

Officer's Report – Application Ref: 23/03117/F



'Hold Date'	
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Bristol City Council Development Management

Delegated Report and Decision

Application No: 23/03117/F **Registered:** 21 August 2023

Type of Application: Full Planning
Case Officer: [REDACTED] **Expiry Date:** 16 October 2023

Site Address:

39 - 43 College
Green
Bristol
BS1 5SH

Description of Development:

Change of use of existing ground floor retail unit (Use Class A3) to ancillary uses for the existing student accommodation (Sui Generis), along with associated external alterations and new signage.

Ward: Central

Site Visit Date:

Date Photos Taken:

Consultation Expiry Dates:

**Advert
and/or Site
Notice:** 6 Dec 2023

Neighbour: 20 Sep 2023

SITE DESCRIPTION

The application relates to a vacant unit, more recently occupied by a restaurant (Izakaya) which is located within a Secondary Shopping Frontage as identified by the adopted Local Plan. The site is also within the designated City Centre.

The site is also within the College Green Conservation Area. There are listed buildings adjacent (37 and 38 College Green - Grade II) although the site itself is not listed. The building itself was constructed in the mid- 20th Century and has a characteristic copper framed entrance and core to the upper floors as a taller element.

There is student accommodation (84 bedspaces of serviced student apartments) above the application site, which is currently accessed from the side entrance to the west of the application site. This side access route as well as the rear parking area and the upper floors are all included in the red line boundary, although the focus of the application is on the vacant unit as mentioned.

RELEVANT HISTORY

23/03118/A

Part removal of existing signage and installation of new 1no. internally illuminated fascia sign, 1no. internally illuminated projecting sign, and new non-illuminated 1no. fascia sign and 1no. tray sign.

**DEVELOPMENT CONTROL () DELEGATED
39 - 43 College Green Bristol BS1 5SH**

Accompanying application for advert consent - PENDING CONSIDERATION

22/02518/F

Removal and replacement of cladding with fire-resistant materials to match existing.
Permission granted 19 October 2022

22/04964/A

Fixing of replacement advertisement signage (fascia lettering) onto external building frontage, new non-illuminated projecting box signage to left of main door (corner) and tray sign (latter in retrospect).

Consent Granted 3 August 2023

13/01933/F

New aluminium shopfront including new glazed entrance door and 4 No. folding sliding windows above rendered stall riser. Finished to match stone facade. Alteration of rear doors and installation of air extract grille to rear.

Permission granted July 2013

13/01934/F

Change of use from class use A1 shops to A3 restaurants and cafes.

Permission granted 8 July 2013

OTHER RELEVANT PLANNING HISTORY

20/01395/F

34 Park Street

Partial change of use from shop (Use Class A1) and ancillary floorspace to 7 units of student accommodation (sui generis), with associated works including a rear extension.

Permission granted 20.07.20

APPLICATION

It is proposed to convert the restaurant unit at no. 39 into an enhanced entrance lobby relating to the student accommodation use on the upper floors.

The proposal would also allow for the incorporation of a new staff office, co-working area and would enable the rationalisation of the refuse storage - the latter currently being located in the access alleyway to the west of the site.

A new PPC framed aluminium shopfront would be installed, with two divisions to the window (rather than four as existing), and new door, albeit it would have a similar appearance to the existing aluminium framed shopfront. Altered signage is sought via a separate application.

Four new aluminium framed windows are proposed to be inserted at ground floor level facing west onto the access alleyway.

RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised by letter sent to 96 nearby occupiers on 30.08.2023. A site notice was also posted on 15.11.2023. No comments have been received in response.

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39 - 43 College Green Bristol BS1 5SH**

OTHER COMMENTS

Crime Reduction Unit has commented as follows:-

The proposed new windows (west elevation) will be particularly vulnerable as they lack natural surveillance have no defensible space and within easy reach. It is vital they meet either a security standard or have internal shuttering, which could be open lattice type design. We would recommend products meeting LPS 1175 and that any glazing is toughened laminate.

' The new bin store door will also be vulnerable due to lack of surveillance and as it can provide access into the core of the building it must meet a security standard. Again we would recommend a product meeting LPS 1175 B3 standard.

' There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. We would therefore advise that units meeting TS 009 are used.

OFFICER NOTE:

An advice note to this effect would be included in the event of an approval.

Transport Development Management has commented as follows:-

TDM do not object to the proposal but ask for the following conditions and informatives to be applied if approved:

C5A) refuse storage

I023A) Oversailing

RELEVANT POLICIES

College Green Conservation Area Character Appraisal

National Planning Policy Framework – December 2023

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation 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 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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 DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

The NPPF recognises the importance of defining a network and hierarchy of town centres to promote their long term vitality and viability.

Core Strategy policy BCS7 also supports uses which contribute to maintaining the vitality, viability and diversity of centres.

Bristol Central Area Plan policy BCAP17 'Secondary Shopping Frontages' states:

Within Secondary Shopping Frontages the development of retail or other related uses will be

DEVELOPMENT CONTROL () DELEGATED
39 - 43 College Green Bristol BS1 5SH

acceptable where they would help to maintain or enhance the function of the centre. In all cases the proposed use will be expected:

- i. To complement the retail function of the centre and not harm its vitality, viability or diversity; and
- ii. Not to harmfully dominate or fragment frontages; and
- iii. To generate a reasonable level of footfall and be of general public interest or service; and
- iv. To be compatible with a shopping area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street. 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.

Assessment of each of the above criteria is as follows:

- i) The proposed change of use away from a town centre use, to form a private entrance to residential accommodation, is considered to harm the vitality, viability and diversity of this part of the secondary shopping frontage
- ii) The unit in question is located on the end of the stretch of protected frontage, and whilst it would not fragment or dominate the overall frontage, it would reduce the range of uses available in this part of the parade of shops as only 2 out of the 3 units would remain
- iii) The proposal would not generate public interest as it would be accessible for residents of the upper floors only
- iv) The application supporting documents state that in view of the modest size of the unit in question (90sqm) its loss would not impact on the vitality, viability or diversity of the shopping frontage. However, the proposal would not be accessible to the public and the application does not demonstrate that it would not be detrimental to the continued viability of the retail space. Remaining uses within the parade would be the now vacant Co-op frontage, and The Back Shop. With the loss of one unit, the balance and diversity of this part of the parade would be diminished

Each of the above criteria needs to be met in order to ensure compliance with the policy, however it is not considered that any of the criteria are met.

The application supporting documents refer to a case on Park Street (20/01395/F - referenced in the history section above), however, for this site, within a Primary Shopping Frontage, the town centre unit (retail use) was retained along the ground floor frontage.

The proposal would fail to comply with policy BCAP17 as it would not maintain or enhance the function of the centre and would not result in a use that is complementary to the centre's role.

(B) WOULD THE PROPOSAL SAFEGUARD NEARBY AMENITY?

No adverse issues have been identified.

(C) WOULD THERE BE ANY HARM TO THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA, AND WOULD A HIGH QUALITY DESIGN BE DELIVERED?

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, conservation area or their 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 they may possess. In all cases, where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight."

Section 16 of the NPPF states that when considering the impact of a proposed development on the

**DEVELOPMENT CONTROL () DELEGATED
39 - 43 College Green Bristol BS1 5SH**

significance of a designated heritage asset, great weight should be given to the asset's conservation. 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).

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.

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, adopted Local Plan policies BCS22 (Core Strategy) and DM31 (Site Allocations and Development Management Policies) seek to ensure that development proposals safeguard or enhance heritage assets in the city.

BCS21 expects a high quality design to be demonstrated in all proposals.

The proposal would have the effect of upgrading the current aluminium framed shopfront to one with similar dimensions and the same materials. Additional windows on the west elevation fronting the access alley would also be aluminium framed, and this material is also used on the upper floor glazing.

Whilst aluminium is not a traditional material used in conservation areas, the proposal would align with windows and shopfronts in the existing building, which are also aluminium framed. It is not considered that harm would arise as a result of the proposals, such that would adversely affect the setting of the adjacent listed buildings or the character or appearance of the conservation area.

In design terms, the appearance of the new fenestration would therefore be acceptable in this case.

(D) WOULD THE PROPOSAL HAVE ANY IMPACT ON THE OPERATION OF THE HIGHWAY?

The NPPF states that developments should ensure that safe and suitable access can be achieved for all users. It also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

BCS10 sets out development proposals should be located where sustainable travel patterns can be achieved and with more intensive, higher density development at accessible centres and along or close to public transport routes. It requires developments to be designed and located to ensure the provision of safe streets.

DM23 expects development to provide a safe and adequate access onto the highway network secure, accessible and usable level of parking provision having a regard to parking standards, as well as secure and well-located cycle parking and facilities for cyclists. The same policy also expects developments to provide appropriate servicing and loading facilities which make effective and efficient use of land and be integral to the design of the development. DM32 requires residential development to provide sufficient space for the storage of recycling and refuse

DEVELOPMENT CONTROL () DELEGATED
39 - 43 College Green Bristol BS1 5SH

containers, and for the need for storage to be acceptable in terms of its visual impact.

The proposal would result in the refuse storage being moved inside the building, into the space vacated by the restaurant. No objections have been raised by the Council's TDM officer, although it is noted that storing the receptacles away from the external access alleyway would be an improvement on the existing situation, albeit a preferable solution could have been explored aside from proposing the loss of an entire town centre unit.

This factor does not weigh into the balance towards accepting the change of use, in view of the land use principle issues that have been identified.

CONCLUSION

The proposal would result in the loss of a town centre use that contributes to the vitality, viability and diversity of the Secondary Shopping Frontage, with no replacement publicly accessible element that could complement the function of the shopping frontage. The proposal would be contrary to the NPPF, BCS7 and BCAP17 and is recommended for REFUSAL.

COMMUNITY INFRASTRUCTURE LEVY

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. 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 different groups or implications for the Equality Act 2010.

RECOMMENDED REFUSED

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

Reason(s)

1. The proposal would result in the loss of a town centre use that contributes to the vitality, viability and diversity of the Secondary Shopping Frontage, with no replacement publicly accessible element that could complement the function of the shopping frontage. It would therefore have the effect of reducing the range of services available and as a result, harm the overall function of the designated Secondary Shopping Frontage, thereby diminishing the wider role of the designated Centre. The proposal would therefore be contrary to the NPPF, BCS7 of the Core Strategy 2011, and BCAP17 of the Central Area Plan 2015.

DEVELOPMENT CONTROL () DELEGATED
39 - 43 College Green Bristol BS1 5SH

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

Site Location Plan

, received 21 August 2023

0042_PL(90)010A Proposed Block Plan

, received 21 August 2023

0031_PL(EX)010A Existing Floor Plans

, received 21 August 2023

0031_PL(EX)011A Existing Elevations, received 21 August 2023

0031_PL(20)010A Proposed Floor Plans

, received 21 August 2023

0031_PL(20)011A Proposed Elevations, received 21 August 2023

Case Officer: [REDACTED]

Authorisation: [REDACTED]

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