

WARD: Clifton **CONTACT OFFICER:** Amy Prendergast
SITE ADDRESS: 42 - 44 Caledonia Place Bristol BS8 4DN

APPLICATION NO: 15/05302/F & Full Planning &
15/05303/LA Listed Building Consent
EXPIRY DATE: 15 December 2015

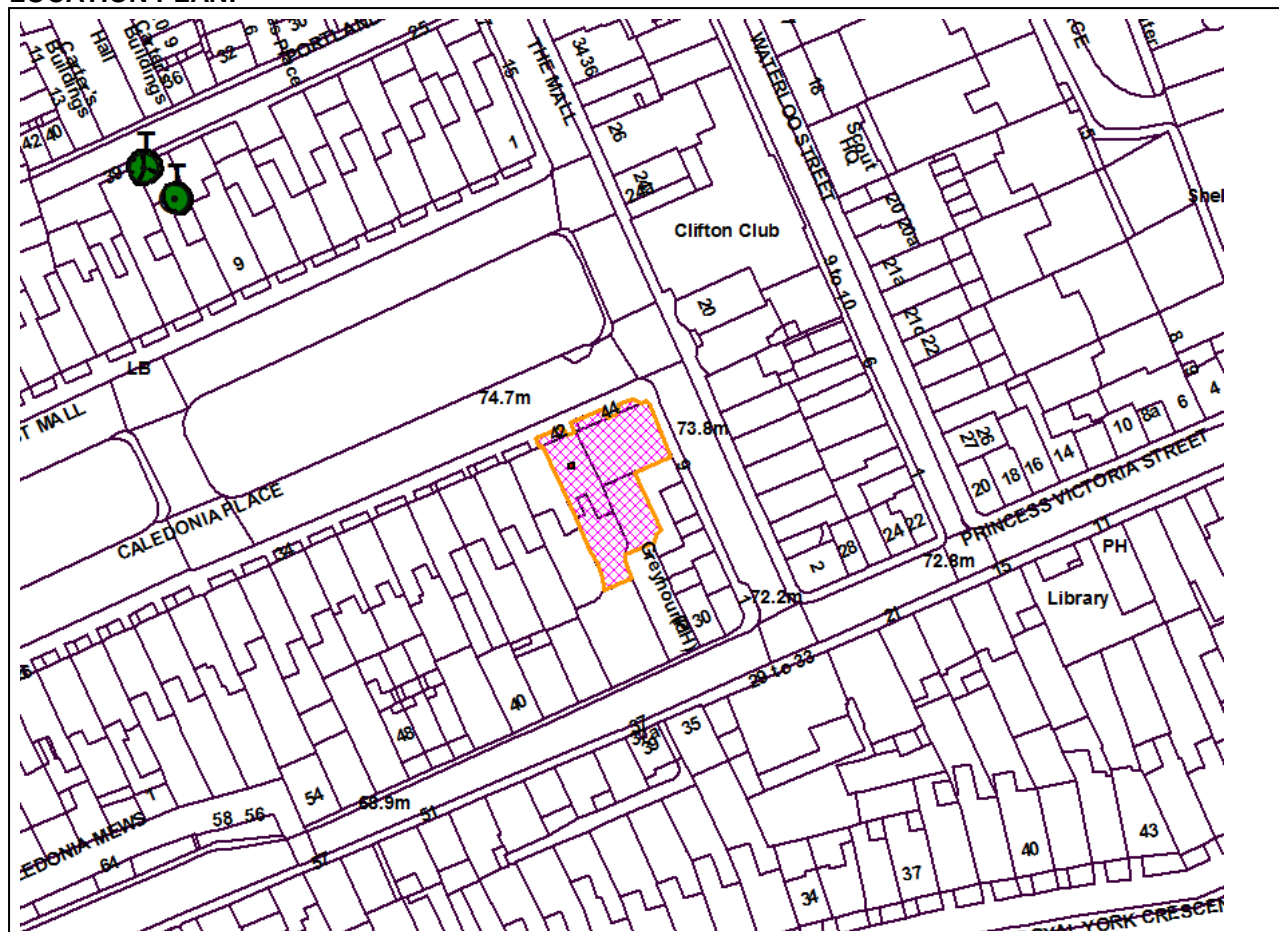
Change of use from vacant bank (Use Class A2) and beer garden (Use Class A4) to restaurant (Use Class A3) with proposed orangery, reconfigured external fire escape and associated internal and external alterations.

RECOMMENDATION: Refuse

AGENT: Pegasus Planning Group
First Floor South Wing
Equinox North
Great Park Road
Almondsbury
Bristol BS32 4QL
APPLICANT: Troia (UK) Restaurants Ltd
c/o Agent
United Kingdom

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

LOCATION PLAN:



Development Control Committee B – 3 February 2016**Application No. 15/05302/F and 15/05303/LA: 42 - 44 Caledonia Place Bristol BS8 4DN****SUMMARY**

The applications for planning permission, ref: 15/05302/F (Application A) and listed building consent, ref: 15/05303/LA (Application B) brought before committee are for the conversion of the basement and ground floor levels of an existing vacant A2 unit, the Grade II* Listed Former NatWest building, at 42-44 Caledonia Place to an A3 restaurant use. The development includes a new outdoor dining area at the rear of the property with 45 seats.

Twenty six representations were received in total following public consultation from residents and amenity groups, twenty one in opposition to the scheme and five in support. The applications have not been referred to committee by any Councillor, but due to the level of public interest and the sensitive amenity issues regarding noise (especially those generated by the outdoor dining area) it is considered appropriate for these applications to come before Committee.

Following significant officer advice and the submission of revised plans, officers are satisfied that the proposals would be acceptable (subject to a number of conditions if permission were to be forthcoming) with regard to the following aspects:

- The principle of the change of use of the building itself to a restaurant (Use Class A3);
- Impact on the Grade II* Listed Building & the Clifton and Hotwells Conservation Area;
- Noise and odour issues relating to the building itself and associated plant;
- Other issues including the removal of trees (subject to a replacement contribution), transport, sustainability and crime.

However significant concern is raised by officers regarding the principle of the outside seating area in this instance, given the potential noise levels created by people using the new dining area; and the siting of this area and its resultant relationship with a number of adjacent residential premises. In summary, it is considered that this outdoor area will cause unacceptable harm to residential amenity in principle that even restricting the use of the outside area to daytime use would not remove this harm. Please refer to Key Issue B of this report for a full assessment of this issue.

In making a recommendation to committee on the proposals, officers have fully recognised the economic and heritage benefits of the proposal and the change of use of the building is strongly welcomed in principle (subject to the conditions as described in the report). However there has been a difficult assessment weighing these benefits against the impact on residential amenity. In this instance, it has been concluded that given the specific characteristics of this outdoor area (explained within Key Issue B), the applicant has not demonstrated that the noise from customers using the outdoor area will not be harmful to local residential amenity. As such it is this sole element of the proposal i.e. the outdoor seating area that cannot be supported in principle.

In order to seek a solution to this situation and to try to move the change of use of the building itself forward positively in line with Para 187 of the NPPF, the LPA offered the applicant the opportunity to remove the outdoor seating area from the current scheme so that it could be taken to this committee with a positive recommendation for approval (and thus to allow the main change of use proposal to commence, whilst perhaps the applicant considered their options regarding the outdoor area). However, the applicant's agent has advised that the outside area is considered to be so instrumental to the whole concept that the applicant will not remove this element from the application proposal even to gain permission for the change of use. Given this stance, the LPA are simply unable to support the application and refusal of the planning application is unfortunately recommended to committee on the basis that solely the outdoor seating area is unacceptable.

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As the heritage issues are resolved, the application for Listed Building Consent is however recommended for approval (subject to conditions including a condition clarifying that the use of the outdoor area is not approved) by the LPA in order to seek to further assist the applicant with their future options for the premises.

SITE DESCRIPTION

The application relates to a vacant A2 unit, former NatWest Bank, with elevations fronting Caledonia Place and The Mall in Clifton. The former bank has been vacant since May 2014. The building is part of the designated Clifton Town Centre with number 44 Caledonia Place located within a primary shopping frontage. Numbers 42-44 Caledonia Place (and the terrace within which the application buildings are located) are Grade II* listed and are within the Clifton and Hotwells Conservation Area.

There are flats/ancillary residential accommodation above a number of the commercial units on Princess Victoria Street and The Mall located to the South and to the East of the application site. There are also five flats located directly above the application site which are accessed from number 42 Caledonia Place. The terrace within which the application buildings are located are also in residential use.

APPLICATION

Full Planning permission (ref: 15/05302/F) and Listed Building Consent (ref: 15/05303/LA) is sought for the conversion of the basement and ground floor levels of an existing Grade II* listed vacant A2 unit, former NatWest building, at 42-44 Caledonia Place to an A3 restaurant use. The development includes forming a new outdoor dining area at the rear of the property with 45 seats.

The description of development supplied for the two applications by the applicant is as following:

‘Change of use from vacant bank (Use Class A2) and beer garden (Use Class A4) to restaurant (Use Class A3) with proposed orangery, reconfigured external fire escape and associated internal and external alterations.’

This description is considered to be technically incorrect by the LPA. It is important to note that the outside area attached to 42-44 Caledonia Place does not benefit from an established lawful A4 use. The previous consent associated with the Greyhound Public House was granted on a retrospective temporary basis for one year (and for a significantly smaller area), to enable review of the situation given the proximity of the garden to nearby residential properties given complaints that had been received by the LPA. (Please refer to Planning History).

The applicant has been advised of the Local Planning Authority’s view on this matter; however, amendment to the proposal description has not formally been agreed in writing by the applicant.

Key elements of the scheme proposed to include:

- To facilitate the outdoor dining area four trees are being removed under these applications.
- To facilitate the conversion of the A2 unit to a restaurant the application also proposes redesigning and refurbishing the interior and exterior of the building.
- Replacing the existing windows to the Caledonia Place and The Mall frontage and the removal of the plastic secondary glazing on the interior. Replacement windows fronting Caledonia Place would be traditional sliding sashes

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- Restoration and reuse of the banking counter
- Renovation of the rear fire escape
- New plant and extraction equipment is to be routed, at a low level, away from the main building, and located to the back of the rear courtyard.
- The removal of some fabric within the basement
- An 'orangery' extension is proposed to the South Elevation of the building within the rear outside area
- A new metal gate is proposed within the lower alleyway to ensure security for the property
- Use of the outdoor courtyard for dining.

RELEVANT PLANNING HISTORY

The application site has an extensive history associated with various minor alterations and advertisement changes to its use as a bank. History of most relevance to the pending applications 15/05302/F & 15/05303/LA however, include the following:

| | |
|---------------|---|
| 60/00832/U_U: | Alterations to second floor flat and conversion of third floor flat into two self-contained flats. 4 April 1960. Permission Granted |
| 09/03285/F | Change of use of land previously associated with bank to outside seating/smoking area associated with the Greyhound PH. GRANTED 24 November 2009 |

Please note this was a retrospective application made as a result of complaints on noise and disturbance grounds by local residents. A temporary consent for one year only was granted, to enable a review of the situation and the operating/management of the premises and attached external area. This permission was never extended. The area associated was also significantly smaller and less intensive than that proposed as part of the applications now before the committee.

RESPONSE TO PUBLICITY

The application was advertised via a press and site notice between 04.11.2015 and 25.11.2015. 56 neighbouring premises were also directly consulted by neighbour notification letter with an expiry date 11.12.2015.

Two sets of revised plans were received over the course of this planning application and these both underwent a 14 day consultation on revised plans.

As a result 23 representations were received in total for the two applications, comprising of 2 support comments and 21 objection comments. A number of the 21 objectors have also sent in further objections when consulted on revised plans.

In addition 3 comments in support of the application have also been received by amenity groups. These comments are set out in full under heading 'Other Comments'.

Some of the representations are addressed by officers in italics; all other representations are addressed within the body of this committee report. The comments are summarised as follows:

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Support comments:

- A new and active use should be found for such an iconic building
- There is not a viable alternative use for the building
Case Officer Note: Please note that whilst the building has been vacant for over a year operators of other alternative uses have expressed an interest in the site
- The proposed works will enhance this listed building
- The proposal will enhance the area and increase trade to other local businesses

Objection comments:

Principle of development

- There are already a number of food and drink uses in the area
- There are a number of licensed premises in the immediate area
- The proposed use should be in retail use
- The name Ivy Bar and Grill suggests a mixed A3/A4 use
- The A3 use stays with the building and not just the tenant a different A3 use could move into the premises

Case Officer Note: Please see Key Issue A of this committee report

Amenity

- The proposed use would result in additional noise including late at night, in an area bordered on three sides by residential properties. Neighbours note a number of ways in which noise could arise including: extraction, ventilation, car doors slamming, deliveries, disposal of waste and bottles, antisocial behaviour, increased footfall and the outdoor seating area)
- Noise is already unacceptable within the area. A number of the adjacent neighbouring properties are listed and have single glazing leaving them more susceptible to noise from the outside area, ventilation and extraction
- The previous temporary beer garden associated with the Greyhound caused noise and distress to residents. Furthermore the outside area is not a beer garden. The historic use of this outside space is as a garden
- There are no details setting out sufficient soundproofing measures to preserve the amenity of the flats above 42-44 Caledonia Place
- The proposed use could result in odour issues

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Case Officer Note: Please see Key Issue B of this committee report

Design and Heritage

- The orangery would restrict the size of the garden
- Other more suitable uses such as Waterstones have expressed an interest in the premises

Case Officer Note: Please see Key Issue C of this committee report

Transport and Movement issues

- Parking will be problematic as a result of increased footfall
- Parking is problematic as existing
- The proposed A3 use will add to congestion in the area
- Servicing arrangements aren't specified
- It is not clear where the restaurant waste bins would go, these would be unsightly
- There should be cycle parking for staff

Case Officer Note: Please see Key Issue D of this committee report

Crime

- The proposed use will result in an increased level of antisocial behaviour
- The proposal could result in an increase in crime
- The site is at the heart of a cumulative impact zone

Case Officer Note: Please see Key Issue E of this committee report

Trees

- The removal of the well-established trees should not be permitted

Case Officer Note: Please see Key Issue F of this committee report

Consultation

- No site notice was put up so people are not aware of the proposals
- No notification list has been published

Case officer Note; The site notice was fixed to iron railings on 04/11/2015

The application was advertised via a press and site notice between 04.11.2015 and 25.11.2015. 56 neighbouring units were also directly consulted by neighbour notification letter with an expiry date 11/12/2015

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Two sets of revised plans were received over the course of this planning application and these both underwent a 14 day consultation on revised plans. The expiry date to comment on the latest set of revised plans expires on 26/01/16

This is in accordance with the The Town and Country Planning (Development Management Procedure) (England) Order 2015

OTHER MATTERS

The number of seats inside and outside the restaurant is not clear

Case Officer Note: The seats/tables are illustrated on the plans

The liquor license issued should be restricted to the applicants

Case Officer Note: Licensing is dealt with separately from planning

Signage will likely be visually offensive

Case Officer Note: No signage has been proposed under this application. If signage were to be proposed then an application for advertisement consent would be needed

The number of seats inside and outside should be reduced

Case Officer Note: The Local Planning Authority has a duty to assess the plans submitted under the application. Case officer advice was to remove seating from the outside area. However we have been advised that the garden is instrumental to the whole concept and will not be removed from the application

OTHER COMMENTS**The Conservation Advisory Panel has commented as follows:**

The Conservation Advisory Panel supports the proposed change of use and relatively light touch to the Banking Hall's internal features. The Panel welcomes continued public accessibility to this building

The Clifton and Hotwells Improvement Society has commented as follows:

Clifton and Hotwells Improvement Society supports this application for the following reasons:

1. There is demand for a high end restaurant in this area
2. It will create jobs
3. It is an excellent use for this handsome, listed building and one which demands no radical changes to its fabric
4. We believe the Applicant to be a reputable, well established company which runs a number of successful London restaurants, many in great, old buildings which have been carefully conserved and refurbished
5. It is expected that an establishment of this calibre is less likely than many to attract a noisy and disruptive clientele
6. The plans will preserve the integrity of this fine, listed building and leave intact the splendid banking hall with its fine ceiling, fenestration, wood panelling and bank counter
7. Whilst the construction of the orangery will cause a regrettable loss of green space, the remaining garden will be professionally landscaped to a high standard

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8. The Applicant appears to have satisfactory plans for waste disposal and odour extraction
9. The Applicant is aware of potential noise issues in this residential area. Nevertheless a large restaurant such as this will inevitably generate additional noise and activity and CHIS shares the concerns of near neighbours in this regard. It is, therefore, imperative that the following be observed:
 - a. The outdoor tables must be for diners only and the provisions of the licence sought (i.e. until 9pm) must be strictly enforced
 - b. The use of the street outside for smoking should be actively discouraged
 - c. Diners leaving the restaurant late at night should be reminded that they are in a residential area and be properly controlled by management

It is hard to imagine what other use could be devised for this redundant bank which would better satisfy conservation and community requirements. However, whilst urging you to grant this application, we ask that you ensure as far as is possible that conditions are imposed to satisfy the concerns outlined above

Case officer note: With regard to point 1 please note that if permission were granted for the above application a different A3 use could operate within the premises. Please also note that points 4 and 5 are not material planning considerations.

The Bristol Civic Society has commented as follows:

Further to revisions to the proposals and discussions with the applicant's agent and the Clifton and Hotwells Improvement Society, Bristol Civic Society withdraws its earlier objections to this proposal. The Society is now satisfied that the proposed development would regenerate this important building and enhance the character of the Conservation Area.

English Heritage has commented as follows:

The building forms part of a Grade II* terrace and although its primary interest lies in its original late C18 construction, the conversion and remodelling of the end of the terrace to a bank is also some significance in itself.

We have commented on these proposals at pre-application stage and welcomed a number of amendments that had been made in response to concerns raised at that stage.

We welcome the retention of the banking counter and the lobby. We do not object to the lowering of the rear windows to form doorways, or the principle of an orangery to the rear.

We have not visited site, but little detail has been provided with the application regarding the significance of the two rooms to no. 42 so it is not possible to give a view on this element of the proposals (removal of partitions and insertion of DDA compliant toilet, etc.).

The extent of services requires careful consideration, particularly in the principal rooms on the ground floor (air conditioning units, etc.).

Recommendation

We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

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The Design and Access statement makes no mention of how crime prevention measures have been considered in the design of the proposal, and how the design reflects the attributes of safe sustainable places set out in Safer places. There is no mention of any security standard or how they will lessen the impact of crime and disorder and the fear of crime. Should this application go ahead, due to the fact the site is in a Cumulative Impact Zone, the operating hours should be restricted.

Were permission to be granted for this application the following advice should be given to ensure the security of the premises.

An Intruder Alarm should be fitted to cover both entrances and exits when the business is closed. Fire exit door set should be metal with hinge bolts, the door must be robust and not have any door furniture on the outside, and the door should also be linked to the alarm system. As a minimum they should be fitted with an unmonitored screech alarm to reduce opportunity for the doors to be propped open.

All external entrance doors should be to BS PAS 24: or LPS 1175. These standards are the entry level for security doors.

The building should be covered with a CCTV system that meets the licencing department requirements.

BCC Arboriculture has commented as follows:

The Arboricultural Report is acceptable and sets out how many trees will be removed. The calculations for the Bristol Tree Replacement Standard are correct. A total cost of £6886.89 is required and should form part of any approved permission.

BCC Conservation has commented as follows:

I initially provided comments on the Caledonia Place proposals in early December, at which point there were a number of issues with the scheme and the harm was not outweighed by demonstrable public benefits.

Following these comments, the applicant has revised the proposals to address a number of these concerns and has also submitted a Heritage Addendum dated 24.12.15.

One aspect of concern with the original design iteration was the proposed flue on the rear elevation and its potential impact on the special architectural interest of the Grade II* listed terrace. This element has been revised, with the extract equipment now proposed to terminate on the opposite side of the garden. The latest design iteration will still have some impact on the setting of the listed building, and the detailed design will need to be conditioned. In terms of the visual impact on the terrace, this latest proposal is less harmful.

The applicant has revised the alteration to the entrance lobby, which will now be kept in its existing configuration. This revision is welcomed and has reduced the harm of the scheme.

In addition, the applicant has clarified that the existing windows will be replaced with traditional sliding sashes along Caledonia Place, as well as making good the redundant ATM opening fronting The Mall. This traditional reinstatement is welcomed and provides a public benefit to outweigh some of the harm the scheme will cause. A condition will need to be added to secure the details of the replacement windows.

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The applicant has confirmed that the proposed acoustic insulation will extend no further than the existing cornice. A condition requiring large scale details of the proposed acoustic insulation is required to control this detail.

In the basement, the applicant has amended proposals to reduce the loss of historic fabric and retain features associated with the former bank use. A standard condition B28 should be added to ensure a Written Scheme of Investigation and condition B30 to secure the recording of the building. The applicant has not reduced the number of openings to the orangery. A condition will need to be added to secure the details of the orangery and to show the detail where the windows will be extended to create openings, and how the panelling will be altered.

A condition will need to be added to secure the detail of the proposed new metal gate.

Overall, the applicant has sought to reduce the harm of the proposals to the greatest extent as well as to provide a wider public benefit. I am now satisfied that every effort to reduce the level of harm has been undertaken. Where there is harm, this is considered to be less than substantial, justified and now outweighed by wider public benefit. There is no longer an objection to the scheme from a historic environment perspective.

BCC Pollution Control has commented as follows:

There is no objection to the application in respect of plant noise and odour control. Specific details will be required for the odour control, as only a manufacturers brochures has been provided at present. However, if the equipment proposed is provided then this should prevent any odour nuisance therefore the provision of odour control measures can be secured via condition.

The key concern is with the outside area.

Outside area

The proposed outdoor area was previously used by the Greyhound PH, 32 Princess Victoria Street. Having looked back through both the licensing and planning history for the outside area at the Greyhound it is noted that planning permission was granted in 2009 under application 09/03285/F. The plans submitted under this application are not clear but appear to show that the outside area could only relate to the flag stoned area immediately to the rear of the Greyhound. It appears from the consent that permission was only granted for one year (there are no planning records of this temporary permission ever being extended.) The temporary consent also restricted the use of the outdoor area to between 10.00 and 21.00 only.

Complaints from 2 residents of Caledonia Place were received by the Pollution Control Team regarding noise from the outside area to the rear of the Greyhound during the summer of 2008. This matter was also dealt with by the planning enforcement team and lead to the submission of application 09/03285/F mentioned above.

An acoustic report regarding noise from the outdoor area has been submitted with the application this has assessed the average noise (LAeq) from 10 people speaking in the garden at the same time. The report predicts that the noise from 10 people speaking at the same time will be just below the existing average (LAeq) noise level and with windows open the noise levels within nearby residential properties will be within guideline internal sound levels in living rooms set out in BS 8233:2014.

The amended plans for the garden show a total of 12 tables and 45 seats. It would therefore appear that there is potential for more than 10 people to be talking at any one time. Whilst the average noise from people using an outdoor area at a restaurant, cafe or pub can be disturbing it is maximum noise levels such as shouts and laughs that can be particularly disturbing. The

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applicant's acoustic consultant has stated that the maximum noise levels from customers using the outdoor area at the nearest residential flats are calculated at L_{Amax} 64dB. This would equate to noise levels of around L_{Amax} 49 dB within the nearest residential flats which would be clearly audible. Whilst the 'measured existing background L_{Amax} values during the daytime range from around 54dB to 70dB' and the predicted noise levels are within these levels it must be noted that there is likely to be an increase in the occurrence of higher maximum noise levels by the use of the outdoor area.

Whilst noise from the outdoor area is likely to be more disturbing later into the evening. Noise from such an area can also cause disturbance to nearby residents during the day both within premises and in nearby residential gardens particularly when such a use has not been previously established. Therefore restricting the use of the outside area to daytime use only would reduce but not remove the potential for noise disturbance. Therefore the application does not show that the noise from customers using the outdoor area will not be disturbing to local residents surrounding the application site.

There are also concerns regarding noise from customers within the premises affecting both the occupants of the flat above and the residents of other premises in the area.

Noise from customers within the restaurant affecting residents of the flat above

Details regarding the insulation between the restaurant and the flat above were in the letter from Pegasus Group dated 24 December 2015. They stated the following:

'The acoustic insulation design has been based on a 'worst case scenario'. This assumes a noise level of 75dBA inside the restaurant and allows for the base floor to be floorboards on timber joists with lath and plaster ceiling to the underside.

The new acoustic ceiling would be formed from two layers 15mm SoundBloc plasterboard on MF system with acoustic hangers. The void would be minimum 125mm (ideally this would be larger, as the bigger the void the better the performance and 125mm is absolute minimum) with minimum 100mm mineral wool insulation laid above the ceiling.

This acoustic ceiling should reduce noise levels to the upper floor flat to below 30dBA, which complies with BS 8233:2014 guideline criteria for noise levels inside bedrooms (direct consultation has taken place with this local resident).'

Whilst the letter states there was not sufficient time for a full report at this stage, an acoustic report would be required dealing with this in more detail. Any works to the ceiling would also have to be in agreement with the conservation officer. A noise level of 75 dBA within a busy restaurant appears low and therefore a condition requiring details of the sound proofing between the restaurant and the flat above would be required if the application were to be approved.

Noise from customers within the restaurant affecting residents of other properties in the vicinity

The Pollution Control Team has been in receipt of complaints from other restaurants and bars of noise from customers within the premises disturbing nearby residents' noise breakout being through open doors and windows. This can be a particular issue later in the evening especially at the rear of a premises where there has not previously been a bar or restaurant. This type of noise can be easily controlled and therefore if permission were to be granted a condition could be imposed requiring that doors and windows at the rear of the premises be kept permanently closed or be closed after a certain time.

To conclude Pollution Control objects to the applications on the grounds that the outdoor dining area will result in detrimental harm to the amenity of neighbouring occupiers. Regardless of the

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above, if planning permission were to be granted for the application before committee, a number of conditions would need to be attached to any approval.

BCC Transport Development Management has commented as follows:

Transport Development Management recommended refusal on the 3rd of December 2015 on the grounds of insufficient cycle parking and lack of a servicing strategy, since then the applicant has sent in an amended plan (drawing no. 4322/124/202/C) this has resolved the cycle parking issue. In light of this revised information the team do not object to the application providing that servicing arrangements are secured via condition.

Principle

The development site is located within an existing urban area in proximity to existing retail/food store frontages; as a result, from a transport perspective Transport Development Management (TDM) consider that the principle of a development of this nature is acceptable.

Local Conditions

The application site is located along Caledonia Place which is an unclassified adopted highway and subject to a 20mph speed limit (implemented 2014). Caledonia Place is provided with pedestrian footway and street lighting on either side of the existing carriageway.

The development site is located within a highly sustainable location with ample opportunities to arrive via public transport. Approximately 220m from the development site are the "Clifton Village (S&N Bound)" public bus stop facilities operating the no. 3C, 9, 505, 901 services. The most frequent bus runs every 12mins during the day on a Saturday and every 30mins during the evening and every 20mins during the week day evenings.

The development site is within Clifton Village residents parking scheme, with this in place vehicular parking has now been controlled and any un-safe parking can be enforced.

Car Parking / Cycle Parking / Waste

With regards to vehicular and cycle parking provisions the Site Allocations and Development Management Policies: Local Plan (SADMP adopted July 2014) states the following requirements for restaurant (A3) development:

Car Parking

The development site has not proposed any off-street parking provision, due to the central location and ample public transport within the area, TDM deem this as an acceptable arrangement.

Cycle Parking (minimum standards)

The proposed development must provide the minimum standard of cycle parking for staff. This has been achieved through revised plans and TDM have subsequently withdrawn their objection.

Waste

With regards to the refuse arrangement TDM raised concerns in the initial comments which can be overcome by the submission of a management plan which could be secured by condition.

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Servicing / Deliveries

Transport Development Management still requires the submission of a servicing strategy for servicing and deliveries to ensure the risk of obstruction to the adopted highway is minimised. The site is adjacent to double yellows with no bar markings which will allow the proposed use to be serviced from this area, however, a servicing strategy is still required as the Use A3 use is a lot more intensive than the current Use A2. This should outline arrangements for deliveries and refuse collection, with the objective of reducing impact on the highway. A condition could secure this if planning permission was granted.

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Planning (Listed Buildings & Conservation Areas) Act 1990

Bristol Core Strategy (Adopted June 2011)

| | |
|-------|--|
| BCS7 | Centres and Retailing |
| BCS8 | Delivering a Thriving Economy |
| BCS9 | Green Infrastructure |
| BCS10 | Transport and Access Improvements |
| BCS11 | Infrastructure and Developer Contributions |
| BCS21 | Quality Urban Design |
| BCS22 | Conservation and the Historic Environment |
| BCS23 | Pollution |

Bristol Site Allocations and Development Management Policies (Adopted July 2014)

| | |
|------|---|
| DM1 | Presumption in favour of sustainable development |
| DM7 | Town centre uses |
| DM8 | Shopping areas and frontages |
| DM10 | Food and drink uses and the evening economy |
| DM12 | Retaining valuable employment sites |
| DM14 | The health impacts of development |
| DM15 | Green infrastructure provision |
| DM17 | Development involving existing green infrastructure |
| DM23 | Transport development management |
| DM26 | Local character and distinctiveness |
| DM27 | Layout and form |
| DM28 | Public realm |
| DM30 | Alterations to existing buildings |
| DM31 | Heritage assets |
| DM32 | Recycling and refuse provision in new development |
| DM33 | Pollution control, air quality and water quality |
| DM35 | Noise mitigation |

Supplementary Planning Guidance

PAN 14 Safety and Security (1997)

Clifton & Hotwells Conservation Area Character Appraisal

Supplementary Planning Guidance: Assessment of Food and Drink Uses (July 1997) - Clifton Village, Whiteladies Road/Cotham Hill, Park Street, The Triangle/Queens Road

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The site currently benefits from A2 consent and is located within Clifton Town Centre as set out in Policy BCS7 of the Bristol Core Strategy (2011). Number 44 Caledonia Place is situated within a designated primary shopping frontage as identified within the Site Allocations and Development Management Policies, 2014 and is within a Cumulative Impact Zone.

Policy BCS7 of the Bristol Core Strategy (2011) states that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged and that active ground floor uses will be maintained and enhanced throughout the centres. In addition this policy identifies that retail shop uses will predominate in the designated primary shopping areas of the City and Town Centres, supported by a wider range of appropriate uses in the other parts of these centres.

Policy DM8 of the Site Allocations and Development Management Policies (2014) aims to support vitality and viability and promote diversity within these centres by maintaining a healthy mix of uses within a variety of unit sizes capable of accommodating a range of retailers and associated uses.

Within Primary Shopping Frontages the development of retail or other related uses will be acceptable where they would help to maintain or enhance the function of the centre:

The impact of food and drink uses, such as the A3 use proposed, must also be assessed against Policy DM10 of the Site Allocations and Development Management Policies (2014).

This is based around similar criteria however the policy states that the development of food and drink uses will be acceptable provided that they would not harm the character of the area, residential amenity and/or public safety, either individually or cumulatively. Proposals which would result in a harmful concentration of food and drink uses will not be permitted. In order to assess the impact of food and drink proposals on an area the following matters will be taken into account:

- i) The number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission; and
- ii) The impacts of noise and general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas; and
- iii) The availability of public transport, parking and servicing; and
- iv.) Highway safety; and
- v) The availability of refuse storage and disposal facilities; and
- vi) The appearance of any associated extensions, flues and installations.

Points ii-vi are addressed under other key issues within this committee report. However point i) is addressed below:

There is no objection in policy terms to the loss of the A2 floorspace, which is not subject to the same policy considerations as other retail or office uses.

There is local concern regarding the cumulative impact of food and drink uses in Clifton. In Clifton Town Centre as a whole it is recognised that there are a number of food and drink uses. However, given the location of the application site it is considered that a reasonable assessment would be to look at the shopping area along the whole of The Mall. Having undertaken this assessment officers conclude that there would still be a predominance of A1 retail units which would remain the dominant use in The Mall (approximately 70%) and which are reasonably spaced throughout this

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frontage. Subsequently it is not considered that the number of A3 units have reached a point where the retail function of the centre is threatened or fragmented. Nor would there be a harmful concentration of food and drink uses in pure land use terms. It is also noted that the existing use of the building is use class A2. As such the proposal would not result in any further loss of retail units. Furthermore the proposals would bring this vacant unit into an active use, which is strongly welcomed in terms of contributing to the vitality of this area and to economic growth more generally.

It is noted that one representation states that the name 'Ivy Bar and Grill' suggests a mixed A3/A4 use. The name of the proposed restaurant varies in some of the documentation and has also been referenced as 'The Ivy Restaurant and Grill' and as 'The Ivy Brasserie'. Regardless of the final name of the restaurant, the key point to note is that this application only seeks an A3 use and has been assessed as such. In this instance, given the limited seating allocated to the bar area (6 seats), which is significantly less than the restaurant area (85 seats), the bar area can be considered ancillary to the restaurant use. However, it should be noted that if circumstances change and additional seating is installed around the bar area there is potential for this to become a mixed A3/A4 use. Were this to happen this would be subject to a separate planning application.

Other representations received regarding the proposed use state that the A3 use stays with the building and not just the tenant, subsequently a different A3 use could move into the premises. This statement is correct and hence this key issue is assessing the change of use to an A3 use generally and considers that, were permission to be granted for this application, a different A3 use could operate within this building.

Overall, it is considered that the development is acceptable in principle land use terms and in respect of Policy DM10 criteria (i) only. The proposed restaurant use would contribute positively to vitality of the centre, be compatible with the function of the centre; would provide an active ground floor frontage; and would generate increased footfall for the benefit of surrounding uses within the primary shopping frontage and Clifton Town Centre.

(B) WOULD THE PROPOSAL HARM THE AMENITY OF THE LOCALITY AND SURROUNDING PROPERTIES?

Policy DM10 of the Site Allocation and Development Management Policies (2014) which is set out under Key Issue A above states that in order to assess the impact of food and drink proposals on an area the following matter must be taken into account:

ii) The impacts of noise and general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;

In addition, Policy BCS21 of the Core Strategy (2011), as well as requiring development to be of a high quality design, also requires new development to safeguard the amenities of existing residents. Policy BCS23 also requires development to be designed so as not to have a detrimental impact on the surrounding environment. Included within this is the requirement that development should not impact on the viability of surrounding uses through its sensitivity to noise or other pollution. Finally, Policy DM35 of the Site Allocation and Development Management Policies (2014) advocates that development which would have an unacceptable impact on environmental amenity or biodiversity by reason of noise will be expected to provide an appropriate scheme of mitigation. Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites.

It should be noted that the majority of representations received as a result of the public consultation in respect of this proposal raise concern that the proposed use would result in detrimental harm to neighbouring amenity, of particular concern is the noise that would arise as a result of the proposal.

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The proposed opening hours are 08.00 to 23:00 Monday to Friday, 08.00 to 00:00 Saturday and 09:00 to 23:00 on Sundays and Bank Holidays. The proposed opening hours in general terms are considered suitable for a food and drink use in a town centre such as this. The opening hours for the restaurant could subsequently be secured via condition if permission were forthcoming.

However the BCC Pollution Control Team have been in receipt of complaints regarding other restaurants and bars in this area and the noise from customers within the premises disturbing nearby residents' with noise breakout being through open doors and windows. This can be a particular issue later in the evening especially at the rear of a premises where there has not previously been a bar or restaurant. The proposal subject of this application does have windows proposed at the rear and also does not have a history of food and drink use. Having considered this issue the Pollution Control Officer has advised that this type of noise can be adequately controlled via condition requiring that doors and windows at the rear of the premises be kept permanently closed or be closed after a certain time. Other activities that could result in noise such as deliveries and servicing could also be conditioned to only take place between reasonable hours.

A representation from the occupier of the second floor flat directly above the banking hall has raised concern regarding soundproofing the premises. Details regarding the insulation between the restaurant and the flat above are provided in a letter dated 24 December 2015, however, a full report has not been submitted to date. Were permission to be granted for this application an acoustic report dealing with soundproofing issues in more detail would need to be submitted and any works to the ceiling would also have to be in agreement with the conservation officer. It is considered that this could be conditioned if permission were forthcoming.

As such the LPA are satisfied that issues regarding noise from the proposed use of the building can be adequately mitigated.

Noise from Associated Plant

The application proposes the installation of associated kitchen ventilation and extraction equipment. The Pollution Control Officer does not object to the proposed plant and odour control in principle terms subject to relevant conditions. It should also be noted that were permission to be granted, further detail would be required for the odour control beyond the manufacturers brochure provided at present, again the provision of odour control measures could be conditioned in this instance. As such the LPA do not object to noise and odour issues in respect of this proposal.

Noise from Proposed Outdoor Area

Whilst the application could be conditioned to overcome the above points relating to amenity issues from inside the building and associated plant, significant concern is raised over the use of the outdoor area.

The outdoor area proposed in this instance is considered to be relatively unique. The proposed area is not a historic/established dining area and thus outside noise is not expected in this location, the area is located to the rear of the property where the environment is quieter, the proposal is for a dining area of substantial size (shown to be able to accommodate 12 tables which equates to 45 seats) and the area is enclosed on all sides by residential premises including accommodation above the application site.

An acoustic report regarding noise from the outdoor area has been submitted with the application this has assessed the average noise (LAeq) from 10 people speaking in the garden at the same time. The report states that the noise from 10 people speaking at the same time will be just below the existing average (LAeq) noise level and that with windows open, the noise levels inside the

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nearby residential properties will therefore be within the guideline internal sound levels in living rooms set out in BS 8233:2014.

However the plans for the garden show a total of 12 tables and 45 seats which equates to significantly more than ten people and therefore officers consider this assessment does not consider the full potential noise impact of this proposal and that more than ten people are likely to be talking in the outside area at the same time. As a result actual average noise levels created are likely to be higher thus causing harm to neighbouring premises with regard to noise disturbance.

Whilst as stated above the average noise from people using an outdoor area at a restaurant, cafe or pub will potentially be disturbing in its own right, in addition to this maximum noise levels such shouts and laughs also need to be taken into account and can be particularly disturbing. The applicant's acoustic consultant has stated that maximum levels to outside the nearest residential flats are calculated at L_{Amax} 64dB and that measured existing background L_{Amax} values during the daytime range from around 54dB to 70dB, thus they conclude the proposal would remain within current maximum levels.

Officers consider that an L_{Amax} 64dB outside a residential property would equate to noise levels of around L_{Amax} 49 dB within the property, and such a level would be clearly audible and identifiable within neighbouring properties. Whilst there will be other noises in the area responsible for similar maximum noise events such as shouts, loud cars, door slams, sirens etc. it must be noted that there is likely to be a considerable increase in the occurrence of higher maximum noise events from the use of this new outdoor area, which would impact on existing neighbouring premises in the immediate vicinity of the site which previously have not been exposed to such noise levels and therefore this will be harmful to the amenity of these premises. This noise impact would occur at any time given the outdoor area is proposed to be used not just in the evening.

From the noise levels predicted it is likely that with a 45 seat outside area, the noise of people talking, along with intermittent shouts and laughs will be audible both within and outside nearby residential properties and that this would be harmful to the amenities of existing residents in the immediate vicinity. Given the rear enclosed location; the fact that residential properties in this instance are located surrounding the whole of the site (including directly above the application premises); and the overall size of the outside area and the fact that this is a new outside dining space, it is considered that this would cause unacceptable harm to residential amenity in principle.

It is noted that the applicant's agent has recently stated that they are willing to restrict the use of the area to 9pm however this has only been in the form of an email statement and has not been justified by any further acoustic information demonstrating how this minor reduction in hours of use would safeguard surrounding premises. Regardless of this, the LPA have however considered the potential restriction of hours of use of the outside space to mitigate the harm caused. However, whilst noise from the outdoor area is likely to be the most disturbing into the evening, given the above conclusion, officers unfortunately consider that even restricting the use of the outside area for solely a daytime use would not address potential for harmful noise disturbance caused by the outside dining area.

The LPA fully recognises the economic and heritage benefits of the proposal and the change of use of the building is strongly welcomed in principle (subject to the conditions as described throughout this report). However there has been a difficult assessment to be made in weighing these benefits against the impact on existing residential amenity. Given the specific characteristics of this site and outdoor area it is considered by officers that the noise from customers using the outdoor area will be harmful to local residential amenity and that the applicant has not been able to demonstrate otherwise. As such it is this sole element of the proposal i.e. the outdoor seating area that unfortunately cannot be supported in principle and residential amenity is considered by officers to outweigh the economic benefit in this instance and as such criteria (ii) of Policy DM10 has not adequately addressed.

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In order to seek a solution to this situation and to try to move the change of use of the building itself forward positively, the LPA offered the applicant the opportunity to remove the entire outdoor seating area from the current scheme so that it could be taken to this committee with a positive recommendation (and thus to allow the main change of use proposal to commence, whilst the applicant considered their options). However, the applicant's agent has advised that the outside area is considered to be so instrumental to the whole concept that the applicant will not remove this element from the application proposal. Given this stance, the LPA are unable to support the application on this sole matter and unfortunately refusal of the application is recommended on this basis.

Other Amenity Impacts

The scale and position of the single storey rear extension is such that no unacceptable amenity issues will arise by reason of overshadowing, nor will it create an overbearing sense of enclosure or any instances of overlooking in this instance.

No other detrimental amenity impacts resulting from the proposal have been identified.

(C) IMPACT UPON THE ARCHITECTURAL AND HISTORIC INTEGRITY OF THIS GRADE II* LISTED BUILDING AND THE CHARACTER OR APPEARANCE OF THE CLIFTON AND HOTWELLS CONSERVATION AREA.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Section 12 of the National Planning Policy Framework (NPPF), March 2012 sets out the Government's planning policies for England and how these are expected to be applied in the remit of conserving and enhancing the historic environment. Of particular relevance are paragraphs 128, 129, 131, 132, 133, 134 - which set out the LPA's duty to request adequate information in order to minimise conflict between any aspect of the proposals, to assess the degree of harm and to ensure any harm is fully justified and outweighed by public benefits.

In addition, the adopted Bristol Core Strategy 2011 within Policy BCS22 and the adopted Site Allocations and Development Management Policies within Policy 31 seek to ensure that development proposals safeguard or enhance heritage assets in the city.

The key internal and external alterations to this Grade II* Listed Building are set out under heading 'Application'.

With the original submission, the supporting documents were insufficient to demonstrate a full understanding of the impact of the proposal on the significance of the heritage asset and subsequently further information was sought including the provision of clear and convincing justification for the loss of fabric to be assured that any harm is minimised. The building is not in a deteriorating state or considered to be at any immediate risk and interest has been expressed by alternative uses that represent a less intrusive use of the site, subsequently where proposed works result in harm this must be balanced against some wider public benefit.

In response to this request for further information, the applicant submitted a number of revisions. Key revisions to note include the repositioning of the flue, with the plant and extraction equipment routed at a low level away from the main building, located to the back of the rear courtyard.

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Revisions also included the retention of the lobby entrance and wider public benefit has now been achieved through the replacement of the windows fronting Caledonia Place with traditional sliding sashes.

One of the most significant areas of new development involves replacing three windows on the south elevation of the building with doors that lead out into an orangery extension located within the rear outside space. The proposed rear extension would not be visible from the public realm nor would it impact or result in the loss of any historic fabric of the existing building or overtly compete with the architecture of the Grade II* listed building. Whilst the orangery extension would result in some loss of this outside area an adequate garden is still retained. The proposed orangery extension would have a minimal impact on the historic fabric of the Grade II* listed building and would not detract from the overall composition of the building.

English Heritage and the Conservation Officer have been consulted on the application and have raised no objections in principle to the revised plans subject to number of conditions. Please see both of these consultees comments set out under heading 'Other Comments'.

Overall the proposals were not considered adequate to demonstrate a full understanding of the impact of the proposal on the significance of the heritage asset. The revised plans and justification received from the applicant at the request of the LPA have now brought up the supporting information/plans to a sufficient level. The applicant has therefore demonstrated a full appreciation of the Grade II* listed building. The level of information submitted is consequently sufficient to underpin a full understanding of the impact of the proposals. Whilst there would be some loss of fabric, the applicant has sought to reduce the harm of the proposals to the greatest extent as well as to provide a wider public benefit by replacing the windows fronting Caledonia Place with traditional sliding sashes.

It is accepted that the proposed works will cause a degree of harm to the special interest of the building and its setting, but that the harm that would be caused is considered less than substantial. Officers have undertaken the assessment required under the Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have given special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest which it possesses. The application proposal details and justifies the conversion for the proposed new use and has sought to minimise the harm caused as a result. In accordance with Listed Buildings and Conservation Areas) Act 1990 therefore and considerable importance and weight has been given to the less than substantial harm to the listed building. Nevertheless this is outweighed by the benefits of these proposals which include the bringing back into active use.

The proposal would therefore comply with the National Planning Policy Framework (2012), Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Policy BCS22 of the Bristol Core Strategy (2011) and Policy DM31 of the Site Allocations and development management Policies (2014).

The proposed works are therefore also in accordance with part vi) of Policy DM10 of the Site Allocations and Development Management Policies (2014) set out in Key Issue A of this committee report

(D) DOES THE PROPOSAL SATISFACTORILY ADDRESS TRANSPORT, MOVEMENT AND ACCESSABILITY ISSUES?

Policy BCS10 of the adopted Core Strategy and Policy DM23 in the Site Allocations and Development Management Policies set out the criteria development should satisfy in regard to parking, transport and highway safety matters.

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Policy DM10 of the Site Allocation and Development Management Policies (2014) is set out under Key Issue A and states that in order to assess the impact of food and drink proposals on an area the following matter must be taken into account:

iii) The availability of public transport, parking and servicing; and

iv.) Highway safety; and

v) The availability of refuse storage and disposal facilities; and

A number of representations have been received objecting to the application on transport and movement grounds as set out earlier in this committee report.

Transport Development Management were consulted as part of the assessment of this application and have not objected.

Although this is a large development for the area, which may well cause an increase in traffic, particularly from the A3 use, the parking management measures in the area are sufficient to accommodate this use and to avoid a hazard being created.

There are also a number of food and drink outlets in this area, where a large number of visits are made on foot, and this application serves the same catchment area as those other destinations.

The submission of a servicing strategy for servicing and deliveries would be required to ensure the risk of obstruction to the adopted highway is minimised, this could be secured via a planning condition if permission were forthcoming.

Transport Development Management do not object with regard to the refuse arrangement, providing a management plan is secured and following the receipt of revised plans showing staff cycle parking the proposal is overall considered acceptable on highways grounds in this instance.

(E) WOULD THE PROPOSALS RAISE ISSUES OF SAFETY AND SECURITY?

The application site is located within a Cumulative Impact Zone and subsequently the Police have advised that opening hours should be restricted via a condition. The police have also advised measures that should be taken to ensure the security of the premises; these measures could also be secured via condition if permission were to be forthcoming.

(F) WOULD THE IMPACT ON TREES BE ACCEPTABLE?

Policy BCS9 states that: "Individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required."

The proposed rear extension and reconfiguration of the rear courtyard area would result in the loss of four trees. During the course of the planning process an Arboricultural Report was provided. The four trees that would be lost are not visible from the public realm. Given this, along with the size and quality of these trees, their removal is not objected to in principle providing that this loss is mitigated. Replacement trees cannot be provided on site and as such a contribution of £6886.89 for offsite tree planting would need to be secured through a Unilateral Undertaking agreement. Were permission to be granted for this application this contribution could be secured and subsequently it is not considered reasonable to refuse the application in respect of this issue.

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Policies BCS13-15 have significantly increased the requirements placed upon developers in respect of both the information required to support applications and give clear guidance on sustainability standards to be achieved in new development, setting a target of a 20% reduction in residual energy emissions.

No strategy has been submitted with the application, however in this instance the change of use does not result in a significant increase in floor space or subdivision of units and so is considered exempt from these sustainability and energy requirements in this instance.

CONCLUSION

In making a recommendation to committee, officers have fully recognised the economic and heritage benefits of the proposal and indeed the change of use of the building and proposals in respect of the listed building consent is strongly welcomed in principle (subject to the conditions as described in the report). However there has been a difficult assessment to be made in weighing these benefits against the impact on existing residential amenity. Given the specific characteristics of this outdoor area it is considered by officers that the applicant has not been able to demonstrate that the noise from customers using the outdoor area will not be harmful to local residential amenity. As such it is this sole element of the proposal i.e. the outdoor seating area that unfortunately cannot be supported in principle and residential amenity is considered by officers to outweigh the economic benefit in this instance

Overall the proposed outdoor dining would result in unacceptable and detrimental harm to neighbouring amenity by virtue of noise, activity and disturbance created by outside eating, drinking and socialising. Subsequently the use of the outdoor dining area is contrary to Policies BCS21 and BCS23 of the adopted Bristol Core Strategy (June 2011) and Policies DM10 and DM35 of the adopted Bristol Site Allocations and Development Management Policies (July 2014), as well as the National Planning Policy Framework (March 2012).

The application is accordingly recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will the 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.

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Application A: 15/05302/F

RECOMMENDED REFUSE

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. The proposed outdoor dining area would result in unacceptable and detrimental harm to neighbouring amenity by virtue of noise, activity and disturbance created by outside eating, drinking and socialising. Subsequently the use of the outdoor dining area is contrary to Policies BCS21 and BCS23 of the adopted Bristol Core Strategy (June 2011) and Policies DM10 and DM35 of the adopted Bristol Site Allocations and Development Management Policies (July 2014), as well as the National Planning Policy Framework (March 2012).

Advice(s)

1. Refused Applications Deposited Plans/Documents
The plans that were formally considered as part of the above application are as follows:-
BRS.6156_02SLP Site location plan, received 16 October 2015
4322/124/101 A Existing ground floor plan, received 16 October 2015
4322/124/102 A Existing basement floor plan, received 16 October 2015
4322/124/103 Existing rear & side elevations, received 16 October 2015
4322-124-201 C Proposed Ground Floor Plan, received 24 December 2015
4322-124-202 C Proposed Basement Floor Plan, received 12 January 2016
4322-124-203 C Proposed Garden Plan, received 8 January 2016
4322-124-210 A Demolitions Existing Ground Floor, received 13 November 2015
4322-124-211 A Demolitions Existing Basement Plan, received 13 November 2015
4322-124-209 B Proposed External Elevations, received 8 January 2016
020-003-01 B Proposed Ventilation Layout Basement, received 24 December 2015
020-003-02 B Proposed Ventilation Layout Ground, received 24 December 2015
020-003-03 Proposed Ventilation Layout Through Garden, received 24 December 2015
Arboricultural Report, received 30 November 2015
151110-002 B Mechanical Services Acoustic Report, received 8 January 2016
151110-003 A Outdoor Seating Acoustic Report, received 8 December 2015
Environ - Selection Matrix (12 January 2015), received 24 December 2015
020-003-ES Equipment Schedule, received 24 December 2015

Application B: 15/05303/LA

RECOMMENDED GRANT subject to condition(s)

Time limit for commencement of development

1. Listed Building Consent or Conservation Area Consent

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004.

Pre commencement condition(s)

2. The consent for the works hereby approved (notwithstanding any notation on approved

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plans) does not permit any use of the rear outside area by patrons of the restaurant.

Reason: In order to safeguard the amenities of adjoining residential occupiers and to ensure the historic interest of the Listed Building is safeguarded.

3. To ensure implementation of a programme of archaeological works

No development shall take place until the applicant/developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Investigation which has been submitted by the developer and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that archaeological remains and features are recorded prior to their destruction.

4. To secure the recording of the fabric of buildings of historic or architectural importance

No redevelopment or refurbishment shall take place until the applicant/developer has recorded those parts of the building which are likely to be disturbed or concealed in the course of redevelopment or refurbishment. The recording must to be carried out by an archaeologist or archaeological organisation approved by the Local Planning Authority and submitted to the Historic Environment Record (HER), the archive should then be submitted to Bristol City Museum and a hard copy to Bristol Record Office.

Reason: To ensure that features of archaeological or architectural importance within a building are recorded before their destruction or concealment.

5. Prior to the commencement of development a method statement regarding the provision of the Orangery Extension to include 1:5 details of all new joinery including rooflight and windows, all relationships with listed fabric; method of fixings; full details setting out where the three windows on the south elevation of the building will be extended to create openings; and how the panelling will be altered, shall be submitted to and agreed in writing by the Local Planning Authority

The development shall then be carried out in full accordance with the approved details.

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded as well as the character and appearance of the Clifton Conservation Area.

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6. Prior to the commencement of development a method statement regarding the restoration, retention and reuse of the Bank Counter/Cash Desk to include full 1:5 details of repair works (including the incorporation of the section of the counter that has been removed) any new joinery details, confirmation of the exact new location of the counter and all new relationships with listed fabric; method of fixings shall be submitted to and agreed in writing by the Local Planning Authority.

The development shall then be carried out in full accordance with the approved details.

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded as well as the character and appearance of the Clifton Conservation Area

7. Prior to the commencement of the development a detailed method statement for the making good of the redundant ATM opening fronting the Mall shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details prior to the first use of the restaurant unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded as well as the character and appearance of the Clifton Conservation Area.

8. Sound insulation - submission of scheme and retention thereafter

No development shall take place until a detailed details of any proposed sound insulation measures (including any works to walls, floors and windows) to the building informed by a full acoustic report (including large scale details at a minimum scale of 1:5 showing all relationships with historic fabric) have been submitted to and approved in writing by the Local Planning Authority. No building or use hereby permitted shall be occupied or the use commenced until the recommendations made in the acoustic report have been implemented in full and thereafter permanently maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers and to ensure special architectural and historic interest of the Listed Building is safeguarded.

9. No development shall take place until full details of the means of ventilation/extraction system for the whole development (including 1:5 details of its method of construction, all relationships with historic fabric; method of fixing; exact location and service runs; flues; noise attenuation measures; methods of odour control; technical specification and the appearance and finish of all proposed plant, grilles and terminals have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

Reason: These details need careful consideration and formal approval and to safeguard the special interest of the listed building and amenity of adjoining properties and to protect the general environment.

10. Drawings to a minimum 1:5 scale (also indicating materials, treatments and finishes) of the following items shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun unless otherwise agreed in writing by the Local Planning Authority.

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- (a) Typical new and replacement windows and doors (showing sectional profiles, cills, surrounds and depth of external reveals)
- (b) All new joinery
- (c) Plant Room and all acoustic structures
- (d) Any Meter Boxes
- (e) Any door entry Systems (including design/technical specification, location and method of fixing)
- (f) Any new gates

The development shall then be carried out in full accordance with the approved details.

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded as well as the character and appearance of the Clifton and Hotwells Conservation Area.

11. Prior to the relevant element being commenced samples of the following items shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved sample unless otherwise agreed in writing by the Local Planning Authority.

- (a) Material and finish of all new or replacement windows and doors
- (b) Material and finish of works associated with the new Orangery Extension
- (c) Material and finish of Acoustic Structures
- (d) Any Stone Repairs
- (e) Any Stone Cleaning

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded as well as the character and appearance of the Clifton Conservation Area.

Pre occupation condition(s)

12. To secure the conduct of a watching brief during development groundworks

The applicant/developer shall ensure that all groundworks, including geotechnical works, are monitored and recorded by an archaeologist or an archaeological organisation to be approved by the council and in accordance with the Written Scheme of Investigation approved under condition 3

Reason: To record remains of archaeological interest before destruction.

Post occupation management

13. Partitions - Listed Building

All new partitions shall be scribed around the existing ornamental plaster mouldings.

Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving its special architectural or historic interest.

14. New works to match - Listed Building

All new external and internal works and finishes, and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance, except where indicated otherwise

Development Control Committee B – 3 February 2016**Application No. 15/05302/F and 15/05303/LA: 42 - 44 Caledonia Place Bristol BS8 4DN**

on the drawings hereby approved.

Reason: In order that the special architectural and historic interest of this Listed Building is safeguarded.

15. Internal features

All existing internal decoration features, including plaster work, ironwork, fireplaces, doors, windows, staircases, staircase balustrade and other woodwork, shall remain undisturbed in their existing position, and shall be fully protected during the course of works on site unless expressly specified in the approved drawings.

Reason: In order that the special architectural and historic interest of this Listed Building is safeguarded.

List of approved plans

16. 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.

BRS.6156_02SLP Site location plan, received 20 October 2015
 4322/124/101 A Existing ground floor plan, received 20 October 2015
 4322/124/102 A Existing basement floor plan, received 20 October 2015
 4322/124/103 Existing rear & side elevations, received 20 October 2015
 4322-124-201 C Proposed Ground Floor Plan (external seating shown not approved), received 24 December 2015
 4322-124-202 C Proposed Basement Floor Plan, received 12 January 2016
 4322-124-203 C Proposed Garden Plan (external seating shown not approved), received 8 January 2016
 4322-124-210 A Demolitions - Existing Ground Floor, received 13 November 2015
 4322-124-211 A Demolitions Existing Basement Plan, received 13 November 2015
 4322-124-209 B Proposed External Elevations, received 8 January 2016
 020-003-01 B Proposed Ventilation Layout Basement, received 24 December 2015
 020-003-02 B Proposed Ventilation Layout Ground, received 24 December 2015
 020-003-03 Proposed Ventilation Layout Through Garden (external seating shown not approved), received 24 December 2015

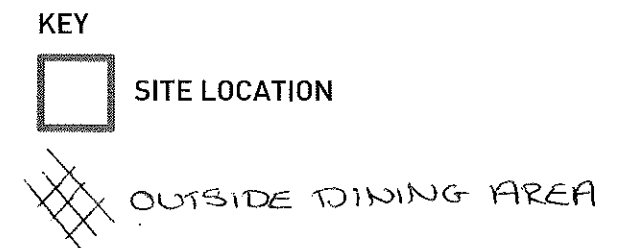
Reason: For the avoidance of doubt.

BACKGROUND PAPERS

City Design Group
 Crime Reduction Unit

5 November 2015
 8 December 2015

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42-44 CALEDONIA PLACE, CLIFTON, BRISTOL - SITE LOCATION PLAN

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS www.pegasuspg.co.uk | TEAM/DRAWN BY: JC/ALC | APPROVED BY: JC | DATE: 16/10/2015 | SCALE: 1:1250 @ A4 | DRWG: BRS.6156_02 | CLIENT: TROIA (UK) RESTAURANTS LTD |

Pegasus
Planning

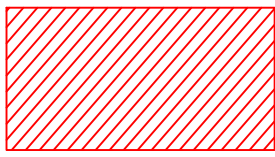
GENERAL NOTES

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HATCH INDICATES EXISTING WALLS TO BE REMOVED SUBJECT TO ENGINEERS DETAILS



HATCH INDICATES EXISTING WALLS TO BE RETAINED



④ SECTION OF EXISTING FIRE ESCAPE STAIRCASE REMOVED



③ SECTION OF EXISTING FIRE ESCAPE STAIRCASE REMOVED



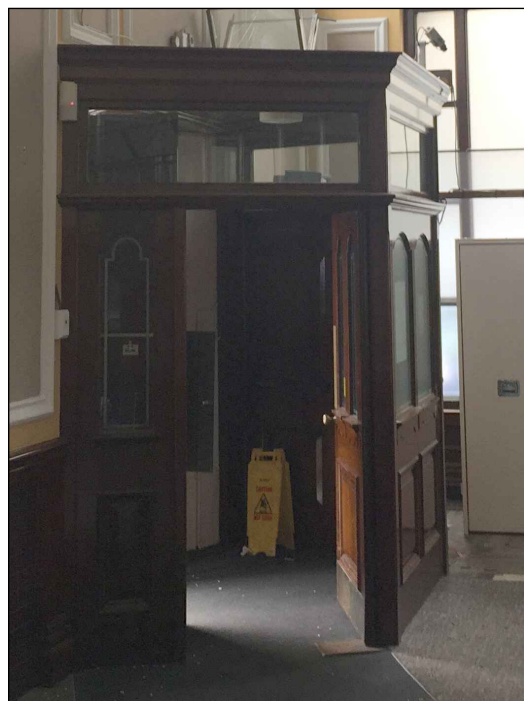
⑤ EXISTING WINDOWS TO BE REMOVED



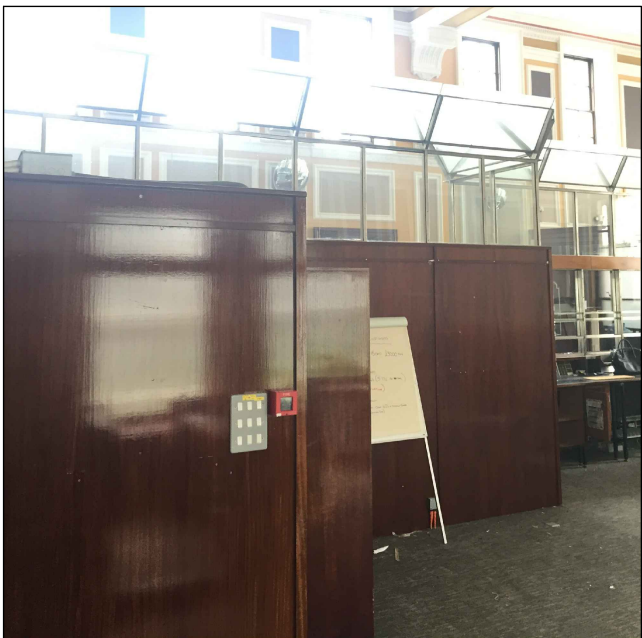
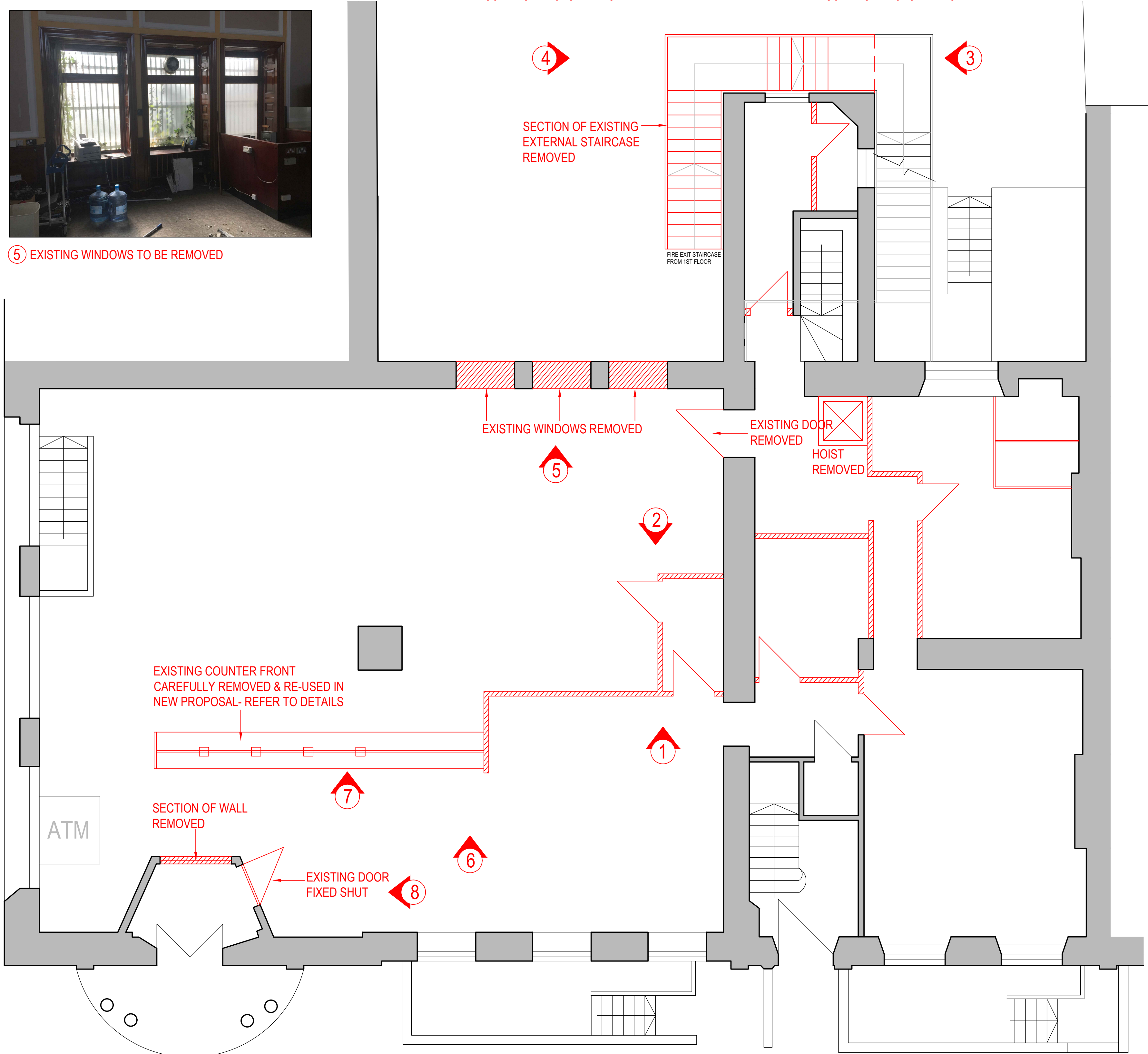
⑥ GLAZED SCREEN CAREFULLY REMOVED FROM COUNTER TOP



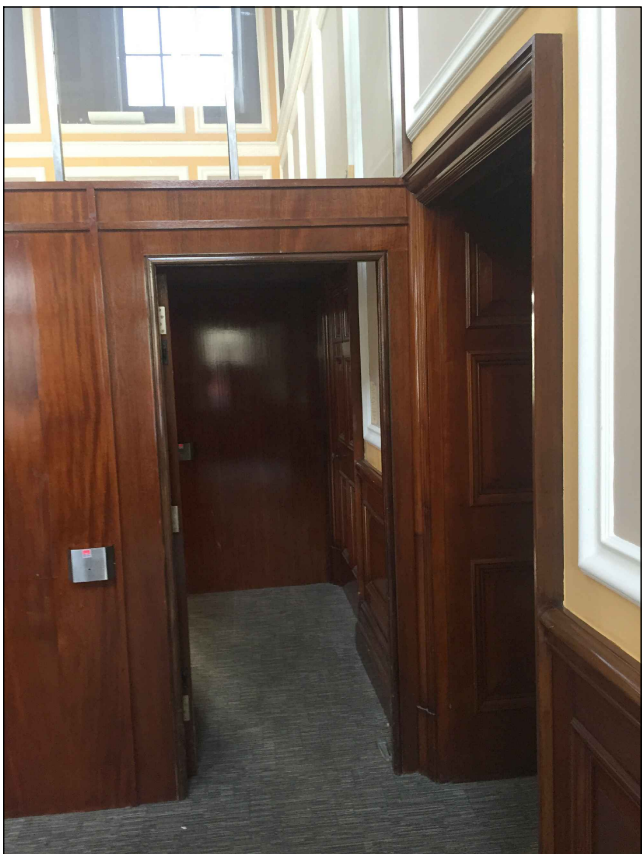
⑦ EXISTING COUNTER FRONT CAREFULLY REMOVED AND RE-USED IN NEW PROPOSAL



⑧ EXISTING DOOR FIXED SHUT. SECTION OF FRONT OF LOBBY REMOVED



② PARTITION/SCREENS REMOVED



① PARTITION/SCREENS REMOVED

WE MAKE IT HAPPEN
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Porewood Ind Est, 31 Leonards on Sea
East Sussex, TN38 9BA

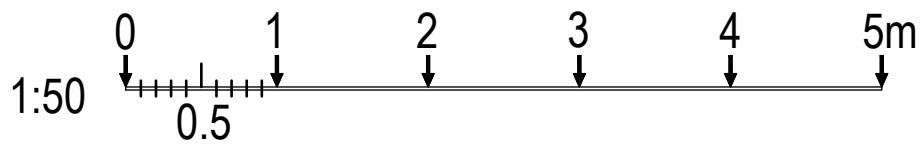
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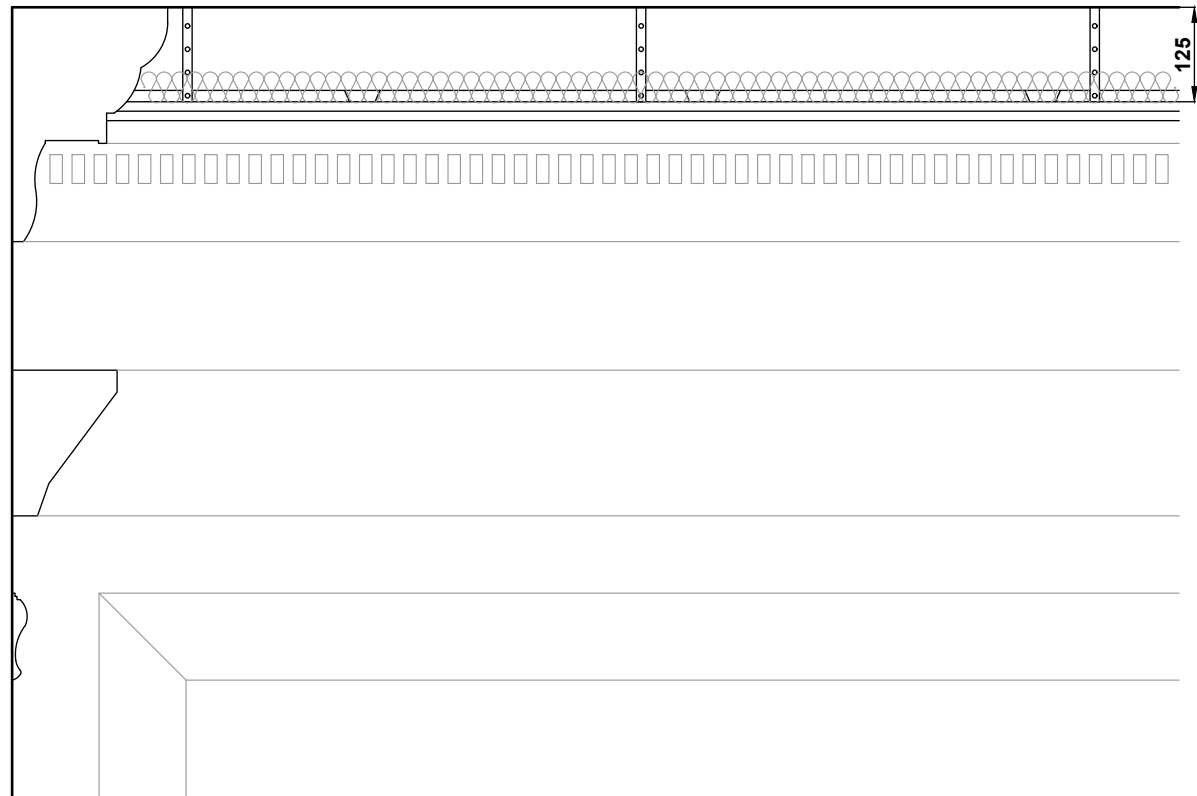
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info@pumphousedesigns.co.uk
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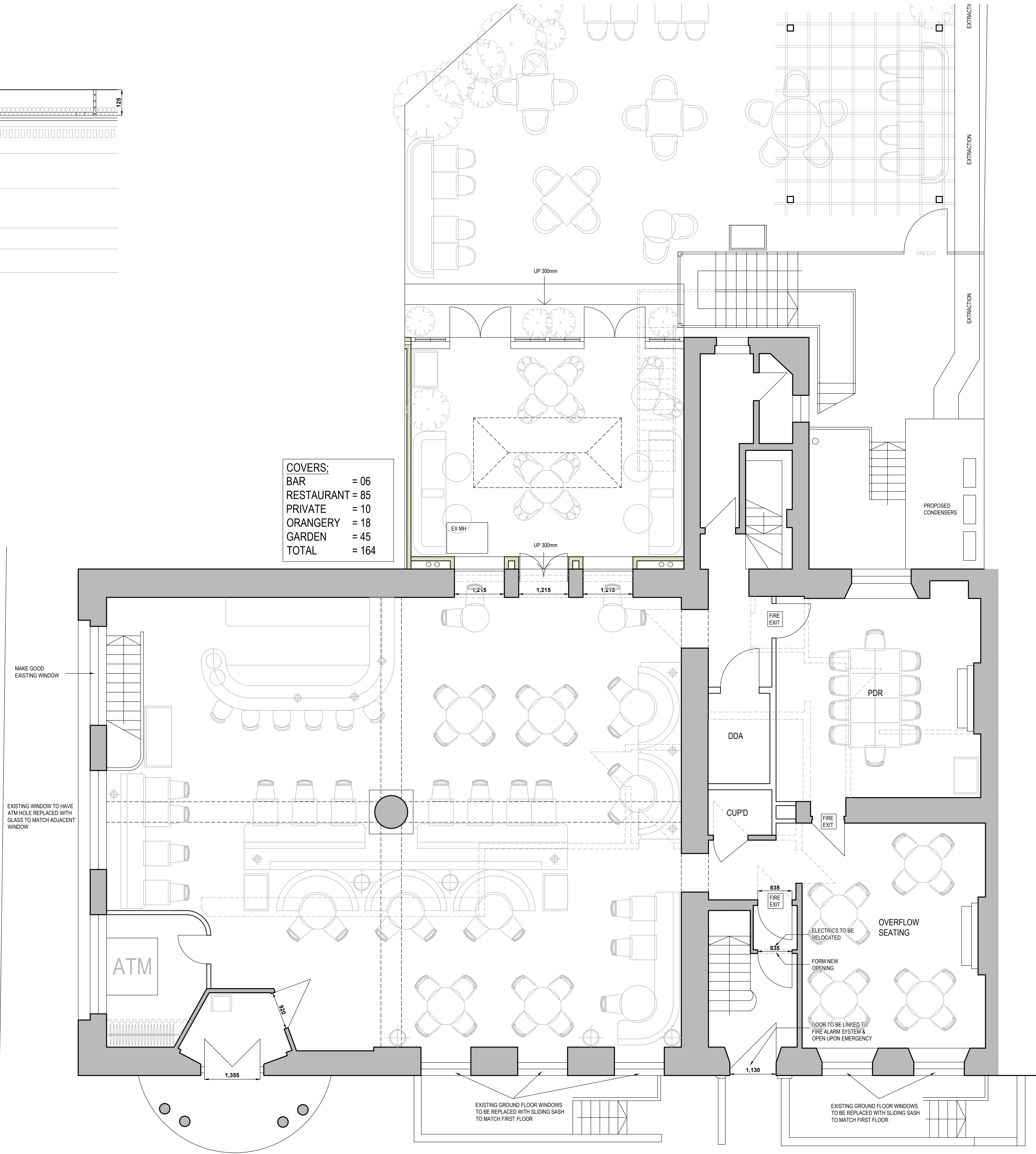
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| C | | | | | |
| B | | | | | |
| A | UPDATES | | | SL | 11.11.15 |
| IVY - BRISTOL 42/44 CALEDONIA PLACE CLIFTON BS8 4DX | | | | | |
| DEMOLITIONS-EXISTING GROUND | | | | | |
| DRAWN BY - A TIDMARSH DATE - OCTOBER 2015 SCALE - 1:50 @ A1 | | | | | |
| DRAWING No. 4322 / 124 / 210 / A | | | | | |



DEMOLITIONS PLAN
EXISTING GROUND FLOOR
240m² / 2582ft²



ACOUSTIC TREATMENT DETAIL



GROUND FLOOR PLAN

GENERAL NOTES

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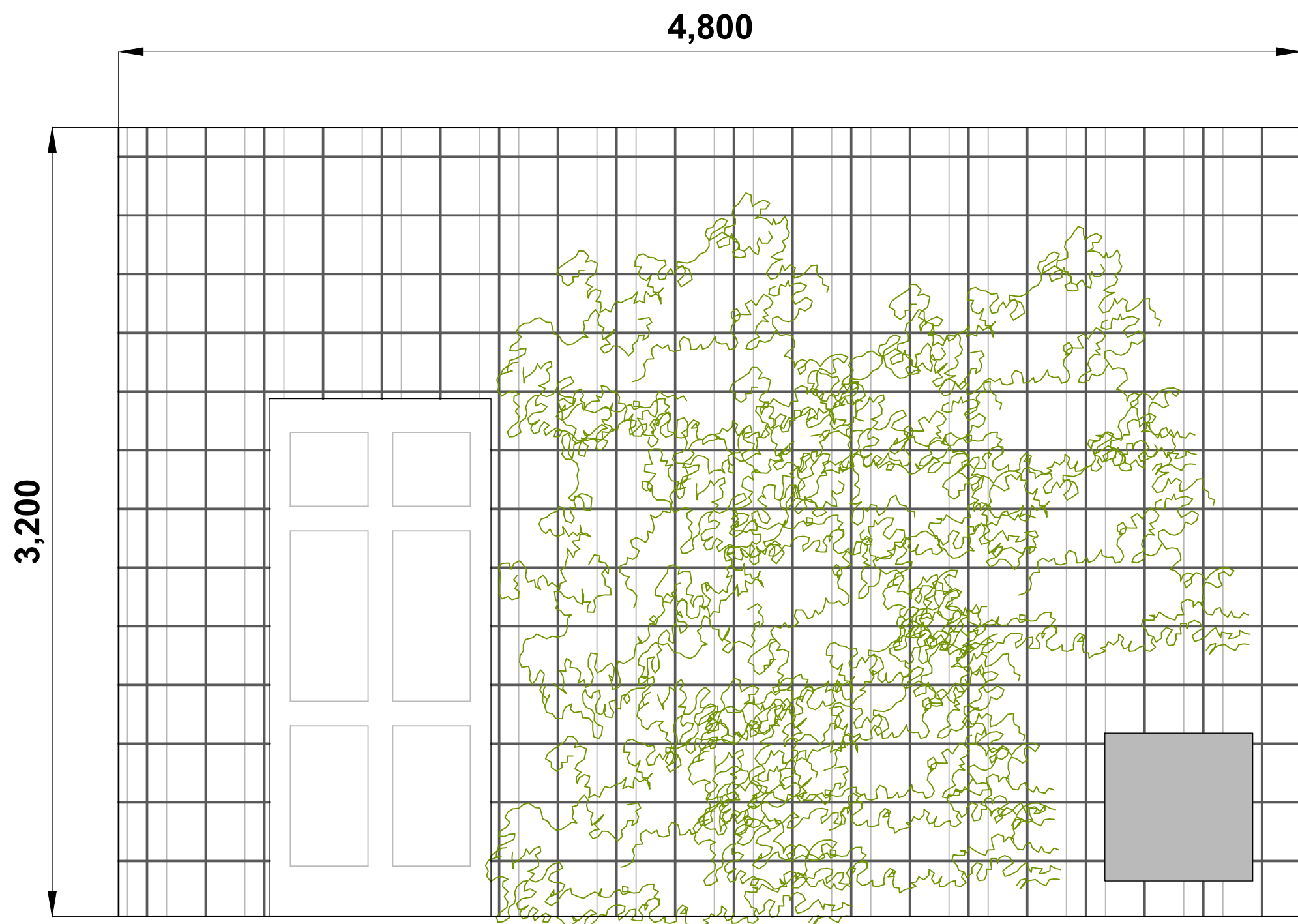
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F +44 01424 717667
E info@wmh.co.uk



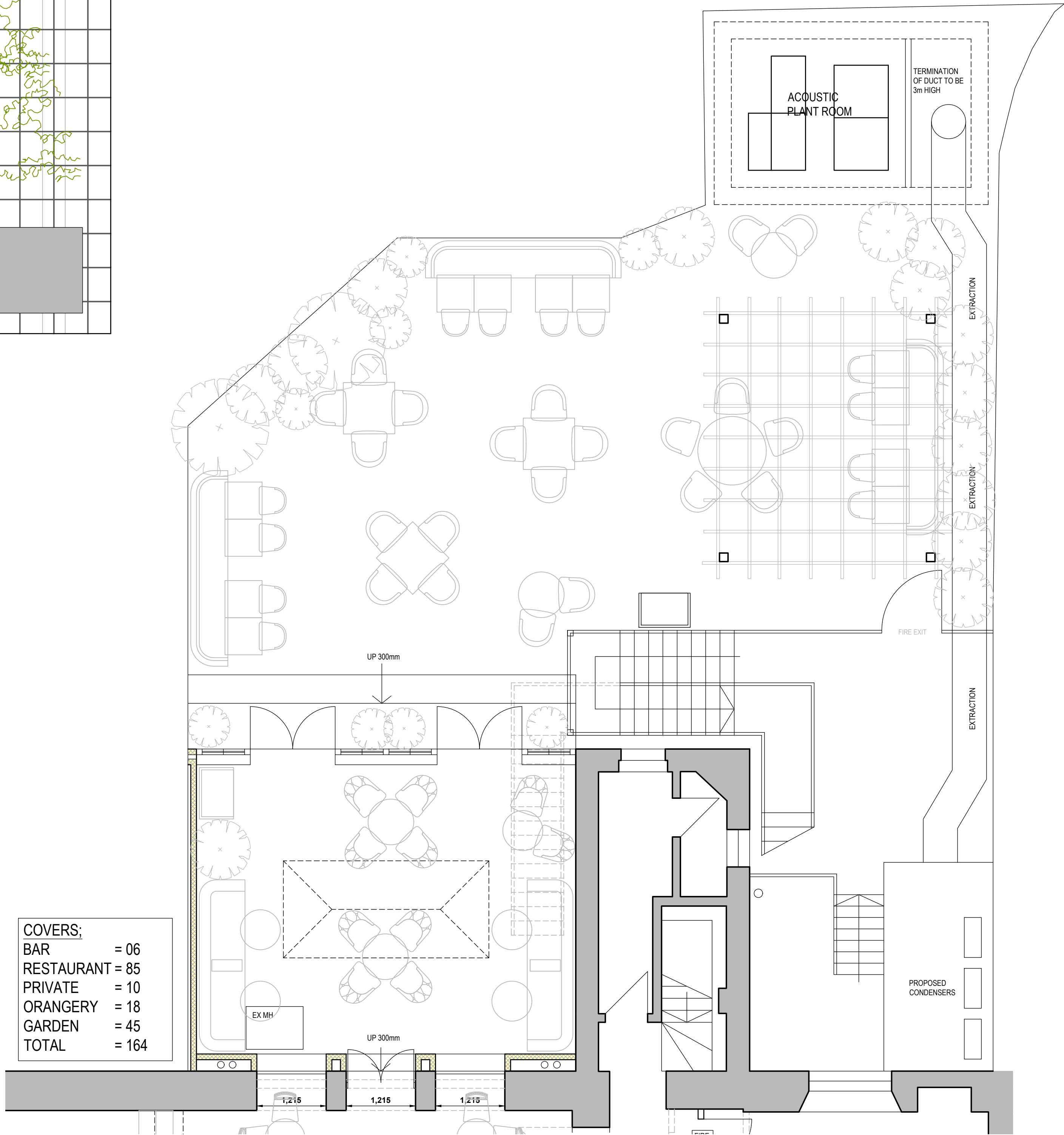
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| C | SITE MEETING UPDATES | SL | 22.12.15 | | |
| B | EXTERNAL FIRE ESCAPE STAIRCASE INDICATED | AT | 07.10.15 | | |
| A | AMENDMENTS TO LAYOUT | AT | 01.10.15 | | |
| IVY - BRISTOL 42/44 CALEDONIA PLACE CLIFTON BS8 4DX | | | | | |
| PROPOSED GA LAYOUT - GROUND FLOOR PLAN | | | | | |
| DRAWN BY - S LAWRENCE DATE - JULY 2015 SCALE - 1:50 @ A1 | | | | | |
| DRAWING No. 4322 / 124 / 201 / C | | | | | |

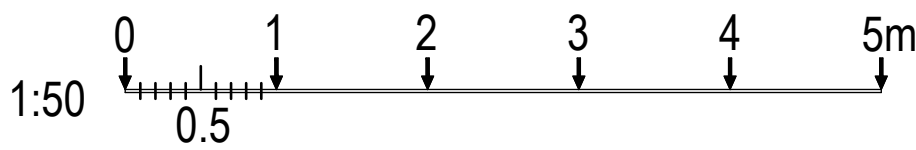


ACOUSTIC HOUSING ELEVATION 1:20



| | |
|------------|-------|
| COVERS: | |
| BAR | = 06 |
| RESTAURANT | = 85 |
| PRIVATE | = 10 |
| ORANGERY | = 18 |
| GARDEN | = 45 |
| TOTAL | = 164 |

GARDEN PLAN



GENERAL NOTES

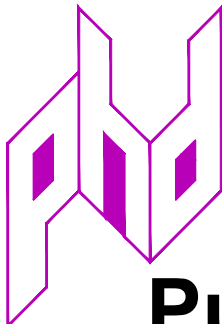
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| C | PLANNING AMENDMENTS | SL | 08.01.16 |
| B | SITE MEETING UPDATES | SL | 22.12.15 |
| A | AMENDMENTS TO LAYOUT | AT | 01.10.15 |
| IVY - BRISTOL 42/44 CALEDONIA PLACE CLIFTON BS8 4DX | | | |
| PROPOSED GA LAYOUT - GARDEN | | | |
| DRAWN BY - S LAWRENCE DATE - JULY 2015 SCALE - 1:50 @ A1 | | | |
| DRAWING No. 4322 / 124 / 203 / C | | | |