

## Decision Notice and Statement of Reasons

Site visit made by Andreea Spataru BA (Hons) MA MRTPI on 4 September 2024

**Decision By Zoe Raygen DipURP MRTPI**

**A person appointed by the Secretary of State**

**Decision date: 17 September 2024**

---

**Application Reference: S62A/2024/0055**

**Site address: Vintry House (Sixth floor), 20-32 Wine Street,  
Bristol BS1 2BD**

- The application is made under section 62A of the Town and Country Planning Act 1990.
  - The site is located within the administrative area of Bristol City Council.
  - The application dated 12 July 2024 is made by Envelop Risk Analytics Ltd and was validated on 26 July 2024.
  - The development proposed is for the use of external balcony area for additional office space, involving installation of decking, balustrade and side partition screen.
- 

### Decision

1. Planning permission is granted for the use of external balcony area for additional office space, involving installation of decking, balustrade, and side partition screen in accordance with the terms of the application dated 12 July 2024, subject to the conditions set out in the attached schedule.

### Statement of Reasons

#### Procedural matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.
3. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (BCC) has been designated for non-major applications since 6 March 2024.

4. Consultation was undertaken on 2 August 2024 which allowed for responses by 30 August 2024. Responses were received from the parties listed in Appendix 1. No other interested parties or local residents submitted responses.
5. BCC submitted comments on 30 August 2024. The consultation response sets out the Council's support for the proposed development.
6. I carried out a site visit on 4 September 2024, which enabled me to view the site internally and externally, the surrounding Conservation Area and the Listed Buildings.
7. I have taken account of all written representations in reaching my recommendation.

### **Main Issues**

8. Having regard to the application, the Council's report, together with what I saw on site, the main issues for this application are:
  - Whether the development would preserve or enhance the character or appearance of the City and Queen Square Conservation Area; and
  - The effect of the development on the living conditions of the nearby residents, with particular regard to noise.

### **Reasons**

#### *Planning History and Background*

9. The space within the sixth floor of the Vintry Building 20-32 Wine Street is currently in an office use. The application site relates to the south-western part of the existing balcony, which is accessed from an existing kitchen door. Notwithstanding the detailed planning history of the building, there are no recent planning applications relevant to the application scheme.

#### *Historic environment*

10. The application site is located within the City and Queen Square Conservation Area (CA), and I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The City and Queen Square Character Appraisal 2009 (the CQSCA) identifies the application site being located on a primary route, within the Old Medieval Core. The special interest of the CA is derived from its historic development and quality of built form combined with the legibility of the historic street layout and traditional plot boundaries. Characteristic building types are the

tightly packed terraces along the main streets with commercial uses at ground floor level and offices or residential use above.

12. The application building is an end of terrace, located next to the junction of Wine Street and The Pithay. Whilst the building has not been identified within the CQSCA as being a building of merit, Vintry Building contributes positively to the CA through its siting along the main road, height, and simple architecture.
13. The sixth floor of Vintry building is set back in relation to the façade; a balcony fills in the space between the southern elevation of the sixth floor and the principal elevation of the building. Whilst the balcony does not occupy a prominent position within the street scene, glimpses of it are available from various viewpoints within the surrounding CA.
14. The proposal seeks to use the south-western part of the balcony as office space, which would involve the installation of decking, balustrade, and a side partition screen.
15. Given the siting of the development in relation to the host building, its limited scale, and the use of appropriate materials, the proposal would integrate well within its surroundings and would have a neutral effect on both the character and appearance of the CA.
16. Accordingly, the proposal would preserve the character and appearance of the CA. As such, it would be in accordance with the aims of Policy BCS22 of the Bristol Development Framework Core Strategy 2011 (CS) and DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (LP). Together, they seek to ensure that any development conserves and enhances the heritage asset.

#### *Living conditions*

17. The closest residential unit to the application site is immediately to the east of the balcony. This neighbouring flat has an outdoor amenity space next to the balcony; there is a clear balustrade between the Vintry Building's sixth floor balcony and the adjacent residential premises.
18. The submitted Noise Assessment dated 9 July 2024 identifies one receptor, the aforementioned flat. The Noise Assessment outlines that two calculations were made: one with the operation of the forecasted 30-person maximum capacity to futureproof the development, and another with a 60-person maximum capacity for ad hoc events. The results indicate that even when the predictions were made to include the worst-case levels at the receptor, the

noise levels from the terrace are expected to be below or at the worst case at parity with the existing ambient noise levels.

19. The Noise Assessment also identifies that the change in noise levels during the loudest event could have a slight effect on the living conditions of the occupiers of neighbouring flat if they were to use the outside amenity space, otherwise there would not be a significant effect. Notwithstanding these findings, the loudest events are expected to take place approximately twice a year and on an ad hoc basis.
20. The submitted Outdoor Area Management Plan dated July 2024 outlines the management measures proposed in order to protect the living conditions of neighbouring occupiers, which includes, amongst other things, hours of use, occupancy, and health and safety measures.
21. Given the evidence outlined within the Noise Assessment, together with the contents of the Management Plan, I am satisfied that the proposed development would not increase the levels of noise to such a degree that would be materially detrimental to the living conditions of the occupiers of adjoining premises. Accordingly, the proposal would be in accordance with the aims of Policy BCS23 of the CS and Policy DM35 of the LP.

### **Other Matters**

22. There are several listed buildings located within the surrounding area of the application site. The submitted Planning and Heritage Statement identifies the followings: Grade II\* Listed Christ Church, Grade II Listed Nos 59, 61, 63, and 1 Broad Street, the remaining Tower of St Mary Le port Grade II listed, the remains of the grade II\* listed Church of St Peter. Whilst these listed buildings are not within the immediate vicinity of the application site, the development would be seen within their context, thus I have had regard Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the limited scale of the development, and its siting within the street scene, I am satisfied that the proposal would have a neutral effect on the setting and significance of the listed buildings.
23. The application form states the biodiversity net gain condition as set out in paragraph 13 of Schedule 7A of the Act would not apply as the proposed development would be subject to the de minimis exemption. I have no reason to disagree. However, in light of Article 24 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013, I have included a note in this decision that refers to the relevant regulatory provisions on the biodiversity gain condition.

### **The Planning Balance**

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.
25. I have found that the proposal would preserve the character and appearance of the CA and would not cause harm to the living conditions of the occupiers of neighbouring premises.
26. Given the above, I find that the development would accord with the development plan. As there are no material considerations that justify making a decision contrary to the development plan, I conclude that planning permission should be granted subject to conditions.

### **Conditions**

27. I have considered the planning conditions suggested by BCC and I have imposed them. A condition requiring the development to be commenced within three years is required, as is a condition specifying the plans, for certainty.
28. A condition requiring the terrace to be used in accordance with the Outdoor Area Management Plan is necessary to protect the living conditions of the neighbouring occupiers. I have altered the wording of this condition to remove the part that would have allowed changes to the Outdoor Area Management Plan, in the interests of certainty and fairness to interested parties.

### **Conclusion**

29. For these reasons, and having regard to all other matters raised, the proposal accords with the aforementioned Core Strategy and Local Plan policies and so it would accord with the development plan when read as a whole and therefore I recommend that planning permission should be granted.

*Andreea Spataru*

Appeal Planning Officer

### **Inspector and Appointed Person's Decision**

30. I have considered all the submitted evidence and my representative's recommendation and on that basis planning permission is granted.

*Zoe Raygen* Inspector and Appointed Person

## Schedule of Conditions

### Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Existing Floor Plan (JLL/146/E1), Proposed Floor Plan (JLL/146/P1), Proposed Front (South) Elevation (JLL/146/P2), Proposed Rear (North) Elevation (JLL/146/P3), Proposed Side (West) Elevation (JLL/146/P4), Proposed Screen/Door Elevation (JLL/146/D1), Proposed Glass Balustrade Detail (JLL/146/D2), Proposed Roof Area (8960-500).

Reason: To provide certainty.

3. The terrace shall only be used in accordance with the Outdoor Area Management Plan dated July 2024 submitted with the application.

Reason: To protect the living conditions of the occupiers of adjoining premises.

### **Informatives:**

- i. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>.
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.
- v. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Bristol City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or

transitional arrangements is/are considered to apply – in this case the exemption below:

Development below the de minimis threshold, meaning development which:

- i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).



## **Appendix 1 - Consultee responses**

### **List of consultees responses**

Bristol City Council