

WARD: Clifton East **CONTACT OFFICER:** Kate Cottrell
SITE ADDRESS: 85 Queens Road Clifton Bristol BS8 1QS

APPLICATION NO: 14/00598/X Variation/Deletion of a Condition
EXPIRY DATE: 9 April 2014

Application for variation/deletion of condition number 10 to extend the opening hours to 2am Saturday and 2am Sunday - following a grant of planning permission 13/02228/F - Change of use of basement and ground floor levels from A1 (retail) to A3 (restaurant/cafe), with no proposed internal or external works.

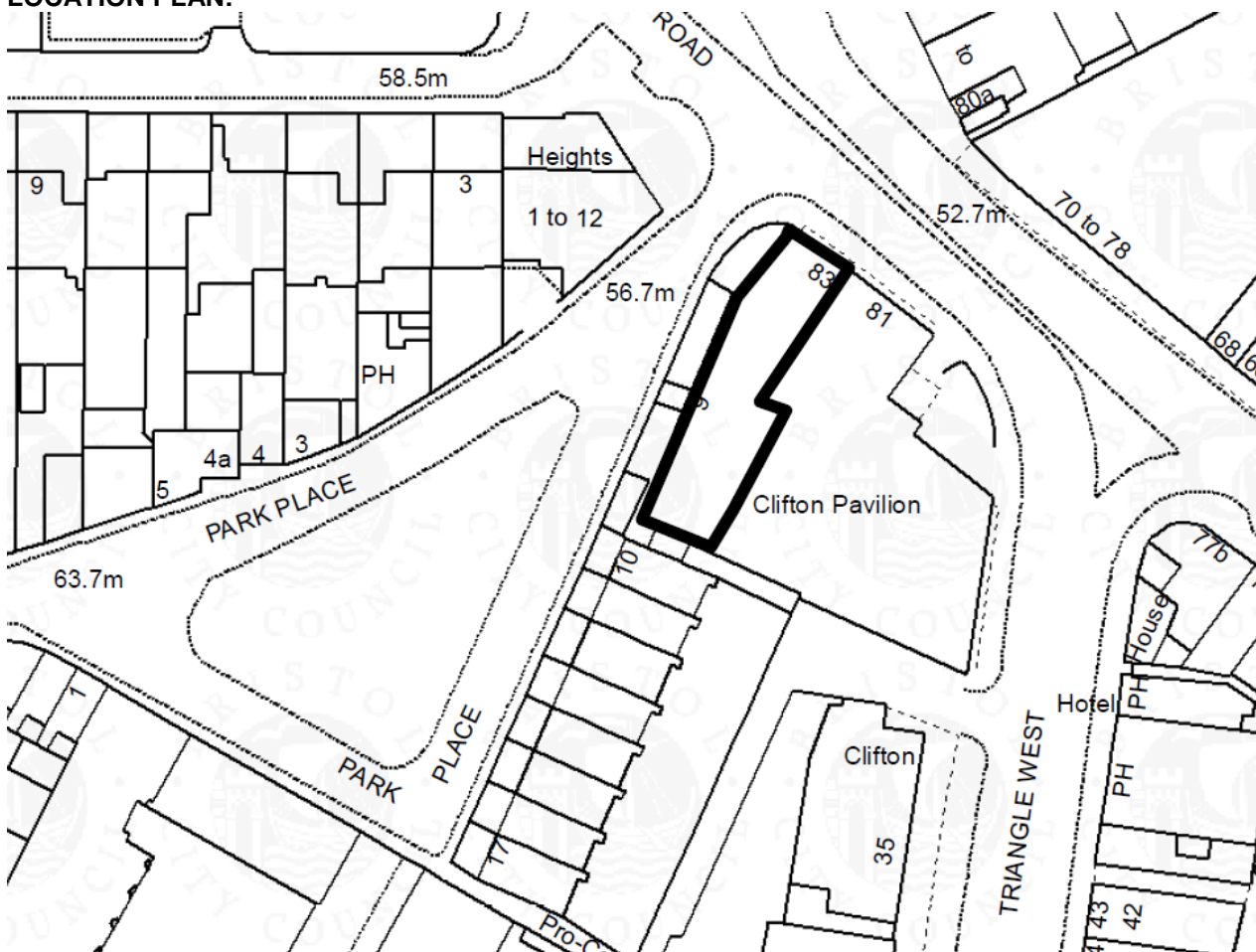
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Aspect360 Ltd
45 Oakfield Road
Clifton
Bristol
BS8 2AX

APPLICANT: Clifton22 Ltd
c/o agent

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



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SUMMARY

The premises subject of this application have been in operation for approximately 6 months following the approval of planning permission reference: 13/02228/F in September 2013.

This application seeks to vary the hours of operation of the premises on Friday and Saturday evenings to 02:00am the following morning (i.e. Saturday and Sunday).

The current limit of the hours of operation (as originally requested by the applicant as part of application ref: 13/02228/F) for Friday and Saturday evenings is 23:00pm.

Concern was initially identified with the proposals regarding the increase in potential for noise nuisance from customers congregating outside or leaving the premises up to and after 2am. As a result, officers concluded that the only way of demonstrating whether the extension of opening hours would cause a detrimental increase in noise levels or nuisance (or not) was via an acoustic report submitted by the applicant.

The application premises have secured a licence for the premises. Whilst this is a separate matter to the planning process, this is appended to this report for Member's information.

Following a full assessment of the submitted Acoustic Report, the Pollution Control Team have concluded that due mainly to traffic noise but also some noise from people in the street, the background noise level in this area is relatively high. As a result it would be unlikely that there will be any detrimental noise impact from people leaving this restaurant at the later times applied for, over the existing situation.

Therefore the application is recommended for approval.

SITE DESCRIPTION

The application relates to the ground floor and basement of a unit located within Clifton Pavilion, a modern building situated on Queen's Road within the Clifton Conservation Area. The building has four floors and the building is clad in buff stone and has a flat roof. The unit is located in a busy, mixed use commercial area adjacent to another retail unit and a restaurant and there is a fitness centre at the upper levels.

RELEVANT PLANNING HISTORY

13/02228/F: Change of use of basement and ground floor levels from A1 (retail) to A3 (restaurant/cafe), with no proposed internal or external works. APPROVED 18.09.2013.

14/02430/F: Proposed alterations to the shopfront, demolition of stone archway and creation of external seating area for customers with associated external alterations. YET TO BE DETERMINED

APPLICATION DETAIL

The application seeks the variation of Condition 10 attached to permission reference: 13/02228/F to extend the hours of opening to customers to 2am on Friday and Saturday nights (i.e. in 24-hour clock notation, to 02:00 hours on Saturdays and Sundays).

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Condition 10 as existing reads as follows:

Hours open to customers Monday - Sunday

No customers shall remain on the premises outside the hours of 08:00 to 23:00 Monday to Saturday; and 09:00 to 22:30 on Sundays and Bank Holidays.

Reason: To safeguard the residential amenity of nearby occupiers.

COMMUNITY INVOLVEMENT

Process:

The type and scale of development proposed does not formally require the applicant to undertake community consultation.

Outcome:

No community consultation has been undertaken.

PUBLICITY AND CONSULTATION

The applications were publicised jointly by means of a press advertisement, site notices and letters to adjoining residents.

Objections

18 no. objections have been received as a result and are summarised below:

- Application is an attempt to quietly circumvent existing agreements, and undermine the current situation regarding the Cumulative Impact Policy.
- This will have a detrimental effect on the surrounding residential area with yet more people leaving the premises late at night with associated noise and general nuisance.
- Account must be taken of the cumulative impact this would have on the area including the surrounding residential roads including Richmond Hill, Richmond Hill Avenue, Gordon Road, Frederick Place and Park Place to name but a few.
- Once the time is extended to 2 am invariably it will be another hour or so before the crowd disperses through the neighbourhood.
- It is outrageous that they are already trading till the early hours when they have not had permission yet
- It is not normal to have a meal in the early hours. It is likely that there will be more alcohol sold and not meals. People who want to dine out usually finish by 10pm.
- This area is in a Cumulative Impact zone and we already suffer from too many late night establishments
- The premises are too close to residential properties to open beyond 23.00 on any evening.

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- Extending hours for this establishment would also set a precedent for all the other restaurants in Queens Road to make similar applications
- Another point of concern is that if Bottelinos business fails and they have to sell then the premises could be taken over by a company that does not cater for family meals and comfortable dining.
- It's less than six months since this premises got change of use and already they are trying to stretch the conditions. They have managed to open not only a large fast-food restaurant but a cocktail lounge for 100 people which in my view are there mainly to serve alcoholic drinks to anyone who comes in, not just diners, so it shouldn't even be doing that under A3 class.
- It's already a nuisance and later hours will make it much worse
- If this application is granted then they will go straight to the licensing office to get their premises licence altered as well.
- Richmond Heights is directly opposite the premises not 30m away. A number of bedrooms in Richmond Heights face the site.
- No data or evidence supporting the applicants views that the late opening hours will not result in any noticeable increase in noise. This is wholly unsubstantiated.
- Inevitably later working will increase noise from inside the building and from equipment/extract fans etc.
- The foot flow will also increase, causing both noise and parking issues in Richmond Place.
- More people will result in more noise, including from the smokers who will congregate outside the building and 'on the corner' of Park Place.
- It is incorrect to assume (with no evidence) that people 'won't bother' parking in Richmond Place especially as there is free parking here at night. Further, even if parking is not an issue there will be a need for taxi pick-ups. The pick-up location is very likely to be in Park Place (as this is the easiest place for taxis to 'pull in'). This will increase (or at least has a high potential to increase) the noise, traffic flow, etc. in Park Place late at night
- Park Place, is a terrace of substantial Georgian properties in residential use, while opposite this terrace, across the gardens of Park Place, are further residential properties. Beyond Park Place and further to the north west of the application site are residential properties in Richmond Hill. Also confirmed was Richmond Heights (recently converted into flats) is only 31m away; 10-17 Park Place 64m; 2-3 Richmond Hill 55m.
- The site has a bar for 100 people and 160 cover restaurant on the ground floor. A private function room is downstairs. This confirms that it is a very large establishment with a large potential impact. It was granted an A3 license, not an A4 license so its primary use is as a restaurant, not a drinking establishment.
- The nightclubs quoted by the applicant have A4 usage, are on the other side of Queens Rd or on the east side of West Triangle. The Brass Pig is primarily a pub showing live sport, has an A1/A3/A4 license and only serves food up to 22:00 Saturday, 21:30 Sunday to Thursday and is at the south end of Clifton Heights. Taxis would pick them up outside the appropriate premises, not in Park Place.
- The applicant does not mention Cosmos nearby which is a 250 seated A3 restaurant in Clifton Heights on the other side of Waitrose. This has closing hours of 23:00 Friday and Saturday. Quinton

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House, the pub in Park Place closes 23:00 Mon-Sat, 22:30 Sunday is not mentioned either. These demonstrate that the current hours are in line with other A3 premises.

- Clients would be picked up by car or taxi in Park Place as there is nowhere to stop outside and they would be more likely to want transport at this time in the morning due to the rowdy hordes leaving the nightclubs. Park Place is away from the general noise of Queens Road and noise at 2am would have a large impact on the residents especially if there had been a private function. 300 people can give rise to a huge amount of noise. There is also the noise from staff leaving probably at 2:30.

- This application would clearly add to cumulative impact being so large and would be unlikely to receive an alcohol license for the extended hours.

- The impact of food and drink uses including harm to a residential amenity, must be assessed against Policy S8 (ii) (to be replaced by emerging Policy DM10) , Policy ME4 of the Adopted Bristol Local Plan 1997 also requires consideration to be given to noise pollution as does Policy BCS23 of the adopted Bristol Core Strategy (June 2011). The points raised demonstrate that the application fails to accord with these policies.

- This is a large and prominent site. It is a restaurant that should not become a bar by stealth.

Support

5no. support letters have also been received as a result and are summarised below:

-The restaurant caters for the mature market who need an increasingly flexible life style. The extended hours would give this import and influential age group for the prosperity of Bristol the flexibility they need.

-Do not see the later opening as a risk to drunken behaviour given the sector targeted by the restaurant

-For many years this area of Bristol has been dominated by the student population so it is refreshing to have a venue that caters for the older clientele.

It is a very up market establishment and it would be advantageous to have it open until 2 am, serving drinks and food etc., giving the much deserved older crowd somewhere to enjoy drinks, food and cocktails in a relaxed and more mature environment.

-This particular branch of Bottelinos has been open since early December 2013 and from all attending has received very positive reviews

-The extended licencing hours (3 hours extra) would not necessarily serve to impose any problems with neighbours.

OTHER COMMENTS

The Clifton Down Community Association has commented as follows:

Clifton Down Community Association object to this application. As others making representations have noted, this is a large establishment catering for nearly 200 diners as well as 100 customers at the bar. If it is allowed to operate until 2 a.m. on Friday and Saturday nights, it is likely that disturbance will be caused to local residents by customers entering and leaving the premises, some in a state of intoxication, late at night. It should be noted that, unless (which seems unlikely) the premises already has a premises licence enabling such late-night opening, it will need to apply for a variation to its premises licence. Since the premises are within the City Centre Cumulative Impact

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Area, in which there is a presumption that material variations to licences will be refused, it is unlikely that any such variation would be granted (see paragraph 6.3.2 of the Council's Statement of Licensing Policy). This planning application should similarly be refused, and the view of the officers who originally imposed the 11pm closing time as a condition should be upheld.

The Clifton and Hotwells Improvement Society has commented as follows:

These premises are within the Central Bristol Cumulative Impact Area. However, on 19th September 2013 they were granted an A3 licence with conditions [ref: 13/02228/F] Condition 10 reads in full: Hours open to customers Monday-Sunday. No customers shall remain on the premises outside the hours of 8.00 - 23.00 Monday to Saturday; and 09.00 - 22.30 on Sundays and Bank Holidays. Reason: To safeguard the residential amenity of nearby occupiers. There has been no change in late night activity in the area in the ensuing 6 months. Local residents continue to suffer significant noise nuisance from those coming from establishments on The Triangle. It is appreciated that this is not an application for a licence. However, in the Planning Supporting Statement it is clear that the bar with a capacity for 100 and the restaurant with 160 covers would operate as it does at present. Therefore a licensing application will have to be made. A Cumulative Impact Area (CIA) means that within the defined area it has been recognised that for the well-being of residents and current businesses no further licences, or significant extensions to current ones, will be granted unless it is clearly demonstrated that what is being offered is different from what already exists, and will not add to the impact already being experienced. It creates a rebuttable presumption that any new application for a premises licence or major variation of one, likely to add to the existing cumulative impact, will be refused. This principle was adhered to on 13th March 2014 when an application for late night refreshment was made by Subway, almost opposite Bottelinos. The application was to serve hot food and drinks until 03.00 on Friday and Saturday nights. The Councillors on the Licensing Panel refused the application because it did not add anything different to the area but was likely to exacerbate the difficulties in The Triangle area already prevalent in the early hours of the mornings. Bottelinos is a far bigger establishment than Subway and they have not produced evidence that they will offer anything different in the area. However, extended hours would add to the cumulative impact of the present night time economy in the area. The other two large A3 premises (Brown's and Cosmos) have similar conditions with regard to closing times to Bottelinos current one. Those premises which stay open later have A4 licences. We ask that this application is refused. Condition 10 was imposed for sound reasons and should not be altered or removed.

The Richmond Hill Residents Association has commented as follows:

Bottelinos Restaurant and The Office Cocktail Lounge Consent was granted for change of use from A1 (retail) to A3 (café/restaurant) on 19th September 2013. (13/02228/F). Condition 10 restricting opening hours was specifically added by Officers (Section C of the Officers' Report) to safeguard the residential amenity of nearby occupiers. This was in response to a considerable body of objections from residents expressing concerns about potential noise from such a large new A3 premises (c. 190 covers plus dedicated bar area with a capacity of 100), situated in a residential area. This new application now seeks to demonstrate that extending hours on Friday and Saturday nights to 02:00 on Saturday and Sunday mornings respectively would 'enhance the evening/leisure economy without having harmful effects on the amenity of the area or on occupiers of nearby residential property by reason of increased levels of activity and resulting noise and/or disturbance' (Planning Supporting Statement, 5.1). For the following reasons, this application should be refused.

1. As the applicant has pointed out, the site is very close to residential properties. Local residents, particularly in Richmond Heights and the lower parts of Richmond Hill, have noticed since the opening of the restaurant that there is indeed increased activity around the site. There are smokers on the pavement throughout trading hours (there is no other provision). As the site has only been open over the winter months, one can expect this problem to escalate in warmer weather, when smokers will stay outside for longer and residents are likely to have their windows open.

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2. The applicant states that Bottelinos is a 'family run Italian restaurant aimed at providing relaxed, traditional meals for the unhurried diner and civilised evenings out with friends'. This is the UK, not the Mediterranean. Most diners do not want to book a table for dinner after 9.00 pm. This is a large restaurant with relatively little kitchen space. It has recently mounted a very large fixed sign on the frontage (without planning consent) advertising 'Pizza & Pasta £5.95', which hardly sounds like leisurely dining. Longer hours would certainly lead to higher turnover, and more activity around the site, increasing the nuisance to local residents.

3. The applicant states that 'the bar area and serving of drinks to customers is ancillary to the primary restaurant function.' In fact, 40% of the usable ground floor space is separately designated and branded as The Office Cocktail Lounge, accommodating up to 100 persons in its own right. A sign outside is currently advertising 'High Five Fridays' with £5 cocktails. Although it is a condition of the premises licence that 'substantial refreshment' should be available on the premises, it is not a condition that drinks may only be served to those who are eating. It is certain that this part of the premises, which is a de facto drinking establishment, would become significantly busier at night.

4. Notwithstanding the points made in (2) and (3) above, there is no planning control over what type of A3 business might occupy the premises in future, so conditions must reflect the worst case scenario of a noisy, high-turnover outlet serving fast food to students and young people.

5. Parking for such a large premises is a problem in this area. The West End car park is an expensive and unattractive option. The applicant states that 'it is very unlikely' that customers would attempt to park on local residential streets, but this is exactly what they do. Pay and Display in Park Place is suspended after 18:00 hours. Residents parking, when introduced, would not operate after 21:00 hours at the latest, and not at all at weekends. People returning to their cars at night are inevitably heard by residents, so any extension of hours will increase the nuisance into the early hours of the morning.

6. It was stated in the Officers' Report that 'the premises are sited in a very busy city centre location, along a road with a high level of vehicular movements, high pedestrian footfall and a number of late-night uses where the background noise levels are already of a high level'. Anyone who lives here knows this is not the case. Traffic on Queens Road does NOT cause significant background noise at night. Vehicular movements drop to a very low level after the evening rush hour, and traffic lights, pedestrian crossings and the 20mph limit mean that vehicles move slowly. Pedestrian noise in residential streets is not constant. It spikes between 11.00 pm and midnight and again between 3.00 and 5.00 am, in direct relation to club opening and closing hours. In between these times, the surrounding streets are generally quiet and thus highly sensitive to any increase in activity around nearby premises.

In summary: (a) there is nothing in the application to demonstrate that extending the hours of Bottelinos Restaurant and The Office Cocktail Lounge would promote the leisure and entertainment sectors of the economy, or add vibrancy to the area. (b) There is, however, evidence that extended hours would add to the cumulative impact of the present night-time economy on local residents. Granting this application would establish a precedent for the many other restaurants and bars in the area to make similar applications, resulting in a significant incremental increase in late-night activity and nuisance to residents. This would be entirely against the spirit of the Cumulative Impact Area policy. We urge the Officers to refuse this application. They imposed Condition 10 with good reason, it is in line with conditions placed on other restaurant premises in the area, and it should not be altered or removed.

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BCC Pollution Control has commented as follows:

Confirm that we have not received any complaints regarding noise or other nuisance from Bottelinos, 85 Queens Road.

My main concern with the extension of hours for the premises till 2 am will be the increase in potential for noise nuisance from customers congregating outside or leaving the premises up to and after 2 am. Whilst appreciate that the nearest residential properties are not immediately adjacent to the entrance to the premises and due traffic and people noise the background noise levels in this area will already be high, feel that there is still potential for an increase in noise levels particularly if all customers left the premises at the same time.

Whilst feel it is unlikely that there would be any significant increase in noise levels at the nearest residential properties from the extension of opening hours till 2 am feel that the only way of showing whether this would be the case or not would be through an acoustic report submitted by the applicant to show that there will be no increase in noise levels or noise nuisance created by the extension of opening hours.

Finally, would also advise that the premises are also within the City Centre Cumulative Impact Area. This area will have been designated a Cumulative Impact Area due to the large numbers of licensed premises within it and the associated problems caused by a large number of noise premises such as noise from people in the street. Within a Cumulative Impact Area applications for new premises licences or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already. There are already a number of restaurants on the area and it is therefore possible that a licence would not be granted for the extension of hours for these premises.

Further comments received 12 July 2014

The acoustic report measured the existing background noise levels outside the nearest residential properties to the entrance of Bottelinos (flats at Richmond Heights, Richmond Hill). Noise readings were carried out on a Friday night between 22.00 and 23.00 and on the following Saturday morning between 01.00 and 02.00. The consultant taking the measurements also made observations of customers leaving Bottelinos and the sources of noise in the area.

During the earlier survey the consultant noted 23 people were leaving Bottelinos and that most groups paused outside the premises talking for a few seconds before departing in different directions. In all cases the consultant noted that the conversations of people leaving Bottelinos were inaudible over the background noise levels outside Richmond Heights.

The later noise survey only measured reduction in the background noise level of 2 dB from the earlier survey. Would agree with the report that this is not a significant reduction and that there would not be any real perceptible difference in noise levels and therefore any noise from people leaving Bottelinos later would be the same as earlier in the evening (not audible).

The report also notes that some customers of the restaurant will walk past Richmond Heights once they leave the restaurant but there will also be a numbers of other people walking home from or going to other licensed premises in the City.

From experience of this area would agree that this would be the case. Due mainly to traffic noise but also some noise from people in the street the background noise level is relatively high and would agree that it is unlikely there will be any noise impact from people leaving the restaurant. As the application is for a restaurant and not a take-away or a night club feel it is not likely that large groups will leave the restaurant and mill around outside for long periods of time.

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Crime Reduction Unit has commented as follows:-

Recently viewed details of the above development to extend the opening hours to 2am Saturday and 2am Sunday. Having informed the local Beat Manager and Inspector who covers the area, like me feels, the request is premature after opening just over a month which is not long enough to establish if hours were to be extended if this would have an impact around this area.

The Inspector of the neighbourhood Policing team therefore recommends the above re-apply in 6 months' time.

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Core Strategy (Adopted June 2011)

BCS2 Bristol City Centre
 BCS7 Centres and Retailing
 BCS23 Pollution

Bristol Site Allocations and Development Management Policies (emerging)

DM7 Town centre uses
 DM8 Shopping areas and frontages
 DM10 Food and drink uses and the evening economy
 DM33 Pollution control, air quality and water quality
 DM35 Noise mitigation
 DM1 Presumption in favour of sustainable development

Bristol Central Area Plan (emerging)

BCAP17 Secondary shopping frontages in Bristol City Centre
 BCAP16 Primary shopping frontages in Bristol City Centre
 BCAP14 Location of retail development in Bristol City Centre
 BCA14 Small scale retail developments and other related uses in Bristol City Centre
 BCAP13 Strategy for retail development in Bristol City Centre

Supplementary Planning Guidance

Clifton & Hotwells Conservation Area Character Appraisal
 PAN 17 Diversity in Shopping Centres (early 1999)

KEY ISSUE

(A) IS THE PROPOSED VARIATION OF OPENING HOURS ACCEPTABLE?

Whilst there have been no complaints regarding these premises since they have opened, there was concern identified by the Pollution Control Team at the outset of the application process, with regard to the extension of hours for the premises and the possible potential increase in noise nuisance from customers congregating outside or leaving the premises up to and after 2am. Furthermore, concern was raised by local residents regarding the noise impacts of the later opening hours and from the Police regarding the perceived prematurity of the application.

It was recognised that the nearest residential properties are not immediately adjacent to the entrance to the premises and that with traffic and people noise, the background noise levels in this area are

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already be high. However there was still considered to be potential for an increase in noise levels later in the evening as a result of the development, particularly if all customers left the premises at the same time.

As a result, it was resolved that the only way of demonstrating whether the extension of opening hours would cause a detrimental increase in noise levels or nuisance (or not) would be via an acoustic assessment considering this issue. This was duly undertaken by the applicant and an acoustic report has been submitted.

The submitted acoustic report measured the existing background noise levels outside the nearest residential properties to the entrance of Bottelinos (the flats at Richmond Heights, Richmond Hill). Noise readings were carried out on a Friday night between 22.00 and 23.00 and on the following Saturday morning between 01.00 and 02.00. The consultant taking the measurements also made observations of customers leaving Bottelinos and the sources of noise in the area as part of the assessment

During the earlier survey times, the consultant noted 23no. people were leaving Bottelinos and that most groups paused outside the premises talking for a few seconds before departing in different directions. In all cases, the consultant noted that the conversations of people leaving Bottelinos were inaudible over the existing background noise levels outside Richmond Heights. The later noise survey then only measured a small reduction in the overall background noise level of 2 dB from the earlier survey levels. The report also noted that some customers of the restaurant did walk past Richmond Heights once they left the restaurant, but there were also other people walking along this road from or going to other licensed premises in the city.

The Pollution Control Team has assessed the acoustic report and they have advised that they agree with the report's findings. It is concluded that at the later opening times applied for (up to 02:00am) there was not a significant background noise level reduction than that measured at the existing closing time (23:00pm) and as a result there would not be any real perceptible difference in noise levels created at this later time. As such any noise from people leaving Bottelinos would essentially be the same as earlier in the evening (i.e. not discernably audible) thus not causing such detrimental noise nuisance to warrant the refusal of the application.

CONCLUSION

Overall, due mainly to traffic noise but also to noise from people in the street, the background noise level in this area is relatively high and as a result it would be unlikely that there will be any detrimental noise impact from people leaving this restaurant at the later time of 2am over and above the existing situation. Furthermore, as the application involves a restaurant use (and not a take-away or a night club) it is not likely that large groups will leave the restaurant and congregate outside for significant periods of time resulting in prolonged noise nuisance.

Notwithstanding the above, or any planning permission approved, the premises are within the City Centre Cumulative Impact Area. This area has been designated a Cumulative Impact Area due to the large numbers of licensed premises within it and the associated problems caused by a large number of noise premises such as noise from people in the street. Within a Cumulative Impact Area applications for new premises licenses or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already. It is therefore possible that a license would not be granted for the extension of hours for these premises.

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COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will this development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

RECOMMENDED GRANT subject to condition(s)

1. Details of extract/ventilation system

The development and operation shall be undertaken in full accordance with the following approved information set out below which thereafter shall be permanently retained as approved and complied with throughout the duration of the use.

AAC33 Baffle Grease Filters
 AAC13 Pleated Panel Filters
 AAC41 General Purpose Bag Filters
 AAC62 Activated Carbon Discarb Cells
 Proposed Roof Plan Drawing No. (08) 04 Rev A
 Roof Cowl Specification (Lindab)
 Axial Extract Fan Details TCBBx2/TCBTx2 Series (S&P)
 Kitchen Extract Specification prepared by ACE Catering Equipment
 Kitchen Plant Noise Assessment Acoustic Report A655/r01 dated 15 October 2013 prepared by Ion Acoustics
 Kitchavent - Grease, Smoke and Odour Control Details prepared by Airclean Ltd

Reason: To safeguard the amenity of adjoining properties and to protect the general environment.

2. Odour Management Plan

The development and operation shall be undertaken in full accordance with the following approved information set out below which thereafter shall be permanently retained as approved and complied with throughout the duration of the use.

AAC33 Baffle Grease Filters
 AAC13 Pleated Panel Filters
 AAC41 General Purpose Bag Filters
 AAC62 Activated Carbon Discarb Cells
 Proposed Roof Plan Drawing No. (08) 04 Rev A
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Reason: To safeguard the amenity of adjoining properties and to protect the general environment.

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3. The development and operation shall be undertaken in full accordance with the following approved information set out below which thereafter shall be permanently retained as approved and complied with throughout the duration of the use.

Proposed Roof Plan Drawing No. (08) 04 Rev A
Roof Cowl Specification (Lindab)
Axial Extract Fan Details TCBBx2/TCBTx2 Series (S&P)
Kitchen Extract Specification prepared by ACE Catering Equipment
Kitchen Plant Noise Assessment Acoustic Report A655/r01 dated 15 October 2013 prepared by Ion Acoustics

Reason: To safeguard the amenity of nearby premises and the area generally.

4. The development and operation shall be undertaken in full accordance with the following approved information set out below which thereafter shall be permanently retained as approved and complied with throughout the duration of the use.

Drawing No. 3775(08)01 Rev B Proposed Ground Floor Plan
Drawing No. 3775(08)02 Rev B Proposed Lower Ground Floor Plan
Operational Waste Management Strategy received 26 November 2013
Service Arrangements for 85 Queens Road received 26 November 2013

Reason: To ensure responsibility for the management of these facilities and to safeguard the appearance of the development, highway safety and the amenities of existing residents and businesses and to ensure the provision and availability of adequate cycle parking.

5. The development and operation shall be undertaken in full accordance with the following approved information set out below which thereafter shall be permanently retained as approved and complied with throughout the duration of the use.

Drawing No. 3775(08)01 Rev B Proposed Ground Floor Plan
Drawing No. 3775(08)02 Rev B Proposed Lower Ground Floor Plan
Operational Waste Management Strategy received 26 November 2013
Service Arrangements for 85 Queens Road received 26 November 2013

Reason: To ensure responsibility for the management of these facilities and to safeguard the appearance of the development, highway safety and the amenities of existing residents and businesses.

6. The refuse store, and area/facilities allocated for storing of recyclable materials, shall be provided before the use hereby permitted commences. Thereafter, all refuse and recyclable materials associated with the development shall be stored within this dedicated store/area internally within the building(s) that form part of the application site, unless otherwise agreed in writing by the Local Planning Authority. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement at any time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the occupiers of adjoining premises, to protect the general environment and to ensure that there are adequate facilities for the storage and recycling of recoverable materials to encourage energy conservation through recycling.

7. The cycle parking provision shall be completed before the development hereby permitted is occupied unless otherwise agreed in writing by the Local Planning Authority, and thereafter, be kept free of obstruction and available for the parking of cycles only.

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Reason: To ensure the provision and availability of adequate cycle parking

8. Restriction of noise from plant and equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background level as determined by BS4142: 1997- "Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: To safeguard the amenity of nearby premises and the area generally.

9. Hours open to customers Monday - Sunday

No customers shall remain on the premises outside the hours of 08:00 to 23:00 Monday to Thursday; 08:00 Friday to 02:00 Saturday, 08:00 Saturday to 02:00 Sunday and 09:00 to 22:30 on Sundays and Bank Holidays.

Reason: To safeguard the residential amenity of nearby occupiers.

10. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby premises and the area generally.

11. Deliveries

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays

Reason: To safeguard the amenity of nearby premises and the area generally.

12. Restriction of External Areas

No external areas shall be used for external seating or similar amenity area associated with the use hereby permitted without the grant of further specific planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises and the area in general

13. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

03 B Rear elevation proposal, received 25 July 2013

01 Ground floor plan, received 25 July 2013

02 Lower ground floor plan, received 25 July 2013

03 Front elevation, received 25 July 2013

04 Site location plan, received 25 July 2013

Reason: For the avoidance of doubt.

Development Control Committee B – 9 July 2014
Application No. 14/00598/X: 85 Queens Road Clifton Bristol BS8 1QS

Advices

1. Odour and Noise

It is recommended that any flues for the dispersal of cooking smells shall either:

- (a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or:
- (b) Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.

Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.

<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>

Guidance can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.

<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>

and

'Odour Guidance for Local Authorities' Published electronically by Department for Environment, Food and Rural Affairs.

<http://www.defra.gov.uk/environment/quality/local/nuisance/odour/documents/local-auth-guidance.pdf>

Anti-vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.

2. Cumulative Impact Zone

Please note that this site is located in a designated Cumulative Impact Area (CIA). The CIA policy, when triggered, applies to applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily provide alcohol for supply on the premises, restaurants and takeaway outlets. Applicants for licenses in the CIA area will need to be able to demonstrate that they can offer something different from what is currently available without adding to the impact already being experienced.

The applicant should note that the grant of planning permission for uses that may require a separate licence does not prejudice or preclude the application of the CIA policy by other departments of Bristol City Council.

BACKGROUND PAPERS

Crime Reduction Unit
Pollution Control

8 March 2014
14 June 2014



Revisions

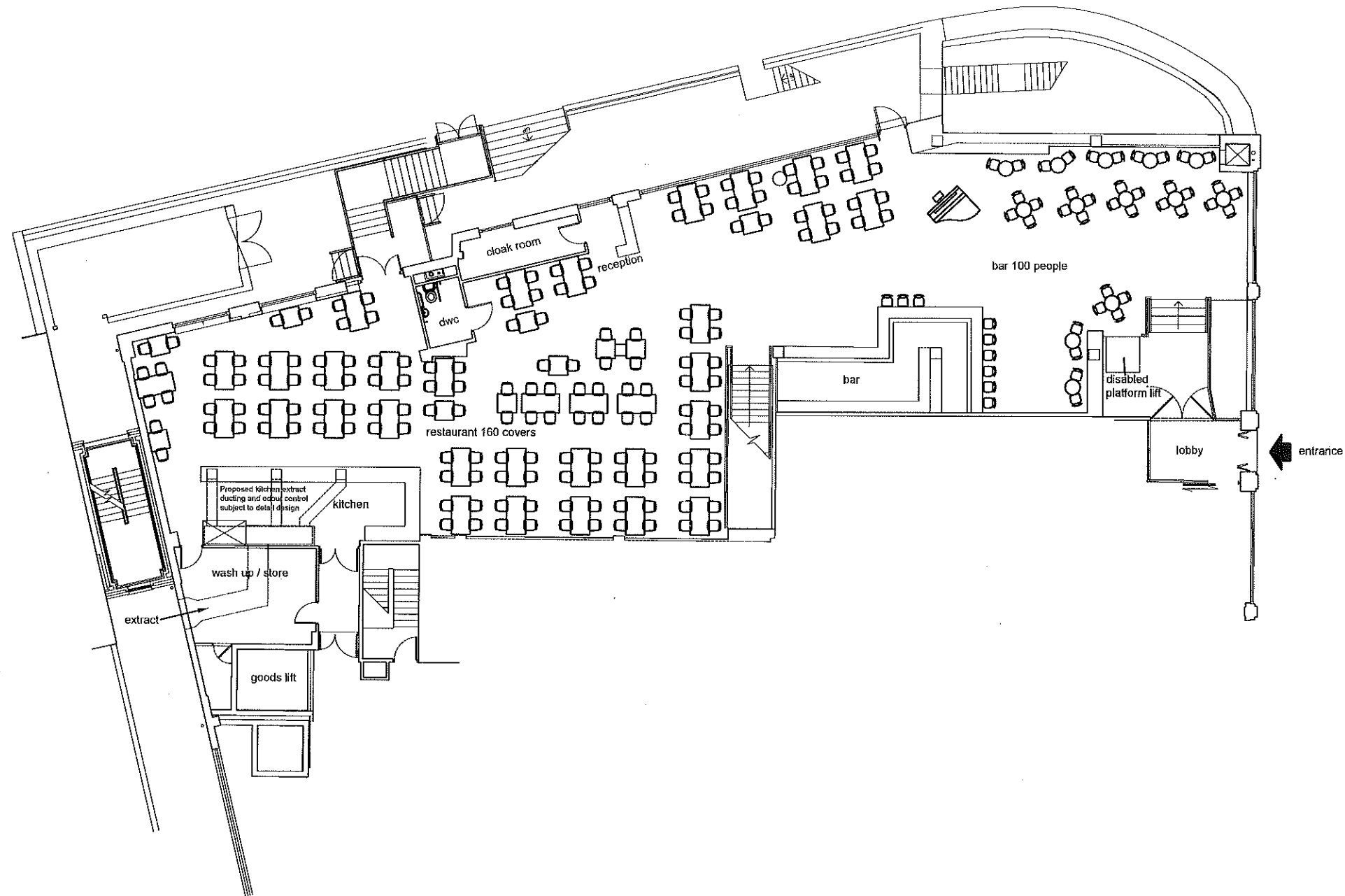
Job Title
85 Queens Road Pavilions

Client
Bottelinos
 Drawing
Location Plan

Project No. Drawing No. Rev Scale
3775 (08)100 1:1250 @ A4
 Date 08.05.14 Drawn/Checked GM Status planning

Quayside
 40 Howlett Road
 BRISTOL
 BS8 4UQ
 T +44 (0) 117 3169 467
 E mailbox@arturus.co.uk
 W www.arturus.co.uk





GROUND FLOOR

Revisions		
Letter	Date	Description
A	17.07.13	Note added to kitchen extract

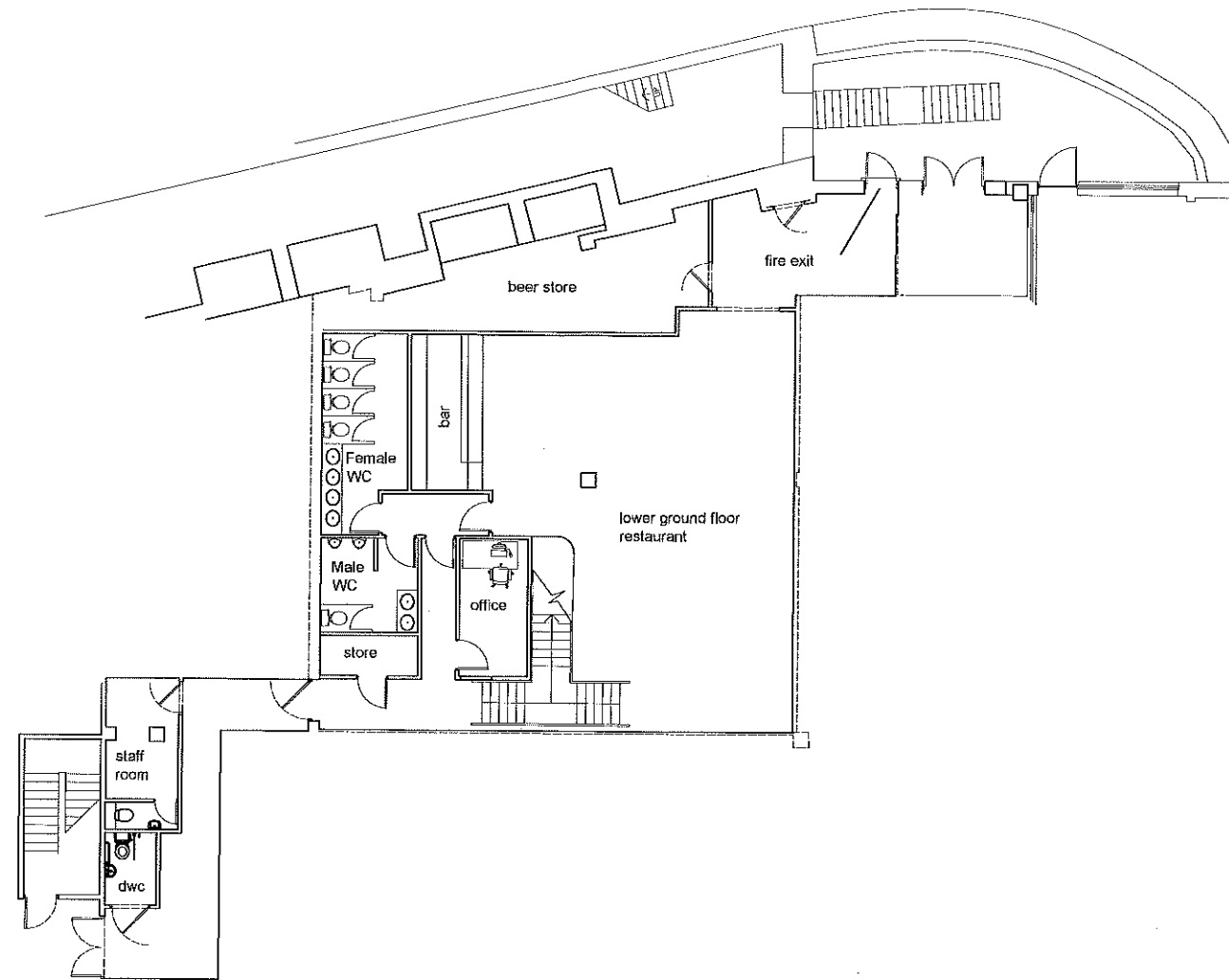
Job Title
85 Queens Road Pavilions

Client
Bottelinos
 Drawing
Indicative Ground Floor Proposal

Project No. Drawing No. Rev Scale
 Date 16.07.13 Drawn/Checked TR Status

01 A 1:200 @A3





LOWER GROUND FLOOR

Revisions		
Letter	Date	Description
A	18.07.13	Layout amended as per client instruction

Job Title
85 Queens Road Pavilions

Client
Bottelinos
 Drawing
Indicative Lower Ground Floor
Proposal

Project No. **02** Drawing No. **A** Rev **A** Scale **1:200 @A3**

Date 16.07.13 Drawn/Checked TR/LS Status

Quarry
 40 Homers Road
 BOSTON
 B59 4JG
 T +44 (0) 117 3189 451
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ARTURUS ARCHITECTS



**LICENSING ACT 2003
Premises Licence - Register Entry
Bristol City Council
Princess House, Princess Street, Bedminster, Bristol. BS3 4AG**

Premises Licence Number	13/03563/PREM
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Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code: Bottelinos Restaurant And The Office Cocktail Lounge 85 Queens Road Clifton Bristol BS8 1QS
Telephone number:

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities.	
Sale of Alcohol	Sunday 09:00 - 22:30
Sale of Alcohol	Monday to Saturday 08:00 - 23:00
Live Music	Sunday 09:00 - 22:30
Live Music	Monday to Saturday 08:00 - 23:00
Recorded Music	Sunday 09:00 - 22:30
Recorded Music	Monday to Saturday 08:00 - 23:00

Non Standard Timings

1 Non standard timings not applicable.

The opening hours of the premises

Sunday 09:00 - 22:30

Monday to Saturday 08:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Supply of alcohol is authorised for ON premises only.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Clifton 22 Limited
75A Jacobs Wells Road
Bristol
BS8 1DJ

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 05252458

Designated Premises Supervisor

Leigh Gerrish

Annex 1 – Mandatory conditions**1 Mandatory condition Licensing Act 2003 - Door Supervision**

Where this licence includes a condition that at specified times one or

more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(As required by s21 Licensing Act 2003 as amended by the Violent Crime Reduction Act)

2 Mandatory condition Licensing Act 2003 - Supply of Alcohol

1.No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Licensing Conditions - Additional conditions imposed by Policing and Crime Act 2009

Conditions numbered 1,2, and 3 shall be in force as of the 6 April 2010

Conditions 1, 2, 3 and 5 shall not apply where the premises licence authorises sale by retail or supply of alcohol only for consumption off the premises.

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available

to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Conditions numbered 4 and 5 shall be in force as of the 1 October 2010

4.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

1 1. CC01 CCTV shall be in use at the premises.

(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational by commencement of Licensable activity. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by commencement of Licensable activity and the system be fully operational on that date.

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority

(iv) The correct time and date will be generated onto both the recording and the real time image screen.

(v) If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

(vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all periods of Licensable activity.

2. SA01. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

3. SA02. (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

(b) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

4. SA03. The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

5. GS17. The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by an authorised officer of the Licensing Authority or a constable.

6. NP04. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

7. NP02. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

8. NP03. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.

9. SF02. Adequate sanitary accommodation shall be provided at the premises in accordance with either the District Surveyors Technical Standards for places of entertainment or the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. The premises will operate primarily as a restaurant and substantial refreshment will be available at all times throughout the premises.
2. No customers shall remain on the premises outside the hours of 08:00 to 23:00 Monday to Saturday; and 09:00 to 22:30 on Sundays and Bank Holidays.
3. At any given time in the Office Cocktail Lounge on the ground floor (as identified on the plan deposited with the Licensing Authority) on the ground floor there will be a minimum of 15 tables with a minimum seating capacity for 40 people and a maximum capacity/occupancy of 100.
4. In the Restaurant Area on the ground floor (as identified on the plan deposited with the Licensing Authority) intoxicating liquor will only be sold or supplied by waiter and waitress service to those who are engaging in a sit down meal.
5. In the basement area the sale and supply of alcohol will be to persons seated at a table by waiter/waitress service.
6. Waiter and waitress service will be available throughout the premises.
7. A taxi calling service shall be available to customers at all times when the premises are open.
8. Non intoxicating beverages including free drinking water will be equally available during the licensed hours for the supply of alcohol.
9. All management and staff will be trained to be fully aware of the requirements of the Licensing Act 2003 and the social responsibilities of a licensed operator.
10. The premises licence holder shall ensure the designated premises supervisor, or nominated deputy in their absence, provides unhampered use of a telephone on the premises for use in an emergency, while licensable activity entertainment is taking place.
11. Adequate sanitary accommodation shall be provided at the premises in

accordance with either the District Surveyors Technical Standards for places of entertainment or the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.

12. The premises license holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises.

13. A record of the training shall be maintained and shall be available upon request by authorised members of the Licensing Authority or a constable.

14. The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded.

This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident.

The time and date when the report was completed, and by whom, is to form part of the entry.

The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

15. To ensure that premises conducted in a way that no persons in the vicinity are adversely affected by the conduct of the licensable activities.

16. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

17. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.

18. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

19. To implement existing company procedures so as to avoid any breaches of the Licensing Act 2003 so far as the sale or consumption of alcohol is concerned. If there is any doubt as to the age of any person attempting to purchase alcohol then only a photo driving licence, passport or proof of age card bearing the PASS logo will be accepted.