



## Decision Notice and Statement of Reasons

Site visit made on 11 December 2024

**By G J Fort BA PGDip LLM MCD MRTPI**

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

**Decision date: 20 December 2024**

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**Application Reference: S62A/2024/0065**

**Site address: Redcliff Quay, 120 Redcliff Street, Bristol**

- 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 7 October 2024 is made by Skelton Developments (Nottingham) Ltd and was validated on 28 October 2024.
  - The development proposed is the installation of replacement windows, doors and curtain walling.
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### Decision

1. Planning permission is granted for the installation of replacement windows, doors and curtain walling in accordance with the terms of the application dated 7 October 2024, subject to the conditions set out in the attached schedule.

### Statement of Reasons

#### Procedural matters

2. 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 has been designated for non major applications since 6 March 2024.
3. Consultation was undertaken on 1 November 2024 which allowed for responses by 3 December 2024. No responses were received. The Council supplied extracts of the development plan and other relevant documents, which I will take into account together with the material provided by the applicant in support of the proposal.
4. I carried out an unaccompanied site visit on 11 December 2024, which enabled me to view the site and surrounding area. I am satisfied that the

application can be determined on the basis of the submitted material and the site visit, and that a hearing to examine any matters further is not necessary in this case.

## **Background and Main Issue**

5. The proposed development relates to alterations to an existing building in an urban location. I am satisfied that the development plan contains no in-principle objections to such proposals. However, the building subject to this application is situated in Redcliffe Conservation Area, and is adjacent to listed buildings. Consequently, sections 66(1) and 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving listed buildings or their settings or any features of special interest; and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Accordingly, having regard to the application, the development plan and other material considerations taken together with what I saw on site, the main issue for this application is:
- Whether the proposed development would preserve or enhance the character or appearance of the Redcliffe Conservation Area, and whether the setting and special interest of the Church of St Thomas (a Grade II\* Listed Building), and Buchanan's Wharf (a Grade II Listed Building) would be preserved.

## **Reasons**

### *Planning history and proposal*

6. The application proposes alterations to an existing building which is in a commercial use. Details of the planning history of the building provided with the application relate to a number of other alterations, and advertisement consents that have all been permitted since 1994:
- 94/0046/A – Externally floodlit company name /logo to waterfront elevation – Granted 22 April 1994
  - 95/01832/A – Non-illuminated directional sign board – Granted 11 October 1995
  - 97/01251/F – Installation of satellite receiving antenna, 1.2m in diameter ground mounted on flat roof – Granted 18 July 1997
  - 97/00762/F – Installation of two dish antennas and an equipment cabin – Granted 26 June 1997
  - 04/01316/F – Mooring of 25.2m barge for use as a restaurant (Use Class A3) in dock fronting 'Redcliffes Restaurant' – Granted 20 May 2005

- 22/04065 – Installation of rooftop plant, with associated acoustic screening – Granted 2 December 2022
7. The building subject to this application is relatively modern. The proposal seeks comprehensive replacement of windows, curtain walling and doors across all of its elevations. The proposed windows and the framing for the curtain walling would be a uniformly grey colour in contrast to some of the red framed windows and doors currently present on the building. The windows would be fixed frame as opposed to openable units. Aside from this the overall design and detailing of the proposed replacements would closely match existing elements.

*Character, appearance and significance*

8. A relatively modern building in the context of the wider Redcliffe Conservation Area within which it is situated, Redcliff Quay with its large footprint and 5-storey scale is a prominent waterside feature. A mix of materials is included in its elevations including elements of masonry and areas of glazed curtain walling.
9. The overall rhythm of the application building's elevations, and the strong waterside edge it provides, reflect traditional buildings, such as the Grade II Listed Buchanan's Wharf which is adjacent to it. However, the application building achieves these things in a muted way, and I note that the Redcliffe Conservation Area Character Appraisal (Published June 2008) identifies the building as one which has a 'neutral' effect on the character and appearance of the area – an assessment I consider to be well-founded. This is because, in my view, Redcliff Quay does not seek to compete with Buchanan's Wharf or other traditional waterside buildings. Moreover, Redcliff Quay's principal elevation offers unostentatious framing to views through to the Church of St Thomas, which is Grade II\* Listed. This allows the architectural detailing of the church's Gothic tower, and its use of Bath stone, aspects which add visual delight and variety to the streetscene, to be appreciated. To my mind these aspects of the character, appearance and significance of the Conservation Area and its constituent heritage assets are of particular relevance to the current proposal.
10. Whilst the proposed development would affect each of Redcliff Quay's elevations, the replacement elements it proposes would have a very subtle and limited overall visual effect. Indeed, the replacement of red framed elements with grey frames would serve to assimilate the building into its surroundings further by creating a more restrained and coordinated appearance. It follows therefore that the proposed development would not have adverse effects on the character of the building and its surroundings.
11. Accordingly, these considerations lead me to the conclusion on this main issue that the proposed development would preserve the character and appearance of Redcliffe Conservation Area, and would preserve the settings and special interest of Buchanan's Wharf and the Church of St Thomas. For these reasons too, I conclude that the proposal would accord with Policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (adopted June 2011); and Policies DM26, DM30 and DM31 of the Bristol

Local Plan – Site Allocations and Development Management Policies (adopted July 2014). Taken together, and amongst other things, these policies seek to ensure that developments contribute positively to an area’s character; preserve, safeguard or enhance heritage assets; and reflect the predominant materials, colours and textures in buildings and/or areas.

### **Other Matters**

12. The application building is located in Flood Zone 3. Consequently, the applicant provided a Flood Risk Assessment (FRA). The proposal relates to elevational alterations which would replace existing windows and other elements with substantially similar materials. Accordingly, I consider the FRA to be adequate based on the scale and nature of the proposals, and also concur with its conclusion that flood risk would not be increased at the site or elsewhere as a result of the proposed development.
13. The applicant submitted a Biodiversity Net Gain Screening Assessment and Exemption Statement. This sets out their view that the proposed development benefits from the relevant legislative exemptions from the requirement to include a biodiversity net gain condition provided by the Town and Country Planning Act 1990. I have no reason to disagree with the conclusions of this document. Moreover, in accordance with Article 24 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013, an informative is included below which outlines relevant provisions and exemptions relating to biodiversity net gain.

### **The Planning Balance**

14. 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. For the reasons set out above, I conclude that the proposed development accords with the development plan.

### **Conditions**

15. No conditions have been suggested by the Council or other parties in respect of the proposed development. National policy expects, amongst other things, that conditions should only be imposed where they are necessary and reasonable. The Schedule below includes conditions and the reasons for attaching them.

### **Conclusion**

16. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and therefore I conclude that Planning permission should be granted.

*G J Fort*

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:

- 4817-AWW-ZZ-ZZ-DR-A-01000-P02 – Site Location Plan
- 4817-AWW-ZZ-ZZ-DR-A-01001-P02 - Site Block Plan
- 4817-AWW-XX-ZZ-DR-A-02008-P03 - Proposed Building – Elevations 1, 2 and 3
- 4817-AWW-XX-ZZ-DR-A-02009-P03 - Proposed Building – Elevations 4, 5 and 6
- 4817-AWW-ZZ-00-DR-A-02001-P03 - Proposed Building – GA Ground Floor Plan
- 4817-AWW-ZZ-01-DR-A-02002-P03 - Proposed Building – GA First Floor Plan
- 4817-AWW-ZZ-02-DR-A-02003-P03 - Proposed Building – GA Second Floor Plan
- 4817-AWW-ZZ-03-DR-A-02004-P03 - Proposed Building – GA Third Floor Plan
- 4817-AWW-ZZ-04-DR-A-02005-P03 - Proposed Building – GA Fourth Floor Plan
- 4817-AWW-ZZ-B1-DR-A-02000-P03 - Proposed Building – GA Basement Plan
- 4817-AWW-ZZ-RF-DR-A-02007-P03 - Proposed Building – GA Roof Plan

Reason: To provide certainty.

**\*\*\*End of Schedule of Conditions\*\*\***

## **Informatives:**

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so, the Planning Inspectorate gave clear advice of its expectations and requirements for the submission of documents and information.

- ii. 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)

- iii. 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.

- iv. These informative 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>
  
- v. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.

**\*\*\*End of Informatives\*\*\***