



**PINS ref S62A/2025/0094**

**Bristol City Council ref: 25/11125/PINS**

**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 biodiverse green roof to part of roof top plant room.**

**Building 11, Explore Lane, Bristol, BS1 5TY**

**Local Planning Authority assessment and statement**

**Date: 24.04.2025**

#### **SITE DESCRIPTION**

The application site lies within "Building 11" which is located on Explore Lane in the Hotwells and Harbourside ward of Bristol. The application site lies within the City Docks Conservation area, and within the setting of a number of listed buildings, including Bristol Cathedral (Grade I) and Canon's House (Grade II).

The site is located within Bristol's City Centre and is designated as a leisure frontage in the Central Area Plan. The site is located in the Harbourside neighbourhood of the City Centre.

The building is currently in various commercial and leisure uses.

## PROPOSED DEVELOPMENT

The applicant proposes 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.

## RELEVANT PLANNING HISTORY

01/00986/P \*Mixed use development comprising residential units, offices, leisure, retail and food and drink uses, education, cultural and creche facilities, public and private openspace, new marine inlet and moorings, car parking and access.

Approved 21 February 2003 (this was the outline application within which Building 11 sits)

03/01797/X Variation of Condition Nos. 3, 7, 8, 10, 16 and 19 of Outline planning permission Ref. 01/00986/P/C.

Approved 29.04.2004

17/04794/F Change of use from A3 Restaurant to D2 Leisure activity (Unit 4B of Building 11)

Approved 26.10.2017

18/00197/X Variation of condition numbers 4 and 10 for planning permission 03/01797/X - to enable vacant Unit 3 to be additionally used for purposes within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and to enable/regularize outdoor seating at Units 1,2,3,5 And K1, Building 11

Approved 03.04.2018

20/00834/CP The provision of additional internal floorspace (1,142 sq.m GIA) within Building 11 for purposes within Use Class D2.

Certificate of Lawfulness issued 13.08.2020

20/00833/F 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. (Major Application)

Approved 05.08.2020

21/02508/F 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)).

Approved 18.08.2021

23/00975/F 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.

Approved 15.02.2024 [NOTES: This proposal initially contained a 'wraparound' roof terrace, which was removed following officer concerns].

24/02543/F 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.

Approved 20.11.2024

24/02698/PINS (S62A/2024/0053) 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 biodiverse green roof to part of roof top plant room.

Approved by PINS 24.09.2024 [NOTE: This contained a roof terrace, but which was smaller and situated only on the south side of the building.]

## RESPONSE TO PUBLICITY AND CONSULTATION

The application was publicised via neighbour letters with a deadline date of 24.04.2025. This was the deadline for neighbours to send any comments to PINS.

The **Urban Design officer** made verbal comments summarised as follows:

- This is a character building, as identified in the conservation area character appraisal. It is a symmetrical building with clean lines. The proposals for the roof terrace, including the retractable canopy, will disrupt the symmetry of the building and add clutter. This remains the case, even though the proposed roof terrace has been pushed back from the edge of the building. The proposed canopy, railings and acoustic barriers are all of concern.
- The roof terrace would domesticate the space, as a result of the tables and chairs etc. This will add visual clutter. There would be ancillary lighting which would be of further concern.
- The retractable roof may be in position for lengthy periods of time, and it will be difficult to control this. It will therefore appear as a permanent structure, since it is reasonable to assume that it will be kept open for prolonged periods of time.
- It would also appear that there would be some impact on the setting of listed assets, particularly views north towards Bristol Cathedral, and views of Canons House. The design of the proposals are therefore unacceptable, and contrary to policies BCS21, BCS22, DM26, DM27, DM30 and DM31. The impacts of the roof terrace are particularly prominent when viewed from the East side of Millennium Square.

Conservation officer comments made on previous submissions for roof terraces on this building have been borne in mind when setting out our views on Key Issue 1 below.

The **Pollution Control officer** has made the following comments:

“As for the previous applications for roof terraces at this building I have no objection to this application.

I agree with the conditions proposed in the planning statement, specifically those related to noise below, and would ask that these be placed on any approval:

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

## KEY ISSUES

### **1. Design and heritage**

Policy BCS21 requires high quality urban design.

Policy BCS22 states “Development proposals will safeguard or enhance heritage assets”.

Policy DM26 states that development should respond to local character and distinctiveness by, amongst other things,

- 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;
- Reflecting locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion; and
- Reflecting the predominant materials, colours, textures, landscape treatments and boundary treatments in the area.

Policy DM27 states “The height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces, the setting, public function and/or importance of the proposed development and the location within the townscape.”

Policy DM30 states that alterations to existing buildings should “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.”

Policy DM31 states development that has an impact upon a heritage asset will be expected to conserve and, where appropriate, enhance the asset or its setting.

The application site is identified as a character building within the City Docks conservation area. It is a symmetrical building with clean lines. This part of the City Docks Conservation Area is characterised by buildings of a similar character, and there is a general industrial aesthetic. The host building lies within the setting of listed assets, including Bristol Cathedral (Grade 1) and Canons House (Grade II).

As identified in the comments from the urban design officer, the proposals would disrupt the balance and symmetry of the building, when viewed from a number of locations, particularly from the east, looking across Millennium Square. It would disrupt the simplicity of its stepped form. The materiality and appearance of the structure would not follow the architectural vocabulary of the host building or Millennium Square as a whole. It would look distinctly different in appearance and lacking in the same clear industrial aesthetic shared across adjacent buildings. The impact is on the building in

itself (an identified character building), as well as the building as a part of the conservation area. The applicant has stated in their planning statement (para. 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.” For the reasons set out above, the LPA disagrees; the disruption to the building’s symmetry will be greater.

The roof terrace would necessarily contain furniture, lighting and other paraphernalia. This would domesticate the space and result in visual clutter to an otherwise relatively unfussy roofspace.

The retractable roof canopy would most likely (by necessity) be in place for long periods of time. When we advised on the previous S62A application (24/02698/PINS), we advised that a translucent roof would be more favourable; even if a more permanent structure than a retractable roof, a translucent roof would appear more lightweight and would reduce the visual impact of the proposals. The LPA appreciates that PINS has already given permission for a retractable canopy, and so some precedent exists. However, the current proposals increase the scale of the proposals and therefore the harm to the building.

Compared to the proposals made under 24/02698/PINS, the current proposals wrap around the building and so are more visible. There would be considerably more visible in views to the Bristol Cathedral (including night-time views, when lighting would be in place), particularly from the south. They would be more visible in views to Canons House from the north and east. There would be a particular impact on the symmetry of the host building when viewed looking across Millenium Square from the east.

In terms of justification for the proposals, the applicant’s planning statement states: “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.” (para. 3.2). This is acknowledged, but it is important to note that the terrace allowed under the previous S62A affords some views over Millenium Square already. It also affords other interesting and varied views over other parts of the city, towards the southeast, over the listed Canons House. The benefits of the current proposal, over what already has permission, are limited.

In para. 4.6 of the same, the applicant states that “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 positive contribution which the proposal will bring to the Leisure Use Frontage (when balancing the proposal against other material planning consideration).” This is acknowledged. However, the units at ground level remains, and so the leisure frontage is still being used in the way supported by policy, without the addition of the proposed terrace. Again, as above even in light of the leisure frontage designation, the LPA is of the view that the benefits of the current proposal, over what already has permission, are limited.

The Planning Statement also points towards policies in the emerging local plan relating to leisure. As the Local Plan is still under examination, limited weight can be attached to them.

The LPA considers that there will be a low level of less than substantial harm to: the host building as a character building within the conservation area, the City Docks Conservation Area, the setting of Bristol Cathedral (Grade 1) and setting of Canons House (Grade II) arising from the visually incongruous effects of the proposals identified above. There is no clear and convincing justification as required by paragraph 213 of the NPPF, and with regards to the purported justification for the proposals set out by the applicant, the LPA considers that the benefits of a roof terrace could be achieved via less impact (namely via the roof terrace which has already been permitted by PINS). Any public benefits (with reference to paragraph 215 of the NPPF) are of a limited nature, and are primarily in the interest of the owner/occupier. Where harm is unjustified this counts against the benefits in the planning balance. A less harmful version of the proposal exists, namely the smaller roof terrace granted permission under previous S62A application 24/02698/PINS.

In summary, the LPA considers that the proposals are contrary to adopted policies BCS21, BCS22, DM26, DM27, DM30, DM30, as well as Section 16 of the NPPF (2024).

## 2. Impact on neighbours (including noise)

Please refer to comments from the Pollution Control officer set out above.



### 3. Biodiversity

The proposals show a 31.12% Biodiversity New Gain, which is considered acceptable and in line with policy. This would be delivered via the “upgraded grass roof” shown on the plans. This is considered acceptable and in line with NPPF policy on Biodiversity Net Gain. We assume that PINS would add conditions to secure and maintain the roof, along the lines of those included in the decision on previous S62A application 24/02698/PINS, should permission be forthcoming.

**Overall conclusion:** The LPA **objects** to the proposals, for the reasons set out in Key Issue 1 above.

#### **Without prejudice conditions**

Should PINS be minded to grant consent despite our objection, we suggest the following ‘without prejudice’ conditions:

As well as usual timeframe and plans list conditions, PINS may wish to add the following conditions:

#### **Prior to commencement**

##### **Retractable roof**

Notwithstanding the details shown on the approved plans, prior to the commencement of development amended plans shall be submitted to and approved in writing by the Local Planning Authority to show the retractable terrace roof replaced with a translucent material.

Reason: To preserve the character of the conservation area.

#### **Prior to occupation**

##### **Management plan**

Prior to the first occupation of the development hereby approved a terrace management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but not be limited to, the following:

- Permanent structures to be placed on the terrace, including lighting, heaters, plants, planters and other bulky structures.

Reason: To preserve the character of the conservation area.

### **Details of acoustic screen**

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).

### **30 year Habitat Monitoring and Management Plan**

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;
- k) GIS shapefiles; 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.

### **Grass roof**

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

### **Post-occupation management**

#### **Hours of occupation - outdoor seating area**

The approved external seating area shall not be open to customers for the consumption of food or beverages between 08.00 and 23.00 daily.

Reason: To protect the amenity of neighbours.