

# PLANNING AND HERITAGE STATEMENT

Change of use of part of the ground floor to purpose-built student accommodation and external alterations

Planning Supporting Statement for  
Empiric Bristol Plc  
39 – 43 College Green  
Bristol  
BS1 5SH

June 2024  
Reference 24-01298

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
	Overview	1
	Submitted Plans and Documents	1
<b>2</b>	<b>SITE DESCRIPTION.....</b>	<b>2</b>
	Site description	2
	Non-heritage land designations	3
	Heritage designations	3
	Planning history	4
<b>3</b>	<b>PLANNING POLICY CONTEXT.....</b>	<b>6</b>
	The Development Plan	6
	Bristol Core Strategy (2011)	6
	Site Allocations and Development Management DPD (2014)	6
	Bristol Central Areas Plan (2015)	6
	Supplementary planning documents, guidance and advice	7
	The National Planning Policy Framework	7
	Other and emerging planning documents	7
<b>4</b>	<b>THE PROPOSED DEVELOPMENT .....</b>	<b>8</b>
	Employment and Skills Plan	8
	Retail Analysis	9
	Draft planning obligations and CIL	9
	Key Planning Considerations	10
	Employment and Skills Plan	10
	Retail Analysis	10
	Draft planning obligations and CIL	11
	Key Planning Considerations	11
<b>5</b>	<b>KEY PLANNING CONSIDERATION 1 – CHANGE OF USE AND LAND USE EFFICIENCY .....</b>	<b>12</b>
	NPPF Background	12
	Change of use and the loss of ‘retail’	12
	Change of use – specialist student housing	13
	Other material matters	14
<b>6</b>	<b>KEY PLANNING CONSIDERATION 2 – DESIGN AND HERITAGE .....</b>	<b>15</b>
	Design	15
	Heritage	15
<b>7</b>	<b>SUMMARY &amp; CONCLUSIONS .....</b>	<b>18</b>

**APPENDICES**

**Appendix A** 23/03117/F Refused 20th March 2024

### Quality Assurance

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2015.

We confirm that the undersigned is an appropriately qualified and experienced Chartered Planner experienced in the commercial property sector.

**Created by:**

[REDACTED]  
[REDACTED]

**Checked by:**

[REDACTED]  
[REDACTED]

# 1 INTRODUCTION

## Overview

1.1 This Planning and Heritage Statement has been prepared by Rapleys LLP in support of a planning application seeking development of the following description:

*Change of use of part of the ground floor commercial space to purpose-built student accommodation and external alterations.*

1.2 The proposed purpose-built student accommodation (PBSA) will be 'ancillary' floorspace to the PBSA use which currently operates on all other floors of the building. It includes an enlarged reception area, more accessible parcel store, improved staff office and welfare facilities and a new refuse store to serve the existing PBSA development. This will be delivered by reconfiguring the existing commercial floorspace, which is partially vacant.

1.3 The newly created space supports the ambition for sustainable development and will:

- improve facilities for current and future residents of the building,
- improve how the existing student use functions, and
- benefit the street scene and visual amenity within a Conservation Area

1.4 This application follows a previous application (ref. 23/03117/F) that sought to change the use of a retail unit to ancillary PBSA space. It was refused on the grounds that the retail unit – a high street use – would be lost. To address this reasons for refusal, a revised design is presented which locates the ancillary PBSA space at the rear of a retained retail unit. While there will be a reduction in the amount of retail space, there will be no change in the number of shop units and no loss of retail frontage to the street.

1.5 The development has been fully tested against adopted planning policy and is found to comply in all respects. As such, the application for development should be approved. The relevant policy assessments are set out within this statement.

## Submitted Plans and Documents

1.6 The following documents and plans make up the full application submission package:

- Planning and Heritage Statement (Rapleys)
- Community Infrastructure Levy (CIL) Question Form (Rapleys)
- Design and Access Statement (Louis de Soissons)
- Plans and drawings (Louis de Soissons)
- Employment Skills Agreement (Empiric Student Property)
- Fire Statement (Semper)
- 39-43 College Green GOAD (CBRE)

## 2 SITE DESCRIPTION

### Site description

- 2.1 The building subject to this application consists of six storeys. The first to fourth storeys are dedicated to PBSA accommodation (84 bedrooms). The ground floor consists of the PBSA entrance, alongside three commercial (Use Class E) units, one of which – the former ‘Co-op’ (Unit 2), has been vacant for 22 months. The current occupier of the smaller commercial unit on site, a restaurant ‘IZAKAYA’ (Unit 1) has confirmed their intention to move into the former Co-op space, once the development has been completed. The basement floor is split between ancillary PBSA space, and commercial storage space.
- 2.2 This planning application relates only to a part of the ground floor of the building as identified on the plans. It involves changing the use of some of the existing commercial space into (ancillary) PBSA space so as to assist with PBSA operations.
- 2.3 College Green is a busy commercial street in the centre of Bristol. The site is located close to College Green - an important open space flanked by the Cathedral (Grade I) and Bristol City Hall (Grade II\*).
- 2.4 The building is located opposite the statue of Queen Victoria (Grade II) and Marriott Royal Hotel (Grade II) and separated by an alleyway to No.38 College Green (Grade II). The site is also within the College Green Conservation Area.
- 2.5 The alleyway between the building and No.38 College Green leads to the building’s service yard, cycle store, car parking, and refuse store area. The alleyway however is often used as extra space to store some of the building’s large 1,100 litre refuse containers (particularly on collection day) due to a general lack of space. These bins are visible to pedestrians walking past the alleyway and, as such, are often the target of fly tipping. A recent photograph, with a view towards the Grade II Listed Marriott Royal Hotel, is shown in the image below.



### **Non-heritage land designations**

2.6 With reference to the adopted Development Plan, the following non-heritage related land designations are relevant:

- Within the 'City Centre' area (Policy BCS2)
- Within the 'Bristol Central Area Plan' (BCAP) boundary
- Within the 'West End' City Centre Neighbourhood (Policy BCAP42)
- The building is designated as a 'Secondary Shopping Frontage' (Policy BCS7 and BCAP17)
- The building is opposite/close to 'College Green Important Open Space' (Policy BCS9 and DM17)
- The site is located alongside a 'Primary Pedestrian Route'.

### **Heritage designations**

2.7 The building subject to this application is neither listed nor locally listed. With reference to the adopted Development Plan, the following heritage related land and building designations are considered to be within effective visual range of the development:

- Within the 'College Green Conservation Area' (Policy BCS22)
- The building is opposite 'College House Local Historic Park and Garden' (Policy BCS22 and DM31)
- The building is opposite:
  - 'QUEEN VICTORIA STATUE' - Grade: II List Entry Number: 1355171
  - 'NUMBERS 4 TO 7 AND ATTACHED WALLS AND RAILINGS' - Grade: II List Entry Number: 1282337
  - 'FORMER SWALLOW HOTEL AND ATTACHED FRONT ENTRANCE BALUSTRADES' (Marriott Royal Hotel) - Grade: II List Entry Number: 1025010
- The building is next-door to (separated by an alleyway):
  - '38, COLLEGE GREEN' - Grade: II List Entry Number: 1202128
- To the rear of the building:
  - '1-7, DENMARK STREET' - Grade: II List Entry Number: 1282291
  - '8-11, DENMARK STREET' - Grade: II List Entry Number: 1202194

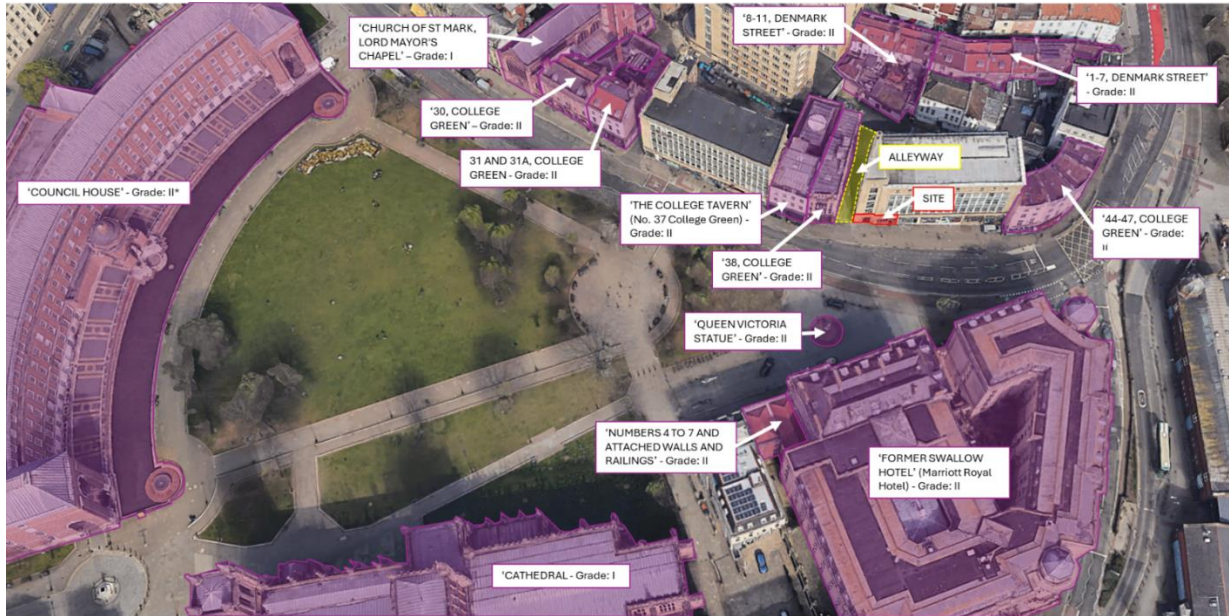
2.8 Other notable heritage assets nearby, but which are considered too far, or out of sight, to be of any consequence to determination include:

- 'CATHEDRAL OF THE HOLY AND UNDIVIDED TRINITY, INCLUDING CHAPTER HOUSE AND CLOISTERS' - Grade: I List Entry Number: 1202129
- 'COUNCIL HOUSE AND ATTACHED RAILINGS AND PIERS' - Grade: II\* List Entry Number: 1282341
- 'THE COLLEGE TAVERN' (No. 37 College Green) - Grade: II List Entry Number: 1282338



- '44-47, COLLEGE GREEN' - Grade: II List Entry Number: 1282339

2.9 The image below identifies the alleyway and the listed buildings nearby.



2.10 Notwithstanding the list of assets identified above, the external design of the proposal is similar to one considered acceptable by the LPA within application 23/03117/F and, therefore, it is considered to be an acceptable design response. This is discussed further in Section 6.

### Planning history

2.11 The planning history of significance to the current application is set out below in chronological order.

#### 23/03117/F Refused 20th March 2024

2.12 Of primary importance is application reference 23/03117/F which was refused on 20<sup>th</sup> March 2024 – the officer's report associated with that application is included within Appendix A. This new planning application directly addresses shortfalls within that proposal.

2.13 The description of development is as follows,

*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.*

2.14 There was one reason for refusal which is as follows,

*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.*

23/03118/A Granted 20th March 2024

- 2.15 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.

11/01480/F Granted 7th July 2011

- 2.16 Change of use from retail storage to student residential ancillary at lower ground floor level.

11/01481/F Refused 30th June 2011

- 2.17 Relocation of bike and bin store from first floor to existing ground floor service yard. New security gates to be added to service yard with key code access for deliveries and refuse collection. Addition of ventilation grilles and door to the west elevation.

08/04455/F Granted 23rd Jan 2009

- 2.18 Change of use of first to fourth floors from office to student units (sui generis) together with extensions to the rear of floors 1-4. Cycle parking at rear of first floor level.



### **3 PLANNING POLICY CONTEXT**

#### **The Development Plan**

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

#### **Bristol Core Strategy (2011)**

3.2 The following policies are considered relevant to the development proposal:

- Policy BCS2: Bristol City Centre
- Policy BCS7: Centres and Retailing
- Policy BCS10: Transport and Access Improvements
- Policy BCS20: Effective and Efficient Use of Land
- Policy BCS21: Quality Urban Design
- Policy BCS22: Conservation and the Historic Environment

#### **Site Allocations and Development Management DPD (2014)**

- Policy DM1: Presumption in favour of sustainable development
- Policy DM2: Residential Sub-divisions, Shared and Specialist Housing
- Policy DM14: The Health Impacts of Development
- Policy DM23: Transport Development Management
- Policy DM26: Local Character and Distinctiveness
- Policy DM27: Layout and Form
- Policy DM28: Public Realm
- Policy DM30: Alterations to Existing Buildings
- Policy DM31: Heritage Assets
- Policy DM32: Recycling and Refuse Provision in New Development

#### **Bristol Central Areas Plan (2015)**

- Policy BCAP4: Specialist student housing in Bristol City Centre
- Policy BCAP13: Strategy for retail development in Bristol City Centre
- Policy BCAP17: Secondary shopping frontages in Bristol City Centre
- Policy BCAP31: Active ground floor uses and active frontages in Bristol City Centre
- Policy BCAP42: The Approach to West End

### **Supplementary planning documents, guidance and advice**

3.3 The Climate Change and Sustainability Practice Note (July 2020) is relevant to this application. It confirms that applications of this type (small changes of use) are not subject to requirements to provide a sustainability statement.

3.4 Also considered relevant is the College Green Conservation Area Character Appraisal (Adopted March 2016)

### **The National Planning Policy Framework**

3.5 The National Planning Policy Framework (NPPF) sets out government planning policy as a material consideration and advises that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development which give rise to the need for the planning system to perform a number of roles: an economic role; a social role; and an environmental role. The NPPF should be referred to as a whole, but the following chapters are of particular importance to this application:

- Chapter 6. Building a strong, competitive economy
- Chapter 7. Ensuring the vitality of town centres
- Chapter 8. Promoting healthy and safe communities
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed and beautiful places
- Chapter 16. Conserving and enhancing the historic environment

### **Other and emerging planning documents**

3.6 Bristol City Council is in the process of preparing a new Development Plan for the city known as the 'Local Plan Review' (LPR). When adopted, it will replace all existing adopted Development Plan documents. The LPR was published for its third and final round of consultation on 31st October 2023, and was submitted for examination on the 25<sup>th</sup> April 2024.

3.7 Paragraph 48 of the NPPF states that, from the day of publication, LPAs may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

3.8 At this juncture, it is considered that the LPR policies can only be attributed limited weight in the decision-making process. Although the policies have been submitted for examination, they have not been reviewed in any capacity by the Inspector. It is also notable that the evidence base behind the plan has only just been published (with the Regulation 19 consultation) for scrutiny.

## 4 THE PROPOSED DEVELOPMENT

4.1 A description of the proposed development is provided within the submitted Design and Access Statement. In summary:

- The ground floor layout of the building will be re-organised to enable the extension of the PBSA use by 77 m<sup>2</sup> into the existing commercial floor space to the rear of the unit.
- This extended space will perform an ancillary function for the wider PBSA use within much of the rest of the building and includes:
  - A new, larger, reception/lobby space, currently located in the basement away from the presentable building front.
  - A new, more accessible, parcel store on the ground floor (currently located in the basement)
  - Staff office space and WC (currently located in the basement – note that there will be no additional staff employed on site)
  - New internal PBSA refuse store to help manage and organise waste storage
- As such, the overall commercial floor space on the ground floor is being reduced by 72 m<sup>2</sup>. This consists of:
  - A reduction in the size of the smaller commercial unit (currently a restaurant, 'IZAKAYA') from 87 m<sup>2</sup> to 37 m<sup>2</sup>.
  - A reduction in the size of the larger commercial unit (the ex-Co-op, planned to be let to IZAKAYA post-development) in Q4 2024 from 285 m<sup>2</sup> to 263 m<sup>2</sup>.
  - The creation of a new internal commercial refuse store to help manage and organise waste storage
- Limited external changes are proposed. These consist of:
  - New signage (subject to separate Advertisement Consent Application)
  - Two new windows proposed on the side elevation. A third window proposed to the basement stair.
  - Re opening of an existing bricked up doorway to provide double doors to new student refuse store. Second new door opening proposed to serve the commercial refuse store for the existing, retained commercial units. These doors will be vented.
- Not above changes will nor result in the loss of shop units or shop frontages

### **Employment and Skills Plan**

4.2 Page 15 of the Council's Validation checklist confirms that an Employment and Skills plan (ESP) is only required for proposed development which falls into the 'major' category, which this proposed development does not. The applicant is nevertheless committed to providing training and employment opportunities to local people.

## **Retail Analysis**

4.3 Property advice provided to the applicant by CBRE includes the following.

### General Market Commentary

*Overall transaction levels in the retail and leisure sector were at their highest level in 2023 since the end of the pandemic. The food and beverage sector along with health and beauty were the top performers. As inflation reduces together with the cost of borrowing, retailers are looking at 2024 with renewed confidence. Consumers remain apprehensive around continued rises in cost of living and are carefully monitoring their spending. Existing operators who have navigated challenges brought on by rising costs will remain successful. However the rise in National Minimum Wage in April will further increase costs for retail businesses. Retail parks will continue to outperform high street locations with an increase in food and beverage and discount operators looking to trade on retail parks*

*Bristol's retail sector demonstrated remarkable resilience. Despite the economic challenges the demand from retailers remained consistent, with a sustained interest evident among city's independent businesses. The Food & Beverage (F&B) industry continued to be the most dynamic sector, while there was noticeable uptake from charitable organisations, fashion labels, and health & Beauty enterprises.*

*We continue to see strong demand from both independent and national businesses across the city. In the immediate vicinity of the subject property demand predominantly comes from Food & beverage occupiers ranging from coffee shops restaurants and takeaways.*

### Target Tenant Groups

- The primary target tenant group for this compact retail unit are occupiers that can effectively utilise a smaller space.
- Notably, Grab-and Go F&B operators would align with the unit's size, however, due to its limited square footage both leisure and retail occupiers would find this space less suitable.

### Benchmark units within the locality

- Benchmark units within the locality of note include.
  - The Arcades (in Broadmead) comprise Units ranging from 250-400 sq. ft. Typical occupiers include beauty and health. Independent Barber has secured Unit 16, The Arcade, Broadmead – New 5-year lease Stepped Rent reaching 12,500 pa. by year 3. Total size 500 sq. ft

## **Draft planning obligations and CIL**

4.4 On review of the Planning Obligations SPD, it is not considered that any planning obligations will be required. In addition, as this development relates to the change of use of 'in use' floor space (i.e. floor space that has been in use for 6 or more months over the previous 3 years), no CIL payment is due.

## **Key Planning Considerations**

4.5 Taking into account the proposed development and the site's context, policy, and all other material considerations, there are considered to be two Key Planning Considerations which determine the acceptability of the scheme, to be addressed over the next sections:

- Key Planning Consideration 1 – Change of use and land use efficiency
- Key Planning Consideration 2 – Design and heritage

## **Employment and Skills Plan**

4.6 Page 15 of the Council's Validation checklist confirms that an Employment and Skills plan (ESP) is only required for proposed development which falls into the 'major' category, which this proposed development does not. The applicant is nevertheless committed to providing training and employment opportunities to local people.

## **Retail Analysis**

4.7 Property advice provided to the applicant by CBRE includes the following.

### General Market Commentary

*Overall transaction levels in the retail and leisure sector were at their highest level in 2023 since the end of the pandemic. The food and beverage sector along with health and beauty were the top performers. As inflation reduces together with the cost of borrowing, retailers are looking at 2024 with renewed confidence. Consumers remain apprehensive around continued rises in cost of living and are carefully monitoring their spending. Existing operators who have navigated challenges brought on by rising costs will remain successful. However the rise in National Minimum Wage in April will further increase costs for retail businesses. Retail parks will continue to outperform high street locations with an increase in food and beverage and discount operators looking to trade on retail parks*

*Bristol's retail sector demonstrated remarkable resilience. Despite the economic challenges the demand from retailers remained consistent, with a sustained interest evident among city's independent businesses. The Food & Beverage (F&B) industry continued to be the most dynamic sector, while there was noticeable uptake from charitable organisations, fashion labels, and health & Beauty enterprises.*

*We continue to see strong demand from both independent and national businesses across the city. In the immediate vicinity of the subject property demand predominantly comes from Food & beverage occupiers ranging from coffee shops restaurants and takeaways.*

### Target Tenant Groups

- The primary target tenant group for this compact retail unit are occupiers that can effectively utilise a smaller space.

- Notably, Grab-and Go F&B operators would align with the unit's size, however, due to its limited square footage both leisure and retail occupiers would find this space less suitable.

#### Benchmark units within the locality

- Benchmark units within the locality of note include.
  - The Arcades (in Broadmead) comprise Units ranging from 250-400 sq. ft.  
Typical occupiers include beauty and health. Independent Barber has secured Unit 16, The Arcade, Broadmead – New 5-year lease Stepped Rent reaching 12,500 pa. by year 3. Total size 500 sq. ft

#### **Draft planning obligations and CIL**

- 4.8 On review of the Planning Obligations SPD, it is not considered that any planning obligations will be required. In addition, as this development relates to the change of use of 'in use' floor space (i.e. floor space that has been in use for 6 or more months over the previous 3 years), no CIL payment is due.

#### **Key Planning Considerations**

- 4.9 Taking into account the proposed development and the site's context, policy, and all other material considerations, there are considered to be two Key Planning Considerations which determine the acceptability of the scheme, to be addressed over the next sections:
- Key Planning Consideration 1 – Change of use and land use efficiency
  - Key Planning Consideration 2 – Design and heritage



## 5 KEY PLANNING CONSIDERATION 1 – CHANGE OF USE AND LAND USE EFFICIENCY

### NPPF Background

5.1 Section 6 and 11 of the NPPF are relevant to this development proposal, and in particular paragraphs 85, 123, 124, and 127:

- NPPF 85: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- NPPF 123: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- NPPF 124: Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes.
- NPPF 127: Local planning authorities should... support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.

### Change of use and the loss of 'retail'

#### Policy BCAP17: Secondary shopping frontages in Bristol City Centre

5.2 As the proposed development affects a 'Secondary Shopping Frontage', and the commercial use behind, the key development plan policy to consider is BCAP17. This is set out, and assessed against the proposal, below:

*Within Secondary Shopping Frontages in Bristol City Centre the development of retail or other related uses will be acceptable where they would help to maintain or enhance the function of the shopping area. In all cases the proposed use will be expected:*

*i. To complement the retail function of the shopping frontage and not harm its vitality, viability or diversity; and*

5.3 This criterion of the policy relates explicitly to protecting the retail function of the shopping frontage. As the development retains the existing shop fronts and uses behind, the development maintains (preserves) the retail function of the frontage, thus ensuring the status quo is maintained in respect to vitality, viability and diversity of the frontage. These positive aspects will not be compromised in any way by the development.

5.4 It should be noted that the Secondary Shopping Frontage is currently undermined by the long term vacant Co-Op unit, which has been vacant for 22 months. The proposed development will reconfigure and refurbish the commercial units which will encourage prospective tenants.

*ii. Not to harmfully dominate or fragment frontages; and*

5.5 As there are very limited alterations proposed to the frontage, the development cannot be said to cause harm by way of domination, nor will it fragment the commercial frontage, as the status quo in terms of shop fronts is being maintained.

*iii. To generate a reasonable level of footfall and be of general public interest or service; and*

5.6 While there is a reduction in retail floorspace, there will be no loss in retail units or retail frontage. As such, any impact on footfall should be negligible. As above, the proposed development should help attract prospective tenants to help address the long-term vacancy.

*iv. To be compatible with a shopping area in that it includes a shop front with a display function and would be immediately accessible to the public from the street.*

5.7 As per answers above, this is without doubt.

*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.*

5.8 Two new internal refuse stores are proposed at Ground Floor level for the student accommodation and a separate commercial refuse store serving 1 of the 3 commercial units. As a result the proposal will improve the arrangements for refuse storage and collection.

5.9 Overall transaction levels in the retail and leisure sector were at their highest level in 2023 since the end of the pandemic. The food and beverage sector along with health and beauty were the top performers.

### **Change of use – specialist student housing**

5.10 Policy DM2 states explicitly, under the header 'Location Criteria', that 'specialist student housing schemes will be acceptable within the city centre'. Policy BCAP4 further states that:

*Specialist student housing schemes that contribute to the diversity of uses within the local area will be acceptable within Bristol City Centre unless it would create or contribute to a harmful concentration of specialist student housing within any given area.*

5.11 As this development represents just a small floorspace extension of an existing PBSA use (77 m<sup>2</sup>) and does not result in the creation of any additional bedrooms or generate any additional comings or goings to the site, the development will not generate any public amenity impact effect. This includes effects such as noise or disturbance, or pressure on parking.

5.12 Indeed, as will be discussed in the next Key Planning Consideration, the proposed development will help alleviate current pressures surrounding refuse storage through the improvements made to the existing servicing arrangements.

### **Other material matters**

- 5.13 As explained above, the development is considered to fully comply with planning policy. Notwithstanding, it is pertinent to consider that Policy BCAP17 was drafted at a time when the Use Class Order was more restrictive in respect to the scope of retail uses.
- 5.14 Following the Order's amendment in August 2020, there are now a variety of uses to which the current, and future, retail/commercial floor space in a generic 'Use Class E' could be put, all having varying degrees of public footfall and interest generation, without the need for planning consent. This includes, for instance, uses under Use Class E(c)(i - ii), and Use Class E(g)(i - iii).
- 5.15 The reason for the expansion of the Use Classes Order, despite the possible (negative) effects on active frontage/footfall, was to help promote flexibility, viability and vitality of commercial centres, as well as provide a boost to local economies. It is therefore considered that assessment of the scheme against BCAP17 should be considered within this more up-to-date planning context, rather than the planning context of when it was originally drafted.

## **6 KEY PLANNING CONSIDERATION 2 – DESIGN AND HERITAGE**

### **Design**

- 6.1 Design, character, and appearance are guided by Local Plan policies BCS7, BCS10, BCS2, BCS21, BCAP31, BCAP42, DM26, DM27, DM28, DM30, and DM32. Additionally, the NPPF emphasises creating high-quality, beautiful, and sustainable places as essential to the planning and development process.
- 6.2 As discussed within Section 2, a previous similar application ref. 23/03117/F was submitted, and refused on the grounds that 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. This proposal seeks to directly address this reason for refusal by retaining the entire extant of the existing retail frontage and all commercial units, albeit one is reduced in size to the rear.
- 6.3 The introduction of internal bin stores will improve how the building functions. The proposals include an enhanced spatial offering for student accommodation at the ground floor level, providing much-needed management and support functions to improve connections and interactions between staff, residents, and visitors by providing reception, staff office, and internal refuse storage areas at the ground floor level. Additionally, the proposed secure Welcome Lobby serves as a buffer between the street and internal areas, with a security door leading to the new Reception area and Staff Areas beyond providing adequate amenity spaces and defensible spaces.
- 6.4 Minor external alterations to the building are minor in scope and impact. Proposed ground floor windows provide additional surveillance of the alleyway thereby improving the area's character and permeability. Active frontages are retained, while internal ground floor refuse storage preserves the integrity of the public realm within the conservation area by reducing the external refuse stores.
- 6.5 Whilst the proposal is acceptable in its own right in respect of refuse storage and collection it should be noted that there is no proposed change to the refuse strategy with services the remainder of the building which is in PBSA use as granted in 2008 (ref. 08/04455/F).
- 6.6 The proposed development has been designed to meet all fire safety requirements. To this end, a Fire Statement has been included for reference.

### **Heritage**

- 6.7 Policies BCS2 and BCS22 require that development proposals safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance. This is supported further by DM31 which requires development that has an impact upon a heritage asset to conserve, and where appropriate, enhance the asset, or its setting. This policy position at a local level is consistent with the statutory duties imposed by Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act 1990.

- 6.8 BCS22 further outlines that development proposals must demonstrate an understanding of the significance of any affected heritage affect and assess how the development proposal involving change to the asset would conserve or enhance that significance.
- 6.9 In addition to the above, Chapter 16 of the NPPF is relevant. Paragraph 206 (in particular) outlines that in the event of any harm to the significance of a heritage asset, this must subject to clear and convincing justification. Paras 207-208 move on to outline the approach that must be taken in considering proposals which cause either substantial, or less than substantial harm to designated heritage assets.
- 6.10 NPPF Paragraph 212 states that planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. It further states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

#### Assessment

- 6.11 In respect to a hierarchy of significance, and with reference to both the Conservation Area Appraisal and ICOMOS's 'Guidance on Heritage Impact Assessments for Cultural World Heritage Properties' (ICOMOS 2011), the part of the College Green Conservation Area within which the developed is located is considered to be of 'high' significance. This is due to various factors spanning architectural, archaeological, artistic, and historic special values, and includes:
- The cultural and civic history of the space;
  - The form, design and civic focus of the space;
  - The popularity of the space; and
  - The presence of multiple listed building, as previously identified, including the Grade I listed Cathedral, Grade I listed Lord Mayor's Chapel, and Grade II\* listed City Hall.
- 6.12 The development does not propose any external physical alterations to the (unlisted) building of any material significance. These changes are listed in the 'Proposed Development' section above and are considered modest, understated, and to blend into the existing character of the building and surrounding urban townscape. As such, it is not considered that any harm will be generated by the proposal to the Conservation Area, nor any of the other nearby heritage assets identified. In this way, local heritage significance is preserved.
- 6.13 Notwithstanding this, the proposed development is considered to contribute towards a localised heritage enhancement. The alleyway to the side of the building which is visible from College Green and from at least four Grade II listed buildings, is currently marred by the storage and use of large refuse containers, and which are often the subject of fly tipping.
- 6.14 The proposed development will greatly reduce the requirement for containers in the alleyway, thereby improving the setting of these assets. Given the 'high' significance of the College Green Conservation area within this location, it is considered that this enhancement should be given a

reasonable amount of positive weight in determination, pursuant to the ambitions of the legislation, planning policy, and the NPPF.

6.15 In respect to archaeology, due to the nature and extent of the proposed development, no archaeology will be disturbed. Therefore, any possible archaeological assets will be preserved.



## **7 SUMMARY & CONCLUSIONS**

7.1 As set out in legislation, national and local planning policy (DM1), planning applications that accord with the policies in the Bristol Local Plan should be approved without delay, unless material considerations indicate otherwise.

7.2 This statement, supplemented by the supporting submitted information, confirms that all relevant adopted planning policies have been complied with. This includes policies that seek to protect shopping frontages and retail areas as well as those related to. Key points include:

- There is no loss of shopping frontage or retail units, and the retained units are deemed to be suitable and viable for retail use.
- Active frontages enhance natural surveillance, while ground floor internal refuse storage preserves the integrity of the public realm within the conservation area by reducing the external refuse stores.

7.3 The newly created space supports the ambition for sustainable development and will:

- improve facilities for current and future residents of the building,
- improve how the existing student use functions, and
- benefit the street scene and visual amenity within a Conservation Area

7.4 In respect to heritage impact, the development is found to preserve the significance of local heritage assets. Indeed, when considering the operational improvements to refuse storage, the proposed development is found to enhance the setting of the Conservation Area and nearby listed buildings. Given the high significance of the Conservation Area in this particular location, it is considered that a reasonable amount of positive weight in favour of approval should be attached to this enhancement.

7.5 The proposed development is therefore found to be highly sustainable, and in accordance with the Development Plan. When taking into account all other material considerations including national planning policy, the proposed development should be supported and approved without delay.



[rapleys.com](https://rapleys.com)

0370 777 6292

Rapleys LLP is registered as a Limited Liability Partnership in England and Wales. Registration No: OC308311. Registered Office at Unit 3a, The Incubator, The Boulevard, Enterprise Campus, Alconbury Weald, Huntingdon, PE28 4XA. Regulated by RICS.

**RAPLEYS**