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Via email only: section62anonmajor@planninginspectorate.gov.uk

Section 62A Applications Team
The Planning Inspectorate

Dear Leanne

Re: S62A/2025/0094 Building 11, Explore Lane, Bristol, BS1 5TY

I refer to our exchange of emails yesterday. If it is the case that the Inspector would be willing to receive this response to the comments received on the planning application I would be most grateful (but understand if this might not be possible).

The intention of this letter is to respond to some of the points made by the **Urban Design Officer** and in the **Design and heritage** section under Key Issues provided in the Council's statement. As the Inspector will be aware, the current application mirrors the previous application (ref: S62A/2024/0053), which was approved last year. That application approved an identical (in terms of design and set back etc) roof terrace to the current proposal. The approved terrace will be on the roof terrace on the south elevation of Building 11, whilst the current proposal is on the roof terrace on the east elevation.

The Urban Design Officer's verbal comments are summarised in the Council's statement. One assumes that the officer is aware of the previous proposal/decision. The key comments, and a brief response to each, are provided below.

Urban Design Officer verbal comments

Disruption to symmetry and clutter

The point about symmetry should be considered the same way as with the previous application for the terrace on the south elevation. In this regard, the Inspector concluded that:

'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.'

(paragraph 20)

With respect to clutter, the Inspector concluded:

'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.'

(paragraph 22)

Impact on listed buildings and views from Millennium Square

I am mindful of Historic England's comments on the impact on listed buildings:

'While the proposals would have a very modest visual impact on the setting of the Cathedral, we advise that this would not be considered harmful, and therefore we do not object to the application.'

The comment about prominence when viewed from the east side of Millennium Square seem far-fetched and we would wish to refer the Inspector to the Inspector's comments at paragraph 20 of the previous decision, quoted above.

Historic England also comment:

'The impact would be as a result of the material changes to the corner of the building, primarily, the metal canopy and retractable shade which would become visible just above the existing bris soleil. However, given the architecture of the existing building, this would not distract or appear overly conspicuous within key views.'

Key Issue 1 – Design and heritage comments

Materiality and architectural vocabulary (last paragraph, page 6)

The Council say that the appearance of the structure would not follow the architectural vocabulary of the host building and Millenium Square as a whole, however the appearance of the structure are identical to that already approved. For that application the Inspector said:

'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.'

(paragraph 21)



Benefits and Leisure Uses Frontage

The comment (bottom of page 7) that the terrace will not offer better views is wrong. It clearly will, as the approved terrace was set well back from the edge of the roof closest the south east corner of the roof. It would not have been possible to achieve views looking north from the approved terrace and the ability to view eastwards would be limited due to the reduced width of the terrace.

The Council's comments (top of page 8) that '*...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*' is considered a weak one. There is nothing in Policy BCAP19 (Leisure Use Frontages in Bristol City Centre) indicating that they only relate to ground floors, and the Council has supported other leisure uses within them above ground floor level (e.g. in its consideration of the Lock in a Room development and Par 59). Also, this statement cuts across its comments in support of the previous proposals (copy of statement attached):

*'In addition, there are some **public benefits arising**, including the provision of a green roof, and **the continuing economic viability of the harbourside area**. New cycle parking is shown on the plans, though this is in line with cycle parking approved under previous permissions. Overall, there is some less than substantial harm to the setting of Canons House, and harm to the character and appearance conservation area, via the unbalancing of the symmetry of the roof and visual clutter arising from the proposed terrace. The harm is at the lower end of less-than substantial and is **considered to be justified and outweighed by public benefits**. Officers have assessed the application against policy including Section 16 of the NPPF, and local plan policies BCS21, BCS22, DM26, DM26, DM30 and DM31.'*

It is not known why the Council has taken a different approach this time.

Finally, the Inspector will have noted from the site visit that the casino no longer trades and is effectively mothballed. It is highlighted that we are now instructed to seek planning permission for alternative leisure-related uses for the casino so that Building 11 can continue to make a significant contribution to this part of the city centre. This will not effect the terrace itself as it can be accessed internally from the floorspace that already benefits from alternative uses.

Yours sincerely



Mark Tombs MRTPI

Director

NTR Planning





PINS ref: S62A/2024/0053

Bristol City Council ref: 24/02698/PINS

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.

Building 11, Explore Lane, Bristol, BS1 5TY

Local Planning Authority assessment and statement

05.09.2024

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 conversion of part of the roof to an outdoor terrace. It includes a metal canopy frame with a retractable sun shade, glass balustrade and provision of a biodiverse green roof to the part of the rooftop 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

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.

Currently pending consideration

RESPONSE TO PUBLICITY AND CONSULTATION

The application was publicised via neighbour letters with a deadline date of 06.09.2024. This is also the date of the deadline for submitting this statement. At the time of writing no comments were received from neighbours. If any comments are subsequently received, these will be forwarded to PINS with confirmation of whether or not it changes the LPA's assessment of the case.

The Urban Design officer made verbal comments summarised as follows:

- The proposals show a reduced level of terrace than that which was originally proposed under previous application 23/00975/F. There are views to the proposals from around the Harbourside, including from Peros Bridge and the opposite side of the Floating Harbour to Canon's House. The proposed roof terrace will be visible and will result in a slight loss of symmetry to the host building. It will appear as a distraction when taking in the views of Canons House (Grade II listed building).
- There will be a low level of less-than-substantial harm to the setting of Canon's House. It can be argued that this can be outweighed by public benefits, including the proposed upgrade green roof, increased levels of cycle parking and contribution to the continued economic viability of the harbourside area.
- 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. 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.
- There is the risk of excessive visual clutter to be placed on roof terraces, for example additional planters, light features, large heaters/ heat lamps and other items which can appear visually distracting and increase the harm posed by the proposals. Ideally a management plans should be submitted to set out what sort of items will be placed on the terrace, and for how long.

The Pollution Control officer made the following comments:

I have no objection to [the application] and in line with the previous application I would just ask for the following conditions if approved:

1. 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.

2. Smoking area

Between 23.00 and 08.00 customers shall not have access to the marked smoking area located on the Explore Lane frontage of the terrace. (It will be necessary for the plan to be marked up to show the smoking area).

3. Details of acoustic barrier

No installation of any acoustic barriers to the third floor customer terrace shall take place until full details of the barriers have been submitted to and approved in writing by the Council.

KEY ISSUES

1. Design and heritage

The application site is identified as a character building within the City Docks conservation area. It is a symmetrical building with clean lines. It lies within the setting of listed assets, including Bristol Cathedral (Grade 1) and Canons House (Grade II).

Application 23/00975/F initially proposed a larger terrace and following serious officer concerns about its visual impact and impact on the setting of heritage assets, the terrace was removed from those proposals. Minor amendments to the existing roof, including infilling some of the existing brise soleils, were, however approved as part of the previous proposals. The applicant now proposes a terrace which is smaller in size than the one removed from application 23/00975/F. This currently-proposed terrace will have a lesser impact. With reference to the comments from the urban design officer, ideally the material for the retractable roof would be replaced with a translucent material, even if this involves making the roof a permanent structure. Ideally, also, a management plan should be submitted to manage the amount of structures placed on the terrace; standard chairs and tables would not be of concern, however, there would be an increased level of visual clutter arising from large lighting structures, heat lamps, oversize planters and so on. We would advise that PINS may wish to seek amendments via suitably-worded conditions.

However, overall, and with reference to the tests contained in Section 16 of the NPPF, the proposals do appear justified, in that the terrace has been reduced in size and the applicant has set out that it aims to provide outdoor space associated with a mezzanine floor approved under approval 23/00975/F or potentially space approved under application 24/02543/F (should that application be approved). In addition, there are some public benefits arising, including the provision of a green roof, and the continuing economic viability of the harbourside area. New cycle parking is shown on the plans, though this is in line with cycle parking approved under previous permissions.

Overall, there is some less than substantial harm to the setting of Canons House, and harm to the character and appearance conservation area, via the unbalancing of the symmetry of the roof and visual clutter arising from the proposed terrace. The harm is at the lower end of less-than-substantial and is considered to be justified and outweighed by public benefits.

Officers have assessed the application against policy including Section 16 of the NPPF, and local plan policies BCS21, BCS22, DM26, DM26, DM30 and DM31.

2. Impact on neighbours (including noise)

With reference to the comments from the Pollution Control officer, the proposals are considered acceptable in terms of impacts on neighbours, subject to conditions. These are set out above in the representations from the Pollution Control officer.

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 “new upgraded grass roof” shown on the plans. It would be a change from an existing sedum roof to a more biodiverse green roof to create additional habitat for wildlife. This is considered acceptable and in line with NPPF policy on Biodiversity Net Gain. PINS

may wish to consider a condition requiring the installation of the enhanced green roof prior to the first use of any terrace approved.

4. Transport and highways

The proposals show a cycle store. The proposals are for a terrace and other changes to the rooftop which would complement, but not enable, additional floorspace within the building; as set out above, the additional floorspace has been approved previously. Provision of a cycle store is welcomed, but not considered necessary to make the proposals acceptable.

Overall conclusions: The Local Planning Authority does not object to the proposals, but would advise suitably worded conditions are included in the approval, if PINS is minded to approval the proposed development:

- Replacement of the retractable terrace roof with a translucent material.
- Management plan to set out types of structures to be placed on the terrace (to limit bulky structures, as set out above).
- 3 no. Conditions recommended by the pollution control officer, as set out above. The reasons for the conditions would be to protect the amenity of neighbours.
- Requirement for the upgraded grass roof to be installed prior to the first use of any terrace approved.