were 38 responses received via the online feedback form. In response to a number of specific questions, feedback showed:

88 per cent of respondents agree with reinstating the historic route;

76 per cent of respondents support building homes on this city-centre site;

79 per cent of respondents welcome the public open space strategy;

59 per cent of respondents agree with replacing the existing building.

The applicant team have confirmed ongoing engagement with stakeholders throughout determination, construction, and occupation, should consent be granted.

Following initial consultation the design has evolved through:

- detailed site and context analysis of building use, height, materials, and colour tones
- engagement with stakeholders including Bristol City Council, Avon & Somerset Police, Design West and public consultation
- iterative testing of massing and design at various viewpoints across the city

RESPONSE TO PUBLICITY AND CONSULTATION

Neighbouring properties have been consulted a total of 107 objections received and 17 letters of support. The following planning issues have been raised:

Design – Excessive height negative impact on city skyline, poor design and out of keeping with wider cityscape. Impact on wider heritage assets; dominating over historic landmarks.

Loss of existing building.

Highway – Lack of onsite parking.

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Amenity of future occupiers – Lack of open green space and access to wider amenities.

Tenure – Lack of proper family dwellings. Concerns that proposal will lead to Air BNB style rentals.

Should provide over 20% affordable housing.

Other – Impact on landing to helipad at Bristol Childrens Hospital. (Public objection not made by hospital).

Historic England – Objection. Harm to setting of Heritages Assets. Loss of the existing building. Suggestion that North South Route should include connection to through the Bear Pit.

Civic Society – Objection. Cumulative impact of proposed tall buildings.

The Twentieth Century Society – Objection. Concerns with loss of the building.

Conservation and Heritage BCC - Objection. Harm to setting of Heritages Assets. Loss of the existing building

City Design Group – No Objections subject to conditions. Less than substantial harm to wider Heritage Assets, benefits of the proposal outweigh the harm.

Transport Development Management – No Objections subject to conditions and S106 Agreement.

Health and Safety Executive – No Objection raised, advice provided.

NHS – Objection; Impact on local surgeries – financial contribution sought.

Avon Fire and Rescue

No objections or additional hydrants required.

Environment Agency

No objections

Flood Risk Manager

No objection subject to conditions

Nature conservation

No objections subject to conditions

Pollution control

No objections subject to conditions

Tree officer

No objection subject to conditions

Coal Authority

No objections

Crime reduction unit

No objection

Building Bristol

No objection subject to S106 employment contribution.

Ward Members

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No response received consultation period expired.

RELEVANT POLICIES

National Planning Policy Framework – December 2023

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

Planning (Listed Buildings and Conservation Areas) Act 1990.

Draft Bristol City Centre Development and Delivery Plan (November 2023)

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

A. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

The application site is currently an unoccupied flagship retail store, it is located on an unallocated site within the Bristol City Centre Area fronting the Horsefair, a city centre High Street with protected retail frontage. Development plan policies that support the principle of the development include BCS2, which states that Bristol City Centre's role as a regional focus will be promoted and strengthened; and throughout the city centre, higher density, mixed-use development will be encouraged with active ground floor uses along the busier streets. BCS20 also states that new development should maximise opportunities to re-use previously developed land, and that higher densities will be sought in city centre locations.

BCAP1 states that new development in the City Centre will be expected to contribute to the mix of uses in the wider area. A mix of new homes, employment and other uses will be sought as appropriate to the site and its context.

Loss of existing retail

The proposal would result in the reduction in existing retail floor space (Existing is 19,400 m² and Proposed is 1028 m²). However, the proposal will provide the provision of flexible retail units, including 10% affordable retail space. The proposal will increase the active retail frontage by 50% by the increased new frontage created by Barr Street which itself is intended to drive footfall.

It is noted that the loss of the existing floorspace will result in the loss of employment opportunities, which would need to be balanced against the benefits of the proposal. The proposals will include a range of retail units of varied sizes and depths which will provide flexible accommodation, allowing retailers to adapt to the changing retail market.

Policies BCAP16 and BCAP17 are protectionist policies which specifically concern proposals for changes of use from retail (former Class A1) to another use within Primary Shopping Frontages (PSFs) and Secondary Shopping Frontages (SSFs). They aim to support vitality and viability and promote diversity within the city centre by maintaining a healthy mix of uses and to maintain or provide active ground floor uses within PSFs. It is also important to note that only the ground floor of the units is designated as PSF or SSF, resulting in no net loss of PSF or SRF. Also of relevance are the changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) that were made in 2020. Class A1 retail use no longer exists and has been incorporated within a new Class E

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commercial, business, and service use, which encompasses former Class A1, A2, A3, B1, and D2 uses. This means that any existing Class E retail floorspace within the PSF could become a non-retail Class E floorspace, without the need for planning permission and thereby weakens the general thrust of Policies BCAP16 and BCAP17. None of the designated PSF or SSF within the site is protected by conditions that could prevent such a change in their uses.

BCAP17 states in all cases, proposals which would result in the loss of retail floorspace, including storage or servicing space, will be expected to demonstrate that they will not be detrimental to the continued viability of the retail unit. The existing department store building, which was built in the 1950s, has come to the end of its useful life. The 'wings' to the west of the former Debenhams building were constructed at a later date and currently provide relatively poor quality retail accommodation. There is reduced demand from retailers for the department store format in the current retail market with a number of major operators closing stores in recent years.

The emerging Local Plan does not contain any protectionist retail policies equivalent to BCAP16 and BCAP17. The existing policies are material consideration, however carry less weight. Notwithstanding this, the proposed changes to the PSF and SSF have been assessed generally against the requirements of the policies for completeness. 5.24. The creation of a new central street will increase the retail frontage by approximately 50% and will provide a range of Class E units, with no significant break in retail frontage. The new units will make a positive contribution to the vitality and viability of the wider Shopping Quarter, particularly when considering the site's long term vacancy. The creation of smaller retail units will be better suited to the needs of modern retailers. The proposed Class E units will include shopfronts which are fully accessible from the street. The main existing building is currently vacant. The creation of a new retail street and a significant area of public realm will provide further support to the wider Broadmead area, creating an attractive setting and driving footfall in this part of the city centre.

With regards to the proposed development, Section 5 (Delivering a sufficient supply of homes) of the NPPF outlines that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". In relation to maintaining sufficient supply and delivery of homes, paragraph 75 of the NPPF outlines: "Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites.

Delivering Housing

Bristol has a positive approach to boosting the supply of homes. Policy H1 of the emerging Bristol Local Plan (Publication Version November 2023) proposes an ambitious housing requirement of 1,925 homes per year, substantially higher than that of the current Core Strategy.

Policy BCS5 of the Bristol Core Strategy sets a target for the delivery of 30,600 new homes within Bristol between 2006 and 2026.

Bristol City Council has prepared a Development Delivery Plan (DDP) which is intended to guide development within the city centre. The DDP was recently published for consultation until 1 October 2023. It sets out six key aims titled as follows:

- Destination and identity
- Community and culture
- Movement and connections

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- Public realm and open space
- Green infrastructure and nature
- Land use and development

Further detail set out in the key aims includes significantly improved public realm, the provision of high-quality residential accommodation, improved connectivity for pedestrians and cyclists, and urban greening. The DDP supports a number of principles that have been embedded within the proposed development. These include:

- A new north-south pedestrian link between Bond Street and The Horsefair;
- The creation of new views through the site along the north-south link;
- An increase in the total length of active frontages for Class E uses;
- New high-quality residential development; and
- A proportion of affordable Class E floorspace at ground floor for small businesses or local groups.

Once endorsed, the DDP will be a material consideration in the determination of applications. However currently it carries some weight and gives a sense of direction.

The site is located within an area of existing mainly commercial development. It is located on a main bus route into and out of the city centre. It is in a sustainable location where national and local plan policies encourage the more efficient use of land, subsequently the redevelopment of the site for residential use is acceptable in principle.

In summary, the proposed development would contribute additional units to Bristol City Council housing targets as set out by policies BCS1 and BCS5; and Policy H1 of the emerging Bristol Local Plan (Publication Version November 2023) housing requirement of 1,925 homes per year. The proposal would add to the diversity of housing in the area with the introduction of build to rent, and the benefits of the additional accommodation attracts significant weight in the planning balance, given the performance of Bristol City Council against the Housing Delivery Tests. Therefore, whilst there is no objection in principle to the loss of the existing uses from the site, the proposed development offers a mix of benefits and harms, and ultimately these benefits and harms have to be weighed against each other in coming to a decision on the application.

B. IS THE MIX OF HOUSING, ITS TENURE AND DENSITY ACCEPTABLE?

Policy BCS18 of the Core Strategy seeks to provide a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

Policy BCS20 states that new development will maximize opportunities to re-use previously developed land. Higher densities are sought within designated centres, including Town Centres. A minimum indicative net density of 50 dph will be sought, though appropriate densities are informed by site characteristics, local context and other qualities.

Policy BCS2 states that Bristol City Centre development will include the provision of around 7,400 new homes over the plan period and major developments should enhance social inclusion and community cohesion, this is particularly important for communities close to the city centre. It recognizes and encourages a greater mix of uses and more efficient use of land, particularly within the St James' Barton area. In the city centre higher density, mixed use development is encouraged, with active ground floor uses.

For the purposes of calculating residential density in accordance with the Urban Living SPD, the site area is 0.721 hectares. This results in a density of 715dph.

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Higher density residential development and the subsequent increase in residents will also support the new retail elements by increasing footfall within the scheme, as well as the retail and leisure uses in the wider Broadmead area. This is also acknowledged by CABE's research publication *Better Neighbourhoods: Making Higher Densities Work* (2004), which states that 'higher density housing in existing urban areas creates vibrant, successful neighbourhoods, and the number and variety of people who live there support local shops, transport and community facilities.' By increasing residential density, the proposals will support the key tenets of sustainable development by reducing vehicle movements, reducing operational energy, reducing the requirements for additional infrastructure, and increasing the amount of land available for the provision of public space, as evidenced by the provision of 1,355sqm fully accessible public realm.

The provision of higher density mixed use development in this location is therefore fully in accordance with Policy BCS2, BCS20, NPPF para 124, and the emerging Local Plan.

The proposed unit mix is 1 Bed 1 Person x 75 1 Bed 2 Person x230 2 Bed 3 Person x 27 2 Bed 4 Person x 170 Total 502.

This housing mix provides a range of housing options to suit the needs of a variety of demographics and is intended to meet the typical demographic of the private rented sector; it is considered an appropriate response to the site's highly accessible city centre location and is generally aligned with the needs of Central Ward. The Central Ward Profile Report (2023) indicates that approximately 42% of households within the ward are one bedroom homes, with approximately 40% two bedroom and 18% three or more bedrooms. Only 10% of households have dependent children, which is significantly lower than the Bristol average of 27%, indicating that there is very low demand for family housing in the ward.

This is in accordance with the principles of core strategy policies BCS17 & BCS18.

BCC's City Centre Zone Affordable Baseline Mix 2022-23 also acknowledges the low level of demand for family (3+ bedroom) homes in the inner-city zone. It recognizes that any proposed development will need to be considered on a case-by-case basis.

In accordance with BCS18 Housing Type, this variety of housing tenures, types and size that meet the demographic set out in the Central Ward Report. In accordance with Policy BCS18 it will help support the creation of mixed and balanced communities.

While Policy BCAP3 expects development within the city centre to contain a proportion of family sized homes, (defined as 3 bedroom flats), it states that regard should be had to the characteristics of the site and its suitability for different housing types. It is noted the proposal does not strictly comply with the policy aspiration to include 3 bedroom apartments, however as Build to Rent accommodation it has been designed specifically to meet the needs of the future tenant profile and operator requirements, thereby helping to create a deliverable scheme.

However on planning balance this is considered a negative of the scheme and the incorporation of some 3 bed units would have allowed better options for family accommodation. It must also be recognized that Bristol maintains a chronic undersupply of all housing and there is a presumption in favour of all new housing that can be delivered within Bristol.

Concerns have been raised regarding the potential for Air BnB style lets. However, short term lets cannot be controlled reasonably by planning. Currently there is no local plan policy support for this type of condition. Unlike in London, where there is now the '90 nights' limit for short term lets, BCC does not have a similar policy/law to validate this type of restriction by condition.

Until similar legislation or policy is published by the Government (or Council), it would be unrealistic to control this with planning conditions. However, as the units are Build to rent most leases are for 12

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months. Any short terms lets or sub-letting is likely to be against lease conditions.

Affordable Housing

The Council's planning policies for affordable housing in Bristol are set out in Policy BCS17: Affordable Housing Provision in the Core Strategy Local Plan (Adopted June 2011), and Policy DM3: Affordable Housing Provision: Smaller Sites in the Site Allocations and Development Management Policies Local Plan (Adopted July 2014). Further guidance on the Council's affordable housing policies is set out in the Affordable Housing Practice Note 2018 (AHPN).

The proposal is Build to rent , the National Planning Policy Framework (PPG Build to rent, 13 September 2018) states that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent, a class of affordable housing specifically designed for build to rent. Affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord. 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme which is 100 units out of the 502 units being delivered.

Whilst the site is in 'Inner West Bristol' given the Council's land interest, the fast-track approach does not apply to this application as outlined on p6 of the 'affordable housing practice note'

Tenure

The application indicates the development will provide 'affordable private rent' units and it is understood will operate as a 'build to rent' development, however the affordable housing units will be delivered in a separate block and be provided at the council's preferred tenure mix of 75% Social Rent and 25% Shared Ownership.

75 units should be provided as Social Rent and 25 units should be provided as Shared Ownership. The applicant has agreed to work in partnership with the Council and a Registered Provider to try and deliver additional affordable housing up to 40%, by means of securing additional 'Build to Rent' units. However, this cannot be secured through the S106 agreement which will cover the policy Compliant 20% which is acceptable.

Unit size and type

It is expected that the affordable housing contribution will address identified housing needs and reflect the proportions of property types and sizes in the overall scheme and contribute to balanced and sustainable communities in Bristol.

Bristol City Council's Core Strategy Local Plan Policy BCS18 expects residential developments to provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards. The Space Standards Practice Note provides further information on the implementation of policy BCS18.

The Council has applied the Nationally Described Space Standard (NDSS) as the appropriate space standard for particular forms of residential development. The applicant had outlined that each unit size meets or exceeds the NDSS standard.

There is a high demand in the City for affordable housing for people with disabilities. The 2018 Urban Living SPD recommends that 90 per cent of new build housing meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10 per cent meeting Building Regulation M4(3) 'wheelchair user dwellings'. Furthermore, Policy DM4: Wheelchair Accessible Housing set out in the Site Allocations and Development Management Policies Local Plan, requires 2% of new housing within residential developments of 50 dwellings or more to be designed to be

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wheelchair accessible or easily adaptable for residents who are wheelchair users has been interpreted by reference to Building Regulations Approved Document M: Access to and use of buildings - Volume 1: Dwellings - Optional requirement M4(3): Category 3 - Wheelchair user dwellings.

The applicant has indicated that they will provide the 2% policy compliant level of M4(3) units (11) within the West Building (2x1B2P units & 2 x 2B3P units) and 2 in E Building South (1x2B2P).

Distribution of units

The affordable units are within one block, although there is a desire, with additional subsidy for further units to be acquired on an 'affordable private rent based within the larger block'.

Approved Housing Provider

The developer is expected to provide affordable homes on site without any public subsidy. The affordable units should be transferred to a Registered Provider who is a member of the HomesWest partnership.

Rents & Service Charges

Rents for Social Rented units should be set according to the relevant government formula

Enabling Fee

An Enabling Fee will be payable when each affordable home is substantially completed. These fees are designed to maximize affordable housing delivery in the city by assisting registered providers with support on planning, property and highway issues. A fee of £570 per affordable home index linked from 1 October 2017 will apply. The fee is paid to the Council on substantial completion of each of the affordable homes and applies to Social Rent, Affordable Rent, Intermediate Rent and other Intermediate affordable housing tenures procured through s106 negotiations and delivered without public subsidy or through re-provision/remodeling, extra care housing and 100% affordable housing schemes

Policy compliant affordable housing tenures will be secured through the S106 agreement. The developer has indicated that they are able to agree to the above terms. Further details are contained within the Affordable Housing Statement supporting the application. Overall, the proposed development would deliver affordable units meeting the policy requirement.

C. WOULD THE PROPOSAL HARM THE SETTING OF WIDER HERITAGE ASSETS AND CONSERVATION AREAS.

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." This

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is applicable here because there is harm to the listed building and conservation areas caused by the proposals as set out below.

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2023 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 205 of the NPPF 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 (and the more important the asset, the greater the weight shall be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Further, paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It states that substantial harm or loss of grade II listed buildings or grade II registered parks or gardens should be exceptional, and assets of the highest significance should be wholly exceptional. Further, paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It states that substantial harm or loss of grade II listed buildings or grade II registered parks or gardens should be exceptional, and assets of the highest significance should be wholly exceptional.

Paragraph 207 states that where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, LPAs should refuse consent unless it is demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or where certain criteria apply). Finally, paragraph 208 states where a proposed development 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 Policy BCS22 and the adopted Site Allocations and Development Management Policies Policy DM31 seek to ensure that development proposals safeguard or enhance heritage assets in the city.

Officers have undertaken the assessment required under the Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, and have given special regard to the desirability of preserving the assets, their setting and features of special architectural or historic interest which they possess. They have given this harm considerable importance and weight.

The building is not listed but considered to be non-designated heritage asset.

The existing department store building, which was built in the 1950s, has come to the end of its useful life. The 'wings' to the west of the former Debenhams building were constructed at a later date and currently provide relatively poor quality retail accommodation. There is reduced demand from retailers for the department store format in the current retail market with a number of major operators closing stores in recent years.

The possibility of adapting the main department store building for a new use has been fully explored by the project team during the initial feasibility stage. The purpose of this was to understand the extent of the alterations that would be required to convert the building into residential use and to understand the limitations of the building. In its current form the department store building provides limited daylight to its interior, owing to its footprint and orientation. A conversion to residential would therefore require part of the building to be demolished in order to achieve appropriate levels of lighting to apartments:

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options included removing the central part of the building to create a lightwell; removing the building's centre and southern elevation to create a large courtyard fronting The Horsefair; or remove the entire central part of the building to create two blocks with a new through route. Floor to ceiling heights have also been considered as part of this exercise; this has concluded that floor to ceiling heights are not sufficient to create duplex apartments or mezzanine levels as part of a refurbishment. In addition, the structural constraints of the existing building limit any extension at roof level to only two floors, which has a significant impact on scheme viability and deliverability.

It is concluded that the option for demolition and the creation of new buildings would deliver a more optimal scheme for the site, including the delivery of 29% of the site area as fully accessible public realm and the reinstatement of an historic route, as envisioned within the DDP. The building has been vacant for some time and no suitable options have come forward for its reuse. Being designed in the 1950s it appears to be to be no longer suitable for current expectations and requirements.

It is noted that a number of assets have been identified through the assessment of the application and as a result of consultation. Given the location and the scale of the proposals it will be seen within the context of a number of heritage assets and any resulting impacts need to be considered here.

- Significance of Heritage Assets

To the north of the site the area is characterised by the topography, raising up to the north, and is covered by a number of conservation areas. In particular, the proposals will appear as prominent in views from the Stokes Croft and Kingsdown Conservation Areas, and indeed will be visible across much of north Bristol. In general, the impact in more local views are considered to be relatively minor. The critical issue is that the proposal would replace the existing building with a tall building. However, a specific issue is raised about views of the proposal from Kingsdown, where the openness of the views to the south is a specific positive aspect of the Conservation Area. It is noted that from these views the prominent design of the tower will not be beneficial, and indeed it is likely that the proposals would break the skyline, and would appear dominant in these views.

By virtue of the tallest element of the proposed development, there will be impacts on the setting of several highly graded heritage assets. The TVIA identifies views where the development will impact on historic elements of the city skyline we agree with the following levels of impact and harm identified by English Heritage:

View 5 (figure 27) indicates the existing domestic scale of buildings set within the St James' Parade Conservation Area. This small ensemble of historic buildings retain their sense of domestic scale, particularly within this view from Lower Maudlin Street. The 14th century tower of St James' is not particularly prominent, but it defines the centrepiece of a very characterful pocket of historic Bristol. The proposed 28 storey tower (indicated in figures 28 and 31) would challenge this aspect of the church's significance and also the Conservation Area.

View 8 (figures 42 & 43) is taken from the principal approach to The New Room, John Wesley's first Methodist Chapel and listed Grade I. This view includes the principal 18th century elevation, which exhibits its key aesthetic/architectural interest and significance within an intimate setting. In the planning of the post-war shopping centre, it is apparent that while the former department store was a significant addition to Broadmead, its height was restrained to the line of the parapet of the New Rooms (from this aspect). Figure 43 indicates that even the lower elements of the proposed development will overwhelm the simple 18th century entrance to the Chapel. This impact will reduce as the viewer moves northwards towards the porch, but from this particular point there will be harm caused to the significance of the Grade I building.

View 12 (figures 54 & 55) includes the Quakers Friar complex, which was saved from clearance

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before the reconstruction of the city centre. Care was taken to consider the setting of this complex when the modern Quakers Friars development was planned, with new buildings of an appropriate scale surrounding the historic buildings, which are Grade I listed and Scheduled. The tallest element of the proposed development would loom above the historic buildings, distracting from their coherency harming their setting and thus significance.

View 16 (figures 66 & 67) demonstrates impact on Portland Square, one of the earliest and most complete of Bristol's Georgian Squares, lined on all four sides by Bath-stone terraces, all listed Grade I.. At present this architectural set piece remains relatively unchallenged by later development rising above the ridgelines. However, figure 67 indicates that the proposed development would extrude above the ridge of the western terraces, visually competing with their linear forms. This would result in harm to the setting of Portland Square's buildings that would need to be justified, giving great weight to the highest heritage significance of the Grade I building group.

View 26 (figures 96 & 97) is taken from a key historic point of entry into the city across Bristol Bridge. There is a harmful impact upon the setting of St Peter's Church (Grade II*) from views south of Castle Park. Castle Park was retained as a public open space following the clearance after the Good Friday raid of 1941 and the ruined remains of St Peter's are now a memorial to this event. While the setting of St Peter's is unrecognisable from its pre-war dense urban grain of medieval buildings, its primacy within Castle Park is testament to those events. The proposed building would rise above the church, visually competing with the primacy of the tower and ruinous nave. Views 22, 27, 29, 32 also indicate that the proposals will impact, by various degrees, on other, high-graded Churches throughout the city centre, by virtue of coalescing with their towers/spires or/and competing with their visual primacy, also limiting their ability for positive wayfinding.

The applicant has submitted a heritage assessment which assesses the impact on a large number of heritage assets in the area. It is noted that Historic England have stated that they are content with this assessment, and officers also consider that this is in large part an appropriate assessment. It is noted that through consultation a number of specific concerns are raised and these are listed, along with the degree of harm, in the attached table (Annex 1: Tabular assessment of Harm to Heritage Assets). It is considered that the individual harm to the identified assets varies, and ranges from minor to moderate. Substantial harm has not been identified to any of the individual Heritage Assets.

The level of harm has been assessed both individually and cumulatively and Historic England have not suggested the proposal would result in substantial harm to the Heritage Assets on an individual basis or collectively.

It is noted that some representations have suggested that this would constitute substantial harm, the test in relation to substantial harm is whether or not it would severely damage the assets significance. It is noted that Historic England do not claim substantial harm, and in this case officers are satisfied that given the context the proposal would therefore result in less than substantial harm to the Heritage Assets above identified by Heritage England.

Justification for the harm

As discussed above, where less than substantial harm has been identified, the tests in the NPPF are engaged, specifically whether or not there is clear and convincing justification for the harm and whether the public benefits outweigh the harm.

We note the comments from Historic England and other stakeholders who have raised concerns about the impact that the development poses to the setting of heritage assets by virtue of the scale and massing of the proposals. It is also recognised that the existing building is identified as a non-designated heritage asset (though not yet on the Local List) and that consequently its demolition

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poses additional harm to heritage significance.

However, the level of this harm has been assessed as less than substantial and a convincing narrative for these impacts has been provided by the applicant in accordance with paragraph 206 of the NPPF. This justification relates to the fact that the construction of the existing building in the 1950s resulted in a barrier to the north south movement through the area. The removal of this barrier to provide the reconnection as set out in the DDP together with the delivery of other public benefits such as the quality public realm, a new residential community and active ground floor uses requires the quantum of development as proposed. The existing department store building, which was built in the 1950s, has come to the end of its useful life. The 'wings' to the west of the former Debenhams building were constructed at a later date and currently provide relatively poor quality retail accommodation. There is reduced demand from retailers for the department store format in the current retail market with a number of major operators closing stores in recent years.

The benefits of the proposal are discussed in more detail throughout the rest of the report. The scheme to develop the site of the former Debenhams store is an important project for the wider regeneration of the City Centre. In broad terms these can be summarised as the provision of additional residential development on a brownfield, highly sustainable site, with economic benefits. The proposals aim to address many aspects of the City Centre Development Delivery Plan (DDP), particularly the reconnection of Broadmead to the Stokes Croft area by re-establishing the historic Barr Street. The publicly accessible, inclusive activation of this part of Broadmead is vitally important to deliver the public benefits required to outweigh the level of harm posed by this development.

The key consideration here is whether these benefits could be provided with a lesser degree of harm and would they outweigh the harm. It is noted that Case Law suggests that there are three clear categories of harm, substantial, less than substantial and no harm. The City Centre DDP has identified the site and area can be endorsed by taller buildings. As set out by Historic England, in order to move to a position of no harm would require the removal of around 8 stories from the development. Whilst no viability evidence has been submitted with the application due to the provision of 20% policy compliant affordable housing; it is clear that such a substantial reduction in scale would impact on the benefits that the development can provide, particularly in relation to the mixed use nature of the development. In reaching a decision on the application the LPA needs to carefully balance these benefits against the harm, but officers are satisfied that there is justification from the proposed public benefits for a degree of harm to the identified Heritage Assets.

EIA Screening

A request for an Environmental Impact Assessment (EIA) Screening Opinion (Ref: 23/02610/SCR) was submitted to BCC in June 2023, as the proposed development falls within Schedule 2 of the EIA Regulations 2017, as an urban development project including more than 150 dwellings. BCC issued its Screening Opinion 13 July 2023 which confirmed that an EIA is not required

Cumulative impact

It is noted that a number of objections criticised the cumulative impact of the development of this site and of the Premier Inn site having not been fully considered. In response to this the applicant has submitted a cumulative impact report.

In general, planning applications have to be assessed on the basis of their own individual merits. However, it is noted that in the national planning guidance it states that 'When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.'

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The following issues have been assessed in the Cumulative Impact Assessment prepared by Savills:

- Air Quality
- Noise
- Waste
- Daylight Sunlight and Overshadowing
- Wind and Microclimate
- Heritage
- Townscape and Visual Impact

The cumulative impact report does suggest that the two proposals together will result in some additional impacts. However, this proposal will also provide some additional mitigation, especially in views from the south of the approved Premier Inn proposal which will be masked in part by the proposals. The screening will offset some the cumulative impacts. The Cumulative Impact of both proposals is not considered to be detrimental to amenity or Heritage wider Visual impact that would make it unacceptable.

D. IS THE DESIGN AND CHARACTER OF THE PROPOSED DEVELOPMENT ACCEPTABLE?

Policy BCS2 (Bristol City Centre) expresses that the design of development will be expected to be of be of the highest standard in terms of appearance, function, conservation of heritage assets, sustainability and maintaining and enhancing green infrastructure. Key views will be protected.

Policy BCS21 states that new development should be of high quality and should contribute positively to an area's character and identity. Contributing positively to an area's character, promote accessibility and permeability, promote legibility, clearly define public and private space, deliver a safe, healthy and attractive environment and public realm, deliver public art and create buildings and spaces that are adaptable to change.

DM26 requires development to contribute towards local character and distinctiveness.

Policy DM27 sets out that the layout and form of new development should contribute to the creation of quality urban design. The height, scale and massing of development should be appropriate to the immediate context.

DM28, concerning public realm, states that development should create or contribute to a safe, attractive, high quality, inclusive and legible public realm that contributes positively to local character and identity and encourages appropriate levels of activity and social interaction. Finally, policy DM29 concerning the design of new buildings, states that new buildings should be designed to a high standard, responding appropriately to their importance and reflecting their function and role in relation to the public realm. It adds that buildings will be expected to be clearly organised in terms of their form, internal layout and circulation to reflect the hierarchy of function they will accommodate, the uses they will serve and the context they will address.

The DAS demonstrates a rigorous analysis of the form, materials and proportions of adjacent buildings to the site. This has informed the appearance and massing of the building, whereby the building volumes are distinct and separated, and dynamic in local views and wider vistas. It also sets out how comments from the LPA and from Design West have been taken into account during the consideration of the application.

Tall buildings are defined within the Urban Living SPD as any buildings over 30m or 10 storeys. They are generally considered to be more appropriate when located close to existing tall buildings and

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within reasonable walking distance of a range of local facilities and public transport. The SPD requires schemes to make a positive contribution to surrounding views and ensure any potential negative impacts, such as shadowing, are mitigated. An assessment against part 3 of the SPD (Guidance for Tall Buildings) is included within the Design and Access Statement submitted as part of this application. This confirms that the tall buildings meet the criteria set out within the Urban Living SPD.

The most significant issue in this case will be the substantial increase in height and the impact of the form and massing of the proposed buildings. There will be a range of impacts as a result of the development and it occupies a nodal point in the city. Given its core central city location there would be justification for a tall building on the site. The City Centre DDP supports amplified building height in less sensitive areas, where buildings are stepped back from the street and where buildings frame larger-scale streets and public spaces. The visual impact of the massing and height will be seen from wider city viewpoints. This is balanced against the additional harm outlined above, in respect to heritage assets.

It is certainly evident that the benefits of improved connectivity through the site, between Broadmead, the Bear pit and Stokes Croft, was identified at an early stage by the LPA. The current layout is considered to be successful in taking this into account. The splitting of the site into two buildings will help with the legibility of these routes creating a 1:20 gradient pedestrian route through the site with active frontage.

With respect to the design of the proposal, the massing has been stepped to create a cluster of buildings and better relate them to the existing fabric of the area. The buildings have been designed with a clear top, middle and base. The base has additional height, and is colonnaded to create interest at the pedestrian level. The materiality of the proposal is designed to respond to the use of Portland stone, which is common in the area.

The applicant has responded positively to previous concerns expressed about the quality of the architecture of the tallest block. This is now proposed to have a simple architectural palette, but with depth to the elevations provided by better expression of the vertical elements to provide subtle visual interest. These aspects of the architectural quality can be conditioned to secure the design intent for the buildings.

This Public Art Strategy sets out the approach created by Ginkgo Projects for AEW UK for the integration of the work of artists into the redevelopment of Barr's Street, Bristol. It demonstrates their commitment to a well resourced and considered approach to public art provision within the development helping to build a grounded sense of place and identity.

In areas of the proposals some of the proposed residential dwellings will be suboptimal when assessed against the Urban Living SPD and the aspirations of the DDP. Less than 50% of the units will be dual aspect and others will have minimal or no private outdoor amenity. It is accepted that given the tight nature of the site and the proximity to the busy St James Barton junction, providing these components was challenging for the applicant's design team. Concerns about the quality of the external communal rooftop spaces have been acknowledged by the applicant. These concerns relate to the potential poor micro-climate conditions in these spaces that is proposed to be addressed through the provision of roof top canopies and shelter structures. These elements are addressed through design conditions.

Of particular benefit, the proposal will result in a significant increase in public realm, compared to the existing position. The public realm around the existing site is constrained, and is generally quite poor. The proposed new public realm through the scheme will provide spaces for informal play and seating areas. The details for the design and delivery of these spaces are conditioned particularly where this relates to the delivery of the submitted cultural/public art strategy for the site.

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The publicly accessible, inclusive activation of this part of Broadmead is vitally important to deliver the public benefits required to outweigh the level of harm posed by this development.

The scheme to develop the site of the former Debenhams store is an important project for the wider regeneration of the City Centre. The proposals aim to address many aspects of the City Centre Development Delivery Plan (DDP), particularly the reconnection of Broadmead to the Stokes Croft area by re-establishing the historic Barr Street resulting in improved movement and connectivity. Provision of quality public open space, improving the public realm with public art and the provision of green infrastructure.

In general, the proposal is considered to be of high quality design, and is an improvement compared to the existing building in terms of its functionality with improved open frontage and pedestrian link and wider public realm. The applicant has worked with the LPA and Design West to provide a development which secures the shared urban design aims for the site. Notwithstanding this, the scale remains challenging, and will set the building out as a significant landmark alongside with the potential future development of the Premier Inn Site. If the additional height is considered justified it is considered that the design quality would produce a successful development an important improvement boosting the vitality of the wider Broadmead and City Centre Area.

E. DO THE PROPOSALS PROTECT THE RESIDENTIAL AMENITY OF ADJOINING OCCUPIERS IN TERMS OF RETAINING ADEQUATE LEVELS OF SUNLIGHT AND DAYLIGHT?

Policy BCS21 expects development to safeguard the amenity of existing development and create a high quality environment for future occupiers. Policy DM2 requires development to provide a good standard of accommodation by meeting relevant requirements and standards and not adversely impacting neighbouring amenity. Policy DM29 expects new buildings to safeguard the amenity of the host premises and neighbouring occupiers.

A Daylight Sunlight and Overshadowing report has been prepared by Hollis and is submitted as part of this application. The report concludes that overall, the effects on existing neighbouring properties; internal and external sunlight; and overshadowing results are compliant with BRE targets. It is considered that the proposals are in accordance with Policy DM29

In terms of levels of noise and disturbance affecting adjoining occupiers, the impact from this development through introducing further residents is not expected to give rise to any amenity issues. The site is also close to a busy road, which means that background noise levels are likely to be high. On the basis of noise, therefore, officers consider the impacts of the proposal to be acceptable.

F. DO THE PROPOSALS PROVIDE A SATISFACTORY LIVING ENVIRONMENT FOR FUTURE OCCUPIERS?

Policies BCS21 and DM29 require developments to create a high-quality environment for future occupiers.

In accordance with BCC's Space Standards Practice Note (March 2021), and Policy BCS21, all units will meet the Nationally Described Space Standards and 2% of units are provided as accessible units.

The design has been developed to maximise dual aspect accommodation, primarily through locating the greatest possible number of apartments at corners and articulating the façade with recessed balconies with dual orientated glazing. 45% of the total apartments are dual aspect. Daylight and sunlight levels have been assessed at each stage of the design process and measures have been taken throughout the process to maximise levels of each. There are units that face north, which is an inevitability for such an urban setting, as acknowledged by the BRE Guide BR 209. Furthermore the

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orientation for the development is dictated by the plot and existing surrounding properties. The design of individual apartments has been informed by the BRE guide and has sought to minimise the number of dwellings which have north facing living rooms, and increasing window sizes to maximise the amount of sunlight received by each unit.

The proposal provides every apartment with either direct access to a private external balcony (46%) or a balconette where not possible. Attempts have been made to meet the standards set by the Urban Living SPD (Q.2.8(h)) where possible. Balconies have been located in areas that will ensure they maintain privacy and daylight, particularly to units beneath, and where they are deemed compatible with the results of wind analysis. There are also four communal roof terraces, totalling 902sqm, for use by residents. A total 783sqm internal amenity space is also provided (exclusive of entrance lobbies, corridors and communal storage). The private amenity space exceeds the requirements set out in the Urban Living SPD; in addition to the private space, the scheme provides extensive accessible public realm.

The units have been designed to minimise impacts caused by the proximity of St James Barton roundabout, as set out at Section 6.8 of the Design and Access Statement. The west building, which fronts St James Barton, contains two storeys of commercial use with residential accommodation located a minimum of 4.5m above the road level, accessed via the central public realm, and all single aspect units raised above street level by 8.85m. The residential accommodation is set back from the edge of the road by a minimum 8.1m with existing mature trees providing an additional buffer between the building and the road. In the east building, apartments are set above road level by a minimum of one commercial storey and the block is set back from the road edge by a minimum 6.5m with a planted buffer providing further separation.

All apartments will have integral mechanical ventilation and heat recovery units to provide low energy ventilation without the need to open windows (although openable windows are provided to all habitable rooms).

A Noise Impact Assessment prepared by Hoare Lea is submitted as part of the application. This concludes that suitable internal noise levels can be achieved through the use of appropriate glazing with suitable sound insulation performance. The proposals therefore meet the requirements of Policy DM35.

It is considered that the proposed development provides a significant quantum of high quality residential accommodation that is compliant with policies BCS21, DM26, DM27, DM28, DM29, DM32, and DM35, along with the Urban Living SPD. The proposal is also considered to meet the standards set by emerging Policy DC1, which requires compliance with NDSS, seeks the maximisation of dual aspect homes, and requires the provision of private outdoor space as balconies or communal roof terraces.

G. WOULD THE DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?

Policy BCS10 states that development should not give rise to highway safety issues and should reduce the negative impacts of vehicles as far as possible. It also sets out transport user priorities, with pedestrian and sustainable modes of transport taking precedence over the private car. Policy DM23 states that development should not give rise to unacceptable traffic conditions.

PARKING

Policy DM23 states that parking must be safe, secure, accessible and usable.

Appendix 2 of the Site Allocations and Development Management Policies Document (SADMP) sets

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out both the minimum cycle parking requirements for new development in Bristol, and the maximum car parking provision.

The City Centre Development and Delivery Plan and the City Centre Framework are material considerations in the determination of applications, however, they are not adopted policy. The scheme has been designed to meet the key objectives of the DDP, in particular the reinstatement of an historic route connecting St James Barton to The Horsefair and the future planned pedestrianization of The Horsefair.

This development is within the Central Parking Zone and not within a Residents Parking Scheme Area. The development will not qualify for parking permits and as such BCC are content this can be adequately managed through the application of an advice restricting the issuance of a parking permit to residents of the development. It should be noted the site is also located within the Clean Air Zone.

The proposal is for a car free development and no parking will be proposed on site. Given its sustainable Broadmead location linked with citywide public transport infrastructure and proximity to other services this is considered acceptable.

Exercises were undertaken with TDM to assess the potential of vehicular access for disabled parking to the site from both the Haymarket and Bond Street. In terms of logistics and highway safety there were deemed to be no suitable options. Initially it was intended to provide 8 disabled parking spaces on site. However, given the future proposed pedestrianisation of The Horsefair it will not be possible to facilitate private vehicular access to the site. Attempts have been exhausted to provide disabled parking on site, however as the proposal is car free development there is no policy requirement to provide on-site disabled parking, however the lack of provision is overall considered a negative it will have to be weighed up in the planning balance.

CYCLE PARKING

Appendix 2 of the Site Allocations and Development Management Policies Document (SADMP) sets out both the minimum cycle parking requirements for new development in Bristol.

Cycle storage for residents and visitors is provided within the Site. There will be three secure cycle stores and a cycle repair room. Residents' cycle parking will comprise 576 two tier parking spaces, and 126 Sheffield Stand spaces, of which 38 will be larger Sheffield Stands for adaptive bikes and cargo bikes. For visitors, 30 Sheffield stands (60 spaces) are proposed of which four will be suitable for larger cycles.

The proposed cycle storage arrangements are considered acceptable.

ACCESSIBILITY

Pedestrian access is from The Horsefair, St James Barton and the new Barr's St running through the centre of the site. The public realm provides a 'fast' stepped pedestrian route through the site alongside an accessible graded route to overcome the level difference between St James Barton and The Horsefair.

The gradient has been amended from 1:15 to 1:20 so it is appropriate for a range of users including wheelchair users and pushchairs.

When residents move in or out of the development they will be able to use the service yards to access the main lift cores for transportation.

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All public realm, entrances, internal circulation and facilities across the development are designed to enable inclusive access. All dwellings are designed to be a minimum of Building Regulations M4(2) compliant. These dwellings are designed to enable usability for the majority of people and incorporates features and adaptability suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users. 2% of dwellings are designed to specifically for wheelchair users in accordance with Building Regulation M4(3).

SERVICING

Servicing for the development would largely take place from the two existing service yards to the east and west to access the proposed buildings. The commercial units would have deliveries from the west as the existing arrangements. The east yard will be used to access the building for waste collection. Both service yards are outside the redline and are in communal use. Accessing to the yards via the Horsefair will become restricted following future plans for pedestrianisation. The conditions to control the servicing have been applied to the building.

Servicing to the residential units will be facilitated with an installation of one loading bay along Bond Street and associated works and an installation of one loading bay along The Haymarket and associated works. These have been conditioned and will be delivered via a TRO.

REFUSE STORAGE

Policy DM32 states that all new residential development must provide sufficient space for the storage of individual recycling and ref use containers to reflect the current collection regime.

Refuse vehicles will enter the site from The Horsefair. The provision of refuse and recycling bins were calculated based on the "Guidance for Developers of Residential, Commercial and Mixed-Use Properties". The refuse stores within the development have been sized to accommodate the total number of refuse bins required. Residents have a maximum of 30 metres to travel (not including vertical circulation) before disposing of waste within the designated refuse stores. Collections have been kept to twice weekly to minimise disruption to residents.

It is therefore considered that the proposed development is compliant with Policies DM32 and BCS15. It also meets the requirements of BCC's Waste and Recycling Guidance and the Urban Living SPD.

HIGHWAY WORKS

Given the large number of highway structures and retaining walls within the vicinity of the site and the potential impact upon these and the local highway network during demolition and construction oversight will be required. As such an Approval in Principle (AiP) Structural Report has been conditioned prior to commencement of development setting out how any structures within 6 metres of the edge of the adopted highway (and outside of this limit where the failure of any structures would affect the safety of road users) will be assessed, excavated, constructed, strengthened or demolished has been submitted to and approved in writing by the Local Planning Authority.

In respect to s106 contributions TDM seek the following:

- £376,130 towards the upgrade of local cycle infrastructure in the vicinity of the development.
- £199,529 towards the upgrade of the local bus stops along the Haymarket.
- £71,465 towards the provision of a coach stand outside of the Hampton by Hilton.
- £175k contribution towards the provision of a surface level crossing point linking the site to the North of Bond Street.
- £110,440 Travel plan contribution.

Acknowledging the applicants revised submission the following s106 requests have been removed:

- Improvements to the Horsefair.

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- Contribution towards the provision of an off-site EV Car Club car.
- Contribution to Freight Consolidation centre.

At the time of writing the above figures and terms have not been agreed with the applicant and TDM however the terms of the S106 would need to be agreed and the S106 completed prior to the decision being issued.

H. WOULD THE DEVELOPMENT MITIGATE ITS IMPACT ON, AND ADAPT TO THE EFFECTS OF CLIMATE CHANGE ?

As embedded in the NPPF, sustainability should be integral to all new development, and should encourage opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems.

BCS13 encourages developments to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it.

BCS14 sets out a heat hierarchy for new development, and an expectation that new development will connect to existing CHP/CCHP distribution networks. The same policy also 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. This policy also requires a BREEAM Excellent score to be achieved for all major non-residential development. Bristol City Council's Climate Change and Sustainability Practice Note provides further advice on these matters.

Heating Systems

Heating systems should be fully assessed for feasibility and selected in accordance with the heat hierarchy stipulated in policy BCS14 and being mindful of the emerging Heat Hierarchy within Draft Policy NZC2. We expect that where systems are discounted full justification is provided.

The heat hierarchy prioritises connection to district heating networks where available (or forthcoming). This site is within a planned heat network location and Vattenfall, the current operator of Bristol Heat Network (BHN) have agreed to supply a Day One connection.

The energy strategy now states that a Bristol Heat Network district heating strategy is to be used for heating and hot water, this is in line with adopted and emergent planning policies BCS14 and NZC2.

Paragraph 12.1.41 in emerging policy NZC2 of the new local plan states “When calculating the energy use intensity of development connecting to a heat network, an energy conversion factor will be applied to the district heating energy requirement of the building to make the energy use intensity comparable to a building with on-site heating plant.”

This has now been updated in the report. The EUI for the proposed development is 38.9kWh/m²/yr, the emerging policy asks for an EUI in dwellings of 35kWh/m²/yr. This information is welcomed. The proposed EUI is meets the RIBA 2025 target and is close to the emerging BCC policy target, as such this is acceptable.

The commercial (non-dwellings) heating/hot water strategy is to use Air Source Heat pumps. Officers requested the proportion of the heating/hot water supplied by this method. The strategy addendum

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confirms this represents 0.33% of the overall heating/hot water demand for the development (with the remaining 99.67% from the heat network). This is acceptable.

The whole life carbon impacts of the project have been considered and assessed at an early stage in the design development. These are set out in the Sustainability and Energy Strategy prepared by Hoare Lea and submitted as part of the application. In summary, the new build option has a marginally higher whole life carbon estimate by approximately 2%. However, it is important to note that the refurbishment option is only able to provide two additional floors, a considerably smaller scheme, and is therefore likely to provide less than significant benefit, meaning that it would never be built out. The proposals have been developed to minimise embodied carbon in line with draft policy NZC3.

The proposals are considered to be in accordance with Policies BCS13, BCS14, and BCS15.

I. ECOLOGY AND BIODIVERSITY NET GAIN (BNG)

In addition to this, whilst this scheme does not fall to be considered against the provisions of the Environment Act, and achieving a 10% Biodiversity Net Gain, the submission does show a net gain of over 100%, as well as the planting of a number of additional trees (the plans show additional trees within public realm, plus additional planting at roof level). These elements are considered to be benefits of the scheme which weigh in its favour.

Ecology and Biodiversity Net Gain (BNG) An Ecological Impact Assessment, prepared by Delta Simons, has been submitted in support of the application. This addresses the potential impacts of the development on ecology and nature conservation. The buildings have been assessed as having negligible potential to support roosting bats and support limited nesting bird species comprising feral pigeons and herring gulls. The report concludes that the proposed development has the potential to result in a negligible effect on biodiversity that is of neutral significance.

A Biodiversity Net Gain Assessment has been prepared by Delta Simons and has been submitted as part of this application. The report concludes that the assessment shows that the development will achieve a total net percentage change of '+100%'.

It is considered that the Proposed development is in line with Policies BCS9 and DM15.

J. FLOOD RISK AND SUDS

A Flood Risk Assessment and Drainage Strategy has been prepared by Delta Simons. This confirms that the proposed development will meet the requirements of local policy with regard to flood risk and drainage following mitigation methods. As the site falls within Flood Zone 2, a Flood Risk Sequential test has been prepared by Savills and has been submitted as part of the application. This confirms that there are no sequentially preferable sites within the area of search that could accommodate the proposed development.

No objections have been raised by the Environment Agency and the SUDS have been conditioned.

It is considered that the proposed development is compliant with Policies BCS16, BCAP5 and BCC's Flood Risk Sequential Test practice note.

K. LAND CONTAMINATION

A Preliminary Geo-environmental and Coal Mining Risk Assessment has been prepared by Delta Simons and is submitted as part of this application. The study confirms widespread contamination is considered unlikely and the preliminary risk assessment has identified a low risk of soil/groundwater

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contamination and hazardous ground gas. Contaminated land have raised no objections subject to conditions.

It is considered that the proposed development is compliant with Policy BCS23 and DM33.

L. AIR QUALITY

Policy BCS23, along with DM33, require development to avoid adverse impacts on environmental health, considering the impacts of pollution and air quality. An Air Quality Assessment has been prepared by Delta Simons to support the planning application. A qualitative assessment of the potential impacts on local air quality from construction activities has been carried out and has identified that there is a high to low risk of dust soiling impacts and a medium to negligible risk of increases in PM concentrations due to unmitigated construction activities. However, through good practice and the implementation of suitable mitigation measures, the residual effects of dust and construction activities on air quality would therefore be considered not significant. It is anticipated that this would be controlled by a suitably worded planning condition.

The Air Quality assessment concludes that, in accordance with BCS23, DM33 and NPPF Paragraph 170, the development would not contribute to or is put at unacceptable risk from air pollution subject to mitigation.

M. IMPACT ON HEALTH CARE

NHS Bristol, North Somerset & South Gloucestershire ICB and NHS Property Services have objected and suggested the proposal will impact on local surgeries. A financial contribution has been requested to offset the impact. The challenges in securing GP capacity lie outside the planning process. There is no mechanism in the Local Plan to secure funding for healthcare. There are no grounds to refuse this planning application on the grounds that there is insufficient GP Surgery capacity, as it is covered by separate legislation. For the reasons set out above, a financial contribution towards healthcare provision is not considered appropriate because it would not meet the tests set out in the CIL Regulations (2010), PPG para. 002 (Reference ID: 23b-002-20190901) and NPPF para. 57.

As considered in detail by the Health Impact Assessment submitted with the proposal, the proposed development is considered to be compliant with Policy DM14 of the Site Allocations and Development Management Policies (Bristol City Council, 2014), and Chapter 8 of the NPPF, as well as Planning Practice Guidance on Planning Obligations.

N. OTHER ISSUES

Concerns have been raised regarding the impact of the proposal on the Helipad at the NHS children's hospital. However, this has not been raised by the hospital, and no evidence has been provided to suggest any potential concerns.

EQUALITY ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality 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. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon

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different groups or implications for the Equality Act 2010.

CONCLUSION AND PLANNING BALANCE

The application relates to a significant scale development within a central area in Bristol. Having assessed the application officers are satisfied that it will deliver a number of benefits, but this will need to be balanced against the harm that would result. Therefore, the decision on the application has to be made on the basis of whether the benefits would outweigh the harms.

In particular, concerns remain that the proposal will result in less than substantial harm to the setting of a number of heritage assets.

Weighed against this are the following issues:

The proposed development will deliver 502 residential units on a brownfield site in a sustainable location. BCC acknowledges that it cannot demonstrate a 5YHLS and this is further confirmed in the Brislington Meadows Appeal Decision (PINS Appeal Reference APP/Z0116/W/22/3308537). The 2022 Housing Delivery Test confirms the City achieved a delivery of 74% of the required amount set out in the 5YHLS target over the previous three years. The presumption in favour of sustainable development is therefore engaged in accordance with Paragraph 11 of the NPPF.

The proposal will include a number of substantial benefits, as set out below:

- Efficient redevelopment and use of a brownfield site for energy-efficient buildings in a highly sustainable city centre location;
- Delivering key objectives of BCC's Development Delivery Plan;
- The provision of flexible retail units, including affordable retail space, and increased commercial frontage, ensuring the long term sustainability and function of the city centre;
- 502 new dwellings in a sustainable location in a LPA area without a five year housing land supply; • A minimum 20% Affordable Housing provision with potential to increase the quantum subject to the availability grant funding;
- The provision of high quality, energy efficient new homes which are NDSS compliant and fully accord with the provisions of the Urban Living SPD;
- Provision of 2% disabled accessible units;
- New public realm and green space, that will create a new permeable east-west connection between St James Barton and Broadmead, comprising 29% of site area, activating this part of the city centre 24 hours a day;
- Measures to support sustainable transport including extensive cycle parking; provision of a fully accessible pedestrian route through the site on a 1:20 gradient to resolve difficult level changes;
- Biodiversity Net Gain of over +100% through the creation of new habitats which is beyond policy compliance;
- Targeting BREEAM 'Excellent which is beyond policy compliance for the residential elements';
- Connection to Bristol's district heat network;

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- The applicant has estimated around 228 net additional jobs for Bristol residents per year, and up to 269 gross on-site operational jobs;

- The applicant has estimated c. £11.1m Gross Value Added • c. £1.9m CIL and c.£1.8m New Homes Bonus

In summary the proposal would positively contribute to housing delivery in a sustainable location. it does also achieve a mix of uses, including the delivery of affordable housing. A smaller proposal, i.e. one that does not lead to harm to heritage assets or overshadowing, would deliver less benefits in this regard. Officers consider that a high quality scheme that delivers the benefits that DDP is seeking could not be delivered in a scheme of a significantly reduced scale. The proposal provides significant improvements to the public realm, including improved access to and from the Bear Pit, tree planting and net gain in biodiversity and improved performance in respect of carbon emissions.

Officers are of the view that the package of benefits that the development will provide do merit the support of the application, and therefore it is recommended for approval.

RECOMMENDATION:

Approve subject to a Section 106 Planning Agreement to cover the following:

Provision of Affordable Rent in 20%

Highway contributions (to be finalised prior to the meeting)

A monitoring fee for the employment and skills plan

RECOMMENDED GRANT 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. B1B Highway works – General Arrangement Plan

NB: Add relevant advices I024A, I025A, I053, I055

No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.

- Installation of one loading bay along Bond Street and associated works
- Installation of one loading bay along The Haymarket and associated works
- Reinstatement and refurbishment of the St James Barton Roundabout, The Haymarket and Bond Street frontage
- Reinstatement and refurbishment of the Horsefair frontage.
- Upgrade and refurbishment of street lighting.

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Where applicable indicating proposals for:

- Existing levels of the finished highway tying into building threshold levels
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- Signing, street furniture, street trees and pits
- Structures on or adjacent to the highway

Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

3. B36A Structure Adjacent To/Within 6m of the Highway

No development shall take place until an Approval In Principle (AiP) Structural Report setting out how any structures within 6 metres of the edge of the adopted highway (and outside of this limit where the failure of any structures would affect the safety of road users) will be assessed, excavated, constructed, strengthened or demolished has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the works safeguard the structural integrity of the adopted highway during the demolition and construction phase of the development.

4. Demolition and Construction Management Plan – Major Developments

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

- A construction programme including phasing of works.
- 24 hour emergency contact number;
- Hours of operation.
- Expected number and type of vehicles accessing the site:
 - o Deliveries, waste, cranes, equipment, plant, works, visitors.
 - o Size of construction vehicles.
 - o The use of a consolidation operation or scheme for the delivery of materials and goods.
 - o Phasing of works.
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - o Programming.
 - o Waste management.
 - o Construction methodology.
 - o Shared deliveries
 - o Car sharing.
 - o Travel planning.
 - o Local workforce.
 - o Parking facilities for staff and visitors.
 - o On-site facilities.

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- o A scheme to encourage the use of public transport and cycling.
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads.
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site.
- Locations for storage of plant/waste/construction materials.
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable.
- Arrangements to receive abnormal loads or unusually large vehicles.
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available.
- Any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (cyclists and pedestrians).
- Arrangements for temporary facilities for any bus stops or routes.
- Method of preventing mud being carried onto the highway.
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

5. Site specific CEMP

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to remove asbestos and reduce the effects of noise, vibration and dust. The plan should include, but not be limited to:

Procedures for maintaining good public relations including complaint management, public consultation and liaison:

- Arrangements for liaison with the Council's Pollution Control Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08:00 Hours and 18:00 Hours on Mondays to Fridays and 08:00 and 13:00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Bristol City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes
- Asbestos removal

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

6. Highway Survey

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No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken.

The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the Developer.

7. Tree Protection

No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees specified in accordance with a tree protection plan to be submitted to and approved by the Local Planning Authority. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.

8. Employment and skills plan

No development shall take place including any works of demolition until a Construction Phase ESP is submitted to and approved by the Local Planning Authority. The ESP is to be in conformity with the Building Bristol Guidance www.buildingbristol.com and will aim to maximise training and employment opportunities for local residents available during the construction phase of the development. The plan must include agreed targets, delivery method and schedule. The development shall thereafter be carried out in accordance with the approved ESP unless a variation in the plan is agreed in writing in advance by the Local Planning Authority.

Reason: In recognition of the employment opportunities offered by the construction phase of the development.

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9. Land affected by contamination

Excluding demolition, no development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

10. Land affected by contamination - implementation of approved remediation scheme

In the event that contamination is found, no occupation of the development shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

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neighbours and other offsite receptors. This is in line with paragraph 170 of the National Planning Policy Framework.

11. Archaeological Watching brief

The applicant/developer shall ensure that all groundworks, including geotechnical works, are monitored and recorded by an archaeologist or an archaeological organisation to be approved by the council and in accordance with the Written Scheme of Investigation to be approved in advance by the council.

Reason: To ensure that archaeological remains and features are recorded prior to their destruction.

12. LEMP

Prior to commencement of the development hereby approved, excluding demolition, the applicant shall submit a 30-year Landscape and Ecological Management Plan (LEMP). This should address retained features of ecological interest, together with mitigation and enhancements to be provided. The LEMP should set out management compartments, objectives, and prescriptions for all new proposed soft landscaping/planting to demonstrate how all habitats will be managed to their target condition (as specified in the BNGA). It should also show how management of the site will be resourced and monitored.

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2023). The NPPF states in paragraph 174 (d) on page 50 that Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...". And, the Environment Act (2021) requires habitats to be maintained for 30 years after development is completed (schedule 7A, Part 1, paragraph 9) to secure net gains for biodiversity.

13. Ecological Mitigation and Enhancement Strategy (EMES)

Prior to the commencement of the development hereby approved, excluding demolition, the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of bird and insect boxes and/or bricks (on suitable sections of the proposed buildings). The bird boxes must include bricks or tiles for swift and house sparrow. The location, specification, height and orientation of these features shall be shown on a site plan.

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Bristol City Council.

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2021) which states (in paragraph 174) that Planning policies and decisions should contribute to and enhance the natural and local environment.

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14. Green Roof and Method Statement

Prior to commencement of the development hereby approved, excluding demolition, the applicant shall submit a Method Statement prepared by a suitably qualified ecological consultant or landscape architect shall be submitted to and approved in writing by Bristol City Council for the creation of living roofs and/or walls. This shall include management details e.g watering/care schedule, species/seed mix avoiding the sole use of sedum, provision of features for invertebrates, and details of the provision of new plants should the originals fail. All details shall be shown on a scale plan of the site. The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: To conform with Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: Proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks.

15. Soft Landscape Plan

Prior to the commencement of the development hereby approved, excluding demolition, a soft Landscape Plan including a finalised planting schedule, shall be submitted to and approved in writing by Bristol City Council. The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: To conform with Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: Proposals for new buildings will be expected to incorporate opportunities for green infrastructure. And to comply with the revised National Planning Policy Framework (NPPF, 2023), which states in paragraph 174 (d) on page 50 that 'Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...',

16. Sound insulation

No development shall take place, excluding demolition, until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of façade noise insulation measures, including ventilation and noise mitigation for balconies and gardens and roof terraces. The scheme of noise insulation measures shall take into account the recommendations detailed in the Noise Assessments submitted with the application and the provisions of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings. The approved details shall be implemented in full prior to the commencement of the use permitted and be permanently maintained.

Recommendation:

The recommended design criteria for dwellings are as follows:

Daytime (07.00 - 23.00) 35 dB LAeq 16 hours in all rooms & 50 dB in outdoor living areas.

Nighttime (23.00 - 07.00) 30 dB LAeq 8 hours & L_{max} less than 45 dB in bedrooms.

Reason: In the interests of Residential amenity.

17. DHN

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Prior to commencement of development excluding demolition, details (including supporting documentation) shall be submitted to the Local Planning Authority to demonstrate that either:

a) prior to occupation the development shall be connected to and heat and hot water supplied by a local district heating network; or

b) by the anticipated date of occupation, there will be no local district heating network available to connect to for the purposes of supplying heat to the development.

In the event that a) applies, the development shall not then be occupied until such connection to a local district heating network has been made and the heat and hot water supply is operational. The connection to and heat and hot water supply from a local district heating network shall continue for the lifetime of the development (save for emergencies).

In the event that b) applies, the development may connect to an alternative heating system as defined within an updated Energy Statement and agreed by the local planning authority for the lifetime of the development (save for emergencies).

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate.

18. Detailed drawings

Detailed drawings at a scale of 1:5 or 1:10 of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun. The detail thereby approved shall be carried out in accordance with that approval and shall be implemented before the first occupation of the building.

a) Details of external facing and roofing materials;

b) Details of windows, including any curtain walling;

c) Main entrance doors, surrounds and canopies;

d) Any railings or balustrades;

e) Material junctions where facing public realm for public highway;

f) Eaves, roof or parapet details;

g) Any steps, ramps or other elements to resolve changes in levels.

Reason: In the interests of visual amenity and the character of the area.

19. Materials

Sample panels of the external materials, windows and curtain demonstrating the colour, texture, face bond and pointing and junctions between materials are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory.

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20. SUDs strategy

No development shall take place, excluding demolition, until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal

Pre occupation condition(s)

21. Flood Evacuation - Residential

No building or use hereby permitted shall be occupied or the use commenced until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall include the following information:

During Demolition/Construction Process- command & control (decision making process and communications to ensure activation of FEP);

- training and exercising of personnel on site (H& S records of to whom and when);
- flood warning procedures (in terms of receipt and transmission of information and to whom);

- site evacuation procedures and routes; and,

- provision for identified safe refuges (who goes there and resources to sustain them).

During Occupation of Development

- occupant awareness of the likely frequency and duration of flood events;

- safe access to and from the development;

- subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site

22. Flood Evacuation – Commercial

No building or use hereby permitted shall be occupied or the use commenced until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall include the following information:

- command & control (decision making process and communications to ensure activation of FEP);

- training and exercising of personnel on site (H& S records of to whom and when);

- flood warning procedures (in terms of receipt and transmission of information and to whom);

- site evacuation procedures and routes; and

- provision for identified safe refuges (who goes there and resources to sustain them).

The FEP shall be reviewed at intervals not exceeding 3 years, and will form part of the Health & Safety at Work Register maintained by the applicant.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood

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management on the site

23. Hard landscape works

No building or use hereby permitted shall be occupied or the use commenced until the landscaping proposals hereby approved have been carried out in accordance with the approved plans, unless a revised programme is agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory

24. Noise from plant and equipment

No commencement of use shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and approved in writing by the Council.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To protect residential amenity.

25. C5A Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on approved plans

No building or use hereby permitted shall be occupied or 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 adopted highway (including the footway), except on the day of collection.

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

26. C8 Completion of Pedestrians/Cyclists Access – Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety

27. C13 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

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28. C29 Management and Maintenance of Private Streets NB: Add relevant advice I054

No building or use hereby permitted shall be occupied or use commenced until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption within the site has been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users.

29. C30 Permissive Routes

No building or use hereby permitted shall be occupied or use commenced until details of how the permissive route will be kept open, free from any obstruction, in a safe condition for use by members of the public 364 days of the year and clearly marked to indicate that there is no indication to dedicate as part of the adopted highway, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of an unrestricted and safe route for the use of members of the public.

30. C39 Delivery & Servicing Plan

No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development. The delivery and servicing plan shall include:

- a) The contact details of a suitably qualified co-ordinator;
- b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway;
- c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;
- d) Details on how waste will be stored and collected has been prepared.

Reason: In the interests of highway safety and to minimise the impact of vehicles servicing.

31. D37 Travel Plan – Implemented by the Highways Authority

Prior to occupation or use commenced, evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority.

The developer shall then enable the Highways Authority to implement, monitor and review the approved Travel Plan to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

32. Car Club Membership

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No building or use hereby permitted shall be occupied or use commenced until details of the provision of a car club scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, shall be submitted to and approved in writing by the Local Planning Authority.

The car club scheme shall comprise of the provision of local car club membership for and at no cost to all residents of the development for a minimum of three years

Reason: In order to reduce the need for car ownership.

Post occupation management**33. Details of Kitchen Extraction/Ventilation System (class E uses only)**

No equipment for the extraction and dispersal of cooking smells/fumes shall be installed until details including method of construction, odour control measures, noise levels, appearance and ongoing maintenance have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the installation of any such equipment and thereafter shall be permanently retained.

34. Energy and Sustainability

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy and Sustainability Strategy (Hoare Lea 14/11/23) and Energy Strategy Addendum (Hoare Lea 09/02/24) prior to occupation or use commenced. A total (54.6)% reduction in carbon dioxide emissions beyond Part L 2021 Building Regulations in line with the energy hierarchy shall be achieved, and a (42)% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.

Reason: To ensure the development incorporates measures to minimise the effects of climate change.

List of approved plans

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:

Issue Sheet (Final Schedule of Drawings) 4497-AWW-XX-XX-PA-A-90990_P05 as validated on the 09 Apr 2024.

Reason: For the avoidance of doubt.

Advices

1. I024A) Works on the Public Highway
2. I026A) Traffic Regulation Order (TRO)
3. I027A) Highway to be Adopted
4. I043A) Impact on the highway network during construction
5. I044A) Restriction of Parking Permits – Existing Controlled Parking Zone/Residents Parking Scheme
6. I052) Highway Condition Survey

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7. I053) Excavation Works on the Adopted Highway
8. I054) Private Road
9. I055) Street Name and Numbering
10. I059) Structure Adjacent To/Within 6m of the Highway
11. I061) Freight Consolidation
12. Advice Note: Bats

A grant of planning permission does not remove the legal protection afforded to bats and their roosts. If, during the works, any bats (or signs of bats, such as droppings) are found, an immediate

halt should be called and a bat worker/ecologist should be consulted to determine if and how the

works can proceed lawfully, with or without a mitigation licence.

The bat preliminary roost appraisal in the EclA survey (Delta Simons, November 2023) is valid for

18 months only. If the works have not commenced within 18 months of the survey date, then the

survey should be repeated and the results submitted to Bristol City Council for written approval,

prior to commencement.

Should the survey result in the need for mitigation measures, then these must be approved in writing by the Local Planning Authority and implemented in full prior to the commencement of development.

13. Nesting Birds

If works are proposed within the nesting bird period (March to August inclusive), nesting birdchecks shall be completed by a suitably qualified ecological consultant to ensure that no breeding birds would be adversely affected including by disturbance by the works. Where checks for nesting birds are required, they shall be undertaken no more than 48 hours prior to the removal of

vegetation. If nesting birds are found, a 5m buffer zone shall be implemented and works shall not

be carried out in that area until the chicks have fledged.

Reason: To ensure that wild birds, building or using their nests are protected, to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended).

14. FRA Compliance

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (Delta Simons October 2023) and the following mitigation measures in the submitted FRA:

- Raise finished floor levels as high as practically;
- Incorporate flood resistance/resilience measures designed to BS 851188 standards detailed in this report;
- Sign up to the free EA Floodline Service on 0345 988 1188 in the future to receive real time updates on potential flood events;

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent increases in flood risk elsewhere.

15. Noise from plant & equipment affecting residential

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level at any time at any residential premises.

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Any assessments to be carried out and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

16. Artificial lighting

Any light created by reason of the development shall not exceed the maximum values of vertical illuminance on premises as detailed in table 3 of the Institute of Light Engineers Guidance Note: 01/21 The Reduction of Obtrusive Lighting
<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

17. Opening hours Class E use

The hours of operation for Class E uses will be 07.00 to 23.00.

18. BREEAM

Prior to implementation evidence that the development (commercial uses only) is registered with a BREEAM certification body and a BREEAM New Construction pre-assessment demonstrating a strategy by which a BREEAM 'Excellent' rating will be achieved shall be submitted to the local planning authority and approved in writing.

Within 6 months of first occupation of development, the full BREEAM Post Construction report shall be submitted to the local planning authority and approved in writing. The report shall be prepared by a registered BREEAM assessor and include confirmation that this has been submitted to the BRE (or other approved registration body). Within 6 months of first occupation, final post construction BREEAM New Construction certificate(s) indicating that the BREEAM 'Excellent' rating has been achieved shall be submitted to the local planning authority and approved in writing.

Reason: To ensure that the development achieves BREEAM rating level EXCELLENT; (or any such equivalent national measure of sustainability for building design which replaces that scheme) and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions in accordance with BCS15 (Sustainable design and construction), and BCAP20 (Sustainable design standards).

19. Overheating

The development hereby approved shall incorporate the overheating mitigation measures into the design and construction of the development in full accordance with Appendix D of the approved Energy and Sustainability Strategy (Hoare Lea 14/11/23) prior to occupation or use commenced. Should the approach to managing overheating risk deviate from that outlined in the Appendix D of the approved Energy and Sustainability Strategy (Hoare Lea 14/11/23), the alternative measures shall be submitted to the local planning authority and approved in writing, prior to implementation. Reason: To secure the overheating and mitigation measures proposed in accordance with Policy BCS13 and emerging policy NZC4.

20. Public Art

To secure submitted strategy.

21. Affordable workspace

10% affordable workspace - secured in head lease or via s106

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Annex 1: Tabular assessment of Harm to Heritage Assets

<i>Heritage Asset (including sensitivity)</i>	<i>Degree of Harm Posed by the Development</i>
Former Debenhams Building Non-designated heritage asset	Complete loss of the building The building current has no statutory protection from demolition, albeit the harm that would result from its loss must be weighed against the benefits of the scheme, in accordance with para 209 of the NPPF.
St. James Parade Conservation Area	Moderate less than substantial harm Would impact on views of the conservation area and form backdrop to key heritage assets from some viewpoints impacting on the appreciation of the con area.
Prior Church of St. James (Grade I listed)	Moderate less than substantial harm The proposal would diminish the prominence of the church tower in certain views and therefore impact on its significance.
St James Park Non designated heritage asset (part of conservation area)	Will have a harmful impact on the setting given the dominance of the proposed building.
Portland Square (Group of Grade I listed buildings)	Minor less than substantial harm The buildings will appear behind the listed terrace and therefore distract from the significance of the terrace.
Castle Park, including St Peters Church (Grade II* listed)	Moderate less than substantial harm The new structure will rise above the height of the pinnacles of the church tower, competing with the existing predominance of the church and distracting and detracting from its appreciation and commemorative power.
Kingsdown Conservation Area	Moderate less than substantial harm In certain views from the Con Area the proposal will have a dominating appearance, distracting from the setting.
Stokes Croft Conservation Area	Moderate less than substantial harm There are already a number of significant buildings in the view to the south, although the proposal will be larger and emphasise

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	<u>the dominance.</u>
<u>Redcliffe Conservation Area</u>	<u>Minor less than substantial harm</u> <u>In views from the con area the proposal will impact on the primacy of certain assets, including St. Mary Redcliffe.</u>
<u>John Wesley's Chapel New Room (Grade I listed) and Lower Arcade (Grade II* listed)</u>	<u>Moderate less than substantial harm</u> <u>The proposal will result in a large degree of change in relation to these buildings, in particular the silhouette of the New Room against the sky will be lost.</u>
<u>Quakers Friars (group of Grade I, Grade II and Grade II* listed buildings)</u>	<u>Minor to moderate less than substantial harm</u> <u>The proposal would appear behind the modern backdrop building, although given the buildings in between the site does not make a meaningful contribution to the setting.</u>
<u>St. Pauls Church (Grade I listed)</u>	<u>Minor less than substantial harm</u> <u>The proposal would be a distracting presence, appearing behind the spire, although the impact would be significantly diminished in summer given the tree screen between the sites.</u>
<u>Church of St. Stephen (Grade I listed)</u>	<u>Minor less than substantial harm</u> <u>The proposal will compromise the silhouette of the tower in the winter months, but this will largely be screened in the summer.</u>

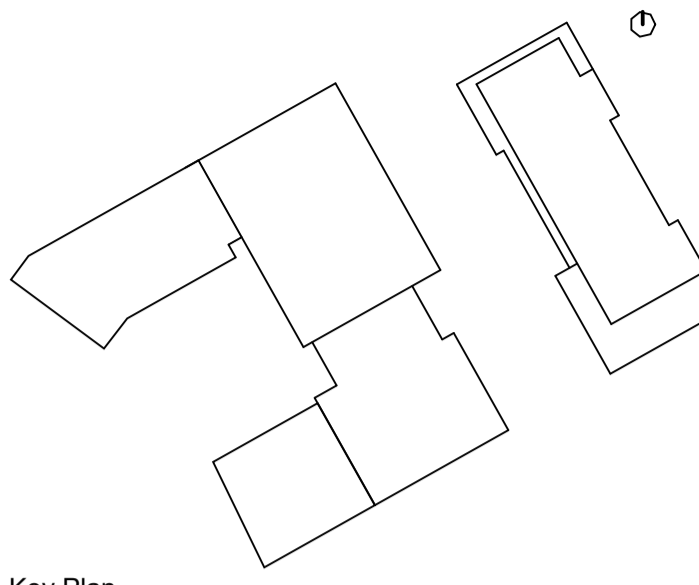
Supporting Documents

2. Former Debenhams & Building To West, BS1 3JE.

1. L00 – Proposed Floor Plan
2. L01 – Proposed Floor Plan
3. L02 – Proposed Floor Plan
4. L03 – Proposed Floor Plan
5. L07 – Proposed Floor Plans
6. L14_26 Proposed Floor Plans
7. Proposed Elevations – 02 St James Barton
8. Proposed Elevations – 03 Horsefair



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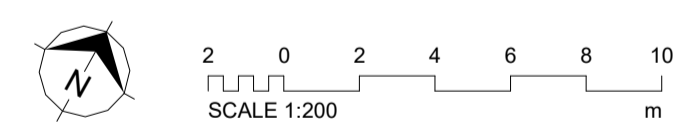


Unit Types

- 1B 2P
- 2B 3P
- 2B 3P Acc
- 2B 4P
- Amenity
- Core / Circulation
- Commercial

Note: Landscape plan for illustrative purposes only. Please refer to CTF plan for landscape details.

Rev	Date	Notes	Dm	Chk'd
P04	26/03/24	Revised cycle access and landscape ramp gradient	YK	JF
P03	21/02/24	Loading bay note omitted, threshold levels added	YK	JF
P02	12/02/24	Revised planning issue	KM	JF
P01	07/11/23	Issued for planning	KM	JDF



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AWW Project Number 4497 Project Stage 2

Project Title
 Barr's Street
 Bristol

Title
 L01 - Proposed Floor Plan

Project	Origin	Volume	Level	Type	Role	Number	Rev
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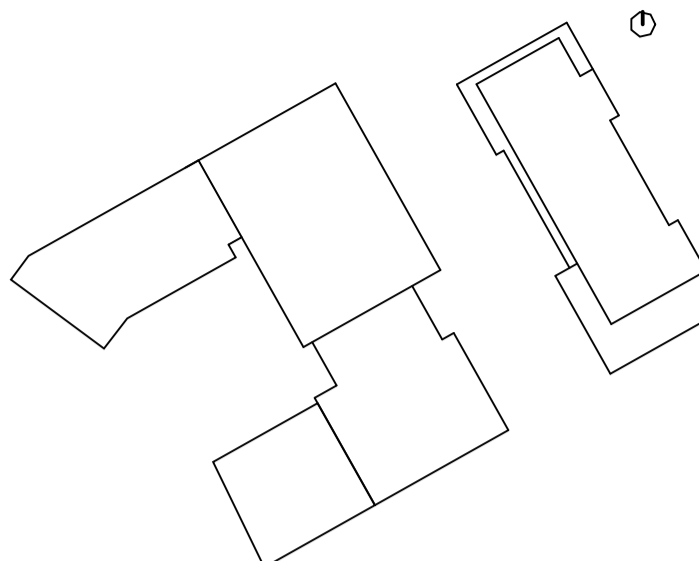


The Haymarket

St James Barton Roundabout

The Horsefair

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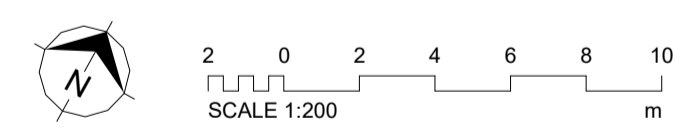
Key Plan

Unit Types

- 1B 1P
- 1B 2P
- 2B 3P
- 2B 3P Acc
- 2B 4P
- Amenity
- Core / Circulation

Note: Landscape plan for illustrative purposes only. Please refer to CTF plan for landscape details.

Rev	Date	Notes	Dm	Chk'd
P03	26/03/24	Revised cycle access and landscape ramp gradient.	YK	JF
P02	12/02/24	Revised planning issue	KM	JF
P01	07/11/23	Issued for planning	KM	JDF



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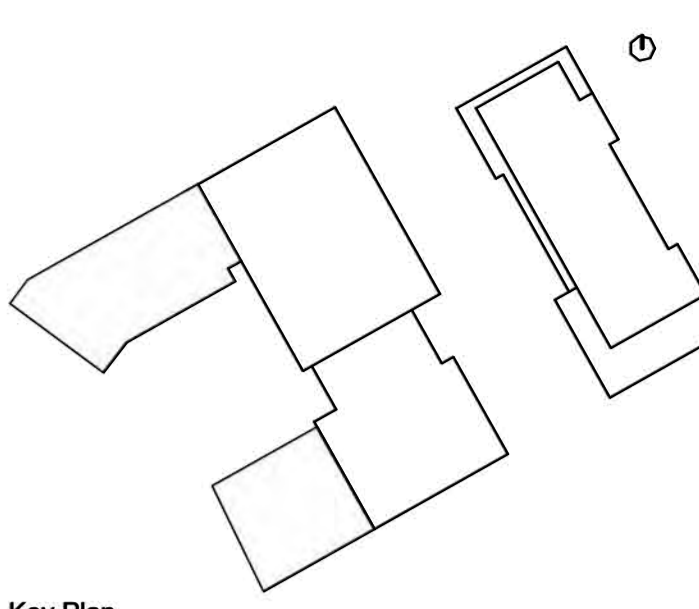
Project Title
Barr's Street
Bristol

Title
L02 - Proposed Floor Plan

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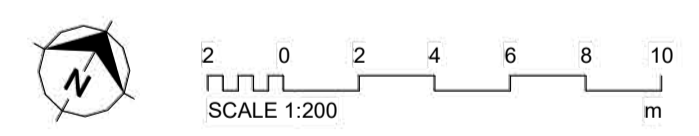
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Unit Types

- 1B 1P
- 1B 2P
- 2B 3P
- 2B 3P Acc
- 2B 4P
- Core / Circulation

Rev	Date	Notes	Dm	Chk'd
P03	26/03/24	Revised cycle access and landscape ramp gradient.	YK	JF
P02	12/02/24	Revised planning issue	KM	JF
P01	07/11/23	Issued for planning	KM	JDF



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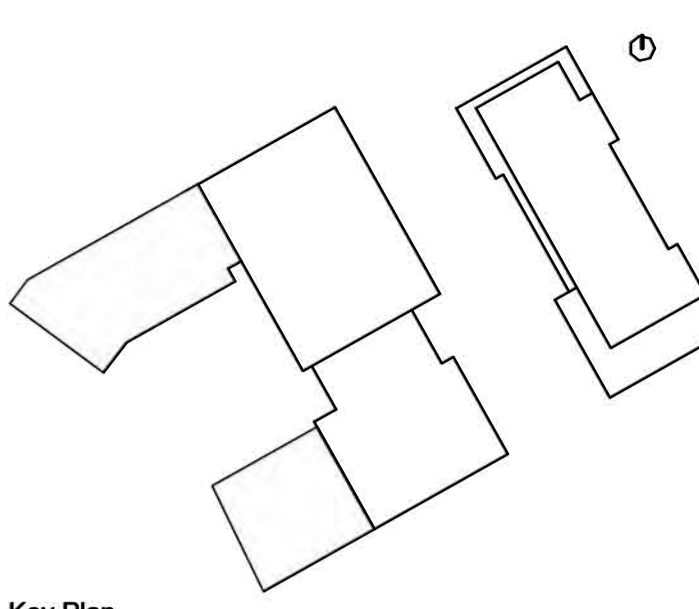
Project Title
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Title
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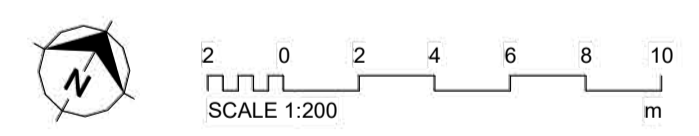
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Unit Types

- 1B 1P
- 1B 2P
- 2B 3P
- 2B 3P Acc
- 2B 4P
- Core / Circulation

Rev	Date	Notes	Dm	Chk'd
P03	26/03/24	Revised cycle access and landscape ramp gradient.	YK	JF
P02	12/02/24	Revised planning issue	KM	JF
P01	07/11/23	Issued for planning	KM	JDF



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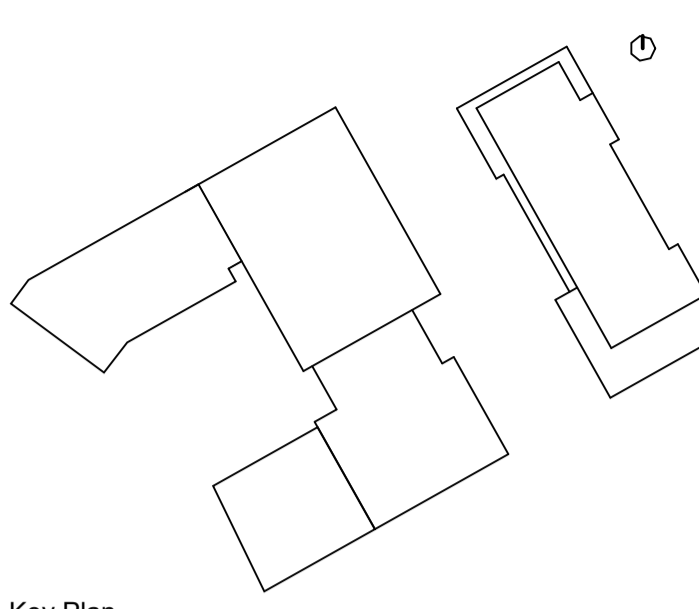
Project Title
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Title
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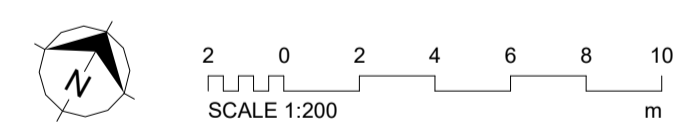


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- Unit Types**
- 1B 1P
 - 1B 2P
 - 2B 4P
 - Core / Circulation

Rev	Date	Notes	Dm	Chk'd
P03	26/03/24	Revised cycle access and landscape ramp gradient.	YK	JF
P02	12/02/24	Revised planning issue	KM	JF
P01	07/11/23	Issued for planning	KM	JDF



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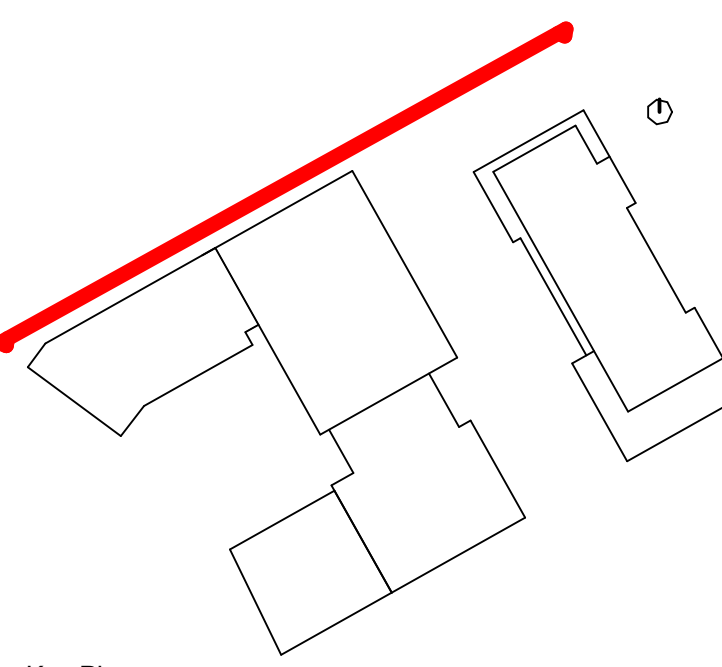
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L14_26 Proposed Floor Plans

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Key Plan



Rev	Date	Notes	Drn	CHK'd
P03	25/03/24	Revised cycle access and landscape ramp gradient	YK	JF
P02	12/02/24	Revised planning issue	XM	JF
P01	07/11/23	Issued for planning	XM	JF

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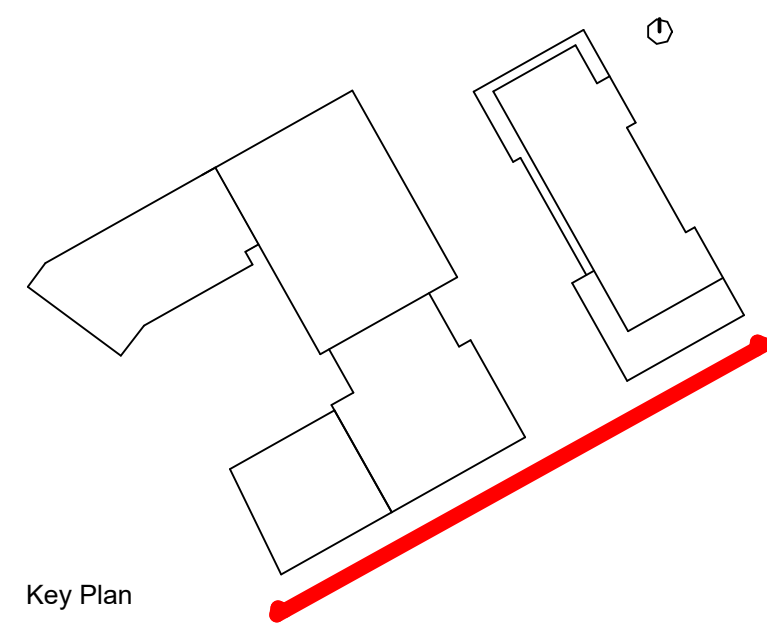
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 Barr's Street
 Bristol

Title
 Proposed Elevations - 02 St James Barton

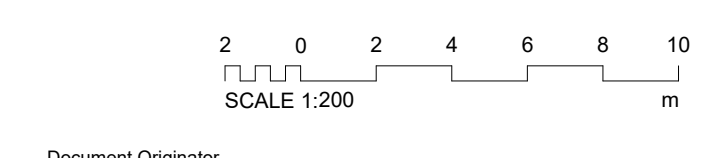
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Rev	Date	Notes	Drn	CHK'd
P03	25/03/24	Revised cycle access and landscape ramp gradient	YK	JF
P02	12/02/24	Revised planning issue	XM	JF
P01	07/11/23	Issued for planning	XM	JDF



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AWW Project Number 4497 Project Stage 2
 Project Title
 Barr's Street
 Bristol

Title
Proposed Elevations - 03 Horsefair

Project	Drawn	Checked	Level	Type	Date	Number	Rev.
4497	AWW	XX	XX	DR	A	30202	P03