

HARBOUR VIEW BRISTOL

Planning Statement

June 2024



Our ref: 3845

Planning Statement

Proposed Rooftop Terrace

**Building 11,
Explore Lane,
Bristol Harbourside**



**Prepared on behalf of
Canada Life Asset Management**

June 2024



Small Planning Consultancy of the Year London 2022

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Contents

- 1. Introduction..... 1**
- 2. Background Information..... 5**
- 3. Details of the Proposals..... 19**
- 4. Planning Policy Context 22**
- 5. Demonstration of Development Plan Compliance..... 38**
- 6. Conclusion 49**

Appendices

- Appendix 1 Copy of planning permission 23/00975/F
- Appendix 2 Canons Yard Brochure
- Appendix 3 Building 11 Planning History
- Appendix 4 Case Officer emails of 28th September and 2nd November 2023.
- Appendix 5 Proposed BNG management condition

1. Introduction

1.1 This Planning Statement is prepared on behalf of Canada Life Asset Management ('the applicant') in support of its detailed non-major planning application for the provision of a roof terrace at Building 11, Explore Lane, Bristol. The application is submitted under the provisions of Section 62A of the Town and Country Planning Act 1990.

1.2 The planning application follows the grant of planning application referenced 23/00975/F by Bristol City Council ('the Council') on 15th February 2024. A copy of the decision notice is provided at Appendix 1. That application was submitted on 28th February 2023 and was described as:

'Change of use of part of the internal floorspace and part of the roof area of Unit 5 from use as a casino (sui generis) to use as a restaurant/drinking establishment with expanded food provision (Use Class E(b)/sui generis); the provision of a mezzanine floor to serve the new restaurant/drinking establishment with expanded food provision; external alterations to part of the Unit 5 roof area (comprising the provision of a landscaped pergola structure, glass balustrade and acoustic screens) to facilitate its use as a terrace in association with the new restaurant/drinking establishment with expanded food provision and alterations to the ground floor entrance to Unit 5; plus external alterations to the roof top plant room, to include the provision of new acoustic panels, photovoltaic panels and an enhanced green roof.'

1.3 The above planning application, herein after referred to as '**Application 1**', was amended to omit the outdoor terrace following concerns expressed by the Council's Urban Design Officer, Nitin Bhasin, and the Council's Conservation Officer, David Martyn and conveyed by the Case Officer for the application. The terrace was omitted in order to avoid an outright refusal for the other elements of the scheme. The approval did include a smoking terrace and means of escape however, which the Case Officer supported. Prior to Bristol City Council being placed in special measures, the approach was to submit a planning application for the terrace separately and for the Council to promptly refuse it so that the applicant could appeal the decision. That

approach has now changed since we are able to apply directly to the Secretary of State.

1.4 Prior to a decision being made on Application 1, revised plans were submitted by the applicant's heritage expert, Sara Davidson (HCUK Group), on 19th October directly to David Martyn. The revised plans provided the following changes to the terrace:

- External terrace omitted on East side, reducing visual impact from Millennium Square. Grass roof and pathway retained in this area.
- Single glazed access door omitted. Existing glazing along East elevation to remain.
- Timber pergola omitted.
- Pergola replaced with a smaller metal canopy frame with a retractable sun-shade.

1.5 Relevant officers were not supportive of the proposed amendments to the terrace and the Case Officer, Keyna Tay, confirmed (in her email of 10th October) that as it is the Council's approach is to only accept one set of revised plans, the applicant was not able to make any further changes.

1.6 The terrace proposal is therefore now presented separately as a standalone detailed planning application ('**Application 3**'). It incorporates the above changes and is supported by a new Heritage Impact Assessment prepared by HCUK. It is described as:

'Detailed planning application for use of part of the roof area as an outdoor terrace, comprising the provision of a metal canopy frame with retractable sun shade, glass balustrade and acoustic screen and provision of a biodiverse green roof to part of roof top plant room.'

1.7 The Secretary of State should be aware that a second planning application has submitted (on 27th June 2024) to the Council following the grant of Application 1. It seeks an additional uses to that approved under Application 1 – use for indoor sport and recreation (Use Class E(d) and/or a comedy club (sui generis). This is referred to as '**Application 2**'. The Council was unwilling to entertain the additional use in its

consideration of Application 1. The Case Officer for Application 1 nevertheless indicated that she would be supportive of the additional uses via an additional planning application submission to the Council.

1.8 Table 1, below, summarises the details of the three applications.

Table 1 - Summary of the three applications

Planning Application	Summary of Proposal
<p>Application 1 (Approved February 2024)</p>	<p>Change of use of part of the internal floorspace and part of the roof area of Unit 5 from use as a casino (sui generis) to use as a restaurant/drinking establishment with expanded food provision (Use Class E(b)/sui generis); the provision of a mezzanine floor to serve the new restaurant/drinking establishment with expanded food provision; external alterations to part of the Unit 5 roof area comprising balustrades and infilling of existing brises soleil; plus external alterations to the roof top plant room, to include the provision of new acoustic panels and photovoltaic panels.</p>
<p>Application 2 (Submitted separately to Bristol City Council on June 27th 2024)</p>	<p>Change of use of part of the internal floorspace and part of the roof area of Unit 5 from use as a casino (sui generis) to provide a new flexible unit (restaurant/drinking establishment with expanded food provision (Use Class E(b)/sui generis) and/or Use Class E(d) and/or as a comedy club (sui generis)); the provision of a mezzanine floor; external alterations to part of the Unit 5 roof area comprising balustrades and infilling of existing brises soleil; plus external alterations to the roof top plant room, to include the provision of new acoustic panels and photovoltaic panels and provision of a biodiverse green roof to part of roof top plant room.</p>
<p>Application 3 (This application)</p>	<p>Detailed planning application for use of part of the roof area as an outdoor terrace, comprising the provision of a metal canopy frame with retractable sun shade, glass balustrade and acoustic screen and provision of a biodiverse green roof to part of roof top plant room.</p>

1.9 Application 1 was prepared following a process of community engagement conducted between November 2022 and February 2023 by Bristol-based Avril Baker Consultancy. The public were generally supportive of the proposals at that time.

Given this, and the reduction in built form associated with the terrace, it has not been considered necessary to revisit the engagement process.

1.10 The structure of the remainder of the Planning Statement is as follows:

- Section 2** Provides relevant background information, including a site description. Relevant planning history is provided separately in Appendix 3.
- Section 3** Sets out details of the proposals.
- Section 4** Sets out the relevant planning policy context.
- Section 5** Demonstrates compliance with the development plan.
- Section 6** Provides an overall conclusion.

2. Background Information

a) Background to the Proposals

- 2.1 The full details of the proposed terrace are provided in Section 3 of the Planning Statement. As background, the Rainbow Casino is seeking to downsize its premises in response to the effects of the pandemic and to changes in gambling habits, such as the switch to online gambling. The Rainbow Casino was constructed as a 'super casino'. It still seeks to retain its presence at Bristol Harbourside, but is capable of operating at a smaller scale. This has given an opportunity to hand back some of its operational floorspace to the applicant and this in turn has led the applicant to explore options for the re-occupation of the surplus floorspace. The Council has been supportive of these market changes and the opportunity it has presented to the applicant to explore alternative uses.
- 2.2 The applicant has been assisted by Bristol-based Arc Retail to seek an occupier for the surplus floorspace. It has identified demand from additional leisure operators seeking to locate at Bristol Harbourside. The proposed terrace provides the opportunity to build on the recent success of Building 11 in the way it will serve the incoming operator, whose new floorspace¹ will provide access onto it.
- 2.3 Building 11 has seen the arrival of a number of new leisure operators in recent times. These have strengthened the role of the Harbourside in providing leisure, bar and dining facilities. These new occupiers are documented in Table 2 on page 7, below.
- 2.4 It is also highlighted that the locality is in the process of being rebranded as Canons Yard. A brochure for Canons Yard is provided at Appendix 2. The brochure identifies that Canons Yard is:

'The new identity for Bristol Harbourside's sprawling 200,000 sq. ft. leisure and entertainment quarter. Proudly positioned in the centre

¹ the mezzanine floor that will be provided under either approved Application 1 or under Application 2, once approved.

of a major mixed-use neighbourhood adjacent to Bristol’s historic floating harbour, this exciting development seamlessly connects the city centre and leafy residential areas of Clifton and Hotwells.’

b) Site Description

2.5 Building 11 is one of a number of large, modern buildings forming the Harbourside development. Building 11 and Building 8 (located on the other side of Millennium Promenade and accommodating the Ibis hotel) are those which form Canons Yard.

Image 1 – Canons Yard brochure detail



2.6 The Harbourside is identified in the Bristol City Centre Retail Study (2013) as being a specialist leisure destination:

‘[...] The majority of other units are occupied by entertainment, leisure and community facilities (non-A3/A4) such as Blue Reef Aquarium, Gala Casino and Watershed Cinema; reflecting the role and function of Harbourside as a specialist leisure destination.’

2.7 Building 11 comprises a range of commercial (leisure, bar and restaurant) uses along with the car park, operated by Britannia Parking. The uses are situated along

Millennium Promenade and Explore Lane – allocated Leisure Use Frontages. They are set out in Table 2, below.

Table 2 Building 11 – Existing Leisure, Restaurant and Bar Operators

Millennium Promenade frontage	Explore Lane frontage
BrewDog (food and drink)	Slug & Lettuce (food and drink)
Lane 7 (bowling)	Locked in a Room (escape room)
Par 59 (indoor golf)	Pure Gym (gymnasium)
Slug & Lettuce (food and drink)	Rainbow Casino

2.8 Of the above operators, those most recently opened are:

- Par 59 – in December 2022;
- BrewDog – in July 2022;
- Lane 7 – in May 2021; and
- Locked in a Room – in April 2018.

2.9 An image of the existing entrance to Rainbow Casino is provided below.

Image 2 – Rainbow Casino, Building 11 (viewed from Canons Way roundabout)



2.10 A view of the new BrewDog bar on the corner of Millennium Promenade and Cathedral Walk is shown below. Building 8 is that seen to the left.

Image 3 – BrewDog, Building 11 (viewed from Cathedral Walk)



c) Other roof top food/drink terraces in Bristol City Centre

2.11 There are a number of existing roof terraces already located within Bristol City Centre. Those which we are aware of include:

- The M-Shed²
- Bambalan at the Beacon Tower
- The Urban Roof Terrace at Marriott City Centre
- Old Market Assembly
- Mud Dock Café Bar
- Clifton Observatory
- The White Lion, Clifton Village
- Halo office/residential development, Redcliffe (under construction)

² www.bristolmuseums.org.uk/m-shed/venue-hire/dinners-receptions/

2.12 There are also a number of other roof terraces in other major English cities, examples of which are provided over the following two pages.

Image 4 – Roof Terrace at Vintry & Mercer Hotel, London



Image 5 – Bussey Rooftop Bar, Peckham



2.13 It is highlighted that the terrace provided in Application 1, prior to it being removed from the planning application, featured a pergola similar in style to that provided at the Bussey Bar, namely a wooden structure incorporating relatively large timbers.

Image 6 – Goodness Gracious Roof Garden & Bar, West Africa House, Liverpool



Image 7 – Varsity Hotel & Spa, Cambridge



2.14 The above images also illustrate how other authorities have accepted rooftop terraces, including their assorted paraphernalia, within conservation areas and within close proximity of listed buildings. For example:

- The terrace at the Vintry & Mercer Hotel is located directly opposite Wren's Church of St James Garlickhythe (Grade I listed³), which is the building seen in Image 4, and within the Queen Street Conservation Area.
- The terrace at Bussey Bar, Peckham is located within the Rye Lane Conservation Area.
- The terrace at West Africa House is located directly opposite the Royal Liver Building (Grade I listed⁴) – the building seen in Image 6. The adjacent building in Image 6 left-hand side of the image is the Cunard Building (Grade II* listed⁵) and the building on the right-hand side is the Tower Building (also a Grade II* listed building⁶). All three buildings (and the wider area) are located within the Castle Street Conservation Area and were, until recently, located within the Pier Head area of the 'Liverpool – Maritime Mercantile City' UNESCO World Heritage Site. The World Heritage status of this area of Liverpool was revoked following approval of Everton Football Club stadium development at Bramley-Moor Dock⁷.
- The terrace at Varsity Hotel & Spa in Cambridge is in very close proximity to a number of heritage assets, including listed buildings. The building seen in the background of the Image 6 is St. John's Chapel that forms part of 'St John's College, The Buildings Surrounding The First, Second And Third Courts' (Grade I listed⁸). The hotel is also located within the City of Cambridge Conservation Area No.1 (Central).

2.15 In respect of the other roof top food/drink terraces within Bristol, it is worth highlighting that they too are all, with the exception of the Marriott, located within conservation areas. That at the M-Shed is, as with the subject building, located within the City Docks Conservation Area. The M-Shed is identified as a 'Landmark Building' in the *City Docks Character Appraisal & Management Proposals* (December 2011). Additionally, the Clifton Observatory is a Grade II* listed building and the White Lion in Clifton Village is Grade II listed. We discuss how the Council appraised some of these terraces in sub-section e), below.

³ List entry 1064669

⁴ List entry 1356370

⁵ List entry 1052283

⁶ List entry 1360220

⁷ www.bbc.co.uk/news/uk-england-merseyside-57879475

⁸ List entry 1332216


d) Relevant Planning History – Building 11



2.16 Appendix 3 sets out the key planning history for Building 11 in chronological order. The first section provides details of the original overarching permissions and controls, as amended over time. It demonstrates that the building was principally approved and subsequently constructed to accommodate leisure and food & drink type uses, which the terrace seeks to serve.

e) History relating to other Bristol roof top terraces

2.17 There are a number of precedent schemes for roof top terraces within Bristol City Centre. As highlighted, all but one are located within conservation areas and some are located on listed buildings. The table below provides an overview of these and how heritage matters were considered.


Table 3 – Summary of planning history/considerations for other rooftop terraces in Bristol


Terrace and details of operational development	Heritage Designation(s)	Image
<p>M-Shed</p> <p>The terrace is formed on the new rooftop area formed when the building was extended upwards as evident in the photos to the right and below. A glass screen with rail has been installed around the perimeter of the terrace.</p>	<ul style="list-style-type: none"> • Within City Docks Conservation Area • Landmark Building in the City Docks Character Appraisal & Management Proposals (December 2011) 	 <p>(Source: www.bristolmuseums.org.uk/)</p>



Relevant Planning Permission	Relevant heritage impact references in Officer/ Committee Report	
<p>No planning permission identified.</p> <p>Terrace being advertised as available for summer party packages⁹.</p>	<p>As highlighted, no planning permission identified, but presumably created when the Bristol Industrial Museum was converted to the M-Shed.</p> <p>As highlighted above, area of the roof terrace is on the roof extension when the building ceased being the Bristol Industrial Museum as in the before and after photos¹⁰ below.</p>	
		
Terrace and details of operational development	Heritage Designation(s)	Image
<p>Bambalan</p>	<ul style="list-style-type: none"> • Located within College Green Conservation Area • Landmark Building in the College Green Conservation Area Character Appraisal (March 2016) 	 <p>(Source: www.visitbristol.co.uk)</p>
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
<p>15/01210/F</p>	<p>'The proposal seeks permission to undertake some external works to the building. The building itself whilst relatively modern is located within a Conservation Area and is identified within the draft Character Appraisal as a positive landmark building. The building furthermore takes a prominent position within the city centre and makes a significant contribution to the skyline of central Bristol and also to its immediate</p>	

⁹ www.bristolmuseums.org.uk/m-shed/venue-hire/summer-parties/

¹⁰ Source: Left-hand side photo – [www.facebook.com \(Best of Old Photographs of Bristol and District group\)](https://www.facebook.com/BestofOldBristol/). Right-hand side photo www.historyhit.com/locations/m-shed/

	<p>townscape. In addition, the building is located in close proximity to a number of listed buildings, most noticeably the Grade II listed Colston Hall and Grade II* listed Church of St Mary-on-the-Quay [...]</p> <p>Umbrellas are also proposed the new external seating area at podium level. These however will be temporary in nature and removed outside of opening hours. The visual impact of the umbrellas is therefore considered less than significant on the building itself of the overall setting of listed buildings and wider conservation areas.'</p>	
<p>Terrace and details of operational development</p>	<p>Heritage Designation(s)</p>	<p>Image</p>
<p>Urban Roof Terrace at Marriott City Centre</p> <p>Open screen, jumbrellas and fairy lights.</p>	<p>Located opposite Old Market Conservation Areas.</p>	 <p>(Source: www.facebook.com)</p>
<p>Relevant Planning Permission</p>	<p>Relevant heritage impact references in Officer/Committee Report</p>	
<p>No permission identified</p>	<p>No permission identified.</p>	
<p>Terrace and details of operational development</p>	<p>Heritage Designation(s)</p>	<p>Image</p>
<p>Old Market Assembly</p> <p>Large timber pergola structure with awning and fairy lights.</p>	<ul style="list-style-type: none"> • Located within Old Market Conservation Area and opposite the Grade II listed Old Castle Green public house (the green rendered building in the image). • Identified as an Unlisted Building of Merit in the Old Market Conservation Area Character Appraisal (July 2008). 	

		(Source: www.yourapartment.com/blog/cool-places-to-drink-in-old-market-quarter/)
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
14/06318/F	<p>‘This roof terrace comprises two elements. The first would be an enclosed glazed atrium entrance leading from the mezzanine of the restaurant onto the roof. This would the lead onto an enclosed terrace constructed of timber. The application has taking into account comments received from the Councils urban design officer and as a result the overall height of the terrace enclosure was reduced and also set back from the main parapet to help break up the massing [...]</p> <p>Presently the finer details of design of these roof terrace elements remains uncertain and clearer understanding is still required to fully determine their suitability. The applicant advised they are unable to provide full scale final illustrations of these aspects as they are yet to fully explore their final designs themselves. Further clarification was sought and a depictive sketch for the timber terrace was submitted, including a sectional drawing showing the timber terrace set back from the main parapet. Whilst these further plans are not the complete article it is considered they do suffice in so far as understanding the acceptability of the scale, bulk and form and materials of these rooftop structures. If the final scheme is designed within these limitations, the proposal should, within reason, be acceptable. It is therefore considered appropriate that consent can be granted for the detail submitted to date on the bases that, when known, these definitive plans are submitted for further consideration. This can be controlled by planning condition.’</p>	
Terrace and details of operational development	Heritage Designation(s)	Image
Mud Dock Café Bar See below in terms of planning history for detail of operational development.	<ul style="list-style-type: none"> • Located within City and Queen Square Conservation Area. • Identified as an Unlisted Building of Merit in the City and Queen Square Conservation Area Character Appraisal (March 2009). 	 <p>(Source: www.mud-dock.co.uk)</p>
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
06/00824/F	<p>No such report saved on Bristol City Council Public Access. Application description: ‘Creation of food and drink storage areas, food preparation/kitchen area and take-away sandwich collection bar with small seating area, located on ground floor.’ Approved west elevation drawing (ref. 2092/110 Rev. E) illustrates the proposed terrace deck/steel balustrade/handrail.</p>	

Terrace and details of operational development	Heritage Designation(s)	Image
<p>Clifton Observatory</p> <p>Limited operational development (so far as we know).</p>	<ul style="list-style-type: none"> Grade II* listed building. Located within The Downs Conservation Area. 	 <p>(Source: www.timeout.com/uk/food-and-drink/best-rooftop-bars-in-the-uk)</p>
<p>Relevant Planning Permission</p>	<p>Relevant heritage impact references in Officer/Committee Report</p>	
<p>07/05728/LA and 07/05730/F</p>	<p>No copy of report retained on Public Access.</p>	
Terrace	Heritage Designation(s)	Image
<p>The White Lion (part of Avon Gorge Hotel)</p>	<ul style="list-style-type: none"> Grade II listed building Located within Clifton Conservation Area. 	 <p>(Source: www.google.com)</p>
<p>Relevant Planning Permission</p>	<p>Relevant heritage impact references in Officer/Committee Report</p>	
<p>None identified for original terrace.</p> <p>Raising or terrace and other terrace alterations sanctioned through 17/02136/F.</p>	<p>‘The rear of the property is visible from a number of long range key views from Clifton Suspension Bridge. The proposed works will all be undertaken to the non-listed element of the hotel, however they would be read in visual conjunction with the wider listed terrace and would be visible in a number of long distance key views from within the surrounding conservation area, including from Clifton Suspension Bridge.’</p>	

Terrace and details of operational development	Heritage Designation(s) ¹¹	Image
Halo office/residential development, Redcliffe. The approved plans show various terraces incorporating decking/steel pergolas etc.	<ul style="list-style-type: none"> • Located within Redcliffe Conservation Area. • Located opposite the Grade II* listed Former tramway generating station 	N/A, building still under construction.
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
19/01255/F	Various comments raised by the City Design Group Urban Living Assessment on the terraces	

2.18 The Council has also recently granted planning permission (ref. 23/02827/F) for the ‘Demolition and redevelopment to provide co-living units (*sui generis*) and student accommodation (*sui generis*), associated amenity spaces, ground floor uses (Class E), access, servicing, landscaping, public realm, and associated works’ at the Premier Inn on the Haymarket. This was approved on 14th May 2024. An image¹² of the development is provided below, seen behind the 12th Century Grade 1 listed St. James Priory. The tower will rise to 28 storeys.

2.19 The officer’s report to committee confirms that ‘...Both elements of the scheme are also provided with outdoor amenity space, 200 sq m for the PBSA in a roof terrace, and a 100 sq m roof terrace and small private (shared) balconies or the co-living...’ The officer’s report also sets out Historic England’s various objections to the development, including the impact on the Priory (it being the oldest building in Bristol). The Design and Access Statement (DAS) for the scheme confirms there will

¹¹ It is noted that Historic England objected to the planning application in terms of the effect on the GV II* former tramway generating station and the GV II* Temple Church (albeit this was in connection with the height of the building, rather than the roof terraces).

¹² NPA Visuals (source: Bristol City Council)

be roof terraces on both of the approved towers at roof level, described as ‘sky lounges’. Page 100 of the DAS describes them as follows:

‘6. No.1 St James Square Roof Terrace This terrace will serve as the main rooftop amenity space for the PBSA residents of the development. This communal terrace will provide recreation and rest spaces for the adjacent apartments of the accommodation and will also be used by the wider student living community.

7. No.2 St James Square Roof Terrace This communal terrace will provide recreation and rest spaces for the adjacent apartments of the co-living accommodation. This space will also sit adjacent to an internal social amenity space and so will provide amenity function for the wider co-living community to use.’

Image 8 – Verified Image of approved PBSA/co-living scheme at The Haymarket



2.20 This sub-section has demonstrated that Bristol has embraced developments for and incorporating roof top terraces to serve a variety of planning uses in other sensitive heritage locations. The development at Building 11 seeks to build on these, but in a sensitive and appropriately designed scheme.

3. Details of the Proposals

3.1 As identified previously, the planning application is described as:

'Detailed planning application for use of part of the roof area as an outdoor terrace, comprising the provision of a metal canopy frame with retractable sun shade, glass balustrade and acoustic screen and provision of a biodiverse green roof to part of roof top plant room.'

3.2 Building 11 provides an excellent opportunity to provide a roof terrace due to the building already benefitting from an appropriate roof space to be partially enclosed and used as a terrace, and one that offers enviable views across the Floating Harbour, hence the name of the project – *Harbour View*. It does not project above the height of the existing building. It is considered that, when the surplus floorspace, new mezzanine and terrace are brought into use, the development will help to further establish Canons Yard and the Harbourside more generally as Bristol's premier leisure and tourism destination. The applicant has invested significant sums to help to achieve this over recent years.

3.3 The extent of the terrace and its design treatment have been entirely reconsidered since the submission of Application 1. At that stage the terrace was proposed to be significantly larger, wrapping around the area of roofspace on both the south and east elevations. It was also set much close to the edge of the outside edge of the roof. It also included a pergola (which was proposed to incorporate planting and fairy lights) and an acoustic screen at either end¹³. CGIs of the proposed terrace were provided with Application 1 and are shown in images 9 and 10 below.

¹³ Only one acoustic screen is now proposed/required given that the terrace does not dog-leg around the east elevation towards the Ibis hotel.

Image 9 & 10 –CGIs of terrace proposed via Application 1, prior to removal from planning application



3.4 The terrace now proposed will only be on the roof top on the south elevation of the building and set in from the edge of the roof. The terrace retains the dedicated fire

escape route approved for the smaller terrace under Application 1. The means of escape, in the event of a fire, will enable patrons to obtain access to ‘Stair 1’ located on the western side of the building. In order to protect those using the fire escape, the balustrade (albeit one that does not feature glazing) will continue around the south and west of the building to this stairwell. The southern part of the existing means of escape is shown in Image 11. The means of escape doglegs around the south-western corner of Building 11 to the stairwell opposite the apartment block seen in Image 11 incorporating blue render.

Image 11 – Existing Means of Escape



4. Planning Policy Context

a) Introduction

4.1 As the Secretary of State will of course be aware, the proposal is subject to the planned approach for the determination of planning applications. This is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004. It states:

'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

4.2 The adopted development plan comprises, so as is relevant to the site's location and the nature of the development proposal, the following documents:

- The **Core Strategy** (adopted June 2011);
- The **Site Allocations and Development Management Policies** (adopted July 2014); and
- The **Bristol Central Area Plan** (adopted March 2015)

4.3 The Council consulted on its 'Bristol Local Plan Review' in Spring 2019. The Council began consulting on its '**Bristol Local Plan Review: Draft Policies and Development Allocations**' document in November 2022, with the consultation exercise running until 20th January 2023.

4.4 The Council has more recently consulted on its **publication Local Plan** (November 2023 to January 2024). The plan is at the early stages of preparation and has not advanced to a level where weight can be afforded to it (NPPF, paragraph 48a)) Notwithstanding this, we have reviewed the publication plan and note that the supporting text to draft Policy DS1: Bristol City Centre identifies that:

'Bristol's Floating Harbour is one of the city's greatest assets, enjoyed by thousands of people every year. The regeneration of derelict and unused wharves and waterfront sites over the past 50 years has breathed new economic, cultural and social life into the

harbour area. Its thriving leisure waterway and cultural offer, has made this a multi-destination visitor attraction of international renown.' (paragraph 3.1.7)

4.5 Paragraph 3.1.8 reads:

*'The city centre forms Bristol's historic core. Its character and setting is enhanced by a distinctive topography and by extensive waterfront areas. The city centre contains many built and natural environmental assets. These include key heritage assets: thirteen conservation areas, archaeological remains and numerous listed buildings. **Alongside its changing skyline and contemporary development, the city centre's unique townscape and topography contributes to its distinctiveness as a place to live, work, study and enjoy leisure time.'***

(our bold emphasis)

4.6 The proposal seeks to breathe further cultural and social life into the Harbourside as part of its changing skyline and contemporary development for those visiting and living in the area to enjoy leisure time aligned with the emerging plan.

4.7 Material planning considerations also include the **National Planning Policy Framework** (the 'NPPF') and the '**City Docks - Character Appraisal & Management Proposals**' document (December 2011).

b) The Bristol Local Plan

i) Relevant Site Allocations

4.8 Within the Bristol Central Areas Plan's Policies Map, Rainbow Casino forms part of an allocated '**Leisure Use Frontage**'. The location of the casino is marked with the green star in Image 12, below.

Image 12 – Bristol Central Areas Plan’s Policies Map Extract



ii) Relevant Development Plan Policies

4.9 Whilst we are aware that the Council’s objections to the previous terrace proposal related solely to its impact on heritage assets, it is important to consider that the terrace seeks to contribute to the future function of the building to the benefit of the additional floorspace and uses sought through Applications 1 and 2 (as identified in Table 1 on page 3 of this Planning Statement). It is considered that the perceived impact on heritage assets should be balanced against the policies that support(ed) Application 1 given that the terrace will benefit the attraction of those uses that are support by those policies set out below and in Table 3 (also below).

4.10 The relevant policy relating to the allocation directly affecting the casino (the Leisure Use Frontage) is Bristol Central Area Plan Policy **BCAP19** (Leisure Use Frontages in Bristol City Centre). Additionally, Bristol Central Area Plan Policy **BCAP41** (The Approach to Harbourside) is of relevance. Core Strategy Policy **BSC7** (Centres and

Retailing) is also relevant. These policies are set out in the table below, along with key supporting text from the relevant development plan document. We have highlighted the most relevant text on bold text.

Table 3 – Relevant ‘Use’ Policies

Policy	Development plan document
BCAP19 – Leisure Use Frontages in Bristol City Centre	Bristol Central Area Plan
Policy text	Relevant supporting text
<p><i>‘The development of uses that contribute to the leisure, entertainment and evening economy offer in Bristol City Centre will be encouraged and acceptable within the Leisure Use Frontages provided the concentration of uses would not result in harmful impacts.</i></p> <p><i>Leisure and entertainment uses will be acceptable at other city centre locations where they accord with other relevant Local Plan policies.’</i></p>	<p><i>‘The centre of Bristol has benefited in recent years from a growth in food, drink and leisure and entertainment premises including restaurants, bars, pubs, clubs, cinemas and other leisure uses. The activity, vitality and vibrancy associated with the appropriate mix and type of these uses can make them a welcome and positive addition to the retail offer of Bristol City Centre.’</i> (paragraph 5.21)</p> <p><i>‘The City Centre Retail Study acknowledged the existing food, drink, leisure and entertainment offer across Bristol City Centre. It found there is potential for further growth and that focusing this growth on selected areas would be beneficial. Leisure Use Frontages have been designated to help support and guide this growth.’</i> (paragraph 5.22)</p> <p><i>‘Harbourside and the waterfront area includes a small element of convenience retail but otherwise consists mainly of leisure, tourism and cultural uses, including pubs, bars and restaurants which create a strong evening economy presence. Leisure Use Frontages in this area recognise its existing role and allow for further developments.’</i> (paragraph 5.24)</p>

Policy	Development plan document
BCAP41: The Approach to Harbourside	Bristol Central Area Plan
Policy text	Development plan document
<p><i>‘Development will be expected to enhance Harbourside’s role as an informal leisure destination and a focus for maritime industries, creative industries and water-based recreation, preserving and enhancing the setting of the neighbourhood’s major attractions including the Floating Harbour itself.</i></p> <p><i>Development adjacent to the Floating Harbour will be expected to be of a scale and design appropriate to its setting, reflecting the special interest and visual prominence of quayside areas and character and setting of the surviving historic buildings and fabric and preserving and enhancing views to and from the Floating Harbour. Development adjacent to the Floating Harbour will be expected to retain, restore and integrate existing dockside furniture and fittings and make provision where possible for additional vessel moorings.</i></p> <p><i>Through development, opportunities will be sought to provide new or enhanced public open spaces in the Cumberland Basin regeneration area and to rationalise the existing highway infrastructure to release more development land. Development should preserve and enhance the setting of surviving heritage assets within and adjoining the regeneration area and improve the quality of public open space in the area.</i></p>	<p><i>‘This approach picks up on past trends and continues to build upon the important role that Harbourside plays in the visitor economy of the city [...]’ (paragraph 9.7.6)</i></p>

<p><i>Development in the Hotwells area will be expected to maintain a range of shops and services to meet local needs through the renewal or replacement rather than the loss, of existing retail units, public houses and other active ground floor uses. Through development, opportunities will be sought to reduce the impact of traffic on the area and improve provision for pedestrians and cyclists, particularly in the vicinity of the Dowry Parade/Merchant’s Road gyratory system.’</i></p>	
<p>Policy</p>	<p>Development plan document</p>
<p>Policy BSC7 – Centres and Retailing</p>	<p>Core Strategy</p>
<p>Policy text</p>	<p>Relevant supporting text</p>
<p><i>‘Retail development, offices, leisure and entertainment uses, arts, culture and tourism uses will be primarily located within or, where appropriate, adjoining the centres in the identified network and hierarchy serving Bristol</i> [14].</p> <p><i>Town, District and Local Centres will also be focuses for the development of:</i></p> <ul style="list-style-type: none"> • <i>Community facilities;</i> • <i>Higher density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking; and</i> • <i>Smaller scale office developments providing local office floorspace provision.</i> <p><i>Development will be of a scale and intensity appropriate to the position</i></p>	<p><i>‘[...] Bristol City Centre is at the head of the hierarchy. It will remain the principal destination for shopping and leisure in the city and in the South West region. [...]’ (paragraph 4.7.8)</i></p>

¹⁴ Harbourside is one of the centres at the top of the Hierarchy of Centres on page 65 of the Core Strategy

<p><i>of the centre in the hierarchy and to the character of the centre. Where proposed developments would be significantly larger in scale than existing uses, it should be clearly demonstrated that the catchment the development will serve is in keeping with the role of the centre.</i></p> <p><i>Mixed-use development at accessible centres will be particularly promoted where it takes advantage of under-used land.</i></p> <p><i>Uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged.</i> Active ground floor uses will be maintained and enhanced throughout the centres [...]^[15]</p>	
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4.11 Table 3 illustrates the development plan’s support for leisure, tourism and recreational uses at Harbourside. These uses are supported by Application 1 and 2 and will be enhanced by the addition of the proposed terrace.

4.12 The following development plan policies relate to the impact of the terrace on the locality and heritage assets:

- Core Strategy Policy BSC21 – Quality Urban Design
- Core Strategy Policy BCS22 – Conservation and the Historic Environment
- Site Allocations and Development Management Policies Policy DM26 – Local Character and Distinctiveness
- Site Allocations and Development Management Policies Policy DM30: Alterations to Existing Buildings
- Bristol Central Area Plan Policy BCAP41: The Approach to Harbourside

¹⁵ Note that the remainder of the policy relates to retail uses and local shopping provision so is not relevant to the proposal.

4.13 These policies are set out below.

Core Strategy Policy BSC21 – Quality Urban Design

4.14 Policy BCS21 identifies, so as is relevant to non-residential development, that:

‘New development in Bristol should deliver high quality urban design. Development in Bristol will be expected to:

- *Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness.*
- *Promote accessibility and permeability by creating places that connect with each other and are easy to move through.*
- *Promote legibility through the provision of recognisable and understandable places, routes, intersections and points of reference.*
- *Deliver a coherently structured, integrated and efficient built form that clearly defines public and private space.*
- *Deliver a safe, healthy, attractive, usable, durable and well-managed built environment comprising high quality inclusive buildings and spaces that integrate green infrastructure.*
- *Create a multi-functional, lively and well-maintained public realm that integrates different modes of transport, parking and servicing.*
- *Enable the delivery of permanent and temporary public art.*
- *Safeguard the amenity of existing development and create a high-quality environment for future occupiers.*
- *Promote diversity and choice through the delivery of a balanced mix of compatible buildings and uses.*
- *Create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions...’*

Core Strategy Policy BCS22 – Conservation and the Historic Environment

4.15 This policy states:

‘Development proposals will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including:

- *Scheduled ancient monuments;*
 - *Historic buildings both nationally and locally listed;*
-

- *Historic parks and gardens both nationally and locally listed;*
- *Conservation areas;*
- *Archaeological remains.'*

4.16 Note that the proposal does not affect any scheduled ancient monuments, historic parks and gardens or any archaeological remains.

Policy DM26: Local Character and Distinctiveness and Policy DM30: Alterations to Existing Buildings

4.17 The 'General Principles' section of Policy DM26 is that which is relevant. The remainder of the policy relates to infill and backland development so is not of relevance. The General Principles are set out below.

'The design of development proposals will be expected to contribute towards local character and distinctiveness by:

- i. Responding appropriately to and incorporating existing landforms, green infrastructure assets and historic assets and features; and*
- ii. Respecting, building upon or restoring the local pattern and grain of development, including the historical development of the area; and*
- iii. Responding appropriately to local patterns of movement and the scale, character and function of streets and public spaces; and*
- iv. Retaining, enhancing and creating important views into, out of and through the site; and*
- v. Making appropriate use of landmarks and focal features, and preserving or enhancing the setting of existing landmarks and focal features; and*
- vi. Responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes; and*
- vii. Reflecting locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion; and*
- viii. Reflecting the predominant materials, colours, textures, landscape treatments and boundary treatments in the area.*

Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the

opportunities available to improve the character and quality of the area and the way it functions.

Development should retain existing buildings and structures that contribute positively to local character and distinctiveness. Where the loss of an existing building or structure is acceptable due to the wider planning benefits of a development proposal, opportunities should be sought to reuse any materials that contribute to local character and distinctiveness...'

4.18 Policy DM30 states:

'Extensions and alterations to existing buildings will be expected to:

- i. Respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene; and*
- ii. Retain and/or reinstate traditional or distinctive architectural features and fabric; and*
- iii. Safeguard the amenity of the host premises and neighbouring occupiers; and*
- iv. Leave sufficient usable external private space for the occupiers of the building.*

Extensions should be physically and visually subservient to the host building, including its roof form, and not dominate it by virtue of their siting and scale.

The principles set out in policy DM29 will apply where development proposals involve new or altered shopfronts, external signage and/or external installations and security measures.

Proposals that would sensitively adapt existing buildings to alternative uses as an alternative to demolition will be supported. Proposals that would retrofit existing buildings with sustainability measures will also be encouraged subject to an assessment against the above criteria.'

Bristol Central Area Plan Policy BCAP41: The Approach to Harbourside

4.19 This policy is set out in Table 3, above, and in full at paragraph 5.6 of the Planning Statement. In respect of relevant supporting text, paragraph 9.7.6 highlights:

[...] The design of new development and the public realm will have to respond to the strong character of the neighbourhood's waterways. [...]

iii) Material Considerations

The National Planning Policy Framework

4.20 The latest version of the NPPF was issued in December 2023. The NPPF is supportive of leisure-related uses within allocated centres, such as those promoted through Application 1 and 2¹⁶. It sets out the three overarching objectives to achieving sustainable development at paragraph 8:

- The economic objective
- The social objective
- The environmental objective

4.21 The economic objective is relevant to Application 1 and 2. In respect of the current application, the social objective is relevant. It supports:

'fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;'

4.22 The environmental objective is also relevant. It seeks to protect and enhance the built and historic environment.

4.23 Chapter 12 of the NPPF is titled 'Achieving well-designed and beautiful places'. Paragraph 135 provides the most relevant text in respect of planning decisions. It states that:

'Planning policies and decisions should ensure that developments:

¹⁶ Chapter 7 – Ensuring the vitality of town centres

- a) *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;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience..'*

City Docks - Character Appraisal & Management Proposals

- 4.24 This document is one of a number of conservation area character appraisals prepared by the Council. It was adopted in December 2011 and forms supplementary planning guidance. The introduction identifies that:

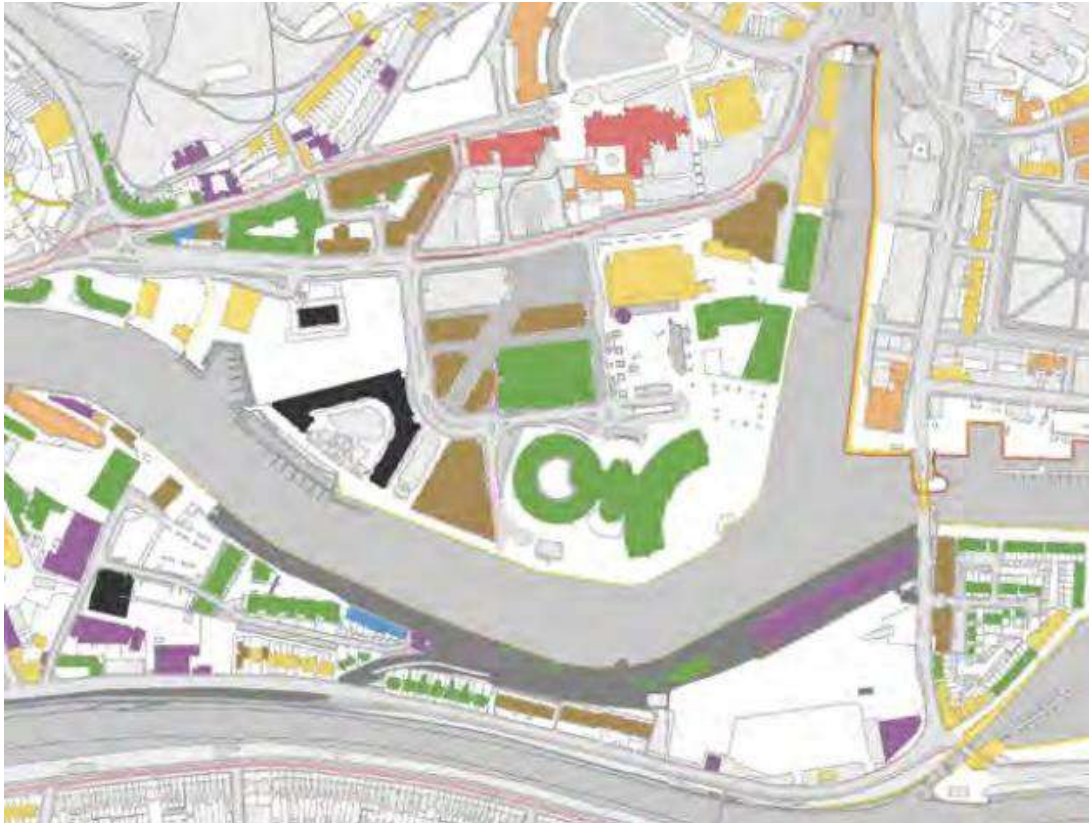
'Once adopted a Character Appraisal provides a tool for development management officers, developers, residents and others to recognise the special interest of the area in order that it can be preserved or enhanced.'

- 4.25 The Character Appraisal considers six separate areas within the docks. Building 11 is identified as a 'Character Building' on Map 6¹⁷. An extract of Map 6 is provided in Image 13 below whereby green shaded buildings are those Character Buildings and brown shaded buildings are identified as Neutral Buildings. Red represents Grade I listed buildings, orange Grade II* and yellow Grade II. Purple represents a Building of

¹⁷ Map 6 is titled 'Relative Merit of Unlisted Buildings'

Merit, blue represents Grouped Buildings of Merit and black representing Negative Buildings. The map pre-dates the listing of Canons House, which is the green-shaded building to the south of Building 11.

Image 13 – Extract of Map 6 of the City Docks - Character Appraisal & Management Proposals



4.26 Building 11 can be seen as the large rectangular building shaded green located centrally in the image extract. The nearest 'Key Building' to the proposal is identified as Canons House and the nearest 'Feature' is Millenium Square.

4.27 Paragraph 7.1.8a describes the area as follows:

'North of Floating Harbour on former marshland belonging to Augustinian Abbey Canons (now cathedral). Later used for ship-building and built up with industrial buildings, many of which were gasworks buildings that contaminated the soil. It was redeveloped

at the end of 20th century as the ‘Harbourside’, a mixed use area of offices, residential, entertainment and shops.’

4.28 A SWOT analysis for City Docks Conservation Area is also provided and this is replicated below and overleaf in Table 4. We have highlighted those parts which we consider lend support to the terrace in bold text.

Table 4 – City Docks - Character Appraisal & Management Proposals – Canons Marsh SWOT Analysis

Strengths	Opportunities
Some robust large-scale buildings	Increase of trees and soft planting
Heritage buildings and structures re-used	Improve continuous pedestrian way along waterside
Interesting public squares and spaces with public art	encourage wider mix of independent leisure facilities
water sidewalks enabling interpretation of the Southside of the floating harbour and surrounding landscape	proposed restoration and reuse of historic gasworks buildings
flexibility of public open space to allow for events and festivals throughout the year	protecting key views and panoramas in future development management negotiations that may have an impact on the area
Views south across Floating Harbour to south Bristol and Dundry Hills	
variety of cultural and leisure attractions contributing to Bristol's wider economy	
Weaknesses	Threats
bland over-scaled facades to modern buildings and sterilisation of character particularly to the West End	continued economic decline contributing to increase of empty premises
lack of trees and soft landscaping	loss of views caused by new developments
poor connection behind and between buildings and lack of pedestrian permeability	loss of traditional features and townscape details
‘chain’ bars and restaurants contributing to a late night culture that conflicts with local residents and deters some visitors	

4.29 Section 9 sets out various negative features of the City Docks Conservation Area, these being:

- pedestrian and traffic conflicts;
- loss or poor maintenance of traditional street surfaces, townscape & industrial/maritime features;
- derelict buildings and vacant sites;
- advertising boards and hoardings;
- unsympathetic infill and new developments; and
- loss of views.

4.30 ‘Views north towards Bristol Cathedral’ was one of the concerns expressed by the Case Officer concerning the Application 1 terrace proposal. The document’s text relating to loss of views is provided at paragraph 9.8. This is now avoided though the removal of the eastern terrace element. The paragraph states:

‘The loss of views, either to key landmarks within or outside the conservation area, or to landscapes or sites beyond is impacting negatively on the character of the Conservation Area. Proposed development north of the floating harbour (Building 4) will result in the loss of a key view from the south of the water to the Cathedral.’¹⁸

4.31 Section 10 sets out the ‘management proposals’ to remedy these negative features. With regards to loss of views, section 10 identifies:

‘Where applications for new development arise, ensure these are sensitive to the character or appearance of the Conservation Area through positive use of existing development management powers.’
(paragraph 10.22)

Seek enforcement action, where appropriate, against unauthorised development.’ (paragraph 10.23)

4.32 In summary, we consider that the main areas of relevant policies are that the terrace should:

- contribute to the area’s character and identity;
- safeguard and enhance heritage assets;

¹⁸ The document does not provide any references to a Building 4, so we are unaware as to what this relates.

- respect local pattern and grain of development and respond positively to height, scale, mass, form and the proportion of existing buildings; and
- retain, enhance and create important views.

5. Demonstration of Development Plan Compliance

- 5.1 This section provides an exploration of how the terrace accords with the provisions of those development plan policies set out in Section 4. It also provides a short summary on the BNG enhancements proposed.
- 5.2 As was set out in the supporting Planning Statement for Application 1, the changes in the composition of uses was considered to fully support the aspirations for this part of the City Centre, benefitting its tourism and economic position. The same arguments are made in respect of Application 2, which enable additional uses to those sought through Application 1 to enable the new floorspace to be marketed as widely as possible.
- 5.3 Rooftop terraces have been successfully provided in other major English cities, as shown in the examples in images 4-7, as well as elsewhere within Bristol City Centre itself. The terrace seeks to benefit from the building's close proximity to the Floating Harbour (in a similar way as the roof terrace located at the M-Shed – a 'Building of Merit' as identified on Map 6 of the City Docks - Character Appraisal & Management Proposals document).
- 5.4 We consider that weight should be afforded to the economic and social benefits that the terrace will bring to this part of the Harbourside, as well, of course, to the applicant's efforts to reduce its size to respond to officers' previous design/heritage concerns.
- 5.6 Policy BCAP41 is relevant. To re-cap, and as is relevant to this part of the Harbourside, the policy states the following. We have underlined that aspect of the policy text that is relevant here.

'Development adjacent to the Floating Harbour will be expected to be of a scale and design appropriate to its setting, reflecting the special interest and visual prominence of quayside areas and character and setting of the surviving historic buildings and fabric

and preserving and enhancing views to and from the Floating Harbour. Development adjacent to the Floating Harbour will be expected to retain, restore and integrate existing dockside furniture and fittings and make provision where possible for additional vessel moorings...'

- 5.7 As is also highlighted, the policy's supporting text identifies that the approach builds upon:

'the important role that Harbourside plays in the visitor economy of the city...' [and]

'It would benefit from the animation of key parts of the public realm with active ground floor uses where possible.'

- 5.8 The roof space requires relatively little adaption to provide the terrace. It will clearly provide an elevated platform from which members of the public will be able to enjoy incredible views to the Floating Harbour, as show in Image 14. This supports that part of Policy BCAP41 highlighted in bold at the top of this page, as the terrace will enhance views to the Floating Harbour, south Bristol and Dundry Hill. As highlighted at paragraph 3.2 of the Planning Statement, the name of the project is *Harbour View*.

Image 14 – View from the terrace roof area looking south-east



5.9 The provision of the terrace will also:

1. Play an important role in the visitor economy, given the tourist appeal of Harbourside/The Floating Harbour, especially given its proximity to a number of tourist destinations (e.g. We Are Curious, Millenium Square, Bristol Aquarium, the Arnolfini etc) and the hotels nearby; and
2. Animate Building 11 and not impede existing views across the area, such as northwards views from the south of the River Avon towards Bristol Cathedral.

5.10 As the Secretary of State will be aware, it is a requirement under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the decision-maker to exercise its planning functions to pay special attention to the desirability of preserving or enhancing the appearance of its Conservation Areas. Core Strategy Policy BCS22 requires the following:

'Development proposals will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including [...] conservation areas.'

5.11 This policy principle is echoed in Policy DM31 ('Heritage Assets') of the Site Allocations and Development Management Policies DPD. The policy is quite lengthy and is provided in its entirety below. We have highlighted in bold text those areas that are considered to be most relevant to the proposal.

'General principles

Development that has an impact upon a heritage asset will be expected to conserve and, where appropriate, enhance the asset or its setting.

Archaeology:

Scheduled monuments and other non-designated archaeological sites of equivalent importance should be preserved in situ. In those cases where this is not justifiable or feasible, provision should be

made for excavation and record with an appropriate assessment and evaluation. The appropriate publication/curation of findings will be expected.

Listed Buildings:

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.

Conservation Areas:

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.

Registered Historic Parks and Gardens:

Development will be expected to have no adverse impact on the design, character, appearance or settings of registered historic parks and gardens and to safeguard those features which form an integral part of their character and appearance.

Locally important heritage assets:

Proposals affecting locally important heritage assets should ensure they are conserved having regard to their significance and the degree of any harm or loss of significance.

Understanding the asset

Development proposals that would affect heritage assets will be expected to demonstrate, by a thorough understanding of the significance of the asset, how any change proposed would conserve and, where appropriate, enhance that significance.^[19]

Conserving heritage assets

Where a proposal would affect the significance of a heritage asset, including a locally listed heritage asset, or its wider historic setting, the applicant will be expected to:

¹⁹ This is set out in the submitted Heritage Impact Assessment ('HIA')

- i. *Demonstrate that all reasonable efforts have been made to sustain the existing use, **find new uses** ^[20], or mitigate the extent of the harm to the significance of the asset; and*
- ii. *Demonstrate that **the works proposed are the minimum required** to secure the long term use of the asset; and*
- iii. *Demonstrate how those features of a heritage asset that contribute to its historical, archaeological, social, artistic or **architectural interest will be retained**; and*
- iv. ***Demonstrate how the local character of the area will be respected.***

Recording the asset

Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to:

- i. *Instigate a programme of recording of that asset; and*
- ii. *Ensure the publication of that record in an appropriate form.*

Energy efficiency measures and renewables over invasive measures.

***The installation of energy efficiency measures and micro-renewables in historic buildings (including listed buildings) and in conservation areas will be permitted, provided that the works are the minimum required to achieve the energy efficiency improvements** ^[21] and do not conflict with the general principles described above, prioritising low-impact measures.'*

5.12 It is clearly the case that Building 11 is of a modern appearance. This is highlighted in paragraph 1.3 of the supporting HIA. The proposed external changes relate principally to the operational development associated with the use of part of the casino roof as a terrace. As highlighted in the HIA, a new metal canopy with retractable sunshade will be introduced above the northern part of the terrace area with a new 1.5m glazed balustrade to the south of the terrace and the west and east sides of it would be flanked with a 2.9m acoustic/visual screen with a timber finish.

²⁰ This is achieved through Applications 1 and 2.

²¹ Energy efficient measures are also provided through Applications 1 and 2 through the provision of photovoltaic panels.

- 5.13 With regards Application 1, the Case Officer set out the concerns with regards the previous terrace proposal, which was, as stated previously, larger and included a timber pergola structure. The concerns were set out in the email of 28th September, which is provided at Appendix 4, and stated:

'This is a character building, as identified in the conservation area character appraisal. It is a symmetrical building with clean lines. The proposals for the roof terrace, including the pergola, will disrupt the symmetry of the building and add clutter. The roof terrace would domesticate the space, as a result of the tables and chairs etc. It would also appear that there would be some impact on the setting of listed assets, particularly views north towards Bristol Cathedral. The design of the proposals are therefore unacceptable, and contrary to policies BCS21, BCS22, DM27, DM27, DM30 and DM31. The impacts of the roof terrace are particularly prominent when viewed from the East side of Millennium Square. This element of the case would regrettably result in an officer recommendation for refusal.'

'The issue could be resolved by removing the roof terrace proposals. If you wish to have a small outdoor area (for smokers, say), this could be done by adding a railing along the meter wide walkway along your existing paved area and having doors which open out onto that. There may also be some limited scope to work with existing features, such as a brise soleil.'

- 5.14 In order to respond to the comments, the proposed terrace and pergola have been reduced in scale/omitted and now only projects to the south of the building. This means that the development would not affect views from the south towards the Cathedral. As highlighted in paragraph 4.18 of the HIA, *'...the minor nature of the proposed development means that key views within the conservation area and towards the various identified heritage assets are unaffected ensuring that there would be no effect on their value or importance.'*

- 5.15 The design and materiality of the pergola has also been changed to better reflect the industrial character of the host building and wider area. The applicant has commissioned new CGIs to illustrate the changes to the terrace. These are submitted

as individual documents with the planning application. Two of them are provided below. They demonstrate that the pergola will respect the clean lines of the host building and the existing façade material. The balustrade is also of a simple ‘clean line’ design, with its impact limited by the use of glazing.

Image 15 & 16 – CGIs of proposed terrace



5.16 As is also highlighted in the HIA, the development would not bring about any material change to the skyline or affect key views of existing heritage assets (including, but not limited to the Cathedral). For these reasons the proposed physical alterations accord with the overarching provisions of relevant development plan policies by:

- Safeguarding and enhancing heritage assets through careful design and providing views across the locality, including towards heritage assets;
- Enhancing the functionality of the building; and
- Providing ‘minimum works’ in order to install a functional terrace, including safety features and protection from the elements.

5.17 With regards to the *City Docks – Character Appraisal & Management Proposals*, Table 4 in the previous chapter of the Planning Statement set out the details of the Council’s SWOT analysis for Canons Marsh. The development will help to bolster some of the strengths; deliver some of the opportunities; alleviate some of the weaknesses, and de-risk some of the threats that the SWOT analysis identifies. These are explored below.

Strengths

- ***Some robust large-scale buildings***

The proposal will see the re-use of surplus floorspace of one such building. The external changes will not affect the robustness of Building 11 or bring about any considerable change.

- ***Views south across Floating Harbour to south Bristol and Dundry Hills***

The proposed terrace will benefit from excellent views across these area. The development plays to this strength.

- ***Variety of cultural and leisure attractions contributing to Bristol’s wider economy***

Associated Applications 1 and 2 will enable the casino to continue to trade in a downsized format, leading to the arrival of the new incoming leisure operator. It will add variety to what is currently on offer and support the applicant’s continued endeavours to build upon its mix of tenants and tenant offers as well as the building’s ongoing, and expanding, contribution to Bristol City Centre’s economy. The terrace will serve any incoming new use for the surplus floorspace and the mezzanine floor (that will open out onto the terrace).

Opportunities

- ***Increase of trees and soft landscaping***

The proposal will see the provision of an enhanced green roof to part of the plant room roof. This will increase biodiversity considerably, as discussed shortly.

- ***Increase wider mix of independent leisure facilities***

The proposal will contribute towards and serve an enhanced mix of leisure facilities in the locality.

- ***Protecting key views and panoramas***

As highlighted above, and in the HIA, the development will protect key views and panoramas and will enable enhanced views across the City Docks Conservation Area and promote a better understanding of local streetscape.

Weaknesses

- ***bland over-scaled facades to modern buildings and sterilisation of character particularly to the West End***

The proposed terrace will provide interest to the façade of the building.

Threats

- ***Continued economic decline***

As has been highlighted, the applicant has made significant investments in Building 11 over recent years in order to enable long-vacant premises to be occupied and to improve the line-up of leisure and other uses, and the strength of its brands. For example, old Unit 3 had been vacant since the buildings construction in the early 'noughties' until planning permission was granted in August 2020 to enable it to be amalgamated with old Unit 2 to create a new unit that now accommodates Lane 7.

The decision of Rainbow Casino to downsize has presented an opportunity to seek something different for this part of Harbourside to further strengthen its role, level of attraction and support the attraction of Harbourside as a strong City Centre destination. The proposed terrace will add to the value of the floorspace it serves.

- ***Loss of views caused by new developments.***

As has been set out above and in detail in the supporting HIA, views across the area will be maintained and the development seeks to benefit from the views achieved from the roof space.

- ***Loss of traditional features and townscape details***

No such townscape features and details will be lost as a result of the proposal. The external alterations proposed and activity they will create will embellish the building and enable users to have a better appreciation of local townscape features.

5.18 It is therefore considered that the physical alterations to the external fabric of the building have been designed to take account of all relevant planning policies and will contribute to the character and identity of the area whilst respecting the height, scale, massing, form and proportions of the host building and the enjoyment and appreciation of Bristol's skyline.

5.19 We therefore consider that the proposed terrace will not adversely impact the character of the host building or locality and will not adversely affect heritage assets. It will help to serve Building 11 and strengthen the role Canons Yard plays in this leisure orientated area of the City Centre.

Biodiversity Net Gain

5.20 Finally, as a consequence of the mandatory requirements under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), it has been necessary for the applicant to instruct ecologists Greengage to provide a Biodiversity Net Gain Assessment (BNGA) using the Statutory Biodiversity Metric. This is because the application fall outside the de minimis threshold due to the amount of existing green roof effected by the terrace exceeding 25 square metres.

5.21 The development therefore proposes to use part of the plant room roof above to provide an enhanced green roof. The submitted BNGA confirms that the scheme will deliver **34% BNG**. It provides (at Appendix G) a Draft Habitat Management and Monitoring details. A draft condition provided by Greengage is recommended to enable the maintenance of the green roof over the 30 year period and is provided at

Appendix 5. It is therefore considered that the development will comply with statutory requirements for BNG.

6. Conclusion

- 6.1 The applicant has made great endeavours over recent years through the planning process to provide a comprehensive and successful mix of tenants so that Building 11 can function as it was intended and in accordance with the provisions of its City Centre/Leisure Use Frontage allocations. This process has brought in a number of successful operators; most recently Locked in a Room, Lane 7, Par 59 and BrewDog. These operators make a valuable contribution to the success of the Harbourside, creating a successful and strong City Centre destination (which was somewhat lacking beforehand). The applicant is in the process of rebranding this part of the City Centre as Canons Yard.
- 6.2 The application affects the existing Rainbow Casino and part of the roof top plant room. The casino was original built as a 'super casino' and occupies a significant floor area. It seeks to downsize. This is as a result of changes in gambling habits (notably the switch to online gambling) and also as a result of the legacy of the pandemic. In downsizing, the casino is able to continue to trade, but from a more *realistic* floor area. This has led to the applicant exploring opportunities for the surplus floorspace and to make use of part of the casino rooftop to provide a new roof terrace to compete with those roof top destinations already provided in the City Centre and where there is a growing demand.
- 6.3 The Planning Statement has explored the relevant development plan position. It confirms that the changes to the host building will not adversely affect the building's architecture nor any heritage assets. It will enable a better appreciation of the cityscape by offering excellent views out towards the Floating Harbour and help support and bolster Bristol's leisure sector.

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**NTR Planning
June 2024**

Appendix 1

Copy of Planning Permission 23/00975/F



NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015**

Decision : GRANTED subject to condition(s)

Application no: 23/00975/F

Type of application: Full Planning

Site address: Rainbow Casino, Building 11, Explore Lane, Bristol, BS1 5TY.

Description of development: Change of use of part of the internal floorspace and part of the roof area of Unit 5 from use as a casino (sui generis) to use as a restaurant/drinking establishment with expanded food provision (Use Class E(b)/sui generis); the provision of a mezzanine floor to serve the new restaurant/drinking establishment with expanded food provision; external alterations to part of the Unit 5 roof area comprising balustrades and infilling of existing brises soleil; plus external alterations to the roof top plant room, to include the provision of new acoustic panels and photovoltaic panels.

Applicant: Canada Life Asset Management

Agent: NTR Planning Ltd

Committee/delegation date: 15.02.24

Date of Notice: 15.02.24

Important: Compliance with conditions

- Please read the conditions and understand their requirements and restrictions
- Some conditions may relate to a specific element of work, and require details to be submitted and approved before any work on that element commences.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.

**Development Management
City Hall, College Green, Bristol BS1 5UY**

Application No: 23/00975/F

DECISION: GRANTED subject to condition(s)

Condition(s)

Time limit for commencement of development

1. Full Planning Permission

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre commencement condition(s)

2. Construction Management Plan

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

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

3. Prior to the commencement of the relevant element, details of the acoustic plant screening must be submitted and approved in writing by the Local Planning Authority.

Reason: to ensure that the character and appearance of the host building and the conservation area is preserved.

4. Details of Photovoltaics (PV)

1) Prior to the commencement of development, details of the proposed PV system including location, dimensions, design/ technical specification together with calculation of annual energy generation (kWh/annum) and associated reduction in residual CO2 emissions shall be provided.

2) Prior to occupation the following information shall be provided:

- Evidence of the PV system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate.
- A calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by the percentage shown in the approved Sustainability and Energy Statement.

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

5. Noise from plant & equipment affecting residential

No installation of any external plant or ventilation equipment shall take place until a noise assessment has been submitted to and approved in writing by the Council. The assessment shall show that the rating level the plant & equipment, will be at least 5 dB below the background level at any residential premises.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To protect the amenity of neighbours.

Pre occupation condition(s)

6. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

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

7. Completion of Pedestrians/Cyclists Access - Shown on approved plans

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

Reason: In the interests of highway safety.

8. Completion and Maintenance of Vehicular Servicing facilities - Shown on approved plans

No building or use hereby permitted shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

9. Completion and Maintenance of Cycle Provision - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

10. Flood Evacuation Plan - Commercial Property

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.

11. Smoking area

Prior to the first occupation of the development hereby approved, a plan shall be submitted showing a designated smoking area on the Canons Way frontage. Between 23.00 and 08.00 customers shall not have access to the smoking area located on the approved plan.

Reason: To protect the amenity of neighbours.

Post occupation management

12. Protection of parking and servicing provision

The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

13. 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 sustainability and energy statement (Cook Brown Energy, dated 23 February 2023) and the accompanying letter by Cook Brown Energy (dated 5 January 2024, ref CBE49437) prior to occupation or use commenced.

A total 22% reduction in carbon dioxide below residual emissions through renewable technologies shall be achieved.

14. Noise from plant & equipment affecting residential

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background level as determined by BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To protect the amenity of neighbours.

15. Compliance with FRA

Development shall be undertaken in full accordance with the recommendations set out in the approved Flood Risk Assessment (Bold Environmental, 27 February 2023).

Reasons: To mitigate the effects of flooding.

List of approved plans

16. 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.

3716-HAR-SRA-XX-XX-DR-A-PL-043-P1 Section AA proposed, received 11 December 2023

3716-HAR-SRA-XX-XX-DR-A-PL-044-P1 Proposed roof plan, received 11 December 2023

3716-HAR-SRA-XX-XX-DR-A-PL-050-P3 Unit 7 Cycle Storage, received 20 December 2023

240112 Fall protection outside of balustrade, received 12 January 2024

Letter from Cook Brown Energy, dated 05.01.2024, received 8 January 2024

Flood Risk and Drainage Assessment, red 3373_02, Bold Environmental, received 8 January 2023

3716-HAR-SRA-XX-XX-DR-A-PL-001 Site Location Plan, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-003 Existing Site Plan, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-005 Existing Block Plan, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-010 Existing Level 1 (Ground Floor) Plan, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-011 Existing Level 1 Mezzanine, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-012 Existing Level 2, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-013 Existing Level 2 Mezzanine, received 8 March

2023

3716-HAR-SRA-XX-XX-DR-A-PL-014 Existing Level 3, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-015 Existing Level 3 Mezzanine, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-016 Existing Level 4, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-017 Existing East and South Elevations, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-018 Existing West and North Elevations, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-023 Existing Section AA, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-024 Existing Roof Plan, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-020 P3 Proposed Level 1 (Ground Floor), received 11 December 2023

3716-HAR-SRA-XX-XX-DR-A-PL-021 Proposed Level 1 Mezzanine, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-032 Proposed Level 2, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-023 Proposed Level 2 Mezzanine, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-024 Proposed Level 3, received 8 March 2023

3716-HAR-SRA-XX-XX-DR-A-PL-025 P2 Proposed Level 3 Mezzanine, received 11 December 2023

3716-HAR-SRA-XX-XX-DR-A-PL-026 P1 Proposed Level 4, received 11 December 2023

3716-HAR-SRA-XX-XX-DR-A-PL-037 P2 Proposed East and South Elevations, received 11 December 2023

3716-HAR-SRA-XX-XX-DR-A-PL-038 P1 Proposed West and North Elevations, received 11 December 2023

3716-HAR-SRA-XX-XX-DR-A-PL-039 P2 Proposed East and South Elevations, received 11 December 2023

3716-HAR-SRA-XX-XX-DR-A-PL-040 P1 Proposed West and North Elevations, received 11 December 2023

Sustainability and Energy Statement by Cook Brown Energy, February 2023, received 8 March 2023

Reason: For the avoidance of doubt.

Advice(s)

1. The guidance from the police is that obtaining the Licensing Security and Vulnerability Initiative (licensingsavi.com) would demonstrate that safety has been considered.

Restriction of Parking Permits - Existing Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority which administers the existing Controlled Parking Zone/Residents Parking Scheme of which the development forms part that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.

Article 35 Statement

In dealing with the application we have worked with the applicant in a positive and pro-active manner and have implemented the requirement in the National Planning Policy Framework

Application No: 23/00975/F

(2019) paragraph 38.

It is important that you read the following “Additional information”

Additional information for application no 23/00975/F

Planning permission – important provisos

1. If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts or Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note.
2. It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over land, or to access land that is not within your control or ownership.

Compliance with the approved plans and conditions

3. The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or a part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.
4. If work on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Register a new address

5. Bristol City Council is responsible for all property numbering and street naming in Bristol. You will need to apply for a property number and address if your planning permission involves the creation of a new dwelling or flat. Find more information on how to [register for a new address or make an amendment to an address](#)

Amendments

6. Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Conditions compliance

7. Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.
8. A fee is payable for each request. A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 23/00975/F

9. The web page www.bristol.gov.uk/planning-and-building-regulations/planning-conditions provides further guidance on this process.

Right of Appeal

10. Applicants have a right of appeal against the requirements of any conditions attached to this approval. Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. If you intend to submit an appeal that you would like examined by inquiry then you must notify us (development.management@bristol.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

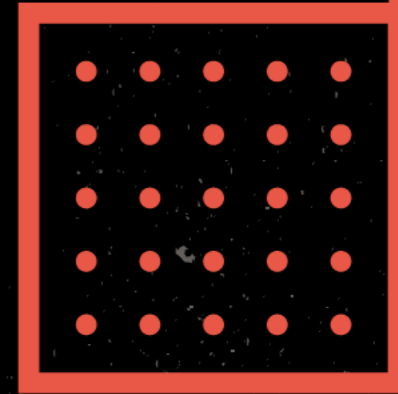
You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Complaints

11. Only planning matters can be considered at an Appeal. If you think that the Council did not properly consider your application, you can make a complaint under the council's complaints procedures, details can be found on the website www.bristol.gov.uk/complaints-and-feedback or by calling 0117 9223000.

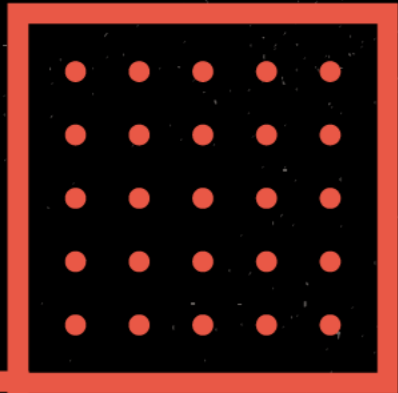
Appendix 2

Canons Yard Brochure



CANONS

YARD





LIVING LIFE TO THE FULL AT CANONS YARD

AT THE HEART OF THE BRISTOL'S NEW-LOOK HARBOURSIDE.

Presenting 'Canon's Yard' - The new identity for Bristol Harbourside's sprawling 200,000 sq. ft. leisure and entertainment quarter.

Proudly positioned in the centre of a major mixed-use neighbourhood adjacent to Bristol's historic floating harbour, this exciting development seamlessly connects the city centre and leafy residential areas of Clifton and Hotwells.

Harbourside is home to over 1,000 stylish apartments and contemporary town houses, composing a vibrant urban community. With major local employers including Lloyds Banking Group, Hargreaves Lansdown, Environment Agency, Tridos Bank and Bristol City Council, there are over 12,000 office workers located within a ten-minute catchment area.



ALL ABOUT BRISTOL

AS THE CAPITAL OF THE SOUTH WEST, THE CITY OF BRISTOL BOASTS A PROSPEROUS AND CREATIVE ECONOMY.

Historically, the city's wealth was built around its ports, which brought huge riches to the city. In more recent times, the booming aerospace industry has played an increasingly important role in Bristol's economic landscape.

Fast forward to today, and the city's prowess is centred around media, digital innovation and financial services, contributing to its robust foundation and adding to the income generated through being one of the UK's most popular tourist hot spots.

A magnet for those seeking an enhanced quality of life, Bristol consistently tops the list of the country's most desirable places to live.

WHAT BRISTOL HAS TO OFFER



BRISTOL IS THE 8TH LARGEST CITY IN THE UK



463,000 RESIDENTS LIVE IN THE CITY AND BEYOND



54,000 STUDENTS ARE ENROLLED AT BRISTOL'S UNIVERSITIES



VOTED THE NO 1 PLACE TO START & GROW A BUSINESS IN THE UK



OVER 12 MILLION TOURISTS FLOCK TO BRISTOL EVERY YEAR



BRISTOL IS HOME TO THE TOP 5 OF NATIONAL HOUSING POSTCODES



THE PLACE TO BE

AT ITS HEART IS CANON'S YARD, BRISTOL'S HOTTEST DESTINATION FOR EATING, DRINKING AND SOCIALISING



A vibrant neighbourhood both throughout the day and into the evening, Canons Yard has a rich assortment of cultural attractions and welcoming destinations to gather with friends and family.

It all began with the introduction of Lane7, a spectacular boutique bowling alley, sprawling ten lanes with an additional abundance of entertainment games, food and drink to boot. Quickly to join was Par 59, a stylish crafted mini golf bar, following on by the exciting emergence of BrewDog, who carried forward their ambitious plans to open their biggest bar yet in Bristol.

Food lovers will also be spoilt for choice at Canon's Yard. Whether it's crispy fried chicken from Dirty Bird or good old mucky burgers from Fat Hippo, there'll be something to suit all tastes.

But that's just the start... With their visionary approach, the owner is putting forward exciting proposals, paving the way for yet more vibrant food offers, alongside a new rooftop venue with breathtaking views over city.





CANONS YARD, BRISTOL

WHO'S IN THE YARD?



LANE7



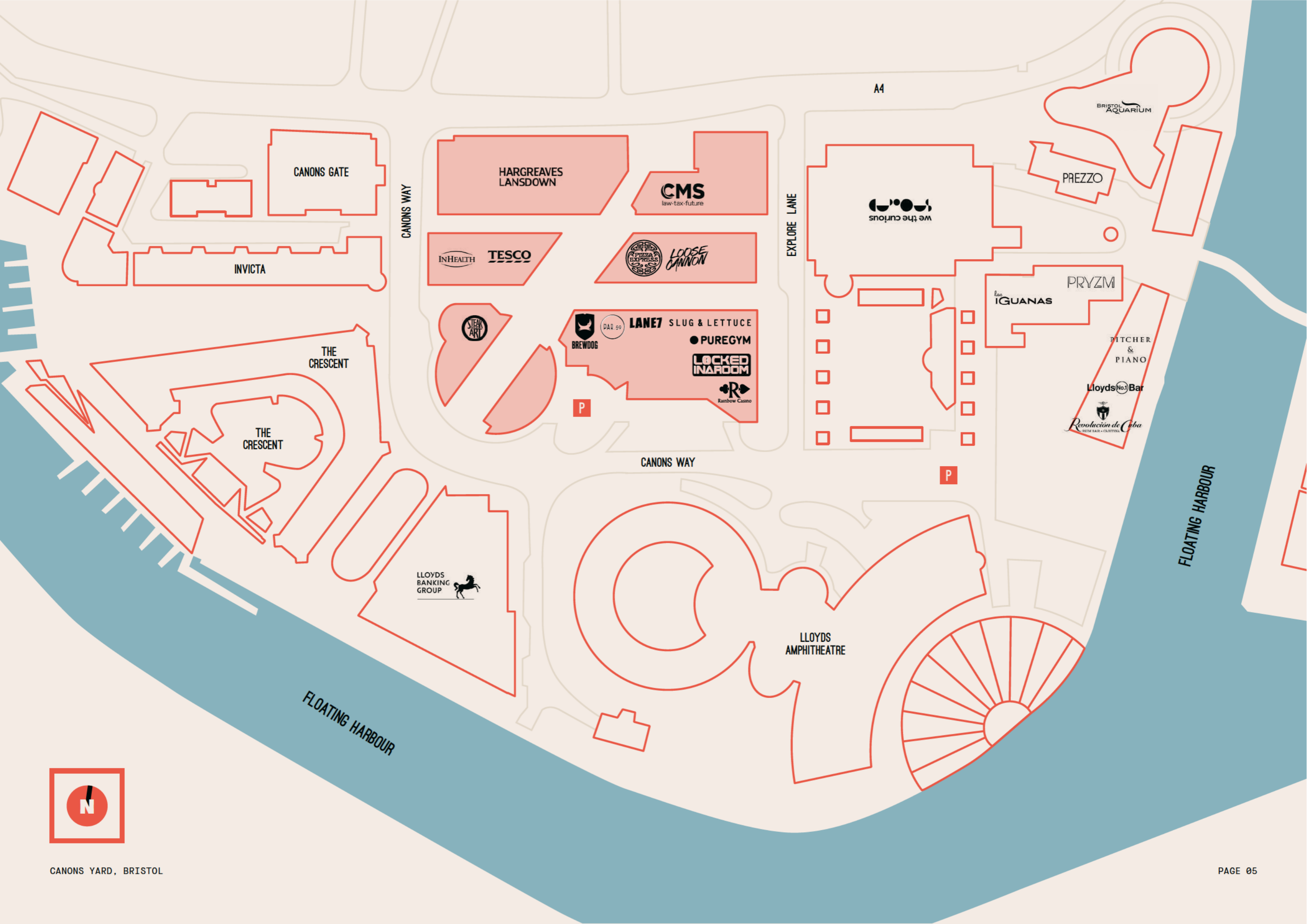
SLUG & LETTUCE



LOCKED IN A ROOM



A VIBRANT NEIGHBOURHOOD



A4

BRISTOL AQUARIUM

CANONS GATE

HARGREAVES LANSDOWN

CMS
law-tax-future

PREZZO

CANONS WAY

we the curious

EXPLORE LANE

INVICTA

INHEALTH TESCO

PIZZA EXPRESS
LOOSE CANNON

PRYZM

Las IGUANAS

THE CRESCENT

BREWDOG DAD 50 LANE7 SLUG & LETTUCE

PUREGYM

FITCHER & PIANO

THE CRESCENT

P

LOCKED IN A ROOM

Rainbow Casino

Lloyds (No.3) Bar

Revolucion de Cuba
CUBAN BAR • CULINARY

CANONS WAY

P

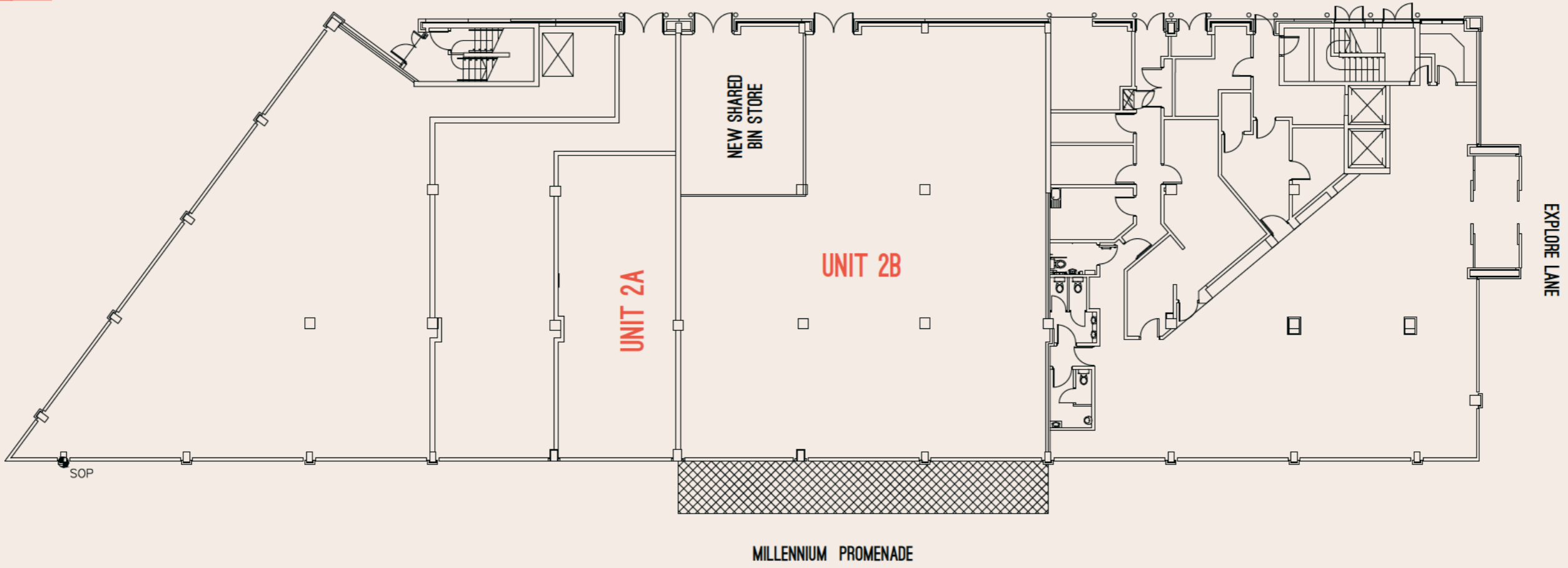
LLOYDS BANKING GROUP

LLOYDS AMPHITHEATRE

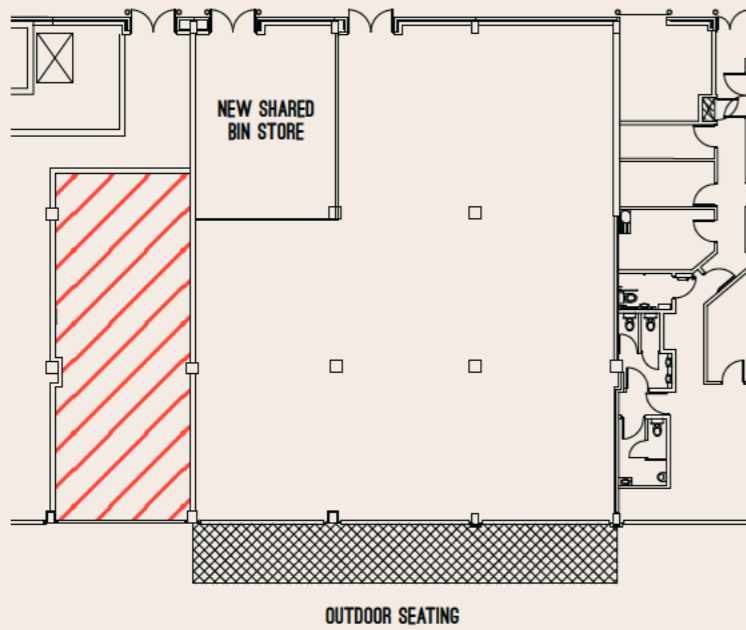
FLOATING HARBOUR

FLOATING HARBOUR





UNIT 2A



AREA

904 SQFT

TERMS

NEW LEASE FOR A TERM OF YEARS TO BE AGREED

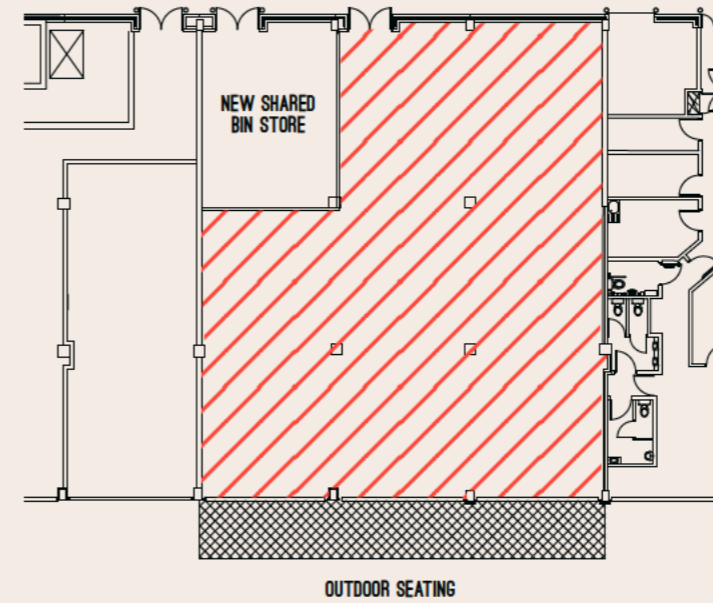
USE

CAFÉ USE WITHIN CLASS E OF UCO 2020*

RENT

RENT ON APPLICATION

UNIT 2B



AREA

3,498

TERMS

NEW LEASE FOR 15 YEARS

USE

RESTAURANT USE WITH ANCILLARY BAR WITHIN CLASS E OF UCO 2020*

RENT

RENT ON APPLICATION



WANT TO JOIN THE YARD?

AGENTS



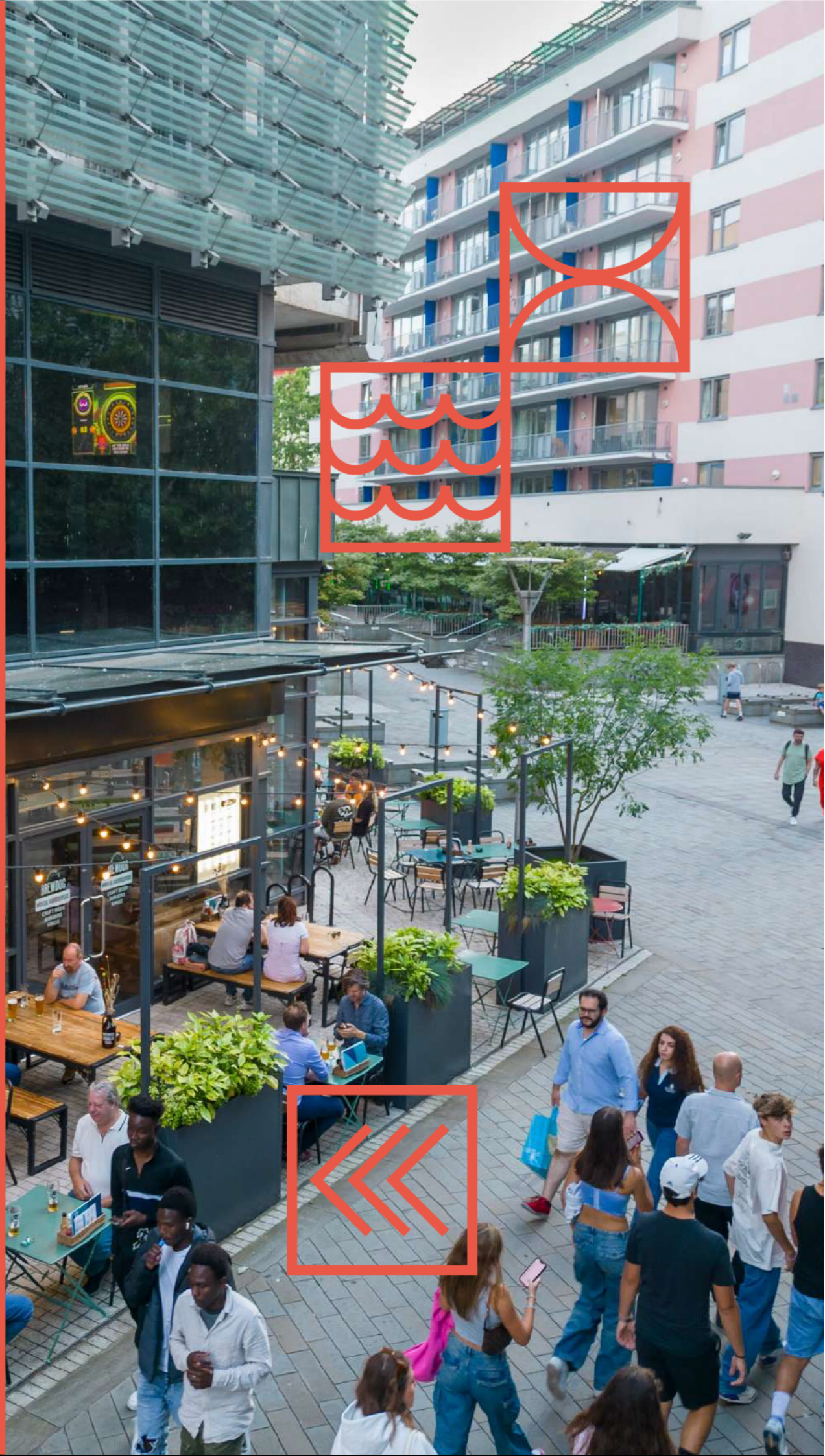
SPENCER WILSON
0117 252 0532

A DEVELOPMENT BY



DESIGNED BY SOCIETYSTUDIOS.CO.UK

ARC Retail gives notice that (i) The particulars are set out as a general outline only for the intended guidance of intended purchasers or lessees, and do not constitute any part of an offer or contract; (ii) All descriptions, dimensions, reference to condition and necessary permissions for uses and occupation, and other details are given without responsibility and any intending purchasers or tenants, should not rely on them as statements or representations of fact but must satisfy themselves by inspection or otherwise as to the correctness of each of them; (iii) No person in the employment of ARC Retail has any authority to make any representation or warranty whatever in relation to this property. October 2023.



Appendix 3

Building 11 Planning History

Building 11 – Planning History

Part 1 – Original overarching permissions

i. Planning permission ref. 01/00986/P/C

- i. Outline planning permission was first granted to Crest Nicholson for the widespread redevelopment of this part of Bristol Harbourside under planning permission reference 01/00986/P/C in February 2003. The permission was described as:

‘Mixed use development comprising residential units, offices, leisure, retail and food and drink uses, education, cultural and crèche facilities, public and private open space, new marine inlet and moorings, car parking and access (outline application).’

- ii. The permission was subject to a total of 43 conditions. Key conditions are as follows:

- Condition 7 restricted the total floorspace across the development as being not more than 102,427 sq.m, with the following maximum limits:
 - Residential – 45,000 sq.m (gross external floorspace)
 - Retail – 2,400 sq.m (gross external floorspace)
 - Business (B1) – 42,500 sq.m (gross external floorspace)
 - Education/crèche (D1) – 14,000 sq.m (gross external floorspace)
 - Leisure (D2)/Food and Drink (A3) – 16,000 sq.m (gross external floorspace)

ii. Planning permission ref. 03/01797/X

- iii. Permission 01/00986/P/C was later amended by 03/01797/X. It made the following change:

- Condition 8¹ restricted the use of Building 11 to leisure use (D2), residential (C3) and food and drink (A3)² and:

‘[...] only in a manner such that both the total floorspace allocated to each use does not exceed the maximum floorspace for that use set out in condition 7 and the disposition of the uses shall accord substantially with the Mixed Use Diagram contained on page 17 of

¹ This condition was also later amended by 03/01797/X.

² As the Council will be aware, a ‘drinking establishment’ more recently fell within a separate use class (Use Class A4), but is now a sui generis use.

the Masterplan Design Report submitted with outline planning application 01/00986/P/C.'

iv. The Council has previously confirmed that it no longer retains a copy of the Mixed Use Diagram.

- Condition 9 restricted D2 and A3 uses in accordance with condition 73 and individually so that they shall not exceed:
 - D2 – 10,500 sq.m, of which cinema floorspace shall not exceed 5,000 sq.m
 - A3 – 14,000 sq.m.

iii. Planning permission ref. 03/01797/X

v. Permission was granted in April 2004 for:

'Variation of conditions nos. 3, 7, 8, 10, 16 and 19 of outline planning permission 01/00986/P/C.'

vi. This variation permission was granted to Crest Nicholson in respect to a range of conditions attached to 01/00986/P/C. These being:

- Condition 3 – to amend the approved plans to correspond with the permitted siting;
- Condition 7 – to increase the permitted office, retail and total floorspace;
- Condition 8 – to allow Building 11 to include retail use;
- Condition 10 – to allow a single retail unit of 1,800 sq.m in Building 11; and
- Condition 16 – to enable Building 11 to have parking above basement level.

vii. This permission was sought (amongst other possible reasons) to enable Marks and Spencer to trade a 'Simply Food' store from Building 11. The permission resulted in the following new restrictions:

- New condition 5 - The new total gross external floorspace shall not exceed 108,997 sq.m. Uses are restricted to the following maximums (gross external floorspace):
 - Residential – 45,000 sq.m.
 - Retail – 3,300 sq.m (previously 2,400 sq.m).
 - Business (B1) – 44,010 sq.m (previously 42,500 sq.m).
 - Education/crèche (D1) – 14,000 sq.m.
 - Leisure (D2)/Food and Drink (A3) – 16,000 sq.m.

- New condition 4 - The permissible uses for Building 11 amended to:
 - leisure (D2),
 - retail (A1), and
 - food and drink (A3).
- ix. It should be noted that there are now no retail uses within Building 11. The previous line-up of retail uses comprised of:
- M&S Simply Food (located within the old Unit 2);
 - Triathlon Shop (located within the old Unit 1); and
 - Flingers Party Shop (located within the old Unit 2 – a sublease of M&S).

Part 2 – Key subsequent permissions

iv. Planning permission ref. 17/04794/F

- x. Planning permission was granted in October 2017 for the change of use of Unit 4B (the former Zen restaurant) to D2 use. This permission has enabled **Locked in a Room** to operate from Building 11. The Planning Officer’s Delegated Report confirmed, in respect of the principal of the development, that:

‘This is a vibrant and lively area of Bristol’s Harbourside, and designated as a leisure frontage. Policy BCAP19 states that leisure, entertainment and evening economy uses are acceptable provided the concentration of uses would not result in harmful impacts. The proposed use is considered to add to the mix of uses in the area and is considered a suitable leisure use for this part of the Harbourside. There are numerous restaurants in the area, and hence the loss of an A3 unit is not considered detrimental. Hence, the principle of development is considered acceptable, subject to other issues being resolved.’

v. Planning permission ref. 18/00197/X

- xi. Planning permission was granted in April 2018 for the additional use of Unit 3 for purposes within Use Class A4³, along with the provision of outdoor seating at Units

³ ‘Drinking Establishment’

1, 2, 3, 5 and Kiosk K1 (Costa). At this stage, Unit 3 had never been occupied since the building's construction.

- xii. In respect of the principle of the development, the Planning Officer stated the following in her Delegated Officer Report:

'Building 11 lies within the Harbourside area. All the units that are subject to this application lie on a designated leisure frontage. Policies BCS7 and BCAP19 support uses that contribute to leisure, entertainment and the evening economy, provided that the concentration of uses would not result in harmful impacts. Policy BCAP41 (The Approach to the Harbourside) supports development that enhances the Harbourside's role as an informal leisure destination.'

'With regards to the addition of use class A4 (drinking establishments) to Unit 3, given the policies above, the principle is considered acceptable, should other policy considerations be resolved, particularly with regards to cumulative impacts arising from another A4 use in this area. It is noted that the unit has been vacant for the last 12 years and the intent to bring the unit into use is welcomed, although it is noted that no tenant has yet been identified.'

- xiii. This permission was not taken up in respect of drinking establishment use sanctioned within Unit 3 – see below.

vi. Planning permission ref. 20/00833/F

- xiv. Planning permission was then granted in August 2020 for:

'Combination and change of use of Units 2 and 3 to create a new unit to be used for purposes within Use Class D2 (bowling centre), plus minor external changes to the north elevation of Building 11 to include the removal of two existing doorways to Unit 2, the removal of the existing timber boarding to Unit 3 and the provision of a new doorway to Unit 3.'

- xv. As can be seen from the description of the development, this permission affected Unit 2 and 3. Unit 2 was previously The Cuban (a bar) and Unit 3 was, as highlighted above, never occupied since the building's construction. This permission has enabled **Lane 7** to operate from Building 11.

v. Certificate of Lawfulness ref. 20/00834/CP

- xvi. In August 2020 a certificate of lawfulness was issued to confirm that the following did not constitute development:

'The provision of additional internal floorspace (1,142 sq.m GIA) within Building 11 for purposes within Use Class D2.'

- xvii. This permission has enabled the provision of the internal floorspace above Lane 7 to be developed as an indoor golf centre, recently opened and operated by **Par 59**.

vii. Planning permission ref. 21/02508/F

- xviii. This permission was granted in August 2021 and was described as:

'Internal and external works to enable the combination of Units 1 and K1 to provide new flexible commercial unit (Use Classes: E(a), (b) and/or (d), and/or as a drinking establishment with optional ancillary takeaway use (sui generis)).'

- xix. This permission has enabled **BrewDog** to trade from the combined units.

viii. Planning permission ref. 23/00975/F

- xx. This is the planning permission granted on 15th February 2024 and referred to as Application 1.

Appendix 4

Case Officer emails of 28th September and 2nd November 2023

Mark Tombs

From: Kayna Tay <[REDACTED]>
Sent: 28 September 2023 17:05
To: Mark Tombs
Subject: RE: 23/00975/F Rainbow Casino

Dear Mark,

I have now spent some more time assessing this case and reviewing the further information you sent me.

I have had some also comments from the Urban Design officer and have needed to spend some time discussing these with my manager. Apologies that I was not able to get back to you sooner on design matters.

In terms of your comments about discussions about this being a major/ minor case, I have looked into this further and can confirm we're treating it as a minor case.

In general, the change of use proposal is acceptable. I note the comments from the Police, from the neighbour and from the Pollution Control officer. However, these can be addressed via conditions. We will also need to condition opening hours. Opening until 4am would not be acceptable – it is later than comparable opening times in the area, so these will need to be reduced to 2am on Fridays and Saturdays, and midnight for the rest of the week – this could be conditioned, should all other matters be resolved. This could be further controlled by licencing.

Design and heritage

However, we have some serious design concerns about the proposed impact of the roof terrace on the design of the building.

This is a character building, as identified in the conservation area character appraisal. It is a symmetrical building with clean lines. The proposals for the roof terrace, including the pergola, will disrupt the symmetry of the building and add clutter. The roof terrace would domesticate the space, as a result of the tables and chairs etc. It would also appear that there would be some impact on the setting of listed assets, particularly views north towards Bristol Cathedral. The design of the proposals are therefore unacceptable, and contrary to policies BCS21, BCS22, DM27, DM27, DM30 and DM31. The impacts of the roof terrace are particularly prominent when viewed from the East side of Millennium Square. This element of the case would regrettably result in an officer recommendation for refusal.

The issue could be resolved by removing the roof terrace proposals. If you wish to have a small outdoor area (for smokers, say), this could be done by adding a railing along the meter wide walkway along your existing paved area and having doors which open out onto that. There may also be some limited scope to work with existing features, such as a brise soleil.

Biodiversity

I have discussed this with colleagues, and on balance, we don't feel a refusal on biodiversity grounds can be sustained.

Transport Development Management

I have consulted transport colleagues on your latest information, and I have received the following comments:

The applicant has addressed TDM's comments in relation to refuse, but still needs to address the following:

- **Amended floor plans showing the location and design of the staff cycle storage and lockers.** The applicant is required to show the design of the cycle parking spaces and lockers, referring to the [Council's TDM Guide](#) for guidance on cycle parking design.
- **Amended floor plans showing the required number of cycle parking spaces.** In addition to providing 6 cycle spaces for the restaurant staff, the applicant is also required to provide 16 cycle parking spaces for the casino staff. To comply with Policy DM23, all development proposals are expected to provide an appropriate level of safe, secure, accessible and usable parking provision, having regard to the parking standards. As such, cycle parking must also be provided for the casino staff.

I am discussing with them whether the first point could be done via a condition, and also discussing with them the extent to which it is reasonable for us to require casino staff cycle parking spaces, given the contents of your letter of 6 September. I will be back in touch on these points.

Flood risk

I have noticed that no sequential test has been submitted. Please submit one, or give some justification for why this has not been done? Justification will need to be acceptable in order for this issue to be resolved.

Sustainability

I have today received some comments from my sustainability colleague, which have been posted on line. Please would you provide a response to these and more details where necessary.

I don't think connection to the heat network is necessary, as the case is not major. However, if you wished to explore connection, we would welcome it. In any case, we do still need confirmation of the proposed method of heating the new unit, and this does need to be in line with the heat hierarchy, such as a heat pump; I can't see that the proposals fall within the list of exempt development set out in our Climate Change and Sustainability Practice Note.

A BREEAM assessment is not required.

Next steps

I would be happy to review plans which omitted the roof terrace from the proposals. Alternatively, I can write the case up for refusal, and you could appeal against a refusal. If you would like to submit amended plans and further information, as outlined above, please send these to me directly.

Happy to discuss,

Regards,

Kayna

Kayna Tay
Senior Planning Officer
Bristol City Council

I work part time. My usual working days are Tuesday, Wednesday and Thursday.

Development Management | Growth & Regeneration
Bristol City Council | City Hall | College Green | Bristol | BS1 9NE
PO Box 3399

Email: [REDACTED]

Phone: If you wish to speak on the phone, please email me to arrange a time.

www.bristol.gov.uk

Mark Tombs

From: Kayna Tay [REDACTED]
Sent: 02 November 2023 15:42
To: Mark Tombs
Cc: James Byrne; Spencer Wilson
Subject: RE: 23/00975/F Rainbow Casino

Dear Mark,

I hope you are well and had a good week off. I have discussed the proposed amendments with colleagues and can advise as follows:

Roof terrace

Whilst the proposed amended roof terrace will have a lesser impact, there will still be harm to heritage assets/ their settings and this would still result in an officer recommendation for refusal. If you would like me to recommend approval, please remove the terrace from the plans. Our reasons are along the lines of those already set out, accepting a slightly lesser impact. Please refer to previous emails and consultee comments.

As discussed, you can always make a fresh application for the terrace only, for example, if you wish to appeal against a refusal, and my manager has agreed that this could be allocated to me relatively quickly, without you having to wait in the usual 'queue'.

When we spoke on the phone, you advised you'd submit further amends omitting the terrace, so I will assume this is still your intended course of action, but please let me know if you'd like to take a different approach. However, for reasons previously discussed, I don't have the capacity to enter into any more negotiations on this now, as we are under pressure to clear our backlog and make speedy decisions on applications.

Cycle parking

I have discussed this with colleagues. As you may be aware, we don't accept hanging cycle spaces. These will not be easily useable and accessible for cyclists who may have heavier bikes, electric bikes, or who may be disabled.

For further information, please refer to the Transport Development Management Guide ([3.5.1 on Cycle Parking](#)). The document clearly states that under no circumstances are vertical, angled or hanging storage systems or single wheel stands acceptable, as they are difficult to use and can cause damage to cycles. There is lots of advice in this document, and we'd advise it should inform amended plans which show compliance with our cycle parking standards. Inadequate cycle parking would be a reason for refusal of the case, but it does appear that you have space within the building to design something that is policy-compliant, so hopefully there is a way forward here.

Next steps

Please would you submit a package of amended plans which addresses both the above two issues. Depending on how long you need, we can then agree a suitable extension of time. Once I am in a position to recommend approval, I will start work on conditions.

I hope this above is clear, but please let me know if you have any questions.

Regards,

Kayna

Kayna Tay

Proposed BNG management condition

Proposed BNG Management Condition provided by Greengage

No development shall take place on any part of the site until a written 30 year Habitat Monitoring and Management Plan (HMMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following;

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule, including annual works schedule;
- g) Details of the monitoring needed to measure the effectiveness of management;
- h) Details of the timetable for each element of the monitoring programme; and
- i) Details of the persons responsible for the implementation and monitoring;
- j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets;
- k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.