

Amendment Sheet
13 June 2023

Item 1: - 102 Gloucester Road Bishopston Bristol BS7 8BN

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1	Since the previous Committee meeting 1 additional public comment has been received being neutral to the proposed development. No additional issues raised other to those already covered in the Committee report but a request that affordable homes are secured through a s106 and that additional advice is sought on traffic calming measures

Item 2: - U Shed Canons Road Bristol BS1 5UH

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	<p>U SHED AMENDMENTS SHEET</p> <p>Additional objections An additional 90 objections have been received sine the Committee Report was submitted. These were received on a daily basis:</p> <table data-bbox="311 981 635 1361"> <tr> <td>5th June</td> <td>17</td> </tr> <tr> <td>6th June</td> <td>8</td> </tr> <tr> <td>7th June</td> <td>15</td> </tr> <tr> <td>8th June</td> <td>10</td> </tr> <tr> <td>9th June</td> <td>14</td> </tr> <tr> <td>10th June</td> <td>10</td> </tr> <tr> <td>11th June</td> <td>16</td> </tr> </table> <p>In addition, a petition taking the form of a letter with multiple signatures was submitted by the current occupiers on Monday 5th June 2023. This contains 1750 signatures and raises objects to the closure of Za Za Bazaar.</p> <p>A correction is needed for Page 9 of the Officers’ Report. It states that:</p> <p>‘Further comments received on 11th April 2023 in response to an email from the LPA Conservation Officer to Historic England’</p> <p>The comments were in fact dated 3rd April 2023 and were uploaded to the Case File on 4th April 2023. They were sent to the previous case officer and were emailed to the case office on 11th April 2023.</p> <p>The Planning Agent for the application provided a response to the Committee Report on Monday 11th June. [This is copied in below]:</p> <p>‘Following up from our discussion on Friday, as mentioned, I have reviewed the Committee Report in detail and note there some important points that need clarification. I would be grateful if you could you ensure these points are appropriately conveyed to Members (in the absence of being afforded the</p>	5 th June	17	6th June	8	7th June	15	8th June	10	9th June	14	10th June	10	11 th June	16
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	<p>opportunity to provide a Members' briefing directly).</p> <p>1) Planning history: Within the Committee Report you refer to planning history of the site, including planning permission 96/01481/F at page 3 (and pages 27 and 28) with reference to the restrictive Condition 2 attached to planning permission 96/01481/F. This condition, setting percentage floorspace restrictions for particular uses, was imposed under a previous development plan context. Under the current adopted development plan, such a condition seeking to restrict office uses to 10% of floorspace at upper levels would conflict with adopted planning policy and would not meet the relevant tests for imposing conditions (paragraph 56 of the NPPF).</p> <p>In any event, while this planning history is interesting, the more recent planning history (reference 11/02083/F) is of most relevance. Planning permission 11/02083/F granted consent for "<i>Conversion of nightclub (Use Class D2) at first floor level and bar/restaurant (Use Class A3) at ground floor level into one restaurant over two floors with bar at ground level and associated external alterations</i>". As set out in the Planning Statement submitted with the application, this permission was granted in September 2011 and relates only to part of the U-Shed building (that is, the southern ground floor bays and the entirety of the upper floor, now in operation as Za Za Bazaar restaurant). The remaining ground floor area (comprising the three northern bays) did not form part of planning application 11/02083/F and relates to 'BSB The Waterside' bar, which is physically, functionally and operationally separate from Za Bazaar. Planning permission 11/02083/F was implemented, creating two separate planning units within U-Shed. These bar and restaurant uses exceed the Use Class A3 gross floor area limitations imposed by Condition 2 of planning permission 96/01481/F. As a matter of planning principle, in the granting and implementation of planning permission 11/02083/F, two separate new planning units were created (Za Bazaar and BSB The Waterside bar), such that the conditions attached to the planning permission 96/01481/F no longer apply. In referencing Condition 2 of planning permission 96/01481/F without noting that it no longer applies to the planning unit in question overstates the weight that can be applied to this historic restrictive condition.</p> <p>Za Za Bazaar, which formally was classified as Use Class A3 restaurant now falls within Use Class E, Commercial, Business and Service, as do Offices, following the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The stated purposes of the changes to the Use Classes Order as detailed within the Explanatory Memorandum accompanying the enacted legislation made clear that:</p> <p style="padding-left: 40px;"><i>"Bringing these uses together and allowing movement between them will give businesses greater freedom to adapt to changing circumstances and to respond more quickly to the needs of their communities..."</i></p> <p style="padding-left: 40px;"><i>These reforms are primarily aimed at creating vibrant, mixed use town centres by allowing businesses greater freedom to change to a broader range of compatible uses which communities expect to find on modern high streets, as well as more generally in town and city centres".</i></p> <p>The Town and Country Planning (Use Classes) Order 1987, as amended, provides that where a building is used for a purpose of any class specified in the Schedule, the use of that building for any other purpose of the same class</p>

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	<p>shall not be taken to involve development of the land. On this basis, the use of the upper floor of the existing building as Offices does not require express planning permission from Bristol City Council. This is a clear fall back position and should have been addressed within the Committee report rather than referring to a condition that no longer applies to the relevant planning unit.</p> <p>2) Consultation: On page 4 of the Committee it is noted that it is your understanding that <i>“no direct consultation or communication with the existing occupier (Za Za Bazaar) has taken place and an objection from the Director of Operations has been submitted which includes reference to this”</i>. This is simply not the case. The applicant ran a public consultation on the proposals in 2021 prior to the submission of the planning application in 2022. Further, the applicant has been, and remains, in discussions with the company that owns Za Za Bazaar, a company called SK Group. Whether such discussions have been relayed more widely to members of staff is not known, but the applicant should not be criticised for failing to engage. Please could you update Members in this regard?</p> <p>As you know, the Za Za Bazaar employees based in Bristol have undertaken a campaign against the development and created pre-prepared text for diners to essentially ‘click and submit’ to the LPA. This is equivalent to a petition, should be reported as such and given the weight accordingly. Further, the handwritten petitions online include profanities, are inappropriate to be published as part of a formal planning application process and should be redacted.</p> <p>The Committee Report refers to a statement made by Za Za Bazaar Operations Director that there are no plans for the closure of the business and this appears to have formed a material consideration in your assessment. As I have previously advised, Za Za Bazaar currently occupy part of the building under a sub-lease which will expire by October/November 2023. It is therefore not correct to state that there are no plans for the closure of Za Za Bazaar in this location (irrespective of the current proposals). The Operations Director should be aware this. As a responsible landlord (and fund managers on behalf of pension holders), the applicant has been exploring the future potential for its asset as the current building is not fit for purpose for the modern occupier. In this respect, the reliance given to comments from the Operations Director of Za Za Bazaar, both in this regard and in relation to consultation above, should be reviewed.</p> <p>In any event, it is important to note that nothing has been ruled in or out about the potential for Za Za Bazaar to become one of the operators in the new building – the three ground floor units could reasonably be one combined larger unit. Such a larger unit could feasibly accommodate the Za Za Bazaar restaurant that is currently located at first floor level. Our client is open to discussions with the owners of Za Za Bazaar in this respect.</p> <p>3) Assessment of the proposals in land use terms: Within the Committee Report, at page 28, you note that <i>“No marketing material has been supplied by the applicant to demonstrate that either there is a lack of demand for the existing two storey building or for the additional office space”</i>. To be clear, the policy designation of this part of the Harbourside as a ‘Leisure use frontage’ relates to Policy BCAP19 ‘Leisure use frontages in Bristol City Centre’. This is a permissive policy encouraging leisure uses. It is not a</p>

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	<p>restrictive policy requiring only these uses in this area, nor does it resist the loss of leisure uses, in fact Policy BCAP19 allows such uses provided the concentration of leisure uses is not unacceptable. The exact wording states: <i>“The development of uses that contribute to the leisure, entertainment and evening economy offer in Bristol City Centre will be encouraged and acceptable within the Leisure Use Frontages provided the concentration of uses would not result in harmful impacts”</i>.</p> <p>There is no policy requirement within the adopted development plan requiring marketing material to justify the loss of a restaurant use. There is also no policy requirement within the adopted development to justify the need for additional office space. On the contrary, the development plan outlines a clear ambition to increase the delivery of high quality office floorspace within the city centre (and in other scenarios requires marketing material to be submitted to justify the loss of office floorspace in certain locations across the city). The supporting text to Policy BCAP19 cross-refers to the Bristol City Centre Retail Study (DTZ, June 2013) as the evidence base for the ‘Leisure use frontage’ policy (paragraph 5.22, Bristol Central Area Plan). This Retail Study recommends that planning policy should promote the area as a leisure destination, but explicitly notes the area should include some residential and office uses (Bristol City Centre Retail Study, page 104).</p> <p>This position is further reinforced by the development plan allocation of the Waterfront Place Site for development for Offices/Culture and Tourism uses, with active ground floor uses (Policy SA1; Site reference SA102 - attached). This policy allocation (less than 100 metres south of the application site) conflicts with your assessment that <i>“The introduction of large-scale office building with leisure use at ground floor level in this important and prominent location would fail to enhance the Harbourside’s role as an informal leisure destination and the character and appearance of the office building would fail to preserve or enhance the setting of the Floating Harbour within the City Docks Conservation Area”</i>. Whether or not the pending application at Waterfront Place (21/05580/F) is acceptable to the Local Planning Authority, the principle of an office building with leisure use adjacent to the Floating Harbour clearly is undoubtedly acceptable in principle by virtue of this allocation within the Council’s own adopted development plan (Bristol Central Area Plan, Waterfront Site: Site reference: SA102). Please could you review this section of your reason for refusal as it does not stand up to scrutiny. The proposal retains active ground floor leisure uses and office floorspace with active frontage at first floor level and above and is entirely compliant with the land use planning policies within the adopted development plan.</p> <p>4) Ground conditions: Further to our e-mails on this matter and noting the consultee comments in the Committee Report (pages 20 – 22 and 39), please find attached a Technical Note ‘Desk Study Assessment on Contamination Risk’ which draws on previous studies undertaken and submitted in support of the redevelopment of the V-Shed South building nearby (reference 98/00698/F). This Technical Note confirms the approach set out in the Committee Report that matters pertaining to ground conditions can be appropriately addressed by conditions attached to any planning permission granted.</p> <p>5) Urban Design: Under consultee comments for Urban Design, it states ‘Adaptive reuse?’ – is this an error or the full extent of Urban Design</p>

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	<p>comments on the application? Separately, I note in the Committee Report at page 9 that further comments were received on 11th April 2023 from Historic England in response to an e-mail from the LPA Conservation Officer. In the interests of transparency, please could you share this correspondence with me?</p> <p>While I recognise that we will have to respectfully disagree in terms of the overall acceptability of the proposals in design terms, there are a few detailed points within the Committee Report that warrant closer review:</p> <ul style="list-style-type: none"> • At pages 31, 36 and 37 of the Committee Report, you rely on the Urban Design Team’s advice that the existing building can be refurbished to accommodate change of use and internal reconfiguration, as the first floor offers an opportunity to introduce mezzanine levels and provide more floorspace. You note that the Urban Design Team contests the applicant’s position that there is insufficient space to provide acceptable ceiling heights in line with office standards. However, the submission by the applicant is justified by BCO guidance, the Urban Design comments are not. More importantly, no reference is made to the evidence submitted (Planning Technical Note, November 2022, Section 2.2) to demonstrate that the loads on the foundations of the existing building would be too great to accommodate additional mezzanine levels. This evidence was prepared by the Project Team structural engineers (Whitby Wood) and demonstrates why the building cannot be refurbished to incorporate mezzanine levels and greater floorspace. This is a clear material consideration explaining why the existing building cannot be refurbished to accommodate greater floorspace, it cannot be contested by the Urban Design Team, and it is not clear why this has not been acknowledged in the Committee Report. • At page 31 of the Committee Report, you note that design revisions during the application process have been limited to a reduction in glazing to address concerns regarding solar heat gain and cooling requirements. This is incorrect. This disregards the proposed amendments submitted as part of the Design Team’s response (March 2023) to the Conservation Officer’s consultee comments. The Design Team’s response incorporated proposed amendments to the design detailing of the building to seek to address comments regarding the grid design, depth and materiality of the elevations. With the inclusion of the brick red cladding as proposed through the amendments within the Design Team’s response (refer to page 3 of the Stride Treglown Design Document, submitted in March 2023) and updated elevations, the material palette is comparable to the existing built form. • Page 34 of the Committee Report refers to potential for both harm to the structure of the Harbour Wall and its setting as a designated heritage asset by reason of the design of the building. In consultation, both the structural engineer and heritage consultant within the Design Team maintain that the Harbour walls will be sufficiently protected during construction. It is unclear what harm could arise to the setting of the listed Harbour wall by reason of the design of the building. The

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	<p>built form would not alter the setting or significance of the Harbourside walls and it is not clear how such harm could be identified.</p> <ul style="list-style-type: none"> • Within Key Issue B (page 35) and the reason for refusal you raise concern that the proposed overhang of the upper floors over the Quayside Walkway would reduce the head height unacceptably from the existing situation, resulting in a more oppressive and offputting section of the route. However, again this is not correct. As set out in the Design Team’s response (March 2023) to the Conservation Officer’s consultee comments, the soffit height along the Quayside Walkway is proposed to be the same as the existing building (refer to paragraph 2.37 of the Avison Young Response Note, submitted in March 2023). Please could you review this section of your recommended reason for refusal as the proposals do not reduce the head height at ground floor level along the Quayside Walkway? <p>6) Sustainability: Following receipt of the Sustainable City consultee comments, the elevations of the proposed development have been amended to reduce the extent of glazing proposed to align with the LETI Climate Emergency Design Guide (as recommended by BCC Sustainable City comments). As set out my e-mail dated 19th May 2023, similar to the proposed approach under pending application reference 21/03767/F, the applicant would accept a planning condition attached to any planning permission securing a revised overheating assessment be submitted and approved in writing by the LPA to reduce overheating risks and minimise energy use. There is no reason why this application should be treated differently (particularly given this was not a submission requirement at the point of the application submission and the 18 months it has taken for the application to reach a point of determination).</p> <p>7) Ecology: In outlining the Ecology consultee comments and in the consideration of this as a Key Issue (pages 22 and 40), the Committee Report simply states that there is no reason to object to the application. The Ecology Report submitted with the application identifies a Biodiversity Net Gain associated with the proposal of over 800% (because there is very limited ecological habitat within the site at present). This Biodiversity Net Gain is not noted in the Committee Report – it is a public benefit which should be acknowledged.</p> <p>8) Public benefits: The public benefits of the proposal are not set out clearly within the report. Within the Conclusion section, the only public benefit recognised is the improvements to the public realm and, again, incorrect reference is made to a reduction in head height at ground floor level of the Quayside Walkway. The public benefits should be recognised to enable a fair planning balance assessment to be undertaken:</p> <ul style="list-style-type: none"> • The proposals would deliver a high quality mixed use redevelopment scheme meeting the development needs of the city and supporting the construction industry; • The delivery of circa 4,900 square metres (GIA) of Grade A office floorspace (Use Class E) contributing to the total Core Strategy office floorspace target for the city centre over the entire plan period, directly contributing to the growth and

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	<p>development of the city of Bristol and the wider national economy;</p> <ul style="list-style-type: none"> • The retention of active ground floor uses which have the potential to spill out on to the public realm area and contribute to its activity, ensuring the proposed development contributes to the animation and character of the Harbourside as an important leisure destination and vibrant mixed use area within the city; • Public realm improvements, including improvements to the elevations of the building to open it up at ground floor level and improved glazing at upper levels to increase animation and visibility, together with improvements surrounding the building to improve the layout of the public realm, promoting a pedestrian and cyclist priority urban environment within this part of the city; • Office staff of the proposed development would be likely to make use of local services and businesses including leisure facilities, and the development also incorporates ground floor leisure units which would complement existing businesses, be available for use by existing residents within the city centre and would animate the area; • The proposals will meet and exceed standards in respect of sustainability; the proposed development has been designed to incorporate green infrastructure, on-site renewable energy, sufficient plant space and infrastructure to enable connection to the Bristol Heat Network and Biodiversity Net Gain. <p>9) Members' Briefing: As previously discussed, it is most disappointing that there was not a Members' Briefing for this major application. Therefore, I trust you will review this e-mail and fairly report on the matters raised to Members (particularly in respect of paragraphs 3 and 4 of your recommended reason for refusal).</p> <p>Kind regards,'</p> <p>Officers would like to respond to the points raised in turn:</p> <p>1) Planning History</p> <p>The applicant has set out that they believe that the 2011 permission changed the use of the building to a restaurant in two separate planning units. It is understood that the existing units have been in use for purposes falling within Class E / sui generis and on that basis, a change of use to Class E only would require planning permission.</p> <p>2) Consultation</p> <p>The applicant has set out that they have held discussion with the parent company of the current operator regarding the development and that discussions are ongoing.</p>

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	<p>We do not have details of future operators at this time. What is to be decided here is the future use of the building and the floors within it.</p> <p>3) Assessment of the proposals in Land Use Terms.</p> <p>The applicant references SA102 as a reason to accept the principle of use. Whilst Officers accept that the SA102 site may be acceptable for an office block with leisure use at ground floor, it is currently a vacant site and has been for some time. In this instance, the site includes an existing building, delicate design to sit within its surroundings and in leisure use, contributing positively to the CA. It's loss is assessed to fail to preserve or enhance the Conservation Area, and leisure use of the area which is clearly defined as an important part of the character of the City Docks Conservation Area.</p> <p>4) Ground Conditions</p> <p>The Land Contamination Officer has not had time to review the technical note submitted on the morning of 12th June in advance of the deadline for the Amendment Sheet. It is noted from their comments set out in the report that conditions could be attached to a planning permission to ensure the Contaminated Land requirements are satisfied.</p> <p>5) Urban Design</p> <p>Officers have reviewed the comments on the Urban Design section of the agent response to the committee report, but are confident in our assessment of the design issues as set out in the report.</p> <p>The view of the Urban Design Team is that the current building is at the upper limit of scale and massing for this sensitive part of the Conservation Area and was designed to fit in with the building heights and maritime buildings along this section of the floating harbour. Ultimately, the internal arrangement of the existing building is not a part of this application, only that there is scope for internal alterations that would be of greater public benefit and would pose less harm to the Conservation Area than the development proposed under this application.</p> <p>6) Sustainability</p> <p>The Application has not been treated any differently to other applications and assessment of the potential impacts on climate change, sustainable development and carbon dioxide emissions have been assessed.</p> <p>7) Ecology</p> <p>Whilst it is acknowledged that there would be some improvement in biodiversity, the site contains no green space and the improvements would be limited compared to the significant harms identified in terms of the</p>

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	<p>proposed development's impact on the heritage assets.</p> <p>8) Public Benefits – these points are taken in turn below:</p> <ul style="list-style-type: none"> • This is acknowledged, however this must be weighed against the harms posed to the Conservation Area and nearby heritage assets. • All public benefits as set out are considered in the overall assessment of the scheme. The increase in office space is considered, but weighted against the significant loss of leisure floorspace within the leisure frontage in an area where leisure use forms an important part of the Conservation Character Appraisal. In this instance, the additional office space is not considered to outweigh the harm posed by development. • The retention of existing ground floor active uses would likely need to be secured with any development in this location and would be retained in the event of a refusal. This is not considered to be a public benefit. • The public realm improvements are considered minor against the scale of development and would fail to mitigate the harms posed to heritage assets. • This is acknowledged, however the application states that there would be 450 staff at the new development, whereas up to 15,000 people per week visit the current building. • The sustainability benefits are acknowledged however the Sustainable Cities team remain concerned about the early demolition of the existing building, carbon costs, future heating and cooling requirements of the building which must also be factored into the overall assessments of harms vs public benefits. <p>9) Members' Briefing</p> <p>This does not require further comment.</p>

Item 3: - Inns Court Open Space Hartcliffe Way Bristol BS4 1XD

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	No amendments