

# HARBOUR VIEW BRISTOL

Proposed Rooftop Terrace

(Revision to planning permission ref: S62A/2024/0053)

**Planning Statement**

March 2025



**Our ref: 3845**

# **Planning Statement**

## **Proposed Rooftop Terrace**

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



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

**March 2025**



**Small Planning Consultancy of the Year London 2022**

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## 1. Introduction

1.1 This Planning Statement is prepared on behalf of Canada Life Asset Management ('the applicant') in support of its revised detailed non-major planning application for the 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 along with the provision of a biodiverse green roof to part of roof top plant room at Building 11, Explore Lane, Bristol. The application is submitted under the provisions of Section 62A of the Town and Country Planning Act 1990. Prior notice was given of the applicant's intentions to make the submission on 7<sup>th</sup> November.

1.2 The application follows the grant of planning application by the Secretary of State on 24<sup>th</sup> September 2024. The application, which was referenced S62A/2024/0053, was also made under the provisions of Section 62A. A copy of the decision letter is provided at Appendix 1. The permissions was described as:

*'The development proposed is the 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.'*

1.3 The above planning application is referred to hereinafter as the 'original S62A application'. The original S62A application was made following an amendment to a planning application referenced 23/00975/F, which was approved by the local planning authority, Bristol City Council, on 15<sup>th</sup> February 2024. That application was originally described as:

*'Hybrid planning application for the change of use of part of the internal floorspace and part of the roof area of Unit 5 from use as a casino (sui generis) to use as a restaurant/drinking establishment with expanded food provision (Use Class E(b)/sui generis); the provision of a mezzanine floor to serve the new restaurant/drinking establishment with expanded food provision; **external alterations to part of the Unit 5 roof area (comprising the provision of a landscaped pergola structure, glass balustrade and acoustic***

*screens) to facilitate its use as a terrace in association with the new restaurant/drinking establishment with expanded food provision and alterations to the ground floor entrance to Unit 5; plus external alterations to the roof top plant room to include the provision of new acoustic panels, photovoltaic panels and an enhanced green roof.'*

(our bold emphasis)

1.4 Amendments were made to the application to enable it to be supported and approved by the City Council. Principally this involved the removal of the proposed roof terrace, as highlighted in bold text in the above description. The revised description is provided in Table 1, overleaf.

1.5 The original S62A application was subsequently applied for separately and was described as:

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

1.6 The Inspector should be aware that this is the fourth related planning application affecting Building 11. A planning application was submitted on 27<sup>th</sup> June 2024 to the City Council seeking additional uses to that approved under 23/00975/F. This was approved on 20<sup>th</sup> November 2024 (reference 24/02543/F). The additional uses are for indoor sport and recreation (Use Class E(d)) and/or a comedy club (sui generis). It was applied for separately as the City Council was procedurally unwilling to entertain the additional use in its consideration of application 23/00975/F. Being a major planning application as a result of the relevant internal floor areas exceeding 1,000 square metres, it was not possible to submit the application under the provisions of Section 62A. The planning application was approved on the 24<sup>th</sup> of September 2024.

1.7 Table 1, overleaf, summarises the details of the four planning applications.

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**Table 1 – Summary of the four applications**

<b>Application 1</b>					
<b>Reference</b>	23/00975/F	<b>Date submitted</b>	28/02/2023	<b>Date approved</b>	15/02/2024
<b>Description</b>	Change of use of part of the internal floorspace and part of the roof area of Unit 5 from use as a casino (sui generis) to use as a restaurant/drinking establishment with expanded food provision (Use Class E(b)/sui generis); the provision of a mezzanine floor to serve the new restaurant/drinking establishment with expanded food provision; external alterations to part of the Unit 5 roof area comprising balustrades and infilling of existing brises soleil; plus external alterations to the roof top plant room, to include the provision of new acoustic panels and photovoltaic panels.				
<b>Application 2</b>					
<b>Reference</b>	24/02543/F	<b>Date submitted</b>	27/06/2024	<b>Date approved</b>	20/11/2024
<b>Description</b>	Change of use of part of the internal floorspace and part of the roof area of Unit 5 from use as a casino (sui generis) to provide a new flexible unit (restaurant/drinking establishment with expanded food provision (Use Class E(b)/sui generis) and/or Use Class E(d) and/or as a comedy club (sui generis)); the provision of a mezzanine floor; external alterations to part of the Unit 5 roof area comprising balustrades and infilling of existing brises soleil; plus external alterations to the roof top plant room, to include the provision of new acoustic panels and photovoltaic panels and provision of a biodiverse green roof to part of roof top plant room.				
<b>Application 3</b>					
<b>Reference</b>	S62A/2024/0053	<b>Date submitted</b>	03/07/2024	<b>Date approved</b>	24/09/2024
<b>Description</b>	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.				
<b>Application 4</b>					
<b>Reference</b>	TBC	<b>Date submitted</b>	March 2025	<b>Date approved</b>	N/A
<b>Description</b>	Use of an additional 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.				

1.8 The structure of the remainder of the Planning Statement is as follows.

- Section 2** Provides relevant background Information.
- Section 3** Sets out details of the proposals.
- Section 4** Sets out the relevant planning policy context.
- Section 5** Demonstrates compliance with the development plan.
- Section 6** Sets out our suggested planning conditions.
- Section 7** Provides a conclusion.

## **2. Background Information**

### ***a) Background to the Proposals***

- 2.1 The full details of the proposed terrace are provided in Section 3 of the Planning Statement. As background, and as set out in the Planning Statement for the original S62A application, the Rainbow Casino is seeking to downsize its premises in response to the effects of the pandemic and to changes in gambling habits, such as the switch to online gambling. The Rainbow Casino was constructed as a 'super casino'. It still seeks to retain its presence at Bristol Harbourside, but is capable of operating at a smaller scale. This has given an opportunity to hand back some of its operational floorspace to the applicant and this in turn has led the applicant to explore options for the re-occupation of the surplus floorspace. The City Council has been sympathetic to these market changes and the opportunity it has presented to the applicant to explore alternative uses.
- 2.2 The applicant has been assisted throughout the process by Bristol-based Arc Retail to seek an occupier for the surplus floorspace. It has identified demand from additional food and beverage (F&B) and leisure operators seeking to locate at Bristol Harbourside. The proposed terrace provides the opportunity to build on the recent success of Building 11 in the way it will serve the future operator. The extended terrace will be accessed from the new floorspace that will be provided through the implementation of Application 2, which provides for the wider range of end uses/potential occupiers (as well as the various internal and external changes).
- 2.3 Building 11 has seen the arrival of a number of new leisure operators in recent times. These have strengthened the role of the Harbourside in providing leisure, bar and dining facilities. These new occupiers are documented in Table 2 on page 7 of this Planning Statement.



- 2.4 It is also highlighted that this part of the Harbourside is in the process of being rebranded as Canons Yard. A brochure for Canons Yard is provided at Appendix 2. The brochure identifies that Canons Yard is:

*‘The new identity for Bristol Harbourside’s sprawling 200,000 sq. ft. leisure and entertainment quarter. Proudly positioned in the centre of a major mixed-use neighbourhood adjacent to Bristol’s historic floating harbour, this exciting development seamlessly connects the city centre and leafy residential areas of Clifton and Hotwells.’*

**b) Site Description**

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

**Image 1 – Canons Yard brochure detail**



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

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

2.7 Building 11 comprises a range of leisure and F&B occupiers along with a multistorey car park, operated by Britannia Parking. The uses are situated along Millennium Promenade and Explore Lane – allocated as a one of the ‘Leisure Use Frontages’. The occupiers are set out in Table 2, below.

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

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

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

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

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

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



2.10 A view of the relatively new BrewDog bar on the corner of Millennium Promenade and Cathedral Walk is shown overleaf. This has proven to be an extremely successful bar. Building 8 is that seen to the left in the image.

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



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

2.11 As was set out in the Planning Statement submitted in support of the original S62A terrace application, there are a number of existing roof terraces already located within Bristol City Centre, all but one of which are located within conservation areas. Some are located on listed buildings.

2.12 Those which we are aware of include:

- The M-Shed<sup>1</sup>
- Bambalan at the Beacon Tower
- The Urban Roof Terrace at Marriott City Centre
- Old Market Assembly
- Mud Dock Café Bar
- Clifton Observatory
- The White Lion, Clifton Village

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<sup>1</sup> [REDACTED]

- Halo office/residential development, Redcliffe (under construction)

2.13 The table and text that comprises Appendix 3 provides an overview of these and how heritage matters were considered.

2.14 As was also set out in the Planning Statement submitted in support of the original S62A application, there are also a number of other roof terraces in other major English cities. We provide some examples of at Appendix 4.

***d) Relevant Planning History – Building 11***

2.15 Appendix 5 sets out the key planning history for Building 11 in chronological order. The first section provides details of the original overarching permissions and controls, as amended over time. It demonstrates that the building was principally approved and subsequently constructed to accommodate leisure and F&B uses, which the terrace seeks to serve.

### 3. Details of the Proposals

3.1 The planning application is described as:

*'The 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 along with the provision of a biodiverse green roof to part of roof top plant room at Building 11, Explore Lane, Bristol.'*

3.2 As was highlighted in the planning application for the original terrace, Building 11 provides an excellent opportunity to deliver a roof terrace due to it already benefitting from an appropriate roof space to be partially enclosed and used as a terrace, and one that offers enviable views across the Floating Harbour, hence the name of the project – 'Harbour View'. This application seeks to provide a wrap-around terrace, as was originally proposed to the City Council, but utilising the simplified architectural form that was approved by the Secretary of State previously. The east-facing section of the enlarged terrace seeks to take advantage of views over Millennium Square, which sits at the heart of Bristol Harbourside in terms of its tourism and leisure appeal and those regular outdoor activities that take place there.

3.3 The larger terrace proposed seeks to further strengthen Canons Yard and the Harbourside as Bristol's premier leisure and tourism destination. As was highlighted previously, the applicant has invested significant resources to seek to achieve this over recent years.

3.4 Appendix 6 contains the CGIs that were produced in support of the terrace that was originally proposed under Application 1. New CGIs have been prepared for the approved and proposed terrace and these are provided separately with the planning application as well as shown overleaf. Image 6 shows, most readily, the terrace on the south elevation as approved under the original S62A application.

*Images 4-6 – Photomontages of enlarged terrace*





- 3.5 The extent of the terrace and its design treatment have been entirely reconsidered since the removal of the terrace element from Application 1. At that stage the terrace was to be set to the outside edge of the roof area. It also included a large timber pergola, which was proposed to incorporate planting and fairy lights.
- 3.6 As was the case with the original terrace approved by the Secretary of State, the design of the larger terrace now proposed continues to be set back from the outside edge of the roof and provides the same architectural detailing in respect of the metal canopy frame and retractable sunshade and the glass balustrade (the same design as was approved by the Secretary of State). A larger biodiverse green roof will be provided. It will provide a biodiversity net gain of 11.87%.
- 3.7 The larger terrace will also make use of the dedicated fire escape route approved under the original S62A application. The means of escape, in the event of a fire, will enable patrons to obtain access to 'Stair 1' located on the western side of the building. The means of escape, illustrated in Image 4 below, doglegs around the



south-western corner of Building 11 to the stairwell opposite the blue and white coloured apartment block.

***Image 7 – Existing Means of Escape***



## 4. Planning Policy Context

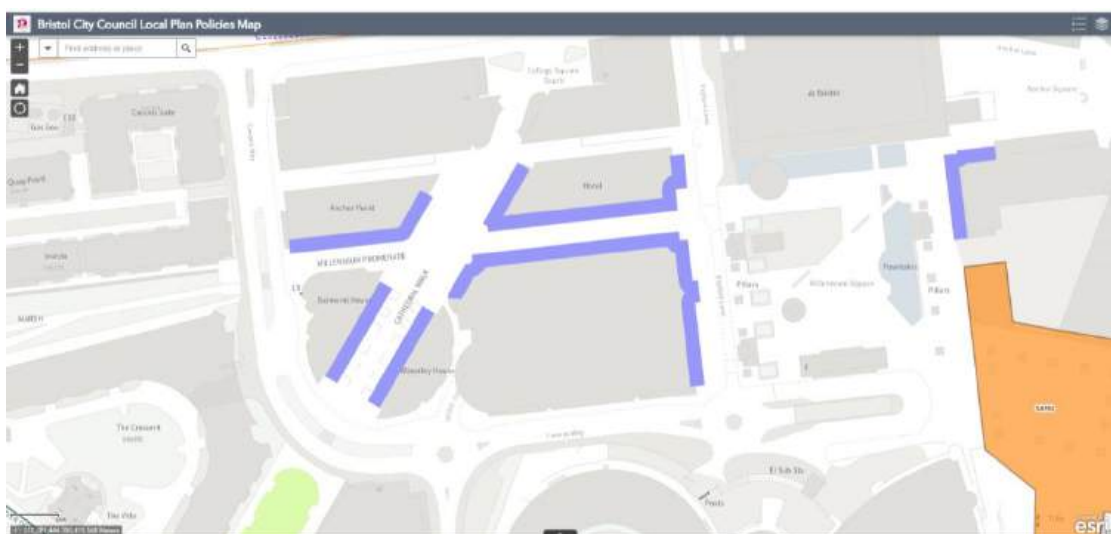
4.1 The adopted development plan remains the same as when the original terrace application was approved in September 2024. It comprises the following documents:

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

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

4.3 The only difference in policy terms relates to the proposals map as, unlike in the case of the original terrace application, the additional wraparound element forms part of the **Leisure Use Frontages** as illustrated by the mauve edging in Image 5, below. We consider this to be a significant material planning consideration in support of the application. The original approved terrace is on the southern edge of the building. Its extent is shown on the submitted drawing titled ‘Level 3 Mezzanine Proposed’.

**Image 8 – Bristol Central Areas Plan’s Policies Map Extract**



- 4.4 The relevant policy, Bristol Central Area Plan **Policy BCAP19 – Leisure Use Frontages in Bristol City Centre**, is set out below:

*‘The development of uses that contribute to the leisure, entertainment and evening economy offer in Bristol City Centre will be encouraged and acceptable within the Leisure Use Frontages provided the concentration of uses would not result in harmful impacts.*

*Leisure and entertainment uses will be acceptable at other city centre locations where they accord with other relevant Local Plan policies.’*

- 4.5 The relevant<sup>2</sup> supporting text states:

*‘The centre of Bristol has benefited in recent years from a growth in food, drink and leisure and entertainment premises including restaurants, bars, pubs, clubs, cinemas and other leisure uses. The activity, vitality and vibrancy associated with the appropriate mix and type of these uses can make them a welcome and positive addition to the retail offer of Bristol City Centre.’* (paragraph 5.21)

*‘The City Centre Retail Study acknowledged the existing food, drink, leisure and entertainment offer across Bristol City Centre. It found there is potential for further growth and that focusing this growth on selected areas would be beneficial. Leisure Use Frontages have been designated to help support and guide this growth.’* (paragraph 5.22)

*‘Harbourside and the waterfront area includes a small element of convenience retail but otherwise consists mainly of leisure, tourism and cultural uses, including pubs, bars and restaurants which create a strong evening economy presence. Leisure Use Frontages in this area recognise its existing role and allow for further developments.’* (paragraph 5.24)

- 4.6 As a consequence of the above allocation, it is considered that additional weight ought to be given to the principle and position of the proposal than with the original terrace application on the buildings south-facing roof slope, and with the additional

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<sup>2</sup> Paragraph 5.23 relates to specific Leisure Use Frontages in other areas of the City Centre.

positive contribution which the proposal will bring to the Leisure Use Frontage (when balancing the proposal against other material planning consideration).

4.7 In the Inspector’s decision letter for the original S62A application, the following three main issues were identified:

- (1) Whether the proposal would preserve or enhance the character or appearance of the City Docks Conservation Area, and its effect on the setting on nearby listed buildings;
- (2) The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to noise and disturbance; and
- (3) The effect of the proposal in respect of biodiversity.

4.8 The table below sets out the policies that the Inspector cited in her conclusions on each of the above three main issues.

**Table 3 – Relevant policies**

Main issue	Core Strategy policies	Development Management Local Plan policies
1	BCS21, BCS22	DM26, DM30 and DM31
2	BCS23	DM33
3	None (Planning Practice Guidance only)	None (Planning Practice Guidance only)

4.9 These policies are set out shortly, along with an overview of material considerations and the aims of the PPG with regards to biodiversity net gain. We also provide some initial comments as to how the proposal supports them.

4.10 The relevant areas of the policies to the three main issues are summarised in the table overleaf.

**Table 4 - Summary of what the relevant main issue policies seek to achieve**

<b>Main Issue 1</b>	<b>Policies BCS21, 22 and DM26, 30 and 31</b>
<ul style="list-style-type: none"> <li>• Development should contribute positively to local character</li> <li>• Development should safeguard and enhance heritage assets</li> <li>• Proposals should respect building forms and the grain of development</li> <li>• Development should retain and enhance important views</li> <li>• Development should respond to the scale, mass, height of existing buildings, skylines and roofscapes</li> <li>• Development should reflect local character, architectural styles and materials</li> </ul>	
<b>Main Issue 2</b>	<b>Policies BCS23 and DM33</b>
<ul style="list-style-type: none"> <li>• Development should be sited and designed to avoid adverse impacts upon environmental amenity</li> <li>• Development will be expected to provide appropriate mitigation</li> </ul>	
<b>Main Issue 3</b>	<b>Planning Practice Guidance</b>
<ul style="list-style-type: none"> <li>• Applicants are encouraged to consider biodiversity net gain early in the development process and factor it into site selection and design</li> </ul>	

4.11 The City Council began consulting on its *‘Bristol Local Plan Review: Draft Policies and Development Allocations’* document in November 2022, with the consultation exercise running until 20<sup>th</sup> January 2023. It was submitted to the Secretary of State on 25<sup>th</sup> April 2024. The supporting text to draft Policy DS1 – *Bristol City Centre* identifies that:

*‘Bristol’s Floating Harbour is one of the city’s greatest assets, enjoyed by thousands of people every year. The regeneration of derelict and unused wharves and waterfront sites over the past 50 years has **breathed new economic, cultural and social life into the harbour area. Its thriving leisure waterway and cultural offer, has made this a multi-destination visitor attraction of international renown.***<sup>3</sup>

(our bold emphases)

<sup>3</sup> Paragraph 3.1.7

4.12 Paragraph 3.1.8 reads:

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

(our bold emphasis)

4.13 The proposed enlarged terrace seeks to breathe further cultural and social life into the Harbourside as part of its changing skyline and provide contemporary development (in-keeping with the host building) for those visiting and living in the area so to enjoy leisure time.

***b) The Bristol Local Plan***

***i) Relevant Site Allocations***

4.14 As identified above, the Rainbow Casino forms part of an allocated 'Leisure Use Frontage' on the Bristol Central Areas Plan's Policies Map.

***ii) Relevant Development Plan Policies***

4.15 The relevant policy relating to the allocation directly affecting the subject part of Building 11 (the Leisure Use Frontage) is Bristol Central Area Plan Policy **BCAP19 – Leisure Use Frontages in Bristol City Centre**. Additionally, the following policies are relevant to such a 'leisure use':

- Bristol Central Area Plan **Policy BCAP41 – The Approach to Harbourside**; and
- Core Strategy **Policy BSC7 – Centres and Retailing**.

These policies are set out in the table below, along with key supporting text from the relevant development plan document. We have highlighted what we consider to be the most relevant text in bold text.

**Table 5 – Relevant ‘Use’ Policies**

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

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



<p><i>shops and services to meet local needs through the renewal or replacement rather than the loss, of existing retail units, public houses and other active ground floor uses. Through development, opportunities will be sought to reduce the impact of traffic on the area and improve provision for pedestrians and cyclists, particularly in the vicinity of the Dowry Parade/Merchant’s Road gyratory system.’</i></p>	
<p><b>Policy</b></p>	<p><b>Development plan document</b></p>
<p><b>Policy BSC7 – Centres and Retailing</b></p>	<p><b>Core Strategy</b></p>
<p><b>Policy text</b></p>	<p><b>Relevant supporting text</b></p>
<p><i>‘Retail development, offices, leisure and entertainment uses, arts, culture and tourism uses will be primarily located within or, where appropriate, adjoining the centres in the identified network and hierarchy serving Bristol</i><sup>[4]</sup>.</p> <p><i>Town, District and Local Centres will also be focuses for the development of:</i></p> <ul style="list-style-type: none"> <li>• <i>Community facilities;</i></li> <li>• <i>Higher density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking; and</i></li> <li>• <i>Smaller scale office developments providing local office floorspace provision.</i></li> </ul> <p><i>Development will be of a scale and intensity appropriate to the position of the centre in the hierarchy and to</i></p>	<p><i>‘[...] Bristol City Centre is at the head of the hierarchy. It will remain the principal destination for shopping and leisure in the city and in the South West region. [...]’ (paragraph 4.7.8)</i></p>

<sup>4</sup> Harbourside is one of the centres at the top of the Hierarchy of Centres on page 65 of the Core Strategy

<p><i>the character of the centre. Where proposed developments would be significantly larger in scale than existing uses, it should be clearly demonstrated that the catchment the development will serve is in keeping with the role of the centre.</i></p> <p><i>Mixed-use development at accessible centres will be particularly promoted where it takes advantage of under-used land.</i></p> <p><b><i>Uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged.</i></b> Active ground floor uses will be maintained and enhanced throughout the centres [...]<sup>[5]</sup></p>	
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4.16 Table 5 illustrates the development plan’s support for leisure, tourism and recreational uses at Bristol Harbourside. These uses are supported by the planning permissions obtained via Application 1 and 2 and will be enhanced by the addition of the proposed larger terrace.

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

- Core Strategy Policy BSC21 – ***Quality Urban Design;***
- Core Strategy Policy BCS22 – ***Conservation and the Historic Environment;***
- Site Allocations and Development Management Policies Policy DM26 – ***Local Character and Distinctiveness;***
- Site Allocations and Development Management Policies Policy DM30 – ***Alterations to Existing Buildings;*** and

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<sup>5</sup> Note that the remainder of the policy relates to retail uses and local shopping provision so is not relevant to the proposal.

- Bristol Central Area Plan **Policy BCAP41 – *The Approach to Harbourside***.

4.18 These policies are set out below.

#### **Core Strategy Policy BSC21 – *Quality Urban Design***

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

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

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

#### **Core Strategy Policy BCS22 – *Conservation and the Historic Environment***

4.20 This policy states:

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

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

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

**Policy DM26 – Local Character and Distinctiveness and Policy DM30 – Alterations to Existing Buildings**

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

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

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

*Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions.*

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

**4.23 Policy DM30 – Alterations to Existing Buildings** states:

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

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

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

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

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

**Bristol Central Area Plan Policy BCAP41 – The Approach to Harbourside**

**4.24** This policy states:

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*‘Development adjacent to the Floating Harbour will be expected to be of a scale and design appropriate to its setting, reflecting the special interest and visual prominence of quayside areas and character and setting of the surviving historic buildings and fabric and **preserving and enhancing views to and from the Floating Harbour**. Development adjacent to the Floating Harbour will be expected to retain, restore and integrate existing dockside furniture and fittings and make provision where possible for additional vessel moorings...’*

4.25 Paragraph 9.7.6 of the policy’s supporting text highlights:

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

### ***iii) Material Considerations***

#### The National Planning Policy Framework

4.26 The latest version of the NPPF was issued in December 2024. It is supportive of leisure-related uses within allocated centres such as those that the terrace will support and serve<sup>6</sup>. It sets out the three overarching objectives to achieving sustainable development at paragraph 8:

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

4.27 The economic objective is relevant to the proposal in terms of:

- Providing an economic role that supports the Leisure uses Frontage;
- Creating a more attractive market-facing development to enable the casino’s surplus floorspace to be re-occupied by an appropriate and compatible use;

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<sup>6</sup> Chapter 7 – Ensuring the vitality of town centres (paragraph 90)

- Increasing the attractiveness of the Harbourside to draw in visitors, including tourists (the location is adjacent to, and near to, a number of popular hotels); and
- Generating further employment opportunities (to the original terrace application) by creating additional floorspace and the higher numbers of patrons.

4.28 In respect of the current application, the social objective is relevant. It supports:

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

4.29 The environmental objective is also relevant. It seeks to protect and enhance the built and historic environment. We consider this below.

4.30 Chapter 12 of the NPPF is titled '*Achieving well-designed places*'. The chapter title was amended in the latest iteration of the NPPF with the removal of the words '*and beautiful*'. Paragraph 135 provides the most relevant text in respect of planning decisions. It states that:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development*

- (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>51</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

#### City Docks - Character Appraisal & Management Proposals

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

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

- 4.32 The Character Appraisal considers six separate areas within the docks. Building 11 is identified as a 'Character Building' on Map 6<sup>7</sup>. An extract of Map 6 is provided in Image 9 overleaf whereby green shaded buildings are those Character Buildings and brown shaded buildings are identified as Neutral Buildings. Red represents Grade I listed buildings, orange Grade II\* and yellow Grade II. Purple represents a Building of Merit, blue represents Grouped Buildings of Merit and black representing Negative Buildings. The map pre-dates the listing of Canons House, which is the green-shaded building to the south of Building 11.

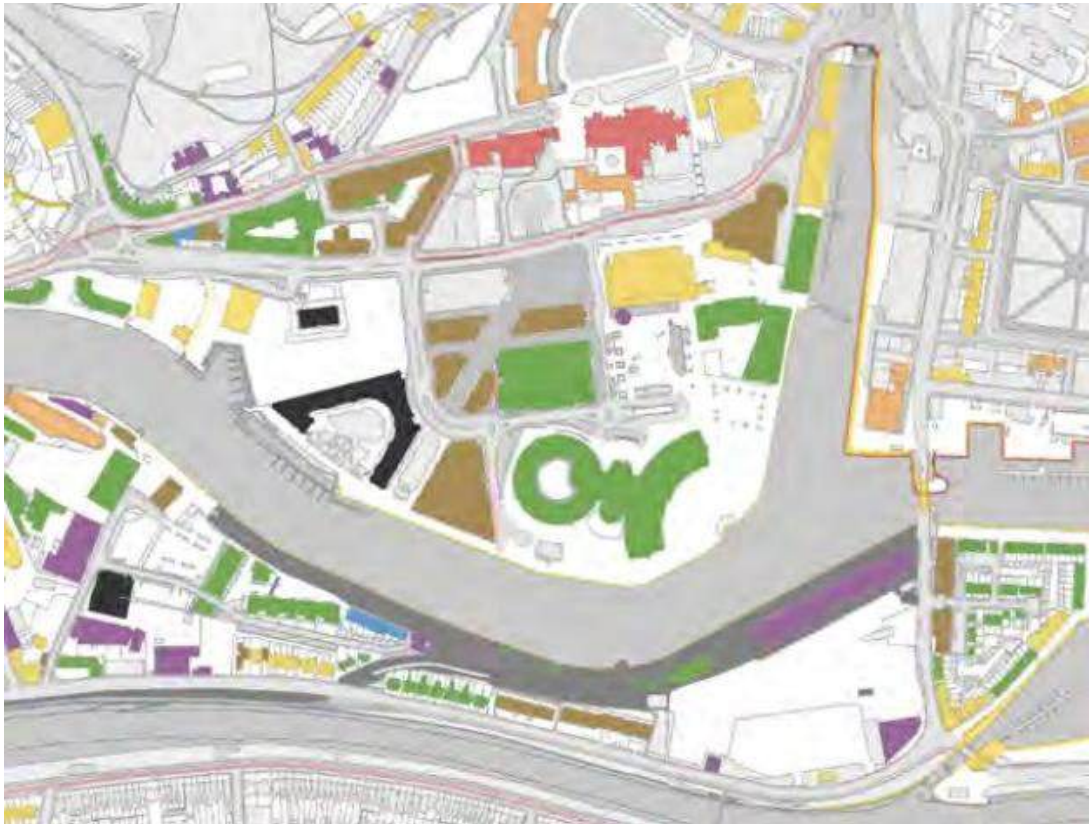
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<sup>7</sup> Map 6 is titled 'Relative Merit of Unlisted Buildings'

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**Image 9 – Extract of Map 6 of the City Docks - Character Appraisal & Management Proposals**



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

4.34 Paragraph 7.1.8a describes the area as follows:

*‘North of Floating Harbour on former marshland belonging to Augustinian Abbey Canons (now cathedral). Later used for ship-building and built up with industrial buildings, many of which were gasworks buildings that contaminated the soil. It was redeveloped at the end of 20<sup>th</sup> century as the ‘Harbourside’, a mixed use area of offices, residential, entertainment and shops.’*

4.35 A SWOT analysis for City Docks Conservation Area is also provided and this is replicated below in Table 6, below. We have highlighted those parts which we consider lend support to the enlarged terrace in bold text.

**Table 6 – City Docks - Character Appraisal & Management Proposals – Canons Marsh SWOT Analysis**

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

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

- Pedestrian and traffic conflicts;
- Loss or poor maintenance of traditional street surfaces, townscape & industrial/maritime features;
- Derelict buildings and vacant sites;
- Advertising boards and hoardings;
- Unsympathetic infill and new developments; and
- Loss of views.

4.37 Section 10 sets out the *'management proposals'* to remedy these negative features.

With regards to loss of views, section 10 identifies:

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

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

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

- Contribute to the area's character and identity;
- Safeguard and enhance heritage assets;
- Respect local pattern and grain of development and respond positively to height, scale, mass, form and the proportion of existing buildings; and
- Retain, enhance and create important views.

#### Planning Practice Guidance – Biodiversity Net Gain

4.39 The PPG on BNG principally relates to process; however, it is relevant to highlight paragraph 019, this states:

*'Onsite habitat enhancements to support the biodiversity gain objective may have positive implications for other policy objectives which may need to be taken into account as part of the determination of the planning application. For example, such as delivering wider benefits to landscaping, amenity, and climate change adaptation.'*

## 5. Demonstration of Development Plan Compliance

5.1 This section provides an exploration of how the additional area of terrace now proposed accords with the provisions of those development plan policies explored above. As highlighted at paragraph 4.7, above, the main issues explored in the original terrace application by the Planning Inspector were:

- (1) Whether the proposal would preserve or enhance the character or appearance of the City Docks Conservation Area, and its effect on the setting on nearby listed buildings;
- (2) The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to noise and disturbance; and
- (3) The effect of the proposal in respect of biodiversity.

5.2 We have already set out our view that we consider weight should be afforded to the fact that the area of the enlarged terrace will be on a Leisure Use Frontage and the associated weight that should be afforded to the economic and social benefits that the terrace will bring to this part of the Harbourside. On this basis Policy BCAP 19 states:

*'The development of uses that contribute to the leisure, entertainment and evening economy offer in Bristol City Centre will be encouraged [...].'*

5.3 Turning to the main issues from the previous application, we have summarised the relevant policy headlines relevant to each over the following pages, and provided an assessment of the proposal's accordancy with them.

**Main issue (1) Whether the proposal would preserve or enhance the character or appearance of the City Docks Conservation Area, and its effect on the setting on nearby listed buildings**

Main Issue 1	Policies BCS21, 22 and DM26, 30 and 31
	<ul style="list-style-type: none"> <li>• Development should contribute positively to local character;</li> <li>• Development should safeguard and enhance heritage assets;</li> <li>• Proposals should respect building forms and the grain of development;</li> <li>• Development should retain and enhance important views;</li> <li>• Development should respond to the scale, mass, height of existing buildings, skylines and roofscapes; and</li> <li>• Development should reflect local character, architectural styles and materials.</li> </ul>

5.4 A Heritage Impact Assessment prepared by HCUK Group was submitted in support of application 1 (prior to the terrace element being withdrawn from the application). It was included in support of the original S62A application and, for consistency, is also attached with this application.

5.5 Turning to those points in the box above, local character was described by the Inspector as follows:

*‘The area has undergone urban renewal and has evolved into a district of the city which provides a range of land uses, building types, attractions and facilities, along with features of historical, architectural and industrial archaeological interest. Notably, it is the retention and balance of domestic, commercial or industrial accommodation adjoining the harbour that has given the CA its interesting character. The character of the CA also lies in the quality and diversity of its local details such as street furniture, dock fittings, surfaces, the remains of railway lines, and the buildings.’*

(paragraph 13)

5.6 In describing the impact of the original terrace proposal on the host building, the Inspector provided the following conclusions (paragraphs 18-23):

*‘18. The host building within which the application site is located is a large, modern building within a wider contemporary mixed-use*

*development. The building has a good degree of symmetry, which is most readily experienced when viewed from **Millenium Square, Cannons Way and Millenium Promenade**. Longer range views of the entire building are interrupted by **intervening built form**.*

*19. The building is identified within the CA Appraisal as a character building which makes a positive contribution to the overall character and sense of place of the CA and whose value is in its overall scale, form, materials or date, which helps form the built backcloth for the area.*

*20. When viewing from close-range, the proposed terrace would not be overly prominent due to its **generous set-back from the edge of the building**. **Activity at this high level would therefore be barely perceptible from public vantage points**, thus there would be an **insignificant effect to the symmetry of the building**.*

*21. Some views of the proposed sunshade and its frame may be achieved however the choice of materials, proportions and overall modern design **would reflect the existing features and distinctiveness of the host building**. As such, these elements of the proposal would be inconspicuous and would comfortably integrate with the surroundings.*

*22. With regards to the potential for the placing of various features such as lighting structures, heat lamps and planters, this paraphernalia would be typical of the proposed use. Moreover, I consider that **due to the restricted size of the proposed terrace along with the limited views which could be obtained from public vantage points, the proposal would not result in substantial or harmful visual clutter**.*

*23. Overall, the proposal is of a scale and design which would **complement the thriving leisure and cultural destination of this part of Bristol**. **It would not visually compete with or distract from the special interest of the aforementioned heritage assets, nor affect important views of them.**'*

(our bold emphases)

5.7 In respect of the conclusions made at paragraph 18, the longer range views of the enlarged terrace will continue to be interrupted by intervening built form. Overleaf is a view of Building 11 taken from the other side of the Floating Harbour looking north.

***Image 10 – Northwards view towards area of enlarged terrace***



5.8 The roof of Building 11 can just about be glimpsed from this location. A useful means to navigate to Building 11 from this angle can be made via the photograph on the cover of the Planning Statement. This view is important because it shows the recently listed rotunda of Canon's House in the foreground and the Victorian west towers of the Grade I listed Bristol Cathedral in the background. The view illustrates a mix of intervening built form and the modern character of Building 11, including the steel cage-like architectural feature on its east elevation. We consider that the additional area of roof terrace that will be provided on the east-facing roof slope overlooking Millennium Square will not be perceptible from this view. It is important to also note that views towards the cathedral will not be interrupted from this position.

5.9 The change to the symmetry of the building will be the same as was considered by the Inspector in the case of the original S62A application, albeit when viewed from the east, rather than from the south. It is considered that the effect would continue to be insignificant.

5.10 The architectural set back and design will be the same as considered before in the original S62A application and we consider that it would be difficult to argue that activity at this high level on the east facing roof would be any more perceptible from public vantage points. In adopting the same design – including for the retractable sunshade, glass balustrade and acoustic screen – which are in-keeping with the distinctiveness of the host building<sup>8</sup>, the architect has sought not to allow any deviation from the Inspector’s findings previously. The applicant has also sought to minimise the design by not providing a sunshade treatment to the southeast corner of the terrace. Instead, there will be one retractable sunshade extending from the south elevation (as previously approved) and one to the east elevation, overlooking Millennium Square, with a gap between the two in order to maximise the sense of openness.

5.11 We consider that the proposal achieves the following:

- It contributes positively to local character;
- It safeguards heritage assets;
- It respects building forms and the grain of development;
- It retains important views;
- It responds to the scale, mass, height of existing buildings, skylines and roofscapes; and
- It reflects local character, architectural styles and materials.

5.12 Therefore, in respect of main issue 1, we form the view that the proposal preserves the character and appearance of the host building, the City Docks Conservation Area and the setting of nearby listed buildings

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<sup>8</sup> Which the City Council did not object to in the S62 application.

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***Main issue (2) The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to noise and disturbance***

5.13 The relevant policies require the following:

Main Issue 2	Policies BCS23 and DM33
<ul style="list-style-type: none"> <li>• Development should be sited and designed to avoid adverse impacts upon environmental amenity; and</li> <li>• Development will be expected to provide appropriate mitigation.</li> </ul>	

5.14 The Inspector's conclusions on this main issue were set out at paragraphs 26-30 of the Secretary of State's decision letter. Paragraph 29 confirmed that the proposal complied with the above two policies. Paragraphs 26-29 stated:

*'26. The proposed terrace would be positioned along part of the southern side of the host building, close to leisure use frontages. The nearest residential properties are located in the adjacent building, Waverley House. Given the location of these residential properties within this vibrant locality resulting from the diversity of uses and attractions, residents would expect a level of activity and a degree of noise.*

*27. Regardless, the proposed terrace would not be of a significant size and would be a considerable distance from the nearest properties. The proposed hours of operation, which the Council are satisfied with, and the submission of details of an acoustic barrier which are to be submitted and approved prior to first use of the terrace, would mitigate against harmful levels of noise and disturbance, including in the evening when residents may be sleeping and have windows open.*

*28. Furthermore, even with the proposed sunshade and likely features such as heaters, the area is unlikely to be used on a daily basis throughout the year, but rather on days of fair and good weather.*

*29. Given the good distance between the proposal and nearest residential properties, along with the design of the proposal and boundary treatments, the proposed use would not be a harmful visual distraction nor would any privacy concerns arise.'*

(our bold emphases)

- 5.15 The applicant's submitted a Noise Impact Assessment (prepared by acoustic consultants Sandy Brown) for Application 1, prior to the terrace being removed from it. It was resubmitted in support of the original S62A application. The NIA considered the withdrawn (Application 1) terrace, which also dog-legged around the roof in the direction of Building 8. It recommended a 1.8m tall acoustic barrier at the point where the terrace terminates (and a 2.9m tall acoustic barrier where the terrace terminates nearest to Waverley House).
- 5.16 The NIA set out the resultant noise levels on Waverley House and Building 8 at paragraph 7.2 along with images illustrating the '*Distribution of patron noise*' in plan form (Figure 5) and on the façade of Waverley House (Figure 6). These details, provided on pages 15 and 16 of the NIA, are extracted and provided separately at Appendix 7.
- 5.17 As can be seen, paragraph 7.2 of the NIA identified that:

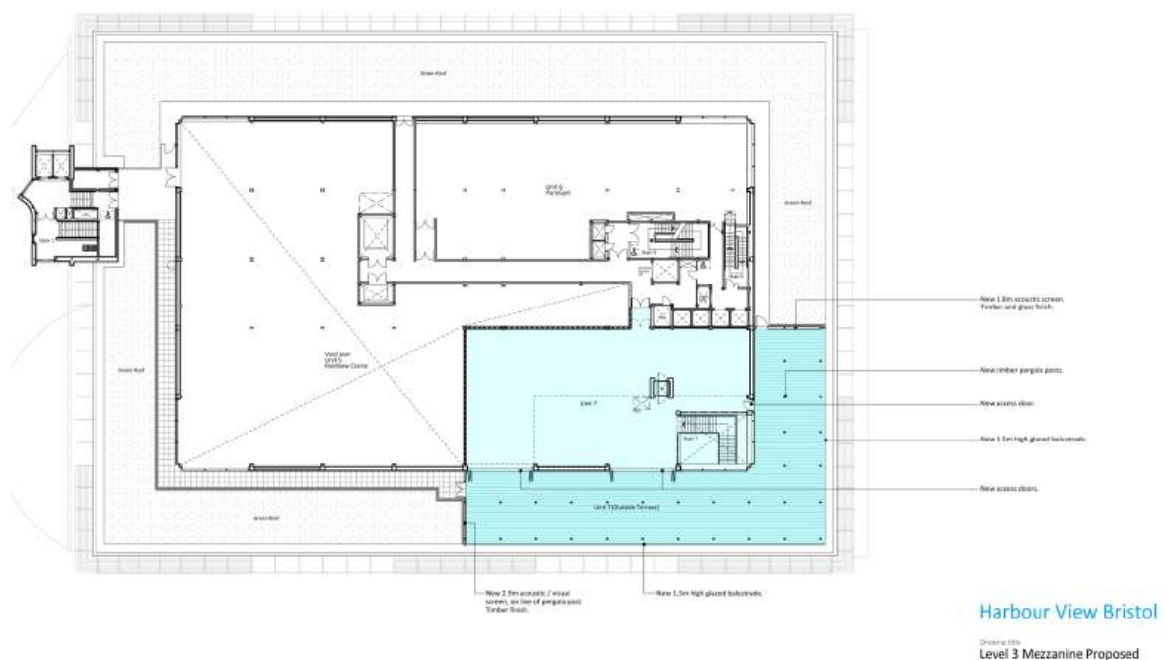
*'[...] Based on a worst case facade noise level of LAeq 47 dB, noise associated with the use of the terrace is predicted to be 9 dB below the existing background sound level. This represents a 9 dB betterment of the IOA guidance and it is therefore considered that the impact of the terrace will be suitably controlled through the provision of the mitigation measures proposed.'*

- 5.18 For application 1, and prior to the removal of the terrace element from it, the City Council's Pollution Control Officer provided his comments. They were:

*'The noise assessment predicts that noise from the terrace will be well below the existing background noise levels at nearby residential properties and I would agree with this. The predictions are based on two noise barriers being provided to the terrace. Although requirements for the barrier have been given, exact details have not and I would therefore need for this information to be provided by condition.'*

5.19 As was the case with the original S62A application, we have not sought to update the findings of the NIA. The additional area of terrace is more distant from residential properties than was previously considered by the Inspector. The nearest property is Building 8, which was assessed in Figure 5 of the NIA. It only provides commercial floorspace, albeit including the Ibis hotel. As can be seen in Image 7, below, the portion of terrace now proposed extends towards Building 8 the same distance as with Application 1.

**Image 11 – Extent of terrace (originally) proposed through Application 1**



5.20 We are mindful that the terrace, as (a) approved by the Secretary of State (on the south of the roof) and (b) as now proposed (on the east of the roof), is smaller than in Application 1 due to the set back from the edge of the roofspace. This means that it is likely to be capable of accommodating as many patrons and may therefore generate lower levels of expected noise.

5.21 As was specified by the Pollution Control Officer previously, and as imposed by the Secretary of State under reference S62A/2024/0053, the applicant is more than

happy to be subject to a condition to provide future details of the acoustic screen that is proposed to be installed at the far end of the terrace as per condition 4:

*‘Prior to the first use of the terrace hereby approved, details of the acoustic screen shall have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first use and retained thereafter.’*

**Main issue (3) The effect of the proposal in respect of biodiversity**

5.22 The practice guidance recommends the following:

Main Issue 3	Planning Practice Guidance
	<ul style="list-style-type: none"> <li>Applicants are encouraged to consider biodiversity net gain early in the development process and factor it into site selection and design</li> </ul>

5.23 In the Secretary of State’s decision letter for the original S62A application, the following three paragraphs were set out:

*‘31. A Biodiversity Net Gain Assessment (the BNGA) has been submitted to support the planning application. The BNGA sets out that the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage of 10%. The actual value which this proposal aims to achieve is 31.12% and this would be through the provision of the biodiverse green roof to the roof top plant room of the application site. The BNGA has been informed by the statutory biodiversity metric.*

*32. The Planning Practice Guidance (PPG) advises that the statutory framework for biodiversity net gain has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Therefore, a subsequent Biodiversity Gain Plan must be submitted and approved prior to the commencement of development.*

*33. Notwithstanding this matter, due to the findings of the initial BNGA I consider it likely that the biodiversity gain objective can be*

*met and thus the biodiversity gain condition is likely to be capable of being discharged successfully. Accordingly, the proposal would likely have a positive effect on biodiversity.'*

- 5.24 The development once more proposes to use part of the plant room roof above to provide an enhanced green roof. Proposed habitat creation includes enhancements of 112 square metres of the existing sedum roof to level 4 to create a '*Biodiverse green roof*'. Additional substrate will be included on the roof to provide a range of depths from 100mm to 150mm. A mix of wildflowers will also be sown on this enhanced section of roof.
- 5.25 The submitted BNGA confirms that the scheme will deliver **11.87% BNG**. It provides (at Appendix G) a Draft Habitat Management and Monitoring details. It is therefore considered that the development will comply with statutory requirements for BNG.

## 6. Suggested Conditions

6.1 The Secretary of State’s decision on the original S62A application imposed 7 planning conditions. The table below sets these out alongside our suggested changes for this application.

**Table 7 – Suggested Conditions**

Secretary of State’s conditions on the original terrace permission		Suggested changes
1	The development hereby permitted shall begin not later than three years from the date of this decision.	No suggested change required.
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-200 – Location Plan</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-201 – Block Plan</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-202 – Site Plan</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-225 - Level 1 Proposed</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-227 - Level 2 Proposed</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-230 – Level 3 Mezzanine Proposed</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-231 – Level 4 Proposed</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-232 – Roof Plan Proposed</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-235 – East and South Elevations Proposed</p>	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-300-P01 – Site Location Plan.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-301-P01 – Block Plan.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-302-P01 – Site Plan.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-310-P01 – Level 3 Mezzanine Existing.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-311-P01 – Level 4 Existing.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-312-P01 – Roof Plan Existing.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-315-P01 – East and South Elevations Existing.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-320-P01 – Section BB Existing.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-330-P01 – Level 3 Mezzanine Proposed.</p>

	<p>3716-HAR-SRA-XX-XX-DR-A-PL-236 – East and South Elevation</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-237 - West and North Elevations Proposed</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-238 - West Elevation</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-240 – Section AA Proposed</p>	<p>3716-HAR-SRA-XX-XX-DR-A-PL-331-P01 – Level 4 Proposed.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-332-P01 – Roof Plan Proposed.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-335-P01 – East and South Elevations Proposed.</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-336-P01 – East and South Elevations Proposed Large scale</p> <p>3716-HAR-SRA-XX-XX-DR-A-PL-340-P01 – Section BB Proposed</p>
<p>3</p>	<p>The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:</p> <ul style="list-style-type: none"> <li>a) Description and evaluation of the features to be managed;</li> <li>b) Ecological trends and constraints on site that may influence management;</li> <li>c) Aims, objectives and targets for management - links with local and national species and habitat action plans;</li> <li>d) Description of the management operations necessary to achieving aims and objectives;</li> <li>e) Prescriptions for management actions;</li> <li>f) Preparation of a works schedule, including annual works schedule;</li> </ul>	<p>No suggested change required.</p>

	<p>g) Details of the monitoring needed to measure the effectiveness of management;</p> <p>h) Details of the timetable for each element of the monitoring programme;</p> <p>i) Details of the persons responsible for the implementation and monitoring;</p> <p>j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and</p> <p>k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.</p>	
4	<p>Prior to the first use of the terrace hereby approved, details of the acoustic screen shall have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first use and retained thereafter.</p>	<p>No suggested change required.</p>
5	<p>Prior to the first use of the terrace hereby approved, the upgraded green roof, which shall be carried out and maintained in accordance with an approved Biodiversity Gain Plan and Habitat Monitoring and Management Plan, shall be implemented in full and retained thereafter.</p>	<p>No suggested change required.</p>
6	<p>The retractable sunshade shall be finished in a grey colour and retained thereafter as such.</p>	<p>No suggested change required.</p>
7	<p>The terrace hereby approved shall not be open to customers for the consumption of food or beverages between 23.00 and 08.00 daily.</p>	<p>No suggested change required.</p>



## 7. Conclusion

- 7.1 The applicant has made great endeavours over recent years through the planning process to provide a comprehensive and successful mix of tenants so that Building 11 can function as it was intended and in accordance with the provisions of its City Centre/Leisure Use Frontage allocations. This process has brought in a number of successful operators; most recently Locked in a Room, Lane 7, Par 59 and BrewDog. These operators have made a valuable contribution to the success of the Harbourside, creating a successful and strong City Centre destination in this area of the docks (which was lacking beforehand). The applicant is in the process of rebranding this part of the City Centre as Canons Yard.
- 7.2 The application affects the existing Rainbow Casino and part of the roof top plant room. The casino was originally built as a super casino and occupies a significant floor area. It seeks to downsize. This is as a result of changes in gambling habits (notably the switch to online gambling) and also as a result of the legacy of the pandemic. In downsizing, the casino is able to continue to trade, but from a more *realistic* floor area. This has led to the applicant exploring opportunities for the surplus floorspace and to make use of part of the casino rooftop to provide an enlarged roof terrace to compete with those other rooftop destinations provided in the City Centre and where there is a growing demand for such terraces.
- 7.3 The applicant seeks to market the surplus floorspace with the additional area of terrace now proposed to the east-facing roof area, overlooking Millennium Square. Unlike with the case of the original S62A application, the additional area of roof terrace is within a '*Leisure Use Frontage*'. Given that the terrace will serve leisure uses<sup>9</sup>, then the associated development plan policy (Bristol Central Area Plan Policy BCAP19) will be supported.

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<sup>9</sup> Restaurant/drinking establishment with expanded food provision (Use Class E(b)/sui generis) and/or Use Class E(d) and/or as a comedy club (sui generis)

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- 7.4 The Planning Statement has explored relevant development plan policies and the proposal's accordance with them. It confirms that the changes to the host building will not adversely affect (but indeed compliment) the building's modern architectural. A fresh assessment has been made to consider the effect on heritage assets. We form the view that it will not adversely affect those identified assets and consider that the additional terrace will enable a better appreciation of the cityscape by offering excellent views out towards the Floating Harbour and help support and bolster Bristol's leisure sector to support the continued success of Building 11 and its position within a *'[...]thriving leisure and cultural destination of this part of Bristol.'*<sup>10</sup>.
- 7.5 We therefore respectfully request that planning permission be granted for the proposed development.

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**NTR Planning**  
**March 2025**

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<sup>10</sup> Secretary of State decision letter for S62A/2024/0053 (paragraph 23)

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Appendix 1

Copy of decision letter for application ref. S62A/2024/0053

## Decision Notice and Statement of Reasons

Site visit made on 10 September 2024

**By Hannah Ellison BSc (Hons) MSc MRTPI**

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

**Decision date: 24 September 2024**

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**Application Reference: S62A/2024/0053**

**Site address: Building 11, Explore Lane, Bristol BS1 5TY**

- 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 3 July 2024 is made by Canada Life Asset Management and was validated on 1 August 2024.
  - The development proposed is the 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.
- 

### Decision

1. Planning permission is granted for the 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 in accordance with the terms of the application dated 3 July 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 (BCC) has been designated for non-major applications since 6 March 2024.
3. Publicity of the application has been carried out in the Bristol Evening Post and by way of a site notice. Consultation was also undertaken which allowed for responses by 6 September 2024. Responses were received from interested parties and a local resident and I have taken into account all written comments in reaching my decision.

4. BCC submitted a completed questionnaire with relevant information as well as a statement and list of suggested planning conditions. BCC's response indicates that it does not object to the planning application, subject to the attachment of a number of conditions.
5. I carried out a site visit on 10 September 2024, which enabled me to view the site internally and externally, as well as the surrounding area.

## **Background**

### *Relevant Planning History*

6. This application concerns part of a unit within building 11 on Explore Lane which is currently occupied by a casino. Planning permission was granted in February 2024 for the change of use of part of the internal floorspace and part of the roof area of the application unit from use as a casino to use as a restaurant/drinking establishment with expanded food provision; the provision of a mezzanine floor to serve the new restaurant/drinking establishment; external alterations to part of the roof area and other external alterations<sup>1</sup>.
7. It should be noted that, following concerns from BCC, the outdoor roof terrace element was omitted from the proposed development which then led to the approval of the planning application.
8. A subsequent planning application was submitted to BCC which expands upon the above permission by providing a more flexible unit through the inclusion of additional uses namely Use Class E(d) and a comedy club<sup>2</sup>. At the time of this decision I have not been made aware that BCC has made a decision on that application.

### *The Proposal*

9. Planning permission is sought for the conversion and use of part of the roof area of Building 11 as an outdoor terrace associated with the previously permitted change of use as referred to above. Permission is also sought for a metal canopy frame with retractable sunshade which would cover the entire length of the terrace, along with glass balustrades around the perimeter. A biodiverse green roof would also be provided to part of the rooftop plant room.

## **Main Issues**

10. Having regard to the application, the consultation responses, comments from interested parties and the information from BCC, together with what I saw on site, the main issues for this application are:
  - whether the proposal would preserve or enhance the character or appearance of the City Docks Conservation Area, and its effect on the setting of nearby listed buildings;

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<sup>1</sup> Council ref: 23/00975/F

<sup>2</sup> Council ref: 24/02543/F

- the effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to noise and disturbance; and
- the effect of the proposal in respect of biodiversity.

## **Reasons**

### *Character and Appearance and Heritage Assets*

11. The application site is located within Bristol city centre within the Harbourside mixed use area which comprises offices, residential, commercial and cultural uses. The site is located in part of the mixed commercial Building 11 on Explore Lane, which fronts Millenium Square.
12. The site is located within the City Docks Conservation Area (the CA). The significance of the CA, as noted in the City Docks Character Appraisal and Management Proposals (December 2011) (the CA Appraisal), is derived from the maritime history of the former port/docks, the intimate relationship of the Floating Harbour to the city and the physical proximity of the docks to the public realm.
13. The area has undergone urban renewal and has evolved into a district of the city which provides a range of land uses, building types, attractions and facilities, along with features of historical, architectural and industrial archaeological interest. Notably, it is the retention and balance of domestic, commercial or industrial accommodation adjoining the harbour that has given the CA its interesting character. The character of the CA also lies in the quality and diversity of its local details such as street furniture, dock fittings, surfaces, the remains of railway lines, and the buildings.
14. There are also a number of listed buildings and assets in the area around the application site. This includes the grade I Bristol Cathedral, whose significance lies in its age, materials, plan form, prominent towers and the richly decorated architectural detailing and features both inside and out.
15. The Council has raised no concerns with the impact of the proposal on the setting of the cathedral. Given its positioning on higher ground to the north, the distance between it and the application site and the numerous intervening buildings many of which are of a considerable size, I also find that the proposal would have a neutral effect on its setting and features of special interest.
16. Of the various nearby listed assets, the proposal does however have the potential to affect the setting of the grade II listed Canon's House which is located immediately to the south of the application site. This heritage asset is the former offices for Lloyds Bank and is a building of three distinct entities: one office range in the form of an arc which reflects the curve of the harbour wall and creates the semi-circular amphitheatre, a rotunda with landscaped internal courtyard and the main entrance to the north which links both office ranges.

17. The significance of Canon's House lies in its architectural and historic interest, along with its group value with the listed crane base which forms the centrepiece of the amphitheatre. It is a monumental and distinctive harbourside landmark of accomplished post-modern design and an inventive interpretation of the classical idiom to create a building with strong civic presence, dignity and playfulness, and a beacon in the post-industrial redevelopment of Bristol's docks and the regeneration of the derelict harbourside.
18. The host building within which the application site is located is a large, modern building within a wider contemporary mixed-use development. The building has a good degree of symmetry, which is most readily experienced when viewed from Millenium Square, Cannons Way and Millenium Promenade. Longer range views of the entire building are interrupted by intervening built form.
19. The building is identified within the CA Appraisal as a character building which makes a positive contribution to the overall character and sense of place of the CA and whose value is in its overall scale, form, materials or date, which helps form the built backcloth for the area.
20. When viewing from close-range, the proposed terrace would not be overly prominent due to its generous set-back from the edge of the building. Activity at this high level would therefore be barely perceptible from public vantage points, thus there would be an insignificant effect to the symmetry of the building.
21. Some views of the proposed sunshade and its frame may be achieved however the choice of materials, proportions and overall modern design would reflect the existing features and distinctiveness of the host building. As such, these elements of the proposal would be inconspicuous and would comfortably integrate with the surroundings.
22. With regards to the potential for the placing of various features such as lighting structures, heat lamps and planters, this paraphernalia would be typical of the proposed use. Moreover, I consider that due to the restricted size of the proposed terrace along with the limited views which could be obtained from public vantage points, the proposal would not result in substantial or harmful visual clutter.
23. Overall, the proposal is of a scale and design which would complement the thriving leisure and cultural destination of this part of Bristol. It would not visually compete with or distract from the special interest of the aforementioned heritage assets, nor affect important views of them.
24. Taking all the above into consideration, the proposal would preserve the significance of Canon's House and would have a neutral effect on both the character and appearance of the CA, thus also preserving its significance. As such, the proposal accords with the aims of policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (June 2011) (the CS) and policies DM26, DM30 and DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies (July 2014) (the LP).

25. Together, they policies seek to ensure that development respects the character and appearance of the area and conserves and/or enhances heritage assets and their settings. It would also accord with the similar aims set out in section 16 of the National Planning Policy Framework (the Framework).

### *Living Conditions*

26. The proposed terrace would be positioned along part of the southern side of the host building, close to leisure use frontages. The nearest residential properties are located in the adjacent building, Waverley House. Given the location of these residential properties within this vibrant locality resulting from the diversity of uses and attractions, residents would expect a level of activity and a degree of noise.
27. Regardless, the proposed terrace would not be of a significant size and would be a considerable distance from the nearest properties. The proposed hours of operation, which the Council are satisfied with, and the submission of details of an acoustic barrier which are to be submitted and approved prior to first use of the terrace, would mitigate against harmful levels of noise and disturbance, including in the evening when residents may be sleeping and have windows open.
28. Furthermore, even with the proposed sunshade and likely features such as heaters, the area is unlikely to be used on a daily basis throughout the year, but rather on days of fair and good weather.
29. Given the good distance between the proposal and nearest residential properties, along with the design of the proposal and boundary treatments, the proposed use would not be a harmful visual distraction nor would any privacy concerns arise.
30. Accordingly, the proposed development would not cause harm to the living conditions of neighbouring residential occupiers and thus it accords with Policy BCS23 of the CS and Policy DM33 of the LP. Together, whilst varying slightly in their wording, these policies seek to ensure that developments avoid adversely impacting upon amenity.

### *Biodiversity*

31. A Biodiversity Net Gain Assessment (the BNGA) has been submitted to support the planning application. The BNGA sets out that the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage of 10%. The actual value which this proposal aims to achieve is 31.12% and this would be through the provision of the biodiverse green roof to the roof top plant room of the application site. The BNGA has been informed by the statutory biodiversity metric.
32. The Planning Practice Guidance (PPG) advises that the statutory framework for biodiversity net gain has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning



permission. Therefore, a subsequent Biodiversity Gain Plan must be submitted and approved prior to the commencement of development.

33. Notwithstanding this matter, due to the findings of the initial BNGA I consider it likely that the biodiversity gain objective can be met and thus the biodiversity gain condition is likely to be capable of being discharged successfully. Accordingly, the proposal would likely have a positive effect on biodiversity.

### **Conditions**

34. I have considered the planning conditions suggested by BCC and I have imposed those that meet the tests for conditions as set out in the Framework at paragraph 56. I have amended the wording where appropriate in the interests of clarity and to prevent the use of unnecessary pre-commencement conditions. The reasons for imposing undisputed conditions are clearly and precisely set out under each condition imposed in the decision notice thus I shall not repeat them here.
35. I have amended the condition which restricts the hours of use of the terrace as the hours suggested by BCC would have prevented its use throughout the day.
36. Conditions requiring the submission of a management plan for the placing of structures on the terrace and the submission of details of the retractable sunshade are not necessary given my findings above regarding their effect on the character of the area and heritage assets. I have however attached a condition which requires the sunshade to be finished in a grey colour.
37. The suggested condition which prevents the use of a smoking area is not necessary as this does not form part of the proposed development.
38. The biodiversity gain condition is deemed to apply to every planning permission granted for the development of land in England unless exemptions on transitional provisions apply. There are separate provisions governing the biodiversity gain plan. Due to this separate statutory basis the PPG makes it clear that it is not necessary to include the biodiversity gain condition in the list of conditions imposed in the written notice when granting planning permission. A paragraph on biodiversity gain is included within the list of informatives.
39. The onsite habitat enhancement resulting from the proposal will be required to be maintained for at least 30 years after the development is completed. The applicant has suggested a condition to this effect thus indicating their agreement to the use of pre-commencement conditions where these meet the tests of Paragraph 56 of the Framework in accordance with Section 100ZA of the TCPA. I have attached this condition in the interests of securing habitat benefits.

### **Conclusion**

40. 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. I find the proposed development would comply with the aforementioned policies of the CS and the LP and so it would accord with the development plan when read as a whole. There are no considerations that justify making a decision contrary to the development plan.

41. I therefore conclude that planning permission should be granted subject to conditions.

*H Ellison*

Inspector and Appointed Person

# Schedule of Conditions

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

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended 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:
  - 3716-HAR-SRA-XX-XX-DR-A-PL-200 – Location Plan
  - 3716-HAR-SRA-XX-XX-DR-A-PL-201 – Block Plan
  - 3716-HAR-SRA-XX-XX-DR-A-PL-202 – Site Plan
  - 3716-HAR-SRA-XX-XX-DR-A-PL-225 - Level 1 Proposed
  - 3716-HAR-SRA-XX-XX-DR-A-PL-227 - Level 2 Proposed
  - 3716-HAR-SRA-XX-XX-DR-A-PL-230 – Level 3 Mezzanine Proposed
  - 3716-HAR-SRA-XX-XX-DR-A-PL-231 – Level 4 Proposed
  - 3716-HAR-SRA-XX-XX-DR-A-PL-232 – Roof Plan Proposed
  - 3716-HAR-SRA-XX-XX-DR-A-PL-235 – East and South Elevations Proposed
  - 3716-HAR-SRA-XX-XX-DR-A-PL-236 – East and South Elevation
  - 3716-HAR-SRA-XX-XX-DR-A-PL-237 - West and North Elevations Proposed
  - 3716-HAR-SRA-XX-XX-DR-A-PL-238 - West Elevation
  - 3716-HAR-SRA-XX-XX-DR-A-PL-240 – Section AA Proposed

Reason: To ensure the development is built in accordance with the approved plans and in the interests of the character and appearance of the area in accordance with policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (June 2011) and policies DM26, DM30 and DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies (July 2014).

3. The development shall not commence until a 30 year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
  - a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
  - d) Description of the management operations necessary to achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a works schedule, including annual works schedule;
  - g) Details of the monitoring needed to measure the effectiveness of management;
  - h) Details of the timetable for each element of the monitoring programme;
  - i) Details of the persons responsible for the implementation and monitoring;
  - j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and

k) Reporting on year 1, 2, 5, 10, 20 and 30, with biodiversity reconciliation calculations at each stage.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework.

4. Prior to the first use of the terrace hereby approved, details of the acoustic screen shall have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first use and retained thereafter.

Reason: To protect the amenity of neighbours in accordance with Policy BCS23 of the Bristol Development Framework Core Strategy (June 2011) and Policy DM33 of the Bristol Local Plan – Site Allocations and Development Management Policies (July 2014).

5. Prior to the first use of the terrace hereby approved, the upgraded green roof, which shall be carried out and maintained in accordance with an approved Biodiversity Gain Plan and Habitat Monitoring and Management Plan, shall be implemented in full and retained thereafter.

Reason: To enhance biodiversity in accordance with The National Planning Policy Framework

6. The retractable sunshade shall be finished in a grey colour and retained thereafter as such.

Reason: In the interests of the character and appearance of the area in accordance with policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (June 2011) and policies DM26, DM30 and DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies (July 2014).

7. The terrace hereby approved shall not be open to customers for the consumption of food or beverages between 23.00 and 08.00 daily.

Reason: To protect the amenity of neighbours in accordance with Policy BCS23 of the Bristol Development Framework Core Strategy (June 2011) and Policy DM33 of the Bristol Local Plan – Site Allocations and Development Management Policies (July 2014).

**END OF CONDITIONS**

## **Informatives**

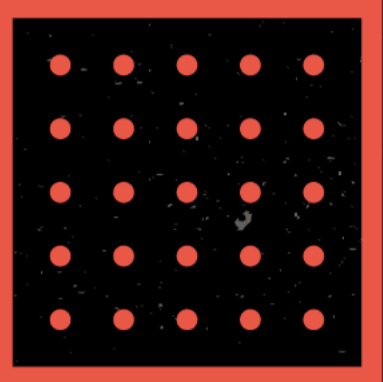
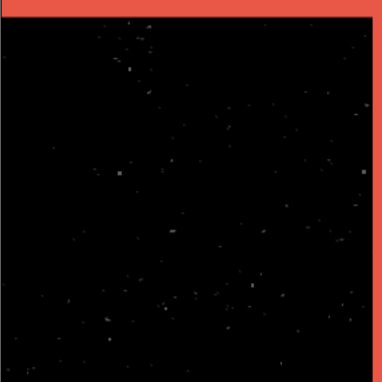
- i. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 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. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the 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. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.
- v. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council, and any applications related to the compliance with the conditions must be submitted to Bristol City Council.

## **END OF INFORMATIVES**

**Appendix 2**

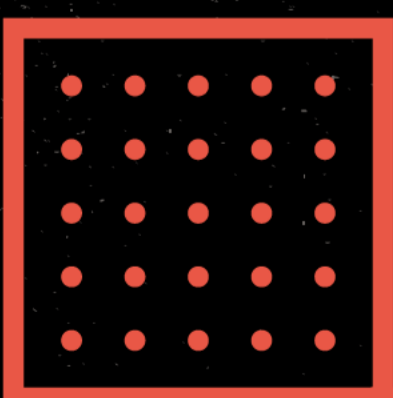
**Canons Yard Brochure**



**CANONS**



**YARD**





# LIVING LIFE TO THE FULL AT CANONS YARD

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

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

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

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





# ALL ABOUT BRISTOL

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

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

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

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

## WHAT BRISTOL HAS TO OFFER

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**BRISTOL IS THE  
8TH LARGEST  
CITY IN THE UK**



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



**463,000  
RESIDENTS LIVE  
IN THE CITY AND  
BEYOND**



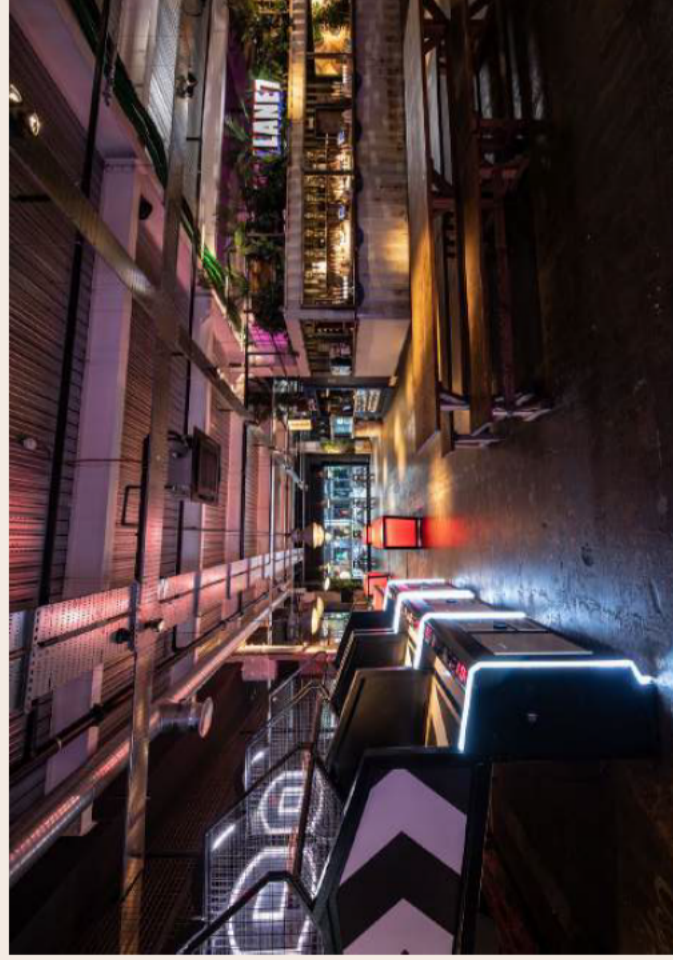
**OVER 12 MILLION  
TOURISTS FLOCK  
TO BRISTOL  
EVERY YEAR**



**54,000  
STUDENTS ARE  
ENROLLED  
AT BRISTOL'S  
UNIVERSITIES**

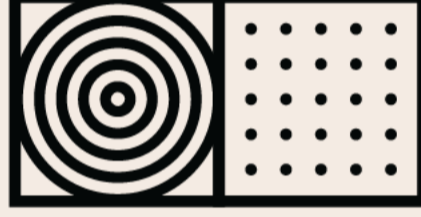
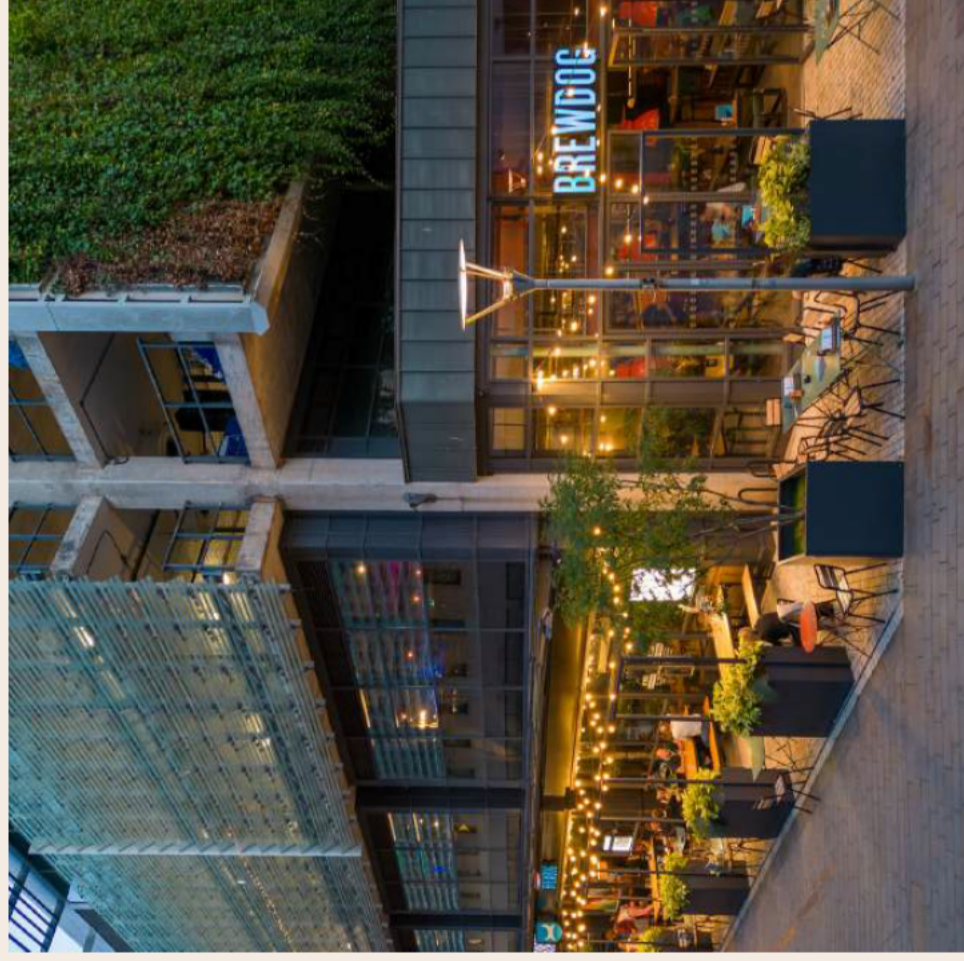
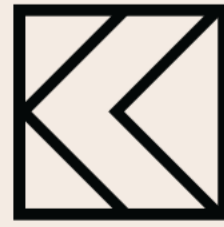


**BRISTOL IS HOME  
TO THE TOP 5 OF  
NATIONAL HOUSING  
POSTCODES**



# THE PLACE TO BE

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



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

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

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

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

# A VIBRANT NEIGHBOURHOOD

WHO'S IN THE YARD?



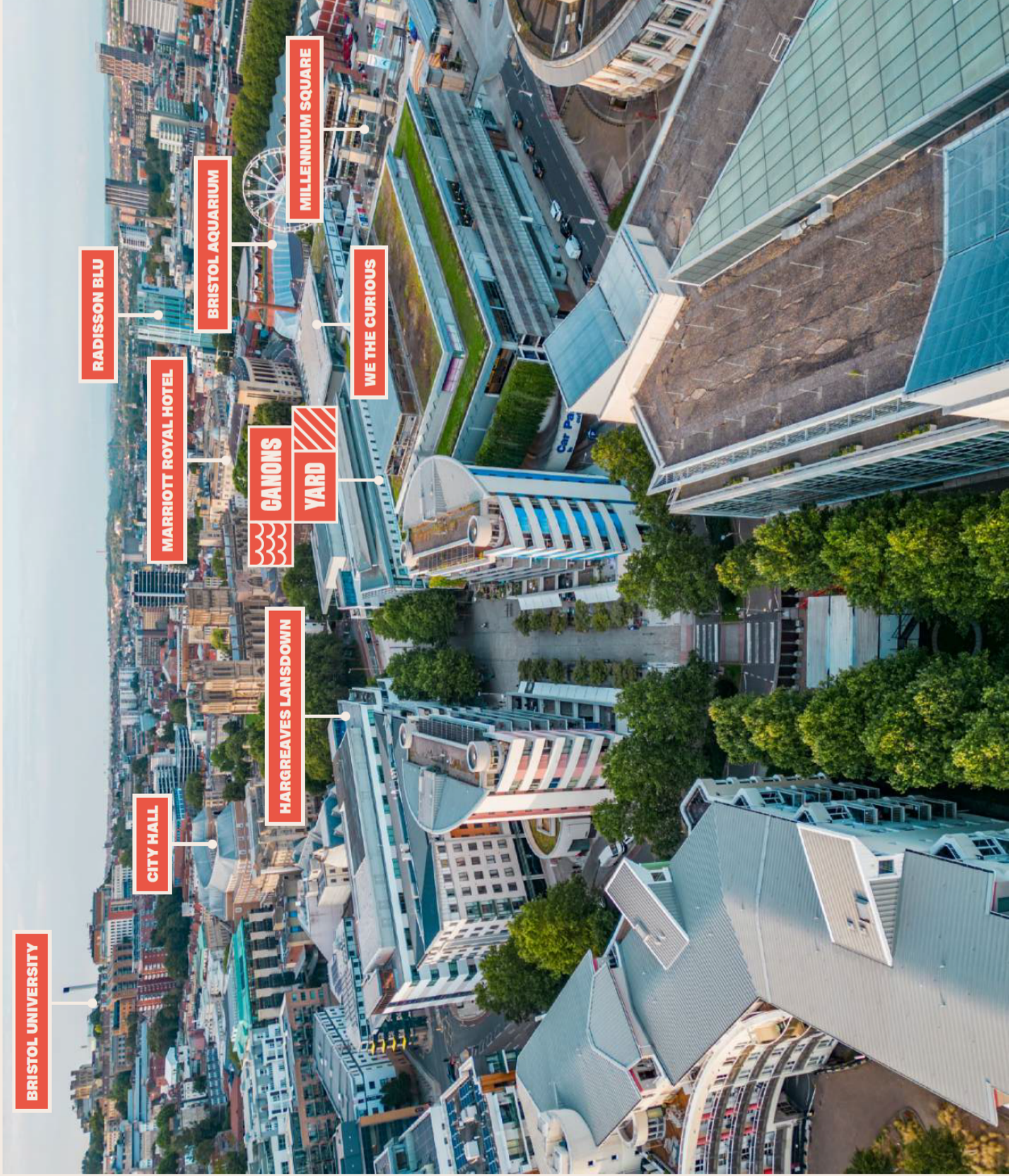
LANE7

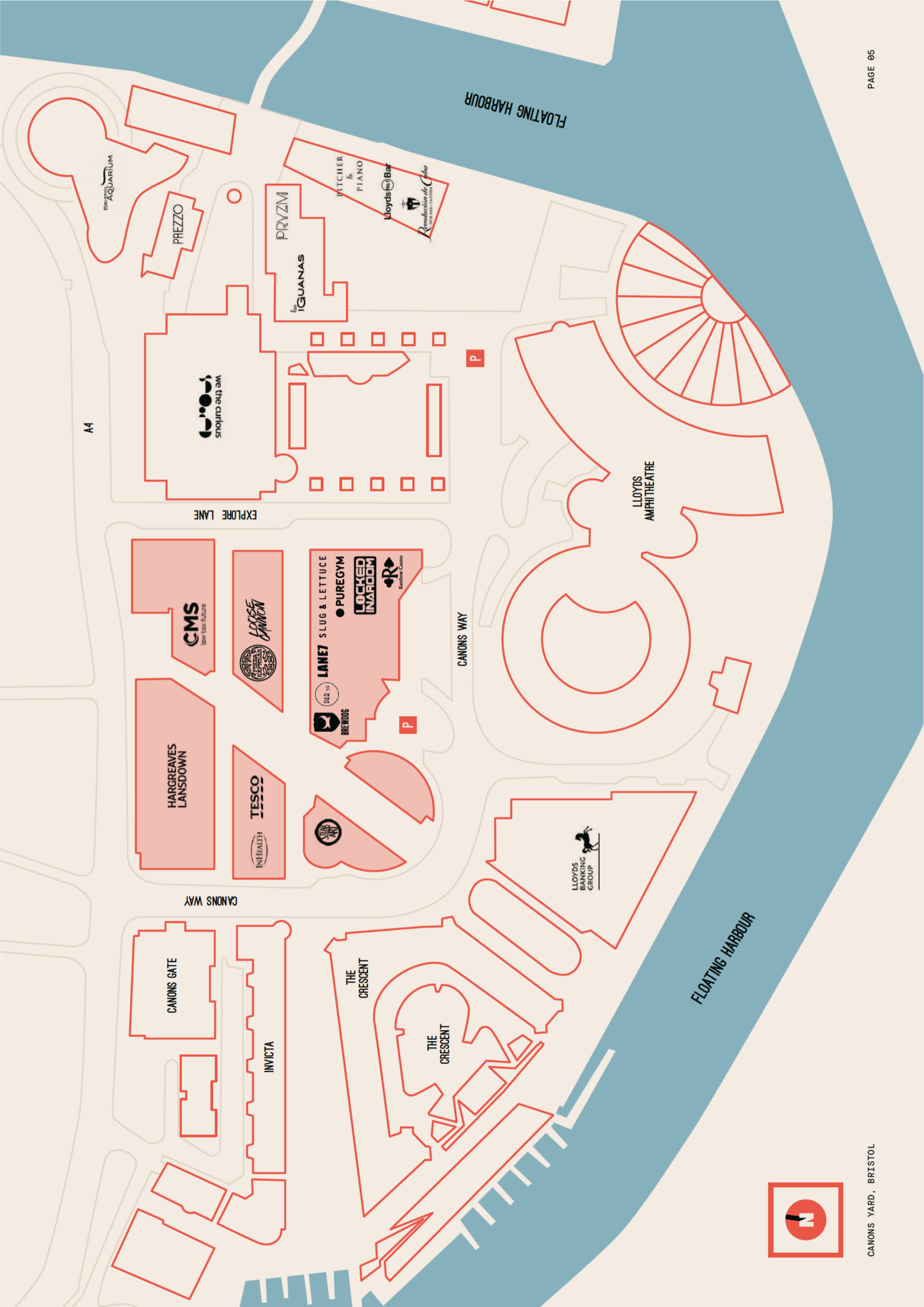


SLUG & LETTUCE



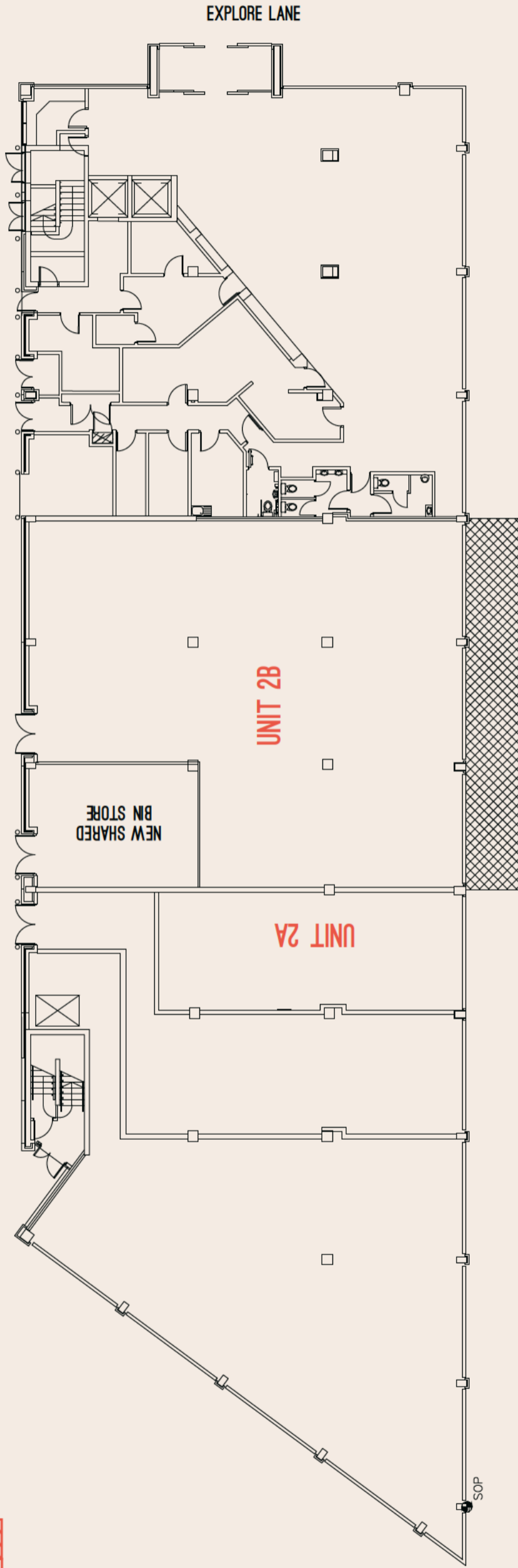
LOCKED IN A ROOM





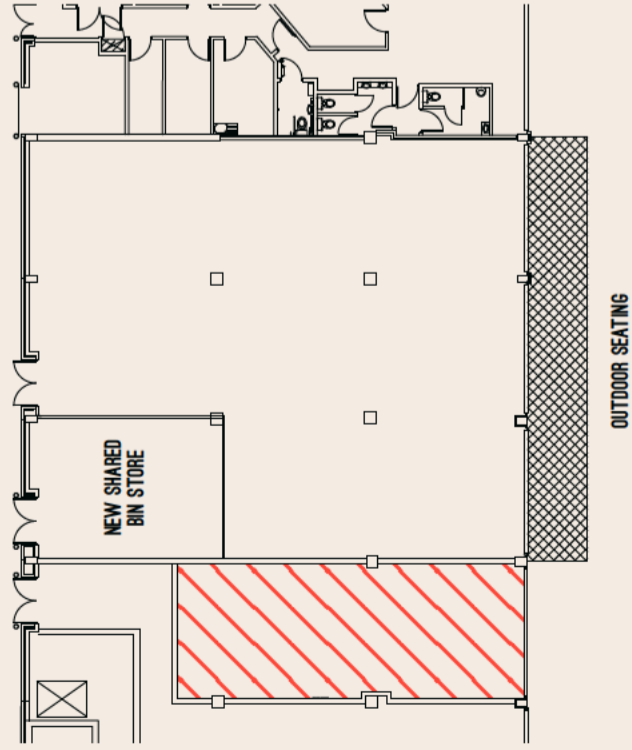
**BUILDING 8**

SERVICE ROAD



MILLENNIUM PROMENADE

**UNIT 2A**



**AREA**

904 SQFT

**TERMS**

NEW LEASE FOR A TERM OF YEARS TO BE AGREED

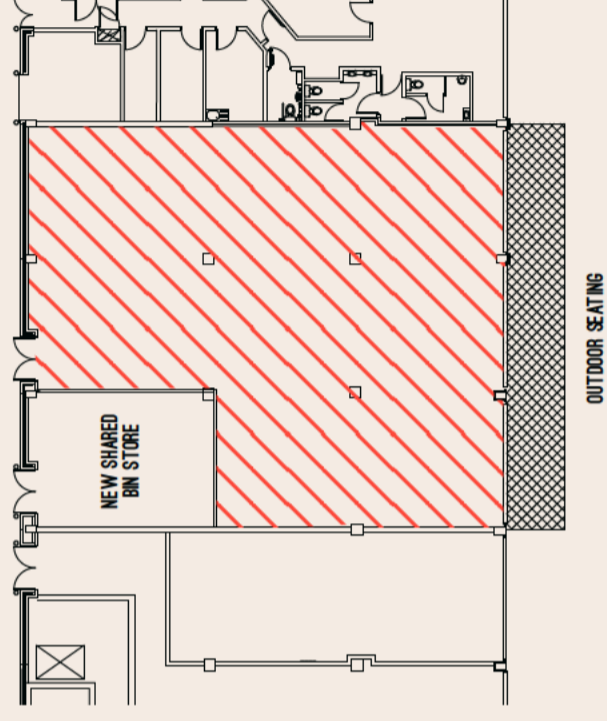
**USE**

CAFÉ USE WITHIN CLASS E OF UCO 2020\*

**RENT**

RENT ON APPLICATION

**UNIT 2B**



**AREA**

3,498

**TERMS**

NEW LEASE FOR 15 YEARS

**USE**

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

**RENT**

RENT ON APPLICATION



# WANT TO JOIN THE YARD?

## AGENTS



RETAIL & LEISURE

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Asset Management

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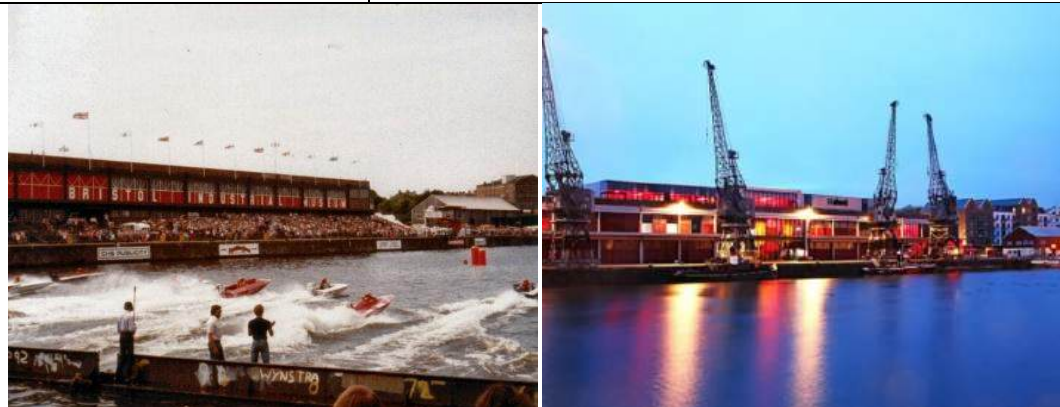
## Appendix 3

### Examples of other rooftop terraces in Bristol city centre

**Summary of planning history/considerations for other rooftop terraces in Bristol city centre**

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


Relevant Planning Permission	Relevant heritage impact references in Officer/ Committee Report
<p>No planning permission identified.</p> <p>Terrace being advertised as available for summer party packages<sup>1</sup>.</p>	<p>As highlighted, no planning permission identified, but presumably created when the Bristol Industrial Museum was converted to the M-Shed.</p> <p>As highlighted above, area of the roof terrace is on the roof extension when the building ceased being the Bristol Industrial Museum as in the before and after photos<sup>2</sup> below.</p>




<sup>1</sup> [www.bristolmuseums.org.uk/m-shed/venue-hire/summer-parties/](http://www.bristolmuseums.org.uk/m-shed/venue-hire/summer-parties/)


<sup>2</sup> Source: Left-hand side photo – [www.facebook.com \(Best of Old Photographs of Bristol and District group\)](https://www.facebook.com/BestofOldBristol/). Right-hand side photo [www.historyhit.com/locations/m-shed/](http://www.historyhit.com/locations/m-shed/)




Terrace and details of operational development	Heritage Designation(s)	Image
Bambalan	<ul style="list-style-type: none"> <li>• Located within College Green Conservation Area</li> <li>• Landmark Building in the College Green Conservation Area Character Appraisal (March 2016)</li> </ul>	 <p>(Source: <a href="http://www.visitbristol.co.uk">www.visitbristol.co.uk</a>)</p>
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
15/01210/F	<p>'The proposal seeks permission to undertake some external works to the building. The building itself whilst relatively modern is located within a Conservation Area and is identified within the draft Character Appraisal as a positive landmark building. The building furthermore takes a prominent position within the city centre and makes a significant contribution to the skyline of central Bristol and also to its immediate townscape. In addition, the building is located in close proximity to a number of listed buildings, most noticeably the Grade II listed Colston Hall and Grade II* listed Church of St Mary-on-the-Quay [...]</p> <p>Umbrellas are also proposed the new external seating area at podium level. These however will be temporary in nature and removed outside of opening hours. The visual impact of the umbrellas is therefore considered less than significant on the building itself of the overall setting of listed buildings and wider conservation areas.'</p>	


Terrace and details of operational development	Heritage Designation(s)	Image
Urban Roof Terrace at Marriott City Centre  Open screen, jumbrellas and fairy lights.	Located opposite Old Market Conservation Areas.	 <p>(Source: <a href="http://www.facebook.com">www.facebook.com</a>)</p>
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	

No permission identified	No permission identified.
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Terrace and details of operational development	Heritage Designation(s)	Image
<p>Old Market Assembly</p> <p>Large timber pergola structure with awning and fairy lights.</p>	<ul style="list-style-type: none"> <li>• Located within Old Market Conservation Area and opposite the Grade II listed Old Castle Green public house (the green rendered building in the image).</li> <li>• Identified as an Unlisted Building of Merit in the Old Market Conservation Area Character Appraisal (July 2008).</li> </ul>	 <p>(Source: <a href="http://www.yourapartment.com/blog/cool-places-to-drink-in-old-market-quarter/">www.yourapartment.com/blog/cool-places-to-drink-in-old-market-quarter/</a>)</p>
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
<p>14/06318/F</p>	<p>'This roof terrace comprises two elements. The first would be an enclosed glazed atrium entrance leading from the mezzanine of the restaurant onto the roof. This would the lead onto an enclosed terrace constructed of timber. The application has taking into account comments received from the Councils urban design officer and as a result the overall height of the terrace enclosure was reduced and also set back from the main parapet to help break up the massing [...]</p> <p>Presently the finer details of design of these roof terrace elements remains uncertain and clearer understanding is still required to fully determine their suitability. The applicant advised they are unable to provide full scale final illustrations of these aspects as they are yet to fully explore their final designs themselves. Further clarification was sought and a depictive sketch for the timber terrace was submitted, including a sectional drawing showing the timber terrace set back from the main parapet. Whilst these further plans are not the complete article it is considered they do suffice in so far as understanding the acceptability of the scale, bulk and form and materials of these rooftop structures. If the final scheme is designed within these limitations, the proposal should, within reason, be acceptable. It is therefore considered appropriate that consent can be granted for the detail submitted to date on the bases that, when known, these definitive plans are submitted for further consideration. This can be controlled by planning condition.'</p>	

Terrace and details of operational development	Heritage Designation(s)	Image
<p>Mud Dock Café Bar</p> <p>See below in terms of planning history for detail of operational development.</p>	<ul style="list-style-type: none"> <li>• Located within City and Queen Square Conservation Area.</li> <li>• Identified as an Unlisted Building of Merit in the City and Queen Square Conservation Area Character Appraisal (March 2009).</li> </ul>	 <p>(Source: <a href="http://www.mud-dock.co.uk">www.mud-dock.co.uk</a>)</p>
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
06/00824/F	<p>No such report saved on Bristol City Council Public Access. Application description: 'Creation of food and drink storage areas, food preparation/kitchen area and take-away sandwich collection bar with small seating area, located on ground floor.' Approved west elevation drawing (ref. 2092/110 Rev. E) illustrates the proposed terrace deck/steel balustrade/handrail.</p>	

Terrace and details of operational development	Heritage Designation(s)	Image
<p>Clifton Observatory</p> <p>Limited operational development (so far as we know).</p>	<ul style="list-style-type: none"> <li>• Grade II* listed building.</li> <li>• Located within The Downs Conservation Area.</li> </ul>	 <p>(Source: <a href="http://www.timeout.com/uk/food-and-drink/best-rooftop-bars-in-the-uk">www.timeout.com/uk/food-and-drink/best-rooftop-bars-in-the-uk</a>)</p>
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
07/05728/LA and 07/05730/F	<p>No copy of report retained on Public Access.</p>	

Terrace	Heritage Designation(s)	Image
The White Lion (part of Avon Gorge Hotel)	<ul style="list-style-type: none"> <li>Grade II listed building</li> <li>Located within Clifton Conservation Area.</li> </ul>	 <p>(Source: www.google.com)</p>
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
<p>None identified for original terrace.</p> <p>Raising or terrace and other terrace alterations sanctioned through 17/02136/F.</p>	<p>'The rear of the property is visible from a number of long range key views from Clifton Suspension Bridge. The proposed works will all be undertaken to the non-listed element of the hotel, however they would be read in visual conjunction with the wider listed terrace and would be visible in a number of long distance key views from within the surrounding conservation area, including from Clifton Suspension Bridge.'</p>	

Terrace and details of operational development	Heritage Designation(s) <sup>3</sup>	Image
<p>Halo office/residential development, Redcliffe.</p> <p>The approved plans show various terraces incorporating decking/steel pergolas etc.</p>	<ul style="list-style-type: none"> <li>Located within Redcliffe Conservation Area.</li> <li>Located opposite the Grade II* listed Former tramway generating station</li> </ul>	N/A, building still under construction.
Relevant Planning Permission	Relevant heritage impact references in Officer/Committee Report	
19/01255/F	Various comments raised by the City Design Group Urban Living Assessment on the terraces	

<sup>3</sup> It is noted that Historic England objected to the planning application in terms of the effect on the GV II\* former tramway generating station and the GV II\* Temple Church (albeit this was in connection with the height of the building, rather than the roof terraces).

The Council has also recently granted planning permission (ref. 23/02827/F) for the *'Demolition and redevelopment to provide co-living units (sui generis) and student accommodation (sui generis), associated amenity spaces, ground floor uses (Class E), access, servicing, landscaping, public realm, and associated works'* at the Premier Inn on the Haymarket. This was approved on 14<sup>th</sup> May 2024. An image<sup>4</sup> of the development is provided below, seen behind the 12<sup>th</sup> Century Grade 1 listed St. James Priory. The tower will rise to 28 storeys.

The officer's report to committee confirms that *'...Both elements of the scheme are also provided with outdoor amenity space, 200 sq m for the PBSA in a roof terrace, and a 100 sq m roof terrace and small private (shared) balconies or the co-living...'* The officer's report also sets out Historic England's various objections to the development, including the impact on the Priory (it being the oldest building in Bristol). The Design and Access Statement (DAS) for the scheme confirms there will be roof terraces on both of the approved towers at roof level, described as 'sky lounges'. Page 100 of the DAS describes them as follows:

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

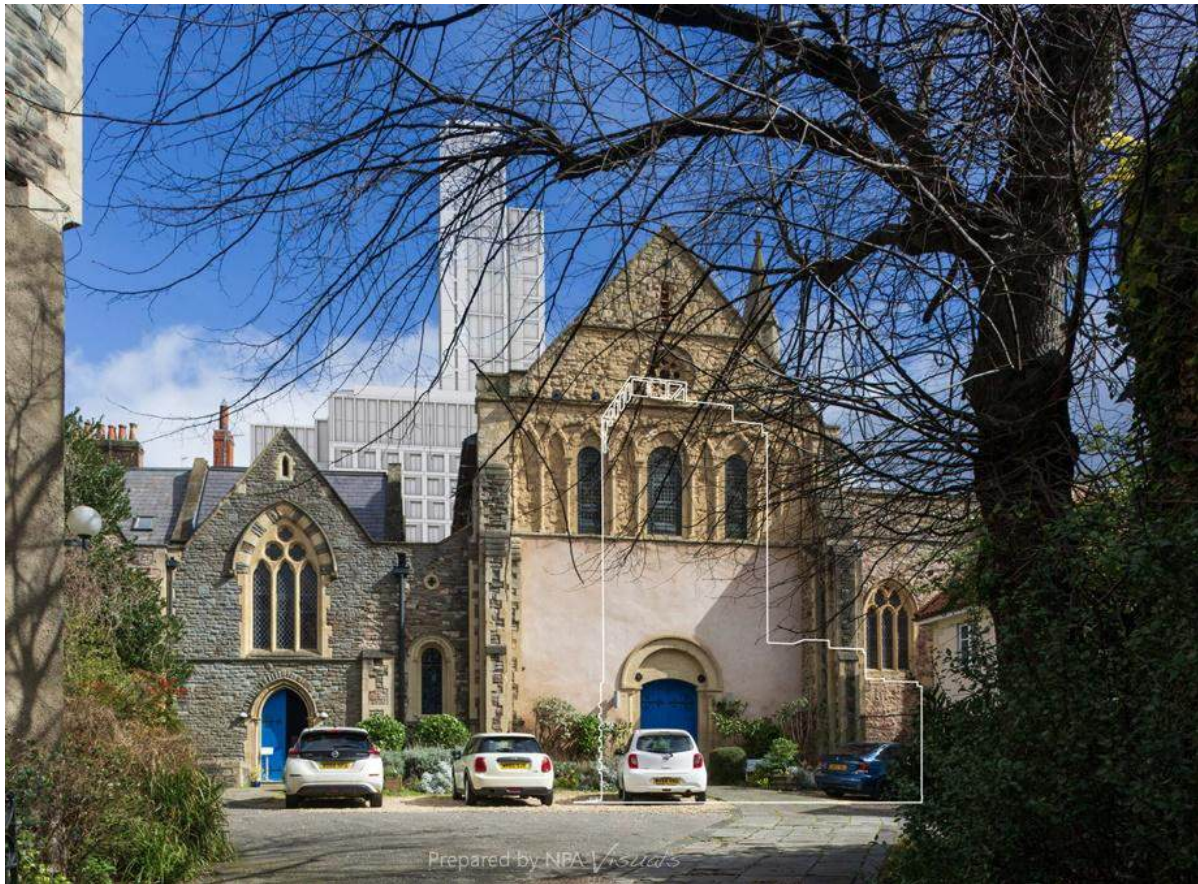
*'7. No.2 St James Square Roof Terrace This communal terrace will provide recreation and rest spaces for the adjacent apartments of the co-living accommodation. This space will also sit adjacent to an internal social amenity space and so will provide amenity function for the wider co-living community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

Continues...

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<sup>4</sup> NPA Visuals (source: Bristol City Council)

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



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

Examples of other rooftop terraces in other English cities

**Image 1 – Roof Terrace at Vintry & Mercer Hotel, London**



**Image 2 – Bussey Rooftop Bar, Peckham**



It is highlighted that the terrace originally provided as part of the proposals for planning application 23/00975/F, prior to it being removed from the planning application, featured a pergola similar in style to that provided at the Bussey Bar, namely a wooden structure incorporating relatively large timbers.



**Image 3 – Goodness Gracious Roof Garden & Bar, West Africa House, Liverpool**



**Image 7 – Varsity Hotel & Spa, Cambridge**



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

- The terrace at the Vintry & Mercer Hotel is located directly opposite Wren’s Church of St James Garlickhythe (Grade I listed<sup>1</sup>), which is the building seen in Image 4, and within the Queen Street Conservation Area.
- The terrace at Bussey Bar, Peckham is located within the Rye Lane Conservation Area.

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<sup>1</sup> List entry 1064669

- The terrace at West Africa House is located directly opposite the Royal Liver Building (Grade I listed<sup>2</sup>) – the building seen in Image 6. The adjacent building in Image 6 left-hand side of the image is the Cunard Building (Grade II\* listed<sup>3</sup>) and the building on the right-hand side is the Tower Building (also a Grade II\* listed building<sup>4</sup>). All three buildings (and the wider area) are located within the Castle Street Conservation Area and were, until recently, located within the Pier Head area of the ‘Liverpool – Maritime Mercantile City’ UNESCO World Heritage Site. The World Heritage status of this area of Liverpool was revoked following approval of Everton Football Club stadium development at Bramley-Moor Dock<sup>5</sup>.
- The terrace at Varsity Hotel & Spa in Cambridge is in very close proximity to a number of heritage assets, including listed buildings. The building seen in the background of the Image 6 is St. John’s Chapel that forms part of ‘St John’s College, The Buildings Surrounding The First, Second And Third Courts’ (Grade I listed<sup>6</sup>). The hotel is also located within the City of Cambridge Conservation Area No.1 (Central).

In respect of the other roof top food/drink terraces within Bristol illustrated in Appendix 3, it is worth reemphasising that they too are all, with the exception of the Marriott, located within conservation areas. That at the M-Shed is, as with the subject building, located within the City Docks Conservation Area. The M-Shed is identified as a ‘*Landmark Building*’ in the *City Docks Character Appraisal & Management Proposals* (December 2011). Additionally, the Clifton Observatory is a Grade II\* listed building and the White Lion in Clifton Village is Grade II listed.

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<sup>2</sup> List entry 1356370

<sup>3</sup> List entry 1052283

<sup>4</sup> List entry 1360220

<sup>5</sup> [www.bbc.co.uk/news/uk-england-merseyside-57879475](http://www.bbc.co.uk/news/uk-england-merseyside-57879475)

<sup>6</sup> List entry 1332216

**Appendix 5**

**Building 11 Planning History**

## **Building 11 – Planning History**

### **Part 1 – Original overarching permissions**

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

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

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

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

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

#### ***ii. Planning permission ref. 03/01797/X***

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

- Condition 8<sup>1</sup> restricted the use of Building 11 to leisure use (D2), residential (C3) and food and drink (A3)<sup>2</sup> and:

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

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

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

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

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

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

***iii. Planning permission ref. 03/01797/X***

v. Permission was granted in April 2004 for:

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

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

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

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

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

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

## **Part 2 – Key subsequent permissions**

### ***iv. Planning permission ref. 17/04794/F***

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

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

### ***v. Planning permission ref. 18/00197/X***

- xi. Planning permission was granted in April 2018 for the additional use of Unit 3 for purposes within Use Class A4<sup>3</sup>, along with the provision of outdoor seating at Units

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<sup>3</sup> ‘Drinking Establishment’

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

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

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

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

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

***vi. Planning permission ref. 20/00833/F***

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

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

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

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

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

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

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

**vii. Planning permission ref. 21/02508/F**

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

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

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

**viii. Planning permission ref. 23/00975/F**

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



**Appendix 6**

**CGIs of terrace previously proposed under Application 1**

**CGIs of terrace proposed via Application 1, prior to removal from planning application**



Extracted pages 15 and 16 of the previous Noise Impact Assessment

In addition, internal noise levels within the upper floor bar must not exceed  $L_{Aeq,15min}$  68 dBA when the doors are open. This is considered to represent background music noise levels only.

## 7.2 Resultant noise levels with mitigation

Figure 5 and Figure 6 presents the predicted noise levels at the façades of the nearest noise sensitive receptors with the recommended barriers in place. As shown in the images, the highest predicted noise level at the worst affected façade of Waverley House to the west and Building 8 to the north of the site are  $L_{Aeq}$  47 dB and  $L_{Aeq}$  43 dB, respectively. The predicted noise levels significantly reduce at lower levels of the building.

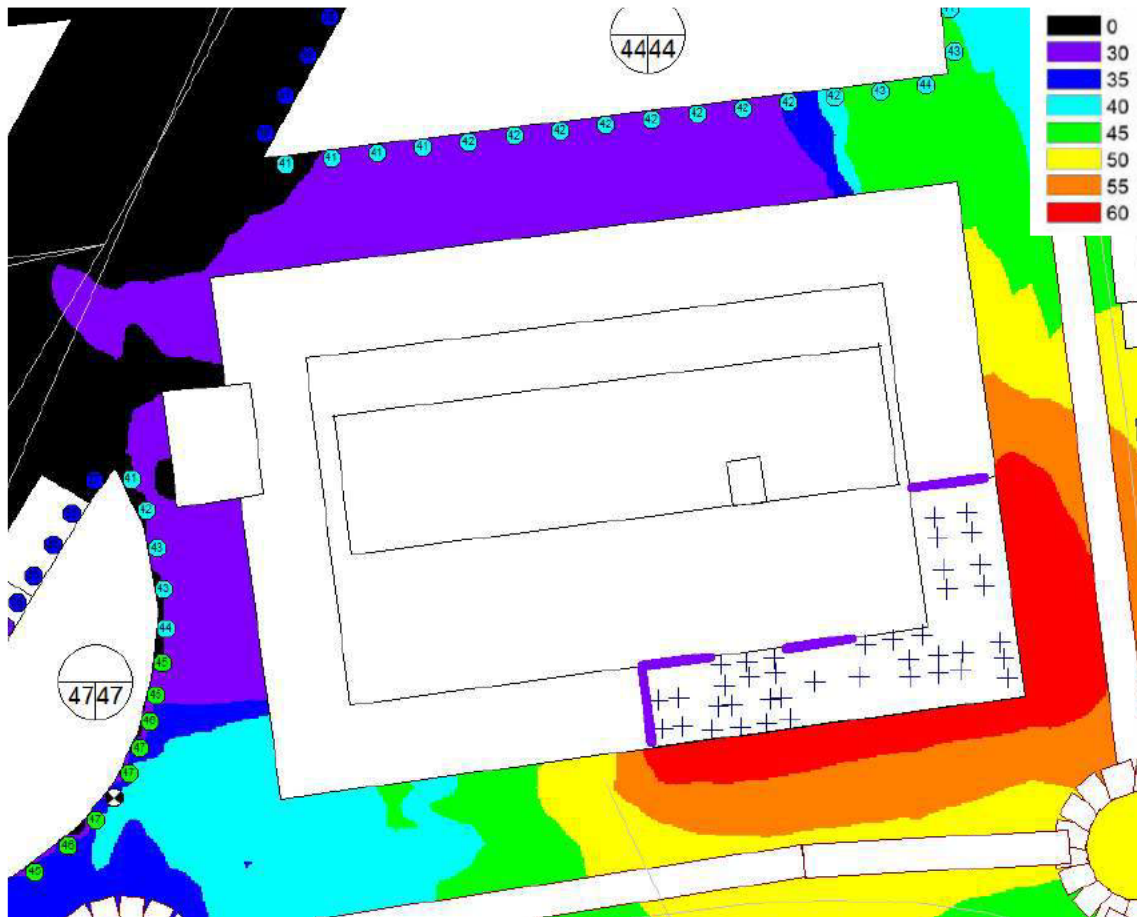


Figure 5 Contour distribution map of patron noise broadband levels -  $L_{Aeq,15min}$  (with mitigation)

# SANDY BROWN

Consultants in Acoustics, Noise & Vibration

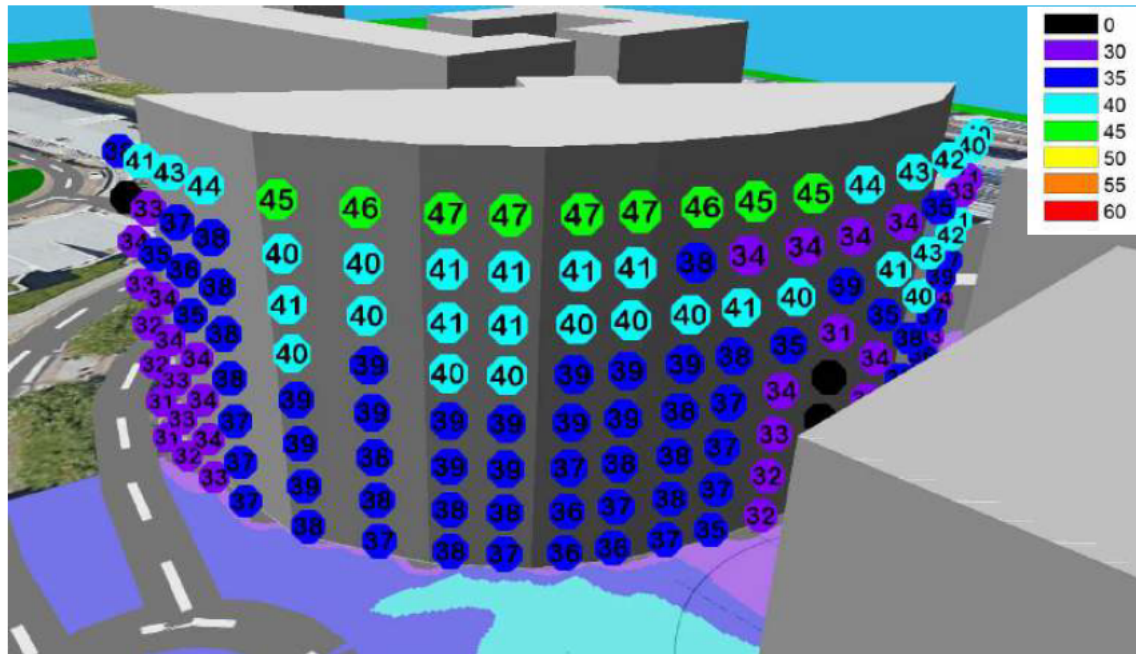


Figure 6 Distribution of patron noise broadband levels at Waverley House

Based on a worst case facade noise level of  $L_{Aeq}$  47 dB, noise associated with the use of the terrace is predicted to be 9 dB below the existing background sound level. This represents a 9 dB betterment of the IOA guidance and it is therefore considered that the impact of the terrace will be suitably controlled through the provision of the mitigation measures proposed.

## 8 Plant noise assessment

It is understood that allowance for tenant plant is to be provided approximately 50 metres from the nearest noise sensitive receptor, considered to be Waverley House, to the west.

At the time of writing the report, details of proposed items of plant are not known, as these will be selected by the tenant.

All plant will need to be selected and suitably attenuated in order to meet the noise limits outlined in Table 3. It is considered that this can be controlled through a suitably worded planning condition attached to the decision notice.