



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: 31 January 2025

Application Reference: S62A/2024/0073

Site address: Redcliff Quay, 120 Redcliff Street, Redcliffe, Bristol BS1 6HU

- 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 27 November 2024 is made by Skelton Developments (Nottingham) Limited and was validated on 12 December 2024.
 - The development proposed is the installation of a portal entrance feature, seating, landscaping and planting, along with replacement build-up and ductwork to roof and floor finished to balconies.
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Decision

1. Planning permission is granted for the installation of a portal entrance feature, seating, landscaping and planting, along with replacement build-up and ductwork to roof and floor finished to balconies in accordance with the terms of the application dated 27 November 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 (the 1990 Act), 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 17 December 2024 which allowed for responses by 22 January 2025. A response was received from the Council, but no other parties made comments. I will take the Council's comments into account in my decision on the application.
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.

5. In its comments on the case the Council suggested a condition which would, if attached, require compliance with it prior to the commencement of development. Section 100ZA of the 1990 Act requires the applicant's written agreement to the terms of pre-commencement conditions such as the one suggested by the Council. The applicant confirmed their agreement to the terms of the condition in writing on 29 January 2025.

Main Issue

6. The proposed development relates to alterations to an existing building and the provision of landscaping 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) of the 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

7. The application relates to an existing building which is in a commercial use. Details of the planning history of the building provided by the Council and applicant are as follows:
 - i. 86/00656/P - Outline application for construction of offices, shops restaurant/wine bar, together with ancillary service areas, car parking and landscaping - Refused 10 November 1986.
 - ii. 86/00657/P - Construction of offices, shops restaurant/wine bar, together with ancillary service areas, car parking and landscaping - AAND 2 June 1986.
 - iii. 86/03387/P - Construction of offices, shops restaurant/wine bar, together with ancillary service areas, car parking and landscaping - Refused 9 February 1987.

- iv. 88/03640/F - Construction of 6 storey offices, shop, restaurant/wine bar, together with associated car parking and landscaping – Granted 30 March 1989.
- v. 88/03641/F - Construction of 6 storey offices, shop, restaurant/wine bar, together with associated car parking and landscaping – Granted 30 March 1989.
- vi. 94/0046/A – Externally floodlit company name /logo to waterfront elevation – Granted 22 April 1994.
- vii. 95/01832/A – Non-illuminated directional sign board – Granted 11 October 1995.
- viii. 97/01251/F – Installation of satellite receiving antenna, 1.2m in diameter ground mounted on flat roof – Granted 18 July 1997.
- ix. 97/00762/F – Installation of two dish antennas and an equipment cabin – Granted 26 June 1997.
- x. 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.
- xi. 22/04065 – Installation of rooftop plant, with associated acoustic screening – Granted 2 December 2022.
- xii. S62A/2024/0065 – installation of replacement windows, doors and curtain walling – Granted 20 December 2024.

The application building and the proposals

- 8. The building subject to this application is relatively modern in the context of the wider Redcliffe Conservation Area within which it is situated, and is of an imposing scale echoing other waterside buildings both old and new in its environs. A mix of materials is included in its elevations including elements of masonry and areas of glazed curtain walling.
- 9. The proposal, as described in the banner heading above, would see some infilling of the recessed elements at the ground floor of the building's front elevation to provide what is described as a portal entrance feature. These alterations would introduce a centrally placed metal-framed entrance, which would project forward slightly from the front elevation, with an integral planter on top of it. To either side of the doorway, in parts of the principal elevation that are currently voids, recessed glazing would be installed. In the publicly accessible square to the front of the proposed entrance, the scheme would see landscaping and associated features, including seating in the proximity of the existing public art 'obelisk' feature, and planting adjacent to the proposed portal entrance. Landscaping alterations are also proposed for the courtyard to the rear of the building. In addition, the proposed development would involve replacement of elements at the roof level, including ducting, and would install replacement floor finishes to the building's existing balconies.

Character, appearance and significance

10. Despite its scale and footprint, the application building is a muted and restrained structure that goes with the overall grain of buildings within the Conservation Area. Indeed, the building takes cues from, but does not seek to compete with, the rhythm, scale and articulation of the Grade II Listed Buchanan's Wharf, an important element in the waterside townscape situated next to Redcliff Quay. I note that the Redcliffe Conservation Area Character Appraisal (Published June 2008) identifies the application building as one which has a 'neutral' effect on the character and appearance of the area – an assessment, which for the reasons given above, I consider to be well-founded. 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.
11. The proposed portal feature with its high glazing content and recessed elements would retain the overall relationship of solid areas to void in the building's principal elevation meaning that an impression of bulk would be avoided. It would add articulation and emphasis to the application building's entrance in a restrained and elegant way using materials that would take cues from structures and features in the wider Conservation Area. Critically, it would include space for planting which, taken together with the comprehensive landscaping and related proposals would considerably soften the character of the building and its surroundings. These proposals would thus result in visual enhancement to the building and provide a softer, but nonetheless effective, framing of views towards the Church of St Thomas. As these aspects of the proposals would be at some distance from Buchanan's Wharf and of a limited scale, they would be a discreet presence that would not erode the setting of that Listed Building.
12. Turning to the aspects of the proposals relating to the balconies and the roof, these would be largely like-for-like replacements, and their visual implications would therefore be minimal. They would not therefore result in any harmful effects either to the appearance of the building itself or to the wider streetscene. It follows that these aspects of the proposal would not make a perceptible difference to the setting of the Listed Buildings within the application site's surroundings.
13. 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, BCS22 and BCS9 of the Bristol Development Framework Core Strategy (adopted June 2011); and Policies DM15, DM26, DM28, 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; reflect the predominant materials, colours and textures in buildings and/or areas; and incorporate new and/or enhanced green infrastructure.

Other Matters

14. The building is located in Flood Zone 3. Consequently, the applicant provided a Flood Risk Assessment (FRA), which concludes that flood risk would not be increased elsewhere and indeed that the landscaping proposals would have the potential to decrease run-off when compared to the current surfacing present at the site. 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. Due to the scale and nature of the proposals the Council consider that a sequential test is not required. I concur with this view.
15. 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 1990 Act. I have no reason to disagree with the conclusions of this document, and in arriving at this view I note that the Council has not contested its findings. 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.
16. Whilst the submitted plans show the indicative locations of signs, detailed proposals for such elements would need to be the subject of distinct applications for advertisement consent.

The Planning Balance

17. 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

18. The Council has suggested a number of conditions. National policy expects, amongst other things, that conditions should only be imposed where they are necessary and reasonable. Where I have imposed conditions, I have made some changes to the Council's suggested wording in the interests of clarity, precision and enforceability.
19. Due to the nature of the proposals taken together with the attachment of a condition requiring the materials as shown on approved plans there is no need to impose a separate condition which requires the use of materials which would match the existing building. Neither, given the nature of the building and the proposals, is it demonstrably necessary to restrict the open

storage of bins, goods or other items. I have not therefore imposed the condition suggested by the Council which seeks to restrict such activities.

20. The Council suggested several conditions relating to the landscaping and planting elements of the scheme. I have attached conditions covering these matters that amalgamate the Council's conditions and include amendments to them to ensure precision. These alterations ensure consistency with national policy insofar as it expects conditions to be kept to a minimum and for them to be precise.
21. The Schedule to this decision includes the conditions that are attached to this permission and gives the reasons for imposing them. A number of informatives are set out also, including details of the relevant British Standards relating to tree planting and other hard and soft landscaping works.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, the proposal accords with the development plan and I therefore 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-02100-P01 – Planning Entrance - Site Location Plan

4817-AWW-ZZ-ZZ-DR-A-02101-P01 – Planning Entrance - Site Block Plan

4817-AWW-ZZ-ZZ-DR-A-02102-P01 – Planning Entrance - Site Plan

4817-AWW-XX-ZZ-DR-A-02300-P01 - Planning Entrance - Proposed Building
- Elevations 1, 2 & 3

4817-AWW-XX-ZZ-DR-A-02301-P01 - Planning Entrance - Proposed Building
- Elevation 4, 5 & 6

4817-AWW-XX-ZZ-DR-A-02500-P01 – Planning Entrance - Proposed Main
Entrance Design Intent Plan

4817-AWW-ZZ-B1-DR-A-02200-P01 – Planning Entrance - Proposed Building
- GA Basement Plan

4817-AWW-ZZ-00-DR-A-02201-P01 – Planning Entrance - Proposed Building
- GA Ground Floor Plan

4817-AWW-ZZ-01-DR-A-02202-P01 – Planning Entrance - Proposed Building
- GA First Floor Plan

4817-AWW-ZZ-02-DR-A-02203-P01 – Planning Entrance - Proposed Building
- GA Second Floor Plan

4817-AWW-ZZ-03-DR-A-02204-P01 – Planning Entrance - Proposed Building
- GA Third Floor Plan

4817-AWW-ZZ-04-DR-A-02205-P01 – Planning Entrance - Proposed Building
- GA Fourth Floor Plan

4817-AWW-ZZ-RF-DR-A-02206-P01 – Planning Entrance - Proposed Building
- GA Roof Plan

699-CTF-XX-XX-SH-L-50001-P01 - Softworks Schedule

699-CTF-XX-XX-DR-L-50101-P01 – Detail Planting Plan – Plaza 1 of 6

699-CTF-XX-XX-DR-L-50102-P01 – Detail Planting Plan – Plaza 2 of 6

699-CTF-XX-XX-DR-L-50103-P01 – Detail Planting Plan – Plaza 3 of 6

699-CTF-XX-XX-DR-L-50104-P01 – Detail Planting Plan – Plaza 4 of 6

699-CTF-XX-XX-DR-L-50105-P01 – Detail Planting Plan – Plaza 5 of 6

699-CTF-XX-XX-DR-L-50106-P01 – Detail Planting Plan – Plaza 6 of 6

699-CTF-XX-XX-DR-L-50107-P01 – Detail Planting Plan – Courtyard 1 of 4

699-CTF-XX-XX-DR-L-50108-P01 – Detail Planting Plan – Courtyard 2 of 4

699-CTF-XX-XX-DR-L-50109-P01 – Detail Planting Plan – Courtyard 3 of 4

699-CTF-XX-XX-DR-L-50110-P01 – Detail Planting Plan – Courtyard 4 of 4

Reason: To provide certainty.

3. The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.

Reason: To ensure that the proposal is sensitive to the character and appearance of the host building and its surroundings.

4. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. An implementation programme indicating the phasing and timing of the works;
 - ii. A scaled plan showing:
 - a. all existing vegetation and landscape features to be retained
 - b. a planting schedule of plants, shrubs and trees including species and where relevant, stock sizes
 - c. the location and type of materials to be used;
 - iii. Stockholm tree pit specifications for all areas of new tree planting in hard standing to include:
 - a. permeable paving
 - b. underground modular systems
 - c. soil aeration vents
 - d. aeration layer composition
 - e. soil composition 7.5% nutrient rich biochar, 7.5% compost & 85% 32-63mm clean crushed stone

- f. sustainable drainage integration, utilizing rainwater runoff to supplement tree planting pits;
- iv. A table illustrating the following details:
 - a. the soil volume available for each tree
 - b. the soil volume required for each tree at maturity;
- v. Specifications for operations associated with plant establishment and maintenance that are compliant with best practice;
- vi. Types and dimensions of all boundary treatments, minor artefacts and street furniture;
- vii. Stockholm specification for retrofitted planting beds around any retained trees;
- viii. A schedule of landscape maintenance for a period of 5 years which shall include details of the arrangements for its implementation.

The landscaping works shall be carried out in accordance with the approved details and implementation programme. The completed scheme shall be maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the landscaping and tree planting elements of the proposal would accord with the approved plans and be consistent with Policies BCS9 of the Bristol Development Framework Core Strategy (adopted June 2011) and DM15 of the Bristol Local Plan – Site Allocations and Development Management Policies (adopted July 2014). As the application building is already occupied and in use, a condition requiring compliance with it prior to either first use or occupation would be ineffective in this case. Consequently, a pre-commencement condition is clearly justified to ensure appropriate implementation and maintenance of any landscaping proposals.

5. There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of trees unless the local planning authority gives its written consent. If, within a period of 5 years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation

Reason: To ensure that the landscaping and tree planting elements of the proposal would accord with the approved plans and be consistent with Policies BCS9 of the Bristol Development Framework Core Strategy (adopted June 2011) and DM15 of the Bristol Local Plan – Site Allocations and Development Management Policies (adopted July 2014).

*****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. The following British Standards are relevant to the landscaping conditions attached to this decision:
 - a. BS: 3882:2015 Specification for topsoil
 - b. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c. BS: 3998:2010 Tree work – Recommendations
 - d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f. BS: 5837:2012 Trees in relation to demolition, design and construction - Recommendations
 - g. BS: 7370-4:1993 Grounds maintenance part 4: Recommendations for maintenance of soft landscape (other than amenity turf).
 - h. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
 - i. BS: 8601:2013 Specification for subsoil and requirements for use
- iii. 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)

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

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