

Old Market Quarter Neighbourhood Development Plan Representations to Submission Version

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1.0 Introduction

- 1.1 These representations relate to the document entitled 'Old Market Quarter Neighbourhood Development Plan Submission Version' (NDP) which is currently being consulted upon for a six week period up to 23rd March 2015. This document has been prepared by Savills on behalf of Bouygues Development which has an interest in land referred to within the NDP as the 'Ambulance Station'.
- 1.2 Bouygues Development requests to be notified and, where necessary, wishes to participate in the next stages of the neighbourhood plan process, namely the Examination.

Document Aim

- 1.3 These representations primarily relate to emerging Policy C14 (Miscellaneous Sites) and Project PR6 (Eastern Gateway to Castle Park) of the NDP. The former relates specifically to the Ambulance Station (site reference 14.9) and provides a number of criteria to which new development should conform. Project PR6 includes criteria which relate to the Ambulance Station and Castle Park, located immediately north.
- 1.4 National planning policy guidance and legislation relating to neighbourhood plans requires the such documents and their policies to be in general conformity with the adopted Development Plan for the relevant local authority area. In this case, the most pertinent Development Plan Documents include Bristol Council's Core Strategy, the Bristol Central Area Plan and Tall Buildings Supplementary Development Plan.
- 1.5 In their current form, the above referenced policies conflict with national and local planning policy and, therefore, do not plan positively to support local development. Section 3 considers this in detail and provides recommendations to overcome the concerns raised.

2.0 Relevant Planning Policy and Legislation

- 2.1 This section of the report sets out the relevant local and national planning policy and legislation that is relevant to consider in respect of the NDP.
- 2.2 Once adopted, the NDP will form part of the adopted Development Plan for Bristol and it will be used in the determination of planning applications in the Old Market Quarter.

Adopted Development Plan

- 2.3 The adopted Development Plan for Bristol includes the Bristol Development Framework Core Strategy (June 2011), Site Allocations and Development Management Policies (July 2014), Bristol Central Area Plan (March 2015) and any other adopted Development Plan Documents (DPD) and Supplementary Planning Documents (SPD).
- 2.4 Those documents containing policies of relevant to the Ambulance Site are identified below.

Bristol Development Framework Core Strategy

- 2.5 The Bristol Development Framework Core Strategy (BCS) includes a Key Diagram which shows the Ambulance Station site to be within the City Centre. Therefore, of most relevance is **Policy BCS2** which sets out the strategic vision of Bristol City Centre. It identifies a need for 7,400 homes and 150,000sqm of office space in the City Centre up to 2026 in order to strength its role as a regional focus. Emphasis is also put on the need to improve transport systems and connectivity. In addition, the Policy requires, inter alia:
- More efficient use of land and a greater mix of uses;
 - Higher density, mixed use development with active ground floor uses along the busier streets;
 - Continued improvement in regeneration areas including Redcliffe and Harbourside and at city centre gateways including Old Market, Stokes Croft, Cumberland Basin and Temple Meads;
 - Design of the highest standards in terms of appearance, function, conservation of heritage assets, sustainability and maintaining and enhancing green infrastructure;

and

- Enhanced social inclusion and community cohesion.

2.6 **Paragraph 4.2.14** of the policy explanation states that *‘the city centre is a location for large-scale developments of citywide and regional importance’*.

Bristol Central Area Plan (March 2015)

2.7 The Bristol Central Area Plan (BCAP) should be read in conjunction with the BCS and specifically considers how Bristol City Centre will develop up to 2016.

2.8 The Ambulance Station site is identified on the Policies Map as a ‘Key Site’ (reference KS05).

2.9 **Paragraph 9.3.2** makes reference to the Ambulance Station and it states, inter alia:

‘The central ambulance station site lies to the south east of Castle Park and comprises the station itself, associated office buildings and surface level car parking fronting Castle Street. Opportunities exist to improve important gateways to Castle Park from Old Market and Queen Street/Castle Street and to enhance Bristol Castle’s vaulted chambers within Castle Park, a Scheduled Ancient Monument. There is an opportunity to intensify the use of the site with buildings of greater height. The development of the site could also enable the opening of the Castle Ditch/Moat which runs below the site, should this be feasible and viable.’

2.10 **Policy BCAP37: High Street, Wine Street and Castle Park** is, in part, concerned with sites in and around Castle Park. It states that *‘development will be expected to safeguard and enhance Castle Park and its heritage assets as a large, publicly accessible city centre open space and to explore opportunities to restore the historic character of the Old City and reveal and enhance other heritage assets within individual sites’*. It continues that sites *‘[...]at risk of flooding now or with climate change or are larger than one hectare in size should be supported by a Flood Risk Assessment.’*

2.11 The policy provides specific guidance concerning the future development of the

Ambulance Station site and states:

'Central Ambulance Station

A mix of uses including leisure and new homes or other supporting city centre uses will be suitable on this site (Policies Map Site KS05). The development will be expected to provide:

- *A strong relationship with Castle Park providing natural surveillance and active frontages fronting onto Castle Street, Queen Street and Tower Hill;*
- *An improved gateway to Castle Park from Castle Street/Queen Street including measures to reduce the impact of traffic along these streets such as shared space solutions;*
- *An improved approach to Castle Park from the southeast; Opportunities to explore enhancements to the vaulted chambers of Bristol Castle, a Scheduled Ancient Monument within Castle Park and the Godwin Building fronting Marybush Lane;*
- *An appropriate response to the archaeological interest represented by the Castle Ditch/ Moat running below the site. Opportunities should be explored to reveal this heritage asset and incorporate it into the development.'*

2.12 Guidance in relation to tall buildings in Bristol City Centre is also relevant to note given the aspiration for buildings of greater height, as referenced above in paragraph 9.3.2. In that vein, paragraphs 8.23 and 8.24 state that:

'One of the characteristics that distinguishes Bristol City Centre from the rest of the city is the overall scale of buildings and the presence of a number of tall commercial buildings, reflecting the city's importance as a centre for business.

Tall buildings are those that are substantially taller than their neighbours and/or which significantly change the skyline. Within the city centre, background buildings tend to be 4-6 storeys high, and a tall building would therefore be in the region of 9 or more storeys. Due to their impact over a wide area proposals for tall buildings require careful assessment against policy BCS21 of the Core Strategy and policies DM26, DM27, DM29 and DM30 of the Site Allocations and Development Management Policies. Detailed guidance on the assessment of proposals is set out in SPD1 Tall Buildings

which includes indicative areas within the city centre in which tall buildings may be appropriate.'

Tall Buildings Supplementary Development Plan (January 2005)

- 2.13 The above referenced SPD is known as SPD1 and it provides a set of assessment criteria that the Council will require applicants of all tall building proposals to address in their detailed planning submissions. It also identifies areas within the City Centre where tall building schemes may be acceptable, subject to them making a positive contribution to their surroundings. The Ambulance Station falls within an area that may be an acceptable location for a tall building.
- 2.14 Section 1.3 of SPD 1 provides a definition of tall buildings which is '*...those that are substantially taller than their neighbours and/or which significantly change the skyline.*' The same section continues that '*in Bristol City Centre, 'background buildings' tend to be 4-6 storeys high. This has been an essential element in the city's distinctive identity. A tall building would therefore be in the region of 9+ storeys. Between 6-9 storey proposals will be assessed on a site by site basis as to whether SPD1 will apply, taking into account the prominence of the site within the townscape. In the suburbs, buildings tend to be 2-3 storeys. In this context a tall building would be in the region of 6+ storeys or above.*'

National Planning Policy Guidance and Legislation

- 2.15 The Neighbourhood Planning (General) (Amendment) Regulations 2015 amends the Neighbourhood Planning (General) Regulations 2012 and make provision for neighbourhood planning as provided in the Localism Act 2011. The amendments include:
- Regulation 2(3) inserts a new regulation 6A into the 2012 Regulations to prescribe the date by which a local planning authority must determine applications for designation of a neighbourhood area. Different provision is made for cases where the application area falls within the areas of two or more local planning authorities, is the whole of the area of a parish council but does not fall within the areas of two or more local planning authorities (in which case, regulation 2(2) reduces the minimum period that the local planning authority must allow for representations from six weeks to four weeks), and in all other cases.

- Regulation 2(4) adds to the list of documents that a qualifying body must submit to a local planning authority with a proposal for a neighbourhood plan. The additional document which must be submitted is either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental assessment is not required.

National Planning Policy Framework (March 2012)

2.16 The National Planning Policy Framework (NPPF) represents the most up-to-date expression of Government planning policy guidance. Paragraph 58 requires the following with regard to neighbourhood plans:

'Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.'*

2.17 Paragraph 184 states:

'Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is

in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.'

2.18 Paragraph 185 states:

'Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.'

Planning Practice Guidance

2.19 Of most relevance are the following paragraphs.

2.20 Paragraph 004 (Reference ID: 41-004-20140306) What should a Neighbourhood Plan address? states, inter alia, that:

'A neighbourhood plan should support the strategic development needs set out in the local plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework)'

2.21 Paragraph 005 (Reference ID: 41-005-20140306) Must a community ensure its neighbourhood plan is deliverable? states:

'If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.'

3.0 Response to Old Market Quarter Neighbourhood Development Plan Submission Version

3.1 As previously informed, these representations are made on behalf of Bouygues Development which has an interest in the site known as Ambulance Station. Accordingly, this section relates to NDP Policy C14, which set out the aspirations for future development of this site and NDP Project PR6 concerning both the site and Castle Park.

Response to Policy C14: Miscellaneous Sites

3.2 Section 7.3.5 (Site specific policies / principles) of the NDP references the 'Ambulance Station' and Policy C14: Miscellaneous Sites states the following:

'Site 14.9, Ambulance Station (0.252 ha) - development should:

- *Open up the Castle Ditch.*
- *Retain and reuse existing unlisted building of merit on Marybush Lane, including the wall on the corner of Tower Hill (see Appendix 3).*
- *Remove the existing link bridge to Central Clinic.*
- *Retain the plane tree on the corner of Marybush Lane and Queen Street.*
- *Reduce width of Queen Street by moving pavement line outwards by c.4m.*
- *Include a new building(s) , no taller than One Castlepark (8 storeys) to the east and 1 Queen Street/Kings Orchard (6 storeys) to the west*
- *Buildings to be mixed use, with active frontages at ground floor level.*
- *Incorporate a new public walkway alongside the Castle Ditch adjacent to the new buildings.*
- *Safeguard the area to the north of Castle Ditch for possible extension of Castle Park. See Project PR6.*
- *Safeguard the route of a proposed 'dutch style' cycleway from Passage Street, along Queen Street, over the mediaeval bridge to the existing cycleway in Castle Park.'*

3.3 The Policy corresponds with the 'Land Use Plan' (p.29) which references the site as C14.9.

3.4 Policy C14 includes a number of criteria to which new development should conform.

In land use terms, it seeks mixed use development with active frontages for the Ambulance Site, which corresponds with the policies for the site and the City Centre in the adopted Development Plan. Of the remaining criteria, five are considered in detail below.

'Open up the Castle Ditch'

- 3.5 Policy C14 is explicit in its requirement to open up Castle Ditch. In this context it is relevant to note paragraph 9.3.2 of the BCAP which states that *'the development of the site could also enable the opening of Castle Ditch/Moat which runs below the site, should this be feasible and viable'*. The associated policy (Policy BCAP37) requires an *'appropriate response'* to the archaeological interest of Castle Ditch. Whilst the adopted policy identifies the opening of the ditch as a possible opportunity for the site, there is clear recognition of the possible constraints of doing so. This is something that NDP Policy C14 fails to recognise; indeed, it does not acknowledge the physical and financial feasibility / viability of opening up the culvert.
- 3.6 At present the culvert, which runs east to west across the site, is slabbed over by the existing Ambulance Station and a car park. The ditch is understood to be circa 1.7m below ground level, presenting significant levels difference. Other key considerations include the cost of health and safety compliance and the disturbance of archaeologically and ecologically sensitive areas. These are all points that require careful consideration in order to understand the implications of opening up the ditch and the reality of its aesthetic value thereafter. Policy C14 should acknowledge this. On that basis, it is recommended that the policy be re-worded to acknowledge the difficulties in opening up the culvert and an assessment of its value if that were to be the case. Indeed, it should reflect the flexibility afforded by Policy BCAP37.

'Retain and reuse existing unlisted building of merit on Marybush Lane, including the wall on the corner of Tower Hill'

The building fronting onto Marybush Lane is not listed and it does not fall within a Conservation Area. Therefore, the Council has no control over its retention. Furthermore, Prior Approval (reference 14/05307/N) was given on 20th November 2014 to demolish the Ambulance Station, all associated buildings and the car park to the north. At the time of writing, the site is in the process of being cleared as instructed by

the Homes and Community Agency and in-line with the Prior Approval (reference 14/05307/N). Accordingly, this criterion should be removed.

'Retain the plane tree on the corner of Marybush Lane and Queen Street.'

- 3.7 The plane tree referred to is protected by a Tree Protection Order and, therefore, it not necessary to seek added protection by this policy. The BCAP seeks comprehensive development of the Ambulance Site and the car park to the north. Policy C14 should recognise the importance of redeveloping this site and reword this criteria to allow a greater degree of flexibility. For example, it could be reworded to state: *consideration should be given to the retention of the plane tree on the corner of Marybush Lane and Queen Street.*

'Include a new building(s), no taller than One Castlepark (8 storeys) to the east and 1 Queen Street/Kings Orchard (6 storeys) to the west'

- 3.8 This criterion clearly seeks to restrict the height of new buildings on site, which is directly contrary to the policies of the development plan. No justification has been provided to support this.
- 3.9 The Core Strategy prioritises the re-use of previously developed land and encourages high density development within the City Centre. The BCAP (paragraph 9.3.2) echoes this requirement for intensified use of land and encourages buildings of greater height at the Ambulance Station site. In support of this SPD 1 provides a robust assessment of the City and establishes appropriate locations for tall buildings, which includes the Ambulance Station and its environs. Accordingly, Policy C14 should seek to ensure that the redevelopment of this site considers the potential for a tall building.
- 3.10 A tall building would facilitate high density development of the site, in line with both CS and BCAP aspirations for this and other City Centre sites. A high quality, well designed tall building has the ability to make a positive contribution to the urban environment and city life. In line with aspirations for the site to be a gateway site, it presents the opportunity to serve as a beacon of growth and regeneration of old market and the city centre.
- 3.11 The above criterion references two buildings adjacent to the site; however, the immediate vicinity also includes the Eclipse, to the north, at 18 storeys tall and the

Marriott north-east at 13 storeys. More recent development including Bank Place to the south is 8 storeys and Finzels Reach to the west is circa 10 storeys. Given its gateway location to Castle Park, a tall building at the site is a very realistic opportunity.

3.12 SPD 1 is clear that tall buildings are '*substantially taller than their neighbours and/or which significantly change the skyline*'. It also defines 'background buildings' as being between 4 – 6 storeys in height; however, the context of the Ambulance Station site is different in this case; One Castle Park immediately east is 8 storeys and Kings Orchard to the south-west is similar (7 storeys along the harbour reducing to 5 storeys on the road frontage). Therefore, any tall building on site should be markedly higher than 7 storeys in order to achieve the relevant criteria. Other tall buildings in the locality offer the opportunity for good visual connections which will also assist with permeability at ground floor level.

3.13 In summary, it is evident from the adopted development plan documents that a tall building should be considered at the Ambulance Station site. It is acknowledged that in-depth analysis would be required to deliver the right tall building at this location. It would be essential to understand the scale of this part of the City, particularly the immediate and wider context both visually and in terms of the impact on the surrounding heritage; it would be necessary to undertake a Visual Impact Assessment, urban design analysis and heritage assessment to inform the best location for the building as well as its height, shape, form and design. Furthermore, consideration should be given to the cumulative effect of tall buildings in the area, as well as impact on light and amenity.

3.14 In light of the above, Policy C14 currently conflicts with the CS, BCAP and SPD 1 policies that suggest a tall building may be appropriate at the Ambulance Station site. Therefore, this criterion should be reworded to reflect this clear aspiration for a tall building. The following wording is proposed as a possible alternative:

High density development should be achieved on the site through the inclusion of buildings of greater height. Appropriate assessments should be undertaken and submitted with the relevant planning applications including visual impact assessment.

'Safeguard the area to the north of Castle Ditch for possible extension of Castle Park. See Project PR6.'

3.15 Allocation 14.9 does not include Castle Ditch or the land beyond it to the north. We

propose that the northern part of the ambulance station site is included within the site defined as 14.9. As such, the policy should be reworded to read: *development should successfully integrate with Castle Park to the north.*

- 3.16 Overall, the criteria identified above is considered to be too prescriptive and, where indicated, conflicts with adopted Development Plan. It is suggested that some criteria are reworded to address the issues raised.

Response to Project PR6: Eastern Gateway to Castle Park

- 3.17 Chapter 8 of the NDP proposes a number of public realm projects. Project PR6 concerns the Ambulance Site and states:

'Project PR6 - Eastern Gateway to Castle Park

Castle Park forms the strategic link between Old Market and the City Centre identified as Primary Pedestrian Route 1 in the City Public Realm and Movement Framework. Historically this link was very strong with Castle Street effectively a continuation of Old Market Street up to St. Peters Church. This strong link has been lost due to severance caused by the Bond Street roundabout. The remaining part of Castle Street has no obvious function apart from providing some kerbside parking and giving access to a parks maintenance compound. The area to the south of Castle Street is a surface car park that presents a dismal prospect from the Park. The proposal is to extend Castle Park over the site of the carpark and to close Castle Street to vehicles and make it into the main eastern gateway to Castle Park.

- *Open up the Castle Ditch.*
- *Incorporate land to north of the Castle Ditch into the Park - graded down from Castle Street to Castle Ditch.*
- *Close Castle Street to vehicles and make it the main eastern entrance to the park for pedestrians and cyclists only.*
- *Open up and reinstate the mediaeval bridge taking Queen Street over the Castle Ditch to form a new entrance to the park.*
- *Incorporate 'dutch style' cycleway from Passage Street, along Queen Street, over the mediaeval bridge to the existing cycleway in Castle Park.*
- *Plant trees along the north side of Castle Street and along the north side of Castle Ditch.'*

- 3.18 The project title, text and the plan conflict with each other and adopted planning policy.
- 3.19 The NDP states that Chapter 8 concerns public realm projects. It is clear from the above reference text and the accompanying plan included on p.43 that Project 6 includes a privately owned car park immediately north of the Ambulance Station. This land is allocated for comprehensive redevelopment by Policy BCAP37 as part of a wider site including the Ambulance Station (ref. KS05).
- 3.20 Accordingly, Project 6 conflicts with adopted BCAP. It also conflicts with BCS policies that seek efficient and effective re-use of previously development land within the City Centre.
- 3.21 In order to address these points, the existing car park should be removed from Project 6 which should reflect only the public realm in this area i.e. Castle Street. Reference should not be made to the Castle Ditch as it does not fall within the public realm and, furthermore, it is addressed in Policy C14. The remaining criteria should be reworded to avoid being overly prescriptive.
- 3.22 In addition, it is not appropriate for the NDP to dictate the nature, shape and form of new development as the plan on p.43 seeks to do.

Summary

- 3.23 It has been demonstrated that Policy C14 and Project 6 of the NDP conflict with the adopted Development Plan for Bristol, namely the BCS and the BCAP.
- 3.24 The criteria contained with Policy C14 is considered to be too prescriptive and it should be reworded to address the issues raised.
- 3.25 Project 6 relates to land that is allocated in the BCAP which should seek to deliver comprehensive development, together with the Ambulance Site. The Project text should be amended to reflect this and, also, the remaining criteria should be reworded to avoid being excessively prescriptive.

4.0 Conclusions

- 4.1 These representations have been prepared by Savills on behalf of Bouygues Development which has an interest in land referred to within the NDP as the 'Ambulance Station'.
- 4.2 Bouygues Development requests to be kept informed of the forthcoming stages of the neighbourhood plan process and would like participate in the independent examination.
- 4.3 Section 3 of this report considers Policy C14 and Project 6 of the NDP, both of which relate to the Ambulance Site and Castle Park. In summary, the following observations and recommendations are made in order to ensure these policies conform to adopted policy and, thus plan positively to support local development:

Policy C14

- The criterion that requires the opening up of Castle Ditch fails to acknowledge the physical and financial feasibility / viability of achieving this. It is recommended that the policy be re-worded to reflect the flexibility afforded by Policy BCAP37 and acknowledge the challenges associated with opening up the culvert.
- The building fronting onto Marybush Lane is neither listed or within a conservation area. Thus, the Council has no control over its retention. Prior approval for the demolition of all existing buildings on site has been given by the Council and this is now underway. Accordingly, the criterion should be removed.
- The policy seeks to restrict the height of new buildings on site, although no justification has been provided to support this. In line with adopted policy and the findings of SPD1 the relevant criterion should be reworded to encourage higher density development on site. Rather than seeking to dictate the height of new development, the policy should take a criteria based approach that requires adequate assessments to support a proposal.
- Allocation 14.9 does not include Castle Ditch or the land beyond it to the north. Therefore, the allocation should be extended to include the whole site and the

policy should be reworded to reflect this.

Project 6

- The Project area should not refer to land outside of the public realm i.e. the privately owner car park and the remaining criteria should be reworded to avoid being overly prescriptive.