



**Assessment and Appeal Statement for:**

**24/01278/PINS & 24/01845/PINS**

**PINS References: - S62A/2024/0034 & S62A/2024/0042/LBC**

**SITE DESCRIPTION**

The planning application concerns 1 The Grove, a 5 storey Pennant rubble stone former warehouse and 57 Prince Street a slightly later 4 storey brick and Pennant rubble stone former warehouse.

The property at 1 The Grove is Grade II listed and it is considered that 57 Prince Street is a curtilage listed (see Key Heritage building below and appended detailed comments from the BCC Conservation Officer which forms the evidence on behalf of the LPA.

The site is also located within the City and Queen Square Conservation Area.

The ground floor is in use as a bar/restaurant and it would appear that the upper floors are or have been used as a hostel, however there is no evidence that this use was ever applied for or given formal permission including the works that appear to have been undertaken to the listed fabric.

**RELEVANT HISTORY**

69/03195/U\_U -Use ground and first floor of premises as Art Gallery – GRANTED subject to condition(s)

77/01138/P\_C - Conversion of seed warehouse to club premises and small workshop units - GRANTED subject to condition(s)

78/00968/U\_U -Alterations of interior to form two new staircases to all levels and some partitions, work associated with additional fire-proofing, replacement of shop front with timber doors - GRANTED subject to condition(s)

78/01655/P\_C - Application under reserved matters on 1022P/76C CA.319/76 - GRANTED subject to condition(s)

78/04785/P\_C - Conversion of existing warehouse to public house and small workshop units.

79/01337/U\_U - New softwood painted windows in existing openings. New staircases, lift and other internal alterations. New roof with clay tiles re-used - GRANTED subject to condition(s)

79/04566/P\_C - Ground floor - Public House. Upper floors - office/small business centre - GRANTED subject to condition(s)

80/01692/U\_U - Conversion of existing buildings into Public House and stores on ground floor and small office units on all upper floors - GRANTED subject to condition(s)

80/03428/P\_C - Conversion of existing buildings into Public House and stores on the ground floor and small office units on all upper floors (LBC 1692/80) - GRANTED subject to condition

81/03381/L\_C - Replace existing shop front and doorway to Prince Street - GRANTED subject to condition(s)

81/04099/P\_C -Change of use of ground floor from stores to Wine Bar – GRANTED subject to condition(s)

82/00282/U\_U - Change of use of first and second floors to restaurant and kitchens /warehouse/stores - GRANTED subject to condition(s)

82/00726/U - Mon 26 Apr 1982 - Alterations to existing ground floor front for wine bar entrance and windows - GRANTED subject to condition(s)

82/02416/P\_C - Mon 16 Aug 1982 - Change of use of 3rd floor from warehousing to staff accommodation - GRANTED subject to condition(s)

90/02534/F - Fri 16 Nov 1990 - Change of use from storage to dance studio, café and light entertainment - GRANTED subject to condition(s)

94/02248/L - Fri 20 Jan 1995 - New signage to building giving identity to the public house. (Externally floodlit) - GRANTED subject to condition(s)

94/02249/A - Fri 20 Jan 1995 - New pub signage externally illuminated by floodlights - GRANTED subject to condition(s)

97/02384/L - Wed 06 May 1998 - Removal of existing infill to original brick arches. General internal layout changes - GRANTED subject to condition(s)

97/02556/F - Wed 06 May 1998 - Alteration to the front entrance of The Clipper from Prince Street - GRANTED subject to condition(s)

97/02744/L - Wed 06 May 1998 - Alterations to existing ground floor front entrance - GRANTED subject to condition(s)

13/04958/F - Fri 20 Dec 2013 - Proposed installation of an ATM through the front elevation – REFUSED

## APPLICATION

The application(s) seek the following as per the description of development as accepted as valid on both applications by The Planning Inspectorate:

A change of use to the 3rd & 4th floor from a hostel to a hotel. The 3rd and 4th floor will be upgraded to comply with building regulations. The alterations to the listed building include the upgrade of walls, floors, windows and doors. Installation of a lift and air con units. As well as layout changes to reduce travel distances.

## RESPONSE TO PUBLICITY AND CONSULTATION

The applications were advertised in press and site notices on 12 June 2024.

Neighbours were consulted via individual letters sent 03.06.24.

No representations received.

## OTHER COMMENTS

BCC CONSERVATION has commented – please refer to Key Issue B and Appendix 2 for full details.

BCC Transport Development Management have commented – please refer to Key Issue C for full details

BCC Pollution Control have commented – please refer to Key Issue D for full details

## RELEVANT POLICIES

Planning Obligations - Supplementary Planning Document - Adopted 27 Sept 2012

City and Queen Square Conservation Area Character Appraisal March 2009

Planning (Listed Buildings & Conservation Areas) Act 1990

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.

## KEY ISSUES

### (A) PRINCIPLE OF DEVELOPMENT

#### Loss of Existing Use

The application via the Description of Development accepted as part of the application validation process is seeking a change of use of the third and fourth floors of the building from hostel to hotel. It is unclear as to why this is given that it would appear they fall within the same use class.

This notwithstanding however, as far as the building use is concerned, the planning history supports an assessment that the 3rd and 4th floors of the Listed corner and Grove blocks should be in office use, and the same floors of the Prince Street block should be in use as office, with the upper floor being accommodation for bar staff associated with the ground floor use. The use of any part of the building as a hostel does not benefit from formal planning permission or alternatively formal confirmation that the use is actually lawful. This notwithstanding, as set out in Key Issue B below, the works undertaken to the listed building

to facilitate a hostel use are also considered not to be lawful as no formal consent for these works being applied for or issued.

Policy BCS8 of the adopted Core Strategy 2011 sets out that the economic performance of the city will be strengthened by providing a sufficient and flexible supply of employment land, addressing barriers to employment and promoting the city as a place to invest. Principal Industrial and Warehousing Areas will be identified and retained for industrial and warehousing uses. Employment land outside of these areas will be retained where it makes a valuable contribution to the economy and employment opportunities. New employment floorspace suitable for smaller businesses will be encouraged as part of mixed-use development

The Bristol Central Area Plan – Adopted March 2015 states within Policy BCAP7 that in Bristol City Centre, where there are existing office buildings that are vacant or underused by reason of their location or their ability to meet modern business needs (notably in and around the Nelson Street and Lewins Mead area), development involving the loss of existing office floorspace will be acceptable where it would contribute positively to the mix of uses in the area. Redevelopment or significant remodelling of the city centre's poorest quality office buildings will be encouraged in preference to conversion, potentially including some further intensification of use.

### Conclusion

The application(s) fails to establish that the hostel use is lawful or that the office accommodation that could be provided on the site would not be valuable to the economic performance of the city. On this basis, it is the LPA's view that the proposals should be refused on the unjustified loss of the office floorspace as it is contrary to the policies set out above.

### Proposed Hotel Use

The NPPF and the Core Strategy both align in directing town centre uses such as retail, offices, leisure and entertainment uses, arts culture and tourism towards designated town centres, and adopted Core Strategy Policy BCS7 provides a schedule of these area designations in Bristol. Hotels fall within the national definition for main town centre uses within the NPPF. A hotel falls within a tourism use which is an appropriate use for this site in sole land use terms due to its City Centre location.

Further, adopted Central Area Plan Policy BCAP10 'Hotel Development' encourages proposals for small-scale, boutique or high quality hotel development, whilst also expecting such development to provide active ground floor uses and/or frontages and achieve high standards of sustainability and urban design in all other respects.

Adopted Core Strategy Policy BCS2 'Bristol City Centre' encourages development that includes mixed uses, including tourism. The policy also expects major development to demonstrate measures to enhance social inclusion and community cohesion, especially in respect of those communities close to the city centre. This policy also expects that the design of development to 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. Street design will give priority to pedestrian access, cycling and public transport. New development should include measures to secure public access and routes for walking, cycling and public transport, including access to waterfront areas.

The hotel proposed is relatively small and therefore its principle in sole land use terms in this central location is supported. The hotel will be on upper floors so will not be providing an active

frontage, but as the existing ground floor bar/restaurant is not impacted by the proposals there will not be any lessening in activity at ground floor at this location.

However, whilst the use may be acceptable in a city centre location, the intensive nature of the proposal applied for in this instance creates significant problems given the sensitive nature of the building and its surroundings. The proposals do not represent a sympathetic approach to historic fabric and plan form; does not adequately make provision for basic servicing and waste facilities or cycle storage; does not provide adequate assessment of or mitigation for surrounding amenity and noise nuisance. Finally, the over-intensive nature of the use is also further borne out through the fact that several hotel rooms not having any windows. The issues are addressed in more detail in the key issues below, however on the basis of the proposals as they stand it cannot be currently concluded that this is the right site for a hotel.

### Conclusion

As such, it is the view of the Local Planning Authority that the given the proposed intensive nature of the hotel and the lack of basic operational facilities, the proposed use is not appropriate in this instance and the application(s) should be refused as it is contrary to the policies set out above.

(B) WOULD THE PROPOSAL CAUSE ANY HARM TO THE HISTORIC INTEREST OR SETTING OF LISTED BUILDINGS AND/OR THE SPECIAL APPEARANCE OF THE CITY AND QUEEN SQUARE CONSERVATION AREA?

The Local Planning Authority is required (under Sections 66 and 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 conservation areas, listed buildings and heritage assets. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

Section 16 of the national guidance within the National Planning Policy Framework (2023) states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Para 201 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 should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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.

Para 207 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Para 203 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Para 209 also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In addition, Bristol Core Strategy (2011) Policy BCS22 seeks to ensure that development proposals safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including historic buildings both nationally and locally listed and conservation areas. Policies DM30 and DM31 in the Site Allocations and Development Management Policies (2014) also express that alterations to buildings should preserve or enhance historic settings. Policy DM31 specifically states that alterations, extensions or changes of use to listed buildings, or development in their vicinity, will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Development within or which would affect the setting of a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance.

The BCC Conservation Officer has commented as follow, please note that this needs to be read in conjunction with the images/figures as set out in their full comments which are at Appendix 2 of this statement.

### Summary

This application includes a significant number of unconsented Listed building works on the “existing” plans. As such, the application is largely retrospective. Furthermore, the current use of the upper floors as a hostel does not appear to enjoy consent. While the additional works intended to create a hotel make only a limited change to the current use and planform, they fail to acknowledge that the current state and use is unlawful or that a degree of harm has already been caused to the architectural and historic character of the buildings. The deteriorated state of the heritage asset should not be taken into account in making any decision; therefore, the previous condition of the building should be considered as a baseline from which to assess the impact of the current proposals as far as possible.

It is clear that the unlawful works have undermined the open character of the warehouse floors, obscured masonry arcading between phases, obscured architectural details, and damaged the appreciation of the buildings industrial interiors. External alterations replacing windows in UPVC or metal have eroded the traditional character of the exteriors and the Conservation Area.

In the planning balance we are required to place great weight in the conservation of designated heritage assets. The application makes no recognition of the scale and impact of unconsented works, subsequently giving no clear or convincing justification for why they should be accepted retrospectively. Whilst there is public benefit in bringing a building into viable new use, the unjustified level of harm already caused undermines any genuine benefits to the public at large.

It is recommended that this application is refused in line with national legislation, and national and local planning policies, designed to protect the historic environment. This includes, but is not limited to, The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning policy framework, Bristol Core Strategic Policy BCS22, and Development Management Policy DM31.

### The Heritage Assets

There are three elements of the site relevant to consider here. The Listed building is the corner block, formerly 1 The Grove. It is clear in the description that the extent of the Listing extends specifically to the 3-bay element adjacent and facing The Grove, though structurally this appears to be a different phase to the corner block.

Not described in the Listed building description is the northern block of six bays facing Prince Street. It's shown on 1890s Goad Insurance Plans as forming a unified part of the same complex of buildings under the occupation of J & R Bush. Without further evidence to demonstrate separate ownership at the date of Listing or 1.1.1948, the Prince Street block is considered to fall under curtilage Listing with the attached blocks.

As an ensemble it is an important element in the maritime character of Bristol docks. It has a strong architectural character given partly through the use of hardwearing and roughly finished natural pennant stone, and partly through the monolithic walls with small openings. It reads readily in the streetscape as a warehouse building type.

Internally, dockside warehouses of this type were intended for storage. Generally, they are open-plan, with substantial floor structures designed to take high loading when in operation. The need to maintain flexible open storage areas required the use of strong but slender structural supports. Within the application buildings this is accomplished with cast iron columns running up through the building. Where the building was extended over the 19th Century new blocks were connected through mighty external walls by introducing arcaded openings. In keeping with the utilitarian function of the building, the pitched roofs were left largely functional and exposed to the top floors.

Along with other nearby warehouses, the application site contributes to the City and Queen Square Conservation Area through its imposing scale and robust industrial appearance.

### Unlawful Works

Existing plans and elevations show a series of alterations for which no Listed building consents exists. These works have been executed particularly within the existing third floor and fourth floor of the principal Listed corner block, and the third floor of the curtilage listed Prince Street block; the fourth floor of this block has consent for partial subdivision for staff accommodation for the former pub use below, but this is not as intense as the present arrangement for that area. These unconsented works are likely to have led to the erosion of the open warehouse character of these spaces, the legibility of the building's use as a warehouse, and the obscuring of architectural and historic details.

Having reviewed the planning history of the site, only the following planning history is relevant in this assessment:

### *80/03428/P\_C*

Conversion of existing buildings into Public House and stores on the ground floor and small office units on all upper floors (LBC 1692/80)

This consent approved a change of use to the upper floors but retained the open character of the spaces on third and fourth floors. A new passage was introduced to access a new rear stair on both floors of the Prince Street and corner blocks. At this point voids and a lift were proposed within a quadrant of the Prince Street block.

Approved section drawings show the top floor, today's 4th floor, was open to the roof rafters.

82/02416/P\_C

Change of use of 3rd floor (present 4th floor) from warehousing to staff accommodation.

This application approved the subdivision of only the fourth floor of the Prince Street block. The consents included the retention of the exposed roof trusses and limited subdivision to two 2-bed staff apartments, and one studio. The corner block had no proposed alterations.

Other planning and Listed building consents identified in the Design and Access Statement relate to areas not affected by the current proposal and are therefore immaterial.

No planning or Listed building consents exist for the instillation of UPVC or metal-framed double-glazed windows anywhere within the Listed properties or within the Conservation Area. Diagrams showing the Local Authority's understanding of the extent of the unlawful works are appended to this statement at Appendix 2.

As far as the building use is concerned, the planning history supports an assessment that the 3rd and 4th floors of the Listed corner and Grove blocks should be in office use, and the same floors of the Prince Street block should be in use as office, with the upper floor being accommodation for bar staff associated with the ground floor use. The use of any part of the building as a hostel does not appear to have consent.

In summary, the extent of the works on the top two floors of the application property are unlawful and are considered to have harmed the protected architectural and historic character of the Listed warehouse interiors. In paragraph 202., the NPPF requires the following of decision makers:

"202. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

As the hostel use and associated subdivision have led to the deterioration of the significance of the heritage assets the current layout and condition cannot be taken into account in any decision. Therefore, the correct approach in considering the proposals is to make an assessment considering the buildings in their last previously consented form as far as ascertainable. We should assume that earlier planning and Listed building consents placed significant weight in the protection of these features on the third and fourth floors:

- Open and exposed roof trusses and rafters
- Open masonry arches between and within blocks
- Wide open floorspace historically associated with warehouse storage
- Exposed and expressed iron columns between floors supporting huge timber beams across the building
- Open masonry arcades linking the three blocks internally
- The traditional character of timber windows inserted in the historic openings

It is of particularly importance that the Listed building description identifies specifically the "open plan" of the building, a characteristic now lost through unlawful subdivision.

The current conversion of the building as a hostel has been executed very poorly. The rooms are poorly arranged with circulation so convoluted that the building has been condemned by the fire brigade as dangerous for occupation. The current conversion and internal appearance



makes no contribution to the significance of the building interiors, their architectural or historic character, and has negatively impacted it.

Please refer to the Images at Para 3.8 of the Conservation Officer's comments at Appendix 2 have been generated using all available information to illustrate how the third and fourth floors of the Listed corner block - 1 The Grove - should appear. They are based on scaled measured drawings and are intended to explain how the "open plan" floors appeared after the completion of consented works, and before unlawful subdivision to form a hostel.

### Heritage Statement

The submitted heritage statement demonstrates no understanding of the planning history where it's relevant to the building's evolution and previous consents. It assumes the as-found condition and use is lawful, and subsequently that there is no significance accorded to obscured roof, wall, and column details, or to the open industrial character of historic open warehouse floorplans. The assessment of significance and impact is therefore inaccurate.

The application lacks an appropriate level of information on the full extent of the current or previous internal condition across both third and fourth floors. The NPPF requires heritage statements to be proportionate to the extent of the proposed works. It is not possible to make an assessment of the significance and potential impact from the low degree of information presented. There are just eight internal photographs and no indication of where these are taken. In this situation we would usually request a site visit, but with the application being made through the Planning Inspectorate we are forced into the position to provide consultation comments on very limited information. We consider that the supporting heritage statement is inadequate to support development and the application lacking in information necessary to make a full assessment.

### Assessment

*Is there harm posed by the development? (NPPF para 200):*

The proposals effectively seek retrospective consent to extensive unlawful works to the Listed buildings. We consider these works have caused significant negative impact on the Victorian warehouse character, details, and appearance internally. Externally, where windows have been replaced with poor quality plastic or metal alternatives, the traditional character and appearance has also been eroded.

The proposed layout for hotel use requires significant further subdivision of the open plan warehouse floors on top of the unlawful works. The additional need for new sanitary accommodation for every room would pose further permanent irreversible harm to the interiors, further obscuring features such as the cast iron columns and floor beams shown on plans. There is no demonstration that servicing through the floors below has been considered for soil pipes, or what the impact would be to other parts of the building below.

There are minimal details provided in respect of the proposed air conditioning units and heat pumps and as such the impact on historic fabric is unknown.

The proposal also does not provide any details of where refuse and recycling receptacles will be stored or collected from. This is likely to result in large commercial waste containers being stored on the highway at all times, to the detriment of the setting of the listed building itself and those in the vicinity as well as character and appearance of the City and Queen Square Conservation Area.

*Has clear and convincing justification been given for the harm? (NPPF para 200):*

The impact of proposals hasn't been given clear and convincing justification, in part because they fail to recognise the extent of unlawful works. The harm posed is therefore unjustified. Clearly, there are ways in which the buildings could be brought back into use that do not pose such a negative impact. Alternative layouts or uses could ensure that historic features are worked around and celebrated as part of development rather than obscured. Areas of the plan could be kept exposed and unobstructed to protect the open plan character, and the existing roof trusses joists could be better used as features within circulation and private rooms. There is no explanation supplied for how the design proposals have been developed in a way that considers historic features and character, or how designs have worked to better to reveal their significance.

*What are the purported public benefits? (NPPF para 202):*

It is not possible to attribute public benefits to the scheme where the degree of unconsented works and lack of clarity over the impact of these is unclear. Bringing the building into a viable new use, one that ensures the future preservation of the heritage assets is, of course, in the public interest, but accepting the degree of harm identified as having already been undertaken and granting retrospective approval without reference to it would not. Where damaging works to a Listed building have been undertaken deliberately and without consent, accepting them through the current application would undermine the legislative framework designed to protect their significance. Any economic or other wider benefits that may arise from the new hotel use are not supported with an evidential basis.

*Do public benefits outweigh harm where that harm has clear and convincing justification? (NPPF para 202)*

We are required to place "great weight" in the conservation of designated heritage assets. The degree of harm posed by the unconsented works is significant, but unjustified. Any measure of public benefit attributable to the current proposals does not offset the harm already posed by those works.

### Conclusion

The LPA therefore recommends that the application(s) are refused in line with national legislation, and national and local planning policies, designed to protect the historic environment. This includes, but is not limited to, The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the National Planning Policy Framework 2023 as well as the Local Policies as set out above and guidance within the City and Queen Square Conservation Area Character Appraisal March 2009.

### (C) WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?

Paragraph 108 of the NPPF (2023) states that transport issues should be considered from the earliest stages of plan-making and development proposals. Paragraph 109 adds that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. The NPPF further states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities. This section of the NPPF also

states that planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking.

Bristol City Council Core Strategy (2011) Policy BCS10 advocates that new development should be designed and located to ensure the provision of safe streets and requires proposals to minimise the need to travel, especially by private car and to reduce the negative impacts of vehicles such as excessive volumes, fumes and noise. This policy also advocates that new development should be designed and located to ensure the provision of safe streets and states that proposals should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area. This policy also states that development proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density mixed use development at accessible centres and along or close to main public transport routes. Proposals should minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport. Policy BCS13 in the same document states that development should mitigate climate change through measures including patterns of development which encourage walking, cycling and the use of public transport instead of journeys by private car. Policy BCS15 of the Core Strategy require developments to make adequate provision for refuse storage and collection of refuse.

Policy BCS21 states that development will be expected to promote accessibility and permeability by creating places that connect with each other and are easy to move through.

Policy DM23 in the Site Allocations and Development Management Policies (2014) further states that development should not give rise to unacceptable transport conditions and will be expected to provide safe and adequate access. Further, this policy sets out the transport and traffic considerations that development proposals should address. This includes parking standards for residential and non-residential development, with the supplementary policy text noting that the approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport. To optimise access to sustainable transport modes, new development should provide links with existing public transport, pedestrian and cycle networks through its design and layout. Proposals for parking, servicing and loading should make effective and efficient use of land and be integral to the design of the development.

Adopted Central Area Plan BCAP29 states that development in Bristol City Centre will be expected to meet or exceed the minimum standards for secure cycle parking and disabled car parking set out in the Parking Standards Schedule at Appendix 2 to the Site Allocations and Development Management Policies. Cycle parking provision and associated facilities should be designed to a high quality which meets the requirements of all cyclists using new development including residents, staff and visitors.

The proposals have been considered by the Council's Transport Development Management Team (TDM) as follows:

The proposal is in a city centre location with good access to transport facilities. There is no objection to the car free nature of the development.

### Cycle Parking

Policy DM23 of the Site Allocations and Development Management Policies outlines the minimum standard for cycle parking. For a hotel of this size, the minimum cycle parking standard would be 1 space per 10 bed spaces. This would equate to 4 spaces, which would be expected to be 2no Sheffield type stands, provided at ground level and laid out as

recommended in the Transport Development Management Guidance, Cycle Parking document.

The proposal does not include any cycle parking so does not meet the requirements of Policies DM23 or BCAP29 and the NPPF 2023.

As the proposals do not include the ground floor, there is no scope to secure these by a condition.

### Refuse Storage

The proposal does not provide any detail of where refuse will be stored or collected from. This is likely to result in large commercial waste containers being stored on the highway at all times, to the detriment of safety and accessibility.

Prince Street is identified as a secondary pedestrian route under BCAP 30 (Bristol Local Plan - Central Area Action Plan) which states: "Development that would be harmful to the amenity or accessibility of primary or secondary pedestrian routes will not be permitted." Bins left out on Prince Street would be in contradiction to this policy.

The Grove has a narrow footway and any commercial bins left out on The Grove would unacceptably restrict footway use.

Therefore, the lack of provision for refuse storage and collection is considered contrary to policies DM23 of the Site Allocations and Development Management Policies, and DM10 of the Core Strategy, as this lack of provision would create unacceptably unsafe obstruction of the footways to the detriment of pedestrian safety.

Furthermore, DM32 of the Site Allocations and Policy BCS15 of the Core Strategy require developments to make adequate provision for refuse storage and collection, which this proposal does not do, so the proposals are also contrary to these policies and the NPPF 2023.

As the proposals do not include the ground floor, there is no scope to secure these by a condition.

### Conclusion

As such it is the view of the LPA that the application(s) be refused on the grounds of unsuitable refuse and recycling storage provision to the detriment of highway safety (it should be noted that this is in addition to the visual impact relating to this matter as set out in Key Issue B above) contrary to the policies named above and the NPPF 2023.

In addition, it is also the view of the LPA that the application(s) be refused on the grounds of non-provision of safe, secure and covered cycle storage contrary to the policies named above and the NPPF 2023.

### **(D) IMPACT ON AMENITY OF SURROUNDING AND FUTURE OCCUPANTS**

Paragraph 191 of the NPPF (2023) states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life and limit the impact of light

pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy BCS21 in the Bristol Core Strategy (2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies (2014) states that proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. This policy, as well as DM27, further states that new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

Policy BCS23 in the Bristol Core Strategy (2011) states that the locating of development should take account of the impact of the proposed development on the viability of existing surrounding uses by reason of its sensitivity to noise pollution. This policy further states that development should be sited and designed in a way as to avoid adversely impacting upon the environmental amenity or biodiversity of the surrounding area by reason of light pollution. Policy DM35 in the Site Allocations and Development Management Policies (2014) states that any scheme which will have an unacceptable impact on environmental amenity by reason of noise will be expected to provide an appropriate scheme of mitigation.

The adopted Bristol Core Strategy Policy BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable, by meeting appropriate space standards. The Core Strategy states that building to suitable space standards will ensure new homes provide sufficient space for everyday activities. Under the 2015 Housing Standards Review a new nationally described space standard was introduced and in March 2015 a written ministerial statement to parliament confirmed that from 1 October 2015 existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard.

### Noise and Disturbance

The proposals have been considered by the Council's Pollution Control Team who have commented that the application has not been supported by any information regarding the proposed plant.

Without any further information regarding the proposed air conditioning unit(s) and heat pump (s), it is not possible to tell whether it will be suitable in that location. The unit is proposed to be located in a relatively enclosed space with a number of reflective surfaces and no locational details are provided for the heat pumps. Significant further details would need to be submitted with the application, such as a noise impact assessment to show that the air conditioning unit will not cause harm to the occupants of neighbouring properties. As such the application cannot be supported on these grounds.

### Conclusion

It is the view of the LPA that the application(s) should be refused on the basis of the lack of evidence that the proposed plant would not cause detrimental noise disturbance to surrounding amenities as is contrary to the policies as set out above as well as the NPPF 2023.

### Privacy and Outlook

Given the nature of the application, the lack of changes to the elevations, the siting and city centre location of the building, it is not considered that there would be detrimental impacts in terms of privacy and outlook to warrant the refusal of the application on this basis in this instance.

#### (E) NATURE CONSERVATION

Paragraph 191 of the NPPF (2023) states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 180 also states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 186 also sets out that applications on land within or outside a Site of Special Scientific Interest which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

Policy DM19 in the Site within the Site Allocations and Development Management Policies (2014) states that development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.

Given the nature of the proposal it is not considered that there would be any negative impacts on nature conservation in this instance and does not meet the criteria for requiring BNG.

#### (F) SUSTAINABILITY

Policies BCS13, BCS14, BCS15 of the adopted Core Strategy set out the criteria for the sustainability standards to be achieved in any development, and what measures to be included to ensure that development meets the climate change goals of the development plan. Applicants are expected to demonstrate that a development would meet those standards by means of a sustainability and energy statement.

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. Bristol City Council's Climate Change and Sustainability Practice Note provides further advice on these matters.

The proposals have been considered by the Council's Sustainable Cities Team and they have commented that the applicant has not provided sufficient information to assess compliance with policies BCS13, BCS14 and BCS15, the documents submitted are missing: Overheating Strategy (including an overheating assessment for weather files 2020, 2050,2080) and Energy Statement. Without this further information the application cannot be supported.

### Overheating

Policy BCS13 states:

“Development should adapt to climate change through measures including:

- Site layouts and approaches to design and construction which provide resilience to climate change.
- Avoiding responses to climate impacts which lead to increases in energy use and carbon dioxide emissions.
- 

These measures should be integrated into the design of new development”

Emerging Policy NZC1 of the Bristol Local Plan (Publication Version November 2023) states that *‘development should contribute to both mitigating and adapting to climate change, and to meeting local and national climate objectives, through measures including: Ensuring all development is adapted to changes in the local climate over the lifetime of the scheme (see policy NZC4 ‘Adaptation to a changing climate’)’*

Emerging Policy NZC2 of the Bristol Local Plan (Publication Version November 2023) states that for development involving existing buildings: *‘Where work is being carried out to existing buildings and it is not feasible for the full residential and non-residential targets above to be met, the energy strategy should show that energy demand has been reduced to the lowest practical level using energy efficiency measures, heating and cooling systems have been selected in accordance with the heating and cooling hierarchy and that on-site renewable energy generation will be maximised’.*

It goes on to outline in relation to cooling: *Development should seek to eliminate the need for cooling systems throughout the life-cycle of the development and, where cooling systems are required, minimise their capacity and energy consumption in accordance with the following hierarchy: „ Minimise the amount of heat entering buildings during warmer months through orientation, form, shading, surface finish, glazing design and insulation; then „ Minimise internal heat generation through energy efficient design and specification; then „ Maximise the use of passive ventilation to manage internal temperatures; and then „ Having minimised the need for cooling, meet any residual requirement through energy efficient mechanical ventilation and active cooling systems.*

Emerging Policy NZC4 of the Bristol Local Plan (Publication Version November 2023) states *'Development proposals should be resilient to the effects of a changing climate. Applicants should submit an adaptation strategy that demonstrates how the proposal has been designed to achieve this. It should also show how the development will provide for the comfort, health and wellbeing of current and future occupants and the surrounding environment.'*

No information has been submitted relating to an assessment of overheating risk (using dynamic thermal modelling such as CIBSE or equivalent for weather files 2020, 2050 and 2080). There are units / rooms which are at risk of overheating (small space, single aspect, window with significant solar gain), the BRUKL document identifies spaces at risk under the current weather file, with no commentary on mitigation, or consideration of projected temperatures seen in the 2050 or 2080 weather files. 2050 includes weather years 2041- 2070 so higher temperatures in the near future.

This could result in not only an uncomfortable and unhealthy living environment but also a need for reliance of energy intensive cooling such as air conditioning, which would then increase the overall energy use of the building contrary to Policy BCS14.

Whilst it is appreciated this is a change of use and a listed building so opportunities to include physical mitigation measures may be limited, the issue has not been addressed in a cohesive manner. At the very least it is expected that the application would be supported with some commentary about the various mitigation measures considered, including an assessment of predicted climate change and how this will be managed, and there is definitely scope in the internal layout to reduce risk factors such as (single aspect, tiny rooms,) and to include consideration of appropriate energy efficient cooling where required (and the energy demand for cooling has been reduced through other measures).

## Energy

BCS14 states "Within Heat Priority Areas, major development will be expected to incorporate, where feasible, infrastructure for district heating" The site is in the BCS14 heat priority area (map 4.14.1) of the adopted local plan.

Emerging Policy NZC2 of the Bristol Local Plan (Publication Version November 2023) states that development must be 'highly energy efficient, minimising the demand for heating, cooling, hot water, auxiliary energy, lighting...'

The application is supported by a sustainability statement, which doesn't include an energy table, although it refers to an Energy Statement, which doesn't appear to have been submitted. There is no reference or exploration of connection to the Bristol Heat Network and the proposed Heating and hot water has very poor level of efficiency shown in the BRUKL document.

In terms of energy efficiency, it appears that some of the windows are being replaced but nothing on additional secondary glazing or insulation. It's also in the city centre but there is no mention of the heat network (it is appreciated that the conversion is only for part of the building so not sure how this would work in reality but it hasn't been addressed at all). On renewables, it's not explicit what technology they are using or whether this meets or goes towards the requirement to meet the 20% reduction in residual CO2 emissions required by Policy BCS14. Or whether offset payment is required. There does not appear to have been any discussion or



consideration of solar PV on any of the less visible roof valleys (this is usually the compromise agreed with the Conservation Officer in LB applications).

The layout results in some of the rooms not having windows, and utilising air conditioning units, which will obviously result in a high energy demand overall from both lighting and also the air conditioning unit constantly running for ventilation. It therefore doesn't appear that this building is well suited to having lots of small rooms.

The application includes the submission of BRUKL documents which seem to show very poor air permeability (25), could this not be improved on a fit out? It looks like the selections on the BRUKL don't have great efficiency for heating or DHW.

As set out above, there is no overheating assessment, and the BRUKL does identify at risk rooms.

Overall the resultant accommodation appears to be poor quality, rooms without windows would require a high energy use to light them and keep them warm (no solar gain), as well as high energy use of requiring constant air conditioning for ventilation.

### Conclusion

The LPA would recommend refusal on this matter on the basis that the application fails to demonstrate:

That the proposal's approach to design and construction will provide resilience to climate change and avoid responses to climate impacts which lead to increases in energy use and carbon dioxide emissions and is therefore contrary to Policy BCS13 of the Bristol Development Plan: Core Strategy (Adopted June 2011), the provisions of the National Planning Policy Framework, and emerging Policies NZC1, NZC2 and NZC4 of the Bristol Local Plan (Publication Version November 2023)

The application also fails to demonstrate compliance with Policy BCS14 and emerging policy NZC2 (development relating to existing buildings). In particular it fails to demonstrate due consideration and compliance with the energy hierarchy in BCS14, and fails to demonstrate compliance with the Heat Hierarchy in BCS14 and NZC2 and is therefore contrary to Policy BCS14 of the Bristol Development Plan: Core Strategy (Adopted June 2011), the provisions of the National Planning Policy Framework, and emerging Policy NZC2 of the Bristol Local Plan (Publication Version November 2023).

### (G) FLOOD RISK

Paragraph 165 of the National Planning Policy Framework (2023) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Bristol Core Strategy (2011) Policy BCS16 states that all development will also be expected to incorporate water management measures to reduce surface water run-off and ensure that

it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SUDS).

The application site is within Flood Zone 3.

A Flood Risk Assessment has been submitted which states:

“As the change of use is proposed at upper floor levels only, and is from one more vulnerable use (hostel) to another use (hotel) in the same flood vulnerability category, no flood resilience measures are proposed and that in the unlikely event of flooding, residents would be instructed to remain at upper floor levels in the first instance, or else evacuate the building and head to higher ground immediately to the north on Queen Square.”

Notwithstanding the issues as set out above regarding the lawful use of the upper floors, it is noted that permission for a type of residential use (staff accommodation) of the site was granted in the 1980s which constitutes a More Vulnerable Use. As such no objection is raised on flood risk grounds in this instance subject to the imposition of a condition regarding flood evacuation routes.

## CONCLUSION

Further to the above, it is recommended that the applications be refused as follows:

**RECOMMEND: REFUSAL - S62A/2024/0034 (24/01278/PINS)**

**RECOMMEND: REFUSAL - S62A/2024/0042/LBC (24/01845/PINS)**

## APPENDIX 1 – SUGGESTED CONDITIONS

Without prejudice to the LPA’s Statement, should the Planning Inspectorate see fit to approve the proposals and consider that these could be secured by conditions, The LPA would suggest the following conditions:

### **S62A/2024/0034 (24/01278/PINS)**

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. Employment Opportunities

No development shall take place including any works of demolition until the developer/occupier enters into an Agreement with the City Council to produce and implement a strategy that aims to maximise the opportunities for local residents to access employment offered by the development. The developer/occupier shall engage with the City Council in respect of the Agreement within 8 weeks of the grant of planning permission. The approved strategy shall be undertaken in accordance with an agreed timetable.

Reason: In recognition of the employment opportunity offered by the development

3. Large Scale Details

Notwithstanding any notations on any approved plans, prior to the commencement of the relevant element the following detailed drawings shall be submitted to the Local Planning Authority and approved in writing:

- a. Details to an appropriate scale showing all proposed new penetrations for flues, vents, soil vent pipes, and other services through the existing wall, floor or roof of the buildings
- b. 1:5 section and 1:10 elevations of all proposed new and replacement windows and showing all proposed materials, frames, profiles, glazing, glazing bars, and fabric connections at head, reveal, and cills
- c. Typical 1:5 section details of new internal partitions at head, floor, and existing walls.

The development shall be completed in accordance with the approved drawings.

Reason: To safeguard the architectural and historic significance of the Listed building and character of the City and Queen Square Conservation Area

4. UPVC Windows

Notwithstanding the proposed drawings, the existing unconsented UPVC windows shall be removed and replaced with timber windows within twelve months of the date of this permission to the written satisfaction of the Local Planning Authority

Reason: To reverse unconsented works judged to harm the character of the City and Queen Square Conservation Area

5. Overheating condition

No development shall take place until an overheating risk assessment (based on a recognised methodology and criteria such as C.I.B.S.E TM52/ TM59, or equivalent, against weather files to 2080, based on a medium emissions, 50<sup>th</sup> percentile scenario), together with details of mitigation measures (minimising any increase to

the energy use of the development and carbon dioxide emissions) in the event that the overheating risk assessment identifies risks for any units/rooms, has been submitted to and approved in writing by the Local Planning Authority.

The approved measures must then be implemented prior to the first occupation of the development hereby approved to the satisfaction of the Local Planning Authority.

Reason: In order to ensure the resilience of the development to climate change and to ensure compliance with Policy BCS13 of the Bristol Core Strategy (Adopted June 2011).

6. Energy efficiency and Renewable energy

No development shall take place until an energy statement is submitted to the Local Planning Authority, to be approved in writing. The energy statement shall demonstrate how the energy hierarchy has been followed, how the heat hierarchy has been applied and how a 20% reduction in carbon dioxide emissions beyond residual emissions through renewable technologies has been achieved including full technology specifications and locations.

Prior to occupation, evidence demonstrating that the approved measures have been implemented, together with detail of ongoing management and maintenance to ensure the measures continue to achieve the predicted CO<sub>2</sub> emissions reduction shall be submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure the resilience of the development to climate change

7. Heat Pumps

Prior to the commencement of the relevant element, details (including the exact location, dimensions, final design/ technical specification and method of fixing) together with calculation of energy generation and associated CO<sub>2</sub> emissions to achieve a reduction on residual emissions from renewable energy of 20% or more in line with the approved energy statement should be submitted to the Local Planning Authority and approved in writing. The approved renewable technology shall be installed and operational prior to the first occupation of the use which they serve and retained as operational thereafter in perpetuity.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions

Pre occupation condition(s)

8. Flood Evacuation Plan

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 management on the site

9. Noise from plant and equipment

No commencement of each of the use hereby approved 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 been approved in writing by the Local Planning Authority.

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

The development shall then be managed and maintained in accordance with this assessment in perpetuity

Reason: In order to safeguard the amenities of adjoining residential occupiers. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.

10. Energy and Sustainability in Accordance with Statement

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 Statement EPW-HYD-00-ZZ-RP-ME-0007 P06 dated 03.04.19 prepared by Hydrock Consultants Ltd prior to first occupation of the development hereby approved and thereafter be maintained in perpetuity.

A reduction in carbon dioxide emissions below residual emissions through on-site renewable technologies of at least 20% shall be achieved

Reason: To ensure the development incorporates measures to minimise the effects of and can adapt to a changing climate in accordance with policies BCS13 (Climate Change), BC14 (sustainable energy), BCS15 (Sustainable design and construction), DM29 (Design of new buildings), BCAP20 (Sustainable design standards), BCAP21 (connection to heat networks).

11. Delivery Management Plan

No commencement of the use hereby approved at the development shall take place until there has been submitted to and approved in writing, by the Local Planning Authority, a Delivery Management Plan, setting out details of the times of deliveries, type of delivery, size of delivery vehicle(s), delivery route and location, frequency of deliveries (daily/weekly).

The uses shall then operate in full accordance with the approved Delivery Management Plan in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of occupiers nearby and to ensure the unhindered operation of the public bus routes.

12. Operational Management, Maintenance and Security Strategy

No development hereby permitted shall be occupied or use commenced until details of the operational management, maintenance and safety and security protocols and measures for the development hereby approved are submitted to and approved in writing by the Local Planning Authority. The details (including drawings to a relevant scale where necessary) of the following are required unless otherwise agreed in writing by the Local Planning Authority:

- (a) The day-to-day management and maintenance of the site including details relating to the use and management of all accesses including an out of hours strategy (security arrangements and systems, emergency/complaint protocols)
- (b) A written refuse management strategy to include how refuse and recycling will be transferred to the stores, how refuse and recycling will be collected from the site, when and how often

The Management Plan and associated Security arrangements shall be implemented prior to the first occupation of the development and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure responsibility for the management of these facilities and to safeguard the appearance of the development, highway safety and the amenities of future and existing residents and businesses and the visual appearance of the area and to ensure the development is safe and secure

13. Cycle Storage

No building or use hereby permitted shall be occupied or the use commenced until further details of secure and covered cycle store (including separate staff cycle storage provision) shall be submitted to, approved in writing by the Local Planning Authority and 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.

14. Refuse and Recycling storage

No building or use hereby permitted shall be occupied or the use commenced until further details of refuse storage facilities shall be submitted to, approved in writing by the Local Planning Authority and installed. 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) at any time.

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"

#### Post occupation management

15. Restriction of noise from plant and equipment

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

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

16. Use of Refuse and recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

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

17. External Works to Match

All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

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

18. List of approved plans and drawings

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

Xxxxx

Reason: For the avoidance of doubt

#### **S62A/2024/0042/LBC (24/01845/PINS)**

#### Time limit for commencement of development

1. Listed Building Consent or Conservation Area Consent

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

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004.

#### Pre commencement condition(s)

2. Notwithstanding any notations on any approved plans, prior to the commencement of the relevant element the following detailed drawings shall be submitted to the Local Planning Authority and approved in writing:

- Details to an appropriate scale showing all proposed new penetrations for flues, vents, soil vent pipes, and other services through the existing wall, floor or roof of the buildings
- 1:5 section and 1:10 elevations of all proposed new and replacement windows and showing all proposed materials, frames, profiles, glazing, glazing bars, and fabric connections at head, reveal, and cills
- Typical 1:5 section details of new internal partitions at head, floor, and existing walls.

The development shall be completed in accordance with the approved drawings.

Reason: To safeguard the architectural and historic significance of the Listed building and character of the City and Queen Square Conservation Area

3. Notwithstanding the proposed drawings, the existing unconsented UPVC windows shall be removed and replaced with timber windows within twelve months of the date of this permission to the written satisfaction of the Local Planning Authority

Reason: To reverse unconsented works judged to harm the character of the City and Queen Square Conservation Area

4. Internal features

All existing internal decoration features, including plaster work, ironwork, fireplaces, doors, windows, staircases, staircase balustrade and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified in the approved drawings.

Reason: In order that the special architectural and historic interest of this Listed Building is safeguarded.

5. New works to match - Listed Building

All new external and internal works and finishes, and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: In order that the special architectural and historic interest of this Listed Building is safeguarded.

6. Partitions - Listed Building

All new partitions shall be scribed around the existing ornamental plaster mouldings.

Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving its special architectural or historic interest.

7. List of approved plans and drawings



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

Xxxxx

Reason: For the avoidance of doubt

## **APPENDIX 2 – BCC CONSERVATION OFFICER COMMENTS**