



NTR Planning Ltd
Property • Planning • Consulting



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13 Harbury Road, Henleaze,
Bristol BS9 4PN
T: 0117 244 9393

Our ref: 3845/PINS3/MCT
Your ref: S62A/2024/0053

By email – section62anonmajor@planninginspectorate.gov.uk

Leanne Palmer
Section 62A Applications Team
3rd Floor
Temple Quay House
2 The Square
Bristol, BS1 6PN

16th September 2024

Dear Leanne,

Town and Country Planning Act 1990 (Section 62A Applications)

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 sunshade, glass balustrade and acoustic screen and provision of biodiverse green roof to part of roof top plant room

At

Building 11, Explore Lane, Bristol, BS1 5TY

Thank you for forwarding the Council's suggested planning conditions. Please find below my responses on behalf of the applicant. First and foremost, the applicant would wish to limit the number of planning conditions principally due to the length of time we may have to wait for them to be discharged by the City Council.

Retractable roof

We assume that the Council is referring to the retractable sunshade, rather than anything else. As can be seen on the submitted photomontage (one provided below), the sunshade is proposed to be light grey in colour. It will not be particularly visible from the ground. Its colour will match that of the nearby buildings (e.g. the adjacent residential apartments and Canon House) and also the monochrome hues of the subject building.





Importantly, the terrace will be south facing and will require shading during summer months. Its solid light grey colour (i.e. non translucent material) will enable patrons to benefit from effective shading, this being its intended purpose.

If translucent, the sunshade may look less attractive from the terrace itself and from views from the ground due to the inevitable accumulation of bird droppings. As the Inspector will be aware from the recent site visit, the area has a quite significant seabird presence due to its position adjacent to the City Docks.

I do not therefore consider the condition to be 'necessary' and consider that it fails the third test for condition as set out in the Practice Guidance on conditions in that it is not 'relevant to the development to be permitted'. A condition could be imposed requiring it to be coloured light grey if this was considered necessary by the Inspector, albeit this is a given from the submitted material.

Management plan

I consider that this condition fails relevant tests in that it is not 'necessary', 'relevant to the development to be permitted', 'precise' or 'reasonable in all other respects'. The wording of the condition is imprecise in that it includes the words 'not limited to'.

I attach the identified planning permission for those terraces within the Bristol City Council authority area that were provided in Table 3 of the Planning Statement. The only permission with any requirement for a management plan is that at Old Market Assembly (an unlisted Building of Merit within the Old Market Conservation Area – see attached planning permission ref. 14/06318/F).

There was no such condition imposed on:

- the Clifton Observatory terrace (a Grade II* listed building and located within the Downs Conservation Area – see attached planning permission ref. 07/05730/F); or
- the Bambalan Roof Terrace (located on a 'Landmark Building' within the College Green Conservation Area – see attached planning permission ref. 15/01210/F).

Condition 3 of the Old Market Assembly terrace permission states:

'Outdoor Area Management Plan

No development shall take place until there has been submitted to and approved in writing, by the Council, an Outdoor Area Management Plan, setting out details of times the areas will be used and supervised.

Reason: In order to safeguard the amenities of nearby occupiers.'

This condition was clearly not imposed in the interests of the preservation of the character of the conservation area and the Council is requesting an hours condition – see below.

Here, only the very tallest part of the terrace will be seen from the ground floor:



Likely structures – tables, chairs, sofas and planters – will not be seen from the ground. You may see the very tops of people’s heads (see the other photomontage image on the first page of this letter, above). Realistically, there will be no structures tall enough to be seen from the ground. It is not known whether the operator would wish to impose any heaters; however, if these are tall enough to be seen from ground level, you would likely only see the very tops of them and these are likely to be so small that they would not materially affect the character of the building or the conservation area and have a de minimis impact.

Details of acoustic barrier

This condition is considered acceptable.

Grass roof

This condition is also considered acceptable.



Hours of occupation – outdoor seating area

I assume the Council means 'shall only be open' between the hours of 08:00 and 23:00. If that is the case, then the condition is acceptable to the applicant and negates the type of management plan as per that required for the Old Market Assembly.

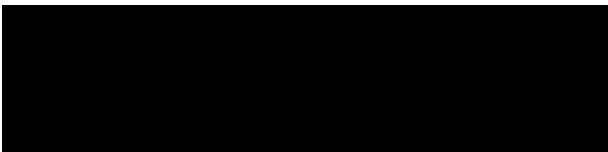
Smoking area

The hours in the proposed wording appear the right way round here, however there is no smoking area proposed in the application. This was approved as part of Application 1 and is proposed through Application 2 (as referred to in Table 1 of the Planning Statement). As is set out at paragraph 1.3 of the Planning Statement in respect of Application 1:

'...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.'

I trust that the above representations can be taken into consideration.

Yours sincerely



Mark Tombs MRTPI

Director

NTR Planning



Encs.

Copy of Old Market Assembly roof terrace planning permission



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: 14/06318/F

Type of application: Full Planning

Site address: 23-25 West Street, St Philips, Bristol, BS2 0DQ
.

Description of development: Formation of external area (roof terrace) to the rear including an extension and installation of canopys and structures and the change of use of building from a nightclub use (sui generis) to a mixed restaurant and theatre use (A3/D2).

Applicant: Canteen West Ltd

Agent: Nudge Studio Limited

Committee/delegation date: 07.07.15

Date of Notice: 07.07.15

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.
- The council monitors compliance with planning conditions.

**Development Management
Brunel House, St George's Road, Bristol BS1 5UY**

Application No: 14/06318/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. Noise from development

No development shall take place until an assessment on the potential for noise from the development affecting residential in the area has been submitted to and approved in writing by the Council.

The assessment shall include noise from:

Noise from customers using the outside roof terrace affecting nearby residential properties in the area

Music noise from the premises

Noise from any ventilation, air conditioning or refrigeration plant

If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties then a scheme of noise mitigation measures including a Outdoor Area Noise Management Plan shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings".

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter

Reason: In order to safeguard the amenities of nearby occupiers.

3. Outdoor Area Management Plan

No development shall take place until there has been submitted to and approved in writing, by the Council, an Outdoor Area Management Plan, setting out details of times the areas will be used and supervised.

Reason: In order to safeguard the amenities of nearby occupiers.

Pre-occupation conditions

4. Details of Extraction/Ventilation System

Any flues or extracts for the dispersal of cooking smells shall either:

(a) Terminate at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or;

(b) Have a method of odour control to the approval of the Local Planning Authority such as a carbon filter system.

Details of the above shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The flue and/method of odour control shall be provided before the use hereby permitted commences and thereafter shall be permanently retained.

Reason: In order to safeguard the amenity of adjoining properties and to protect the general environment. The details are needed prior to the start of work so that measures can be incorporated into the build.

5. Further details of the rooftop structures; before relevant element started

Notwithstanding the details shown on the approved plans, detailed annotated drawings and sections at the scale of 1:10 of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

a) Fully glazed rooftop "Greenhouse"

b) Timber roof terrace

Reason: In the interests of visual amenity and the character of the conservation area.

Post occupation management

6. Hours open to customers Monday - Sunday

No customers shall remain on the premises outside the hours of 10:00 to 01:00 Monday to Saturday, and on Sundays 10:00 to 22:00

Reason: To safeguard the residential amenity of nearby occupiers.

7. Hours of operation of the outdoor roof terrace

The use of the outdoor elements of the roof terrace shall not be carried out outside the hours of 10:00 to 22:00; Monday to Sunday and a door between the roof terrace and the "greenhouse" glass rooftop structure shall remain shut outside these hours.

Reason: To safeguard the residential amenity of nearby occupiers.

Application No: 14/06318/F

8. Deliveries

Activities relating to deliveries to the premises shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

9. Use of Refuse and recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

10. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: In the interests of preserving residential amenity of adjacent occupiers

11. Customer Entrance

Customers shall only enter and exit the premises from the accesses fronting West Street. All other external access points within the building shall be used as emergency exits only

Reason: In the interest of safety and to protect the amenity of neighbouring occupants.

List of approved plans

illustrative roof terrace border, received 6 April 2015
Statement of Use, received 12 March 2015
WS_GS_101B Proposed section plan, received 12 March 2015
WS_GS_100C Ground and First floor Proposed, received 12 March 2015
WS_GE_101B Proposed elevations, received 12 March 2015
illustrative roof internal section, received 6 April 2015
Location plan, received 15 January 2015

Reason: For the avoidance of doubt.

Advice(s)

Article 31 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 paragraph 187.

It is important that you read the following "Additional information"

Additional information for application no 14/06318/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.

Amendments

5. 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.

Monitoring

6. Bristol City Council actively monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

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.
9. The leaflet "Complying with planning conditions" provides further guidance on this process (see www.bristol.gov.uk/planningdecisions)

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 14/06318/F

Right of Appeal

10. Applicants have a right of appeal against the requirements of any conditions attached to this approval. Appeals are made to the Planning Inspectorate on a form obtainable from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. They can be contacted on 0303 444 5000, and further information is on the Planning Inspectorates website www.planningportal.gov.uk/pcs . 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 comment under the council's "Fair Comment" procedures, details can be found on the councils website www.bristol.gov.uk/faircomment or by calling 0117 9223000.

Copy of Clifton Observatory roof terrace planning permission



NOTICE OF DECISION

This Notice of Decision is divided into two sections:

- (1) Details of Decision; and
- (2) Details of any Conditions and Reasons for Decision

The two parts of this Notice should never be separated

DETAILS OF DECISION ON AN APPLICATION (PART1)

Decision:	GRANTED subject to condition(s)
Application No:	07/05730/F
Type of Application:	Full Planning
Site Address:	Clifton Observatory, Clifton Down, Bristol, BS8 3LT.
Description of Development:	Construction/re-instatement of first floor observatory dome to form viewing terrace and external works.
Applicant:	Messrs Michallat
Agent:	Logic CPS Ltd
Committee/Delegation Date:	08.04.09
File Reference:	C/042

The details of any condition(s) associated with this decision are attached

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 07/05730/F

DECISION: GRANTED subject to condition(s)

The following condition(s) and/or advice(s) are associated with this decision.

Condition(s)

1. SC1 Full Planning Permission

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

Reason: SR1 - 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.

2. Detailed drawings of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun unless otherwise agreed in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval.

a) Large scale detailed drawings including sections and specification of materials of the proposed new windows;

b) Detailed drawings including elevations and specification of materials of proposed bin store and adjoining access ramp;

c) Large scale detailed drawings of proposed boundary railings including sections, specification of materials and finished colour;

d) Large scale detailed drawings showing the proposed lead capping to the stone parapet;

e) Large scale detailed drawings including sections and specification of materials of the proposed lightwells including the security grills.

Reason: SR52 - In order that the special architectural and historic interest of this Listed Building is safeguarded.

3. SC70 Submission of Samples

The development hereby permitted shall not take place until samples of the glazing and zinc cladding to the dome hereby approved has been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved sample.

Reason: SR52 - In order that the special architectural and historic interest of this Listed Building is safeguarded.

4. Refuse Storage and Recycling Facilities - Shown

The refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans, shall be provided before the occupation of the cafe/restaurant use enabled by this permission. 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, unless otherwise agreed in writing by the Local Planning Authority. No refuse or recycling material shall be stored or placed for collection on the

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 07/05730/F

public highway or pavement, except on the day of collection, unless otherwise agreed in writing by the Local Planning Authority.

Reason: SR75 - To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials to encourage energy conservation through recycling.

5. The approved disabled access ramp shall be provided prior to the occupation of the cafe/restaurant use enabled by this permission.

Reason: SR32 - To ensure adequate access/egress for people with disabilities.

6. SC81 To ensure appropriate notice and appointment of a suitable archaeological organisation

No development, including preliminary site clearance, shall commence until at least two weeks notice has been given to the Local Planning Authority, the appointment of a suitable archaeological organisation has been confirmed in writing, and a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority.

Reason: SR77 - To ensure that provision is made for the proper recording of remains of archaeological interest.

7. SC111 To secure an appropriate watching brief during development groundworks

The developer shall ensure that all ground works are monitored and recorded by an archaeologist or archaeological organisation to be approved by the Local Planning Authority, and working to a brief and specification prepared by the Local Planning Authority.

Reason: SR62 - To record remains of archaeological interest before destruction.

8. SC86 Hard and Soft Landscape Works - Shown

The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: In the interests of the visual appearance of the development and to mitigate the nature conservation impact of the development.

Advice(s)

1. A04 Approved Applications

This application has been approved on the basis of the following plans/documents: -

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 07/05730/F

4216-13/D - Proposed Dome - Elevations, received 23 June 2008,
4216-400/C - Structural Detail for Dome, received 23 June 2008,
4216-401/B - Dome Details, received 23 June 2008,
Unnumbered plans - Ecology Report, received 17 February 2009,
4216-11/E - Proposed Ground Floor Site Plan, received 17 February 2009,
Design & Access Statement, received 21 December 2007,
4216-01/A - Location Plan, received 21 December 2007,
4216-02/B - Lower Ground Floor as Existing, received 21 December 2007,
4216-03/A - Ground Floor Site Plan as Existing, received 21 December 2007,
4216-04/A - Proposed First Floor Site Plan, received 21 December 2007,
4216-05/A - Existing Elevations and Section, received 21 December 2007,
4216-10/C - Proposed Basement Floor Site Plan, received 21 December 2007,
4216-12/C - Proposed First Floor Site Plan, received 21 December 2007.

It is important that all works are carried out strictly in accordance with the plans, drawings and other supporting material submitted as part of this application and hereby approved.

Should alterations or amendments be required to the approved plans, for example to satisfy requirements of other sections of City Development (such as Building Control) or other City Council Departments (such as Neighbourhood and Housing Services) or for any other circumstance, you should consult the Area Planning Team, City Development in writing before commencing any work. Failure to comply with this advice may render those responsible to enforcement proceedings, which may involve alterations and/or demolition of any unauthorised building or structures and may also lead to prosecution.

2. A08 Discharging Conditions

Requests for confirmation of compliance with condition(s) associated with this permission should be made in writing or by using the application form Approval of Details Reserved by Conditions.

A fee of £85 is payable for each request (£25 if the request relates to householder development). 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 from receipt of the request and where a formal response has not been supplied within 12 weeks, the fee will be refunded.

3. A12 Building Regulations

This planning permission does not convey any approval under the Building Regulations and you should seek further advice from this Directorate (telephone 9223080) concerning the need for such consent prior to the commencement of development.

4. A18 Access for Disabled - Public Access

As the proposal involves a building to which the public are to be admitted, whether on payment or otherwise, your attention is drawn to the provisions of Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution Code of Practice for Access for the Disabled to Buildings (BS5810:1979).

5. A40 Planting Season

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 07/05730/F

You are advised that the planting season is normally November to February.

6. A69 Monitoring Advice

Bristol City Council actively monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development process to ensure compliance with the approved plans and conditions.

7. You are advised that all works must comply with the approved Ecology Report. Failure to do so would result in a breach of the permission hereby granted and could result in enforcement action.

Informative: Reason for Decision

The decision to grant planning permission has been taken having particular regard to the policies and proposals in the Joint Replacement Structure Plan Adopted September 2002, Bristol Local Plan, Adopted December 1997, the First Deposit Proposed Alterations to the Bristol Local Plan (February 2003), the Local Development Documents of the Bristol Local Development Framework set out below, and to all relevant material considerations, including Supplementary Planning Guidance, Planning Policy Guidance and Planning Policy Statements. A copy of the report that justifies this decision is available on the website or, at a charge, by contacting Planning Reception, Telephone 0117 9223097.

Bristol Local Plan, Adopted December 1997

B1	Design Criteria and Development
B2	Local Context
B3	Accessibility
B6	Building Exteriors and Elevations
B5	Layout and Form
B13	Conservation Areas & Listed Buildings: General Principles
B19	Listed Buildings: Alteration
B7	Landscape Treatments and Environmental Works
B22	Sites of Archaeological Significance
NE1	Open Space
NE2	Landscape Features
NE5	Sites of Nature Conservation Interest
NE9	Historic Landscapes
L1	Open Space: Protection of Playing Fields and Recreation Grounds

First Deposit Proposed Alterations To The Bristol Local Plan (February 2003)

B1	Design Criteria and Development
B2	Local Context
B3	Accessibility
B6	Building Exteriors and Elevations
B5	Layout, Form and Identity
B13	Conservation Areas and Listed Buildings: General Principles
B19	Listed Buildings: Alterations
B7	Landscape Treatments and Environmental Works
B22	Sites of Archaeological Significance
NE1	Open Space

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 07/05730/F

NE2 Landscape Features
NE5 Sites of Nature Conservation Interest
NE9 Historic Landscapes
L1 Open Space: Protection of Playing Fields and Recreation Grounds

Planning Policy Guidance, Planning Policy Statements and Supplementary Planning Guidance

PAN 2 Conservation Area Enhancement Statements (November 1993)
PAN 7 Conservation Policies (1989)
PPG 15 Planning and the Historic Environment - September 1994
PAN 11 Creating an Accessible Environment (1996)
PAN16 Energy Efficiency in Buildings (March 1998)
PAN 4 Archaeology and Development (1994)
PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1



North and West Area Planning Team

Brunei House, St. George's Road, Bristol BS1 5UY
Telephone: (0117) 9222000 - please ask for Planning Reception

Date of Notice: 08.04.09

Please note that this notice relates only to the Council's decision in relation to the Town and Country Planning Acts and is NOT A BUILDING REGULATIONS APPROVAL. If in any doubt please contact us on the above number.

Applicants have the right to appeal against requirements of any condition(s) attached to this approval. Any such appeal should be made on a form obtainable from The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by contacting them on 0117 3728000. Further information can also be obtained from the Planning Inspectorate's web-site, and it is possible to download copies of appeal forms and questionnaires and booklets giving guidance about the appeal process. The address is www.planning-inspectorate.gov.uk.

IT IS IMPORTANT THAT YOU SHOULD READ THE ENCLOSED NOTES

Appendix 3

Copy of Bambalan roof terrace planning permission



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: 15/01210/F

Type of application: Full Planning

Site address: Colston Tower, Colston Street, Bristol, BS1 4UX.

Description of development: Change of use from offices (Use Class B1) to restaurant (Use Class A3), including extension and external alterations.

Applicant: Hyde And Co. Leisure Limited

Agent: Collier Reading Architects

Committee/delegation date: 03.06.15

Date of Notice: 03.06.15

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.
- The council monitors compliance with planning conditions.

**Development Management
Brunel House, St George's Road, Bristol BS1 5UY**

Application No: 15/01210/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. Noise from development

No development shall take place until an assessment on the potential for noise from the development affecting the residential properties above the proposed development and any other residential or commercial properties in the area has been submitted to and approved in writing by the Council.

The assessment shall include noise from:

- Any extraction, refrigeration and ventilation systems
- Customers including in any outside area
- Music noise

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of PPG 24 Planning Policy Guidance: Planning and Noise, BS4142: 1997. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the amenity of nearby premises and the area generally.

3. Details of Extraction/Ventilation System

No development shall take place until details of ventilation system for the extraction and dispersal of cooking odours including details of the flue, method of odour control, noise levels and noise attenuation measures has been submitted to and approved in writing by the Council.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the amenity of nearby premises and the area generally.

4. Odour Management Plan

No development shall take place until there has been submitted to and approved in writing, by the Council, an Odour Management Plan, setting out cleaning, maintenance and filter replacement policies. The plan should include a written recording system to record and demonstrate when all such work is carried out.

Reason: To safeguard the amenity of nearby premises and the area generally.

Pre occupation condition(s)

5. Prior to the first occupation of the A3 use hereby approved, a written refuse management strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme should to include the following unless otherwise agreed in writing by the Local Planning Authority:

a) Where refuse and recycling facilities are stored (including details of any additional receptacles required as a result of the A3 use hereby approved)

b) How refuse and recycling will be transferred to the stores

c) How refuse and recycling is collected from the site and how often

The development shall then be undertaken in full accordance with the approved strategy and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure responsibility for the management of these facilities and to safeguard the appearance of the development, highway safety and the amenities of future and existing residents and businesses.

Post occupation management

6. Restriction of noise from plant and equipment

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 BS4142: 1997- "Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: To safeguard the amenity of nearby premises and the area generally.

7. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 22.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby premises and the area generally.

8. All refuse and recyclable materials associated with the development shall be stored internally. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement at any time.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement.

9. External Works to Match

All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Reason: In the interests of visual amenity and the character of the area.

10. Deliveries

Activities relating to deliveries shall only take place between 08.00 and 22.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby premises and the area generally.

11. Hours of use of umbrellas

The umbrellas hereby permitted shall be removed from the external seating area outside the hours of operation.

Reason: To safeguard the visual amenity of the surrounding area.

List of approved plans

12. 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.

001 Existing floor plan, elevation & sections, received 8 April 2015

100G Proposed floor/ location plans, elevations & sections, received 1 June 2015

101C Contextual elevations, received 1 June 2015

Reason: For the avoidance of doubt.

Advice(s)

1. It is recommended that any flues for the dispersal of cooking smells shall either:
- (a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or:
 - (b) Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.

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Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527. <http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>

Article 31 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 paragraph 187.

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

Additional information for application no 15/01210/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.

Amendments

5. 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.

Monitoring

6. Bristol City Council actively monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

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.
9. The leaflet "Complying with planning conditions" provides further guidance on this process (see www.bristol.gov.uk/planningdecisions)

DETAILS OF DECISION ON AN APPLICATION (PART 2)

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Right of Appeal

10. Applicants have a right of appeal against the requirements of any conditions attached to this approval. Appeals are made to the Planning Inspectorate on a form obtainable from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. They can be contacted on 0303 444 5000, and further information is on the Planning Inspectorates website www.planningportal.gov.uk/pcs . 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 comment under the council's "Fair Comment" procedures, details can be found on the councils website www.bristol.gov.uk/faircomment or by calling 0117 9223000.