
Appeal Decision

Site visit made on 21 March 2018

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2018

Appeal Ref: APP/Z0116/W/17/3180440

O and M Sheds, Welsh Back, Bristol, BS1 4SL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Wilcox of Cordwell Property Group Limited against the decision of Bristol City Council.
 - The application Ref. 16/00828/F, dated 16/2/16, was refused by notice dated 27/2/17.
 - The development proposed is the retention and repair of the two historic buildings O and M sheds, including reconstruction of the northern gable wall of O shed, provision of new roofs and associated surrounding landscaping for the purpose of providing three new quality restaurants and outdoor seating area.
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Decision

1. The appeal is allowed and planning permission is granted for the retention and repair of the two historic buildings O and M sheds, including reconstruction of the northern gable wall of O shed, provision of new roofs and associated surrounding landscaping for the purpose of providing three new quality restaurants and outdoor seating area at O and M Sheds, Welsh Back, Bristol, BS1 4SL. The permission is granted in accordance with the terms of the application Ref. 16/00828/F, dated 16/2/16 and subject to the conditions in the Schedule below.

Preliminary Matters

2. Part of the proposed development (the cantilevered decking outside M Shed) would involve works to the grade II listed harbour wall (Welsh Back Wharf). Whilst separate listed building consent would be required for these works, there is adequate information before me to assess the impact upon the listed building¹, the City and Queen Square Conservation Area (CQSCA)² and the adjoining Recliffe Conservation Area (RCA).
3. There was a procedural error when submitting the application. The appellant failed to serve notice on Bristol City Council as the landowner. The appeal was accompanied by the correct certificate. Ownership certificates are intended to alert landowners of applications on their land. The Council was aware of the appellant's intentions for the appeal site and of the proposed application. No party would therefore be prejudiced by this procedural failure.
4. An application for an award of costs has been made by the appellant against the Council. This application is the subject of a separate decision.

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies.

² Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies.

Main Issues

5. The two main issues are: firstly, the effect upon Welsh Back Wharf, the character and appearance of the CQSCA and the setting of the RCA and; secondly, the likely impact of the outdoor seating area upon the living conditions of neighbouring residents.

Reasons

Planning Policy

6. The development plan includes the Bristol Development Framework Core Strategy (CS) adopted in 2011, the Bristol Local Plan - Site Allocations and Development Management Policies (LP) adopted in 2014 and the Bristol Central Area Plan (AP) adopted in 2015.
7. The most relevant development plan policies to the determination of this appeal are: CS policies BCS 21 (urban design), BCS22 (historic environment) and BCS 23 (pollution); LP policies DM10 (food and drink uses), DM31 (heritage assets), and; AP policies BCAP44 (the approach to Old City), and BCAP SA4 (site allocations in Old City).
8. Whilst not part of the development plan, my attention has also been drawn to the Council's 2008 City Docks and Mooring Policy (MP). This is intended as a "*broad guide*" to achieving the Council's objectives for the Harbour. Amongst other things, the section of Floating Harbour alongside the appeal site is identified as a "*Residential Moorings Area*" and "*Commercial Moorings Area*". The MP can be given some limited weight in this appeal.
9. I have also had regard to the provisions of the National Planning Policy Framework (the Framework). This is an important material consideration and carries considerable weight³. The CS pre-dates the Framework and policy BCS22 does not include the 'public benefit' balancing exercise set out in within Section 12. Whilst LP policy DM31 post-dates the Framework, it also does not include this balancing exercise.

Welsh Back Wharf / City and Queen Square and the Redcliffe Conservation Areas

10. The appeal site includes two former transit sheds⁴ and a section of listed harbour wall on the Floating Harbourside within Old City area of Bristol. The site lies within the CQSCA and is immediately adjacent to the RCA. The surroundings include business premises, offices, bars and restaurants and residential properties. A large houseboat⁵ (Ebenhaezer) is moored alongside M shed and a mature London Plane tree⁶ is growing adjacent to the southern gable of this building.
11. The significance of the 450m section of the listed Welsh Back Wharf is derived primarily from its historic interest as one of the three city quays that dates to the 13th century. It is an important remnant of Bristol's maritime history. To a much lesser extent, its significance is also derived from the architectural interest of its utilitarian rubble walls with granite curbs and iron bollards.

³ The National Planning Policy Framework Draft text for consultation (March 2018) carries very limited weight.

⁴ O shed was constructed in 1937 (its northern gable end is shored up) and M shed is circa 1960's (the gable ends date from the 1880's).

⁵ Approximately 41m long. I understand this boat has been moored in this location since 1992.

⁶ This tree is the subject of a Tree Preservation Order (ref. 1296).

12. The CQSCA covers a sizeable area. It includes buildings of various types and sizes, a mix of uses, some tightly packed streets and formal open space such as Queen Square. The significance of this area is derived primarily from its historic development that includes the medieval street layout, the grandeur of the late 17th/early 18th century Queen Square and the rich architectural mix of traditional buildings, many of which are listed. The townscape and special qualities can be appreciated in vistas across the CQSCA. Cafes, pubs and restaurants around the waterfront add to the vibrancy of this part of the city.
13. The appeal site lies within Character Area 6 (The Grove Welsh Back) as defined within the 2009 City and Queen Square Character Appraisal⁷. O and M sheds are identified as "*Unlisted Buildings of Merit*". Important vistas include long views across the harbour side, local views along Welsh Back and a glimpsed view looking east from the end of O shed. Other features that add to the special qualities of the area include the above noted London Plane tree and the historic waterfront.
14. The significance of the RCA is largely derived from the Floating Harbour and the Victorian former warehouses and industrial buildings that rise from the water edge. The long view from Redcliffe Bridge looking north along the Floating Harbour towards Bristol Bridge reveals the special qualities of the RCA.
15. The proposed cantilevered decking outside M shed would have a reinforced concrete base within the building and steel beams laid over part of the listed harbour wall and the Floating Harbour. These would be supported on small baseplates and resin fixed to edge of the existing stone walkway which would be repaired and the stones repointed. At its maximum, the walkway would over-sail the Floating Harbour by approximately 1.7m and would include a balustrade to provide a safe and accessible outdoor seating area. The section of new terrace fronting O shed would involve scabbling and recasting the existing concrete finish to the harbour wall.
16. The proposed decking would involve limited intervention to a small part of the listed structure. The disturbance/loss of some historic fabric would have a very slight adverse effect upon the special interest of this designated heritage asset. The vertical face of the harbour wall would be physically unaffected and the works would be largely reversible. The proposal would not conceal or interrupt any important views of the harbour wall⁸ and proposed repair works would assist in preserving the special qualities of this listed structure. In the context of the Framework, the proposal would result in less than substantial harm to the significance of the listed wall. This would be at the very low end of the scale of harm. The proposed development, insofar as it affects the listed wall, conflicts with CS policy BCS22 and LP policy DM31.
17. The proposal would not disrupt any important vistas or views into or out of the above noted conservation areas. The works to the gable wall of O shed would allow the rather unsightly shoring to be removed and enhance the glimpsed views east from Welsh Back and the statue of William III in Queen Square. Decking exists on some other buildings alongside the Floating Harbour and there is nothing to demonstrate this has harmed any heritage asset. The London Plane tree would be retained and a planning condition could ensure this important feature was protected during the construction phase.

⁷ This Appraisal has been subject to a process of public consultation and can be given moderate weight.

⁸ It is not lost on me that this section of the harbour wall is largely concealed by moored boats.

18. Boats moored along this section of the Floating Harbour add to the character and distinctive qualities of the area and AP site allocation SA401 (disused transit sheds) includes a requirement for development to retain secure independent access to existing residential moorings. The proposed removal or relocation of one houseboat (Ebenhaezer) to secure the regeneration of the appeal site would not compromise the waterside setting of this part of Bristol or materially harm the significance of the CQSCA or RCA. In this regard, many other boats are moored nearby, including on the opposite side of the harbour. The proposal would not undermine the objectives of the MP.
19. I understand that the Council (in its capacity as Harbour Authority) has suggested that a marina-style pontoon for small leisure craft could be provided alongside O and M sheds. Whilst this does not form part of the proposals, the appellant is supportive of this suggestion and has produced a sketch scheme showing how it could look alongside the appeal scheme. An option exists for replacing the existing mooring with a facility for leisure craft should the Council deem this appropriate or necessary.
20. The less than substantial harm that I have identified to the listed wall must be weighed with any public benefits. In this regard, the proposal would secure the re-use of vacant buildings, arrest the deterioration in the fabric of O and M sheds and enhance the appearance of the site. This weighs heavily in favour of granting permission. Diners/patrons would also be able to better appreciate the vista north towards Bristol Bridge, as well as other historic waterside features. The proposal would also generate revenue and provide employment.
21. The appellant's architect has given thoughtful consideration to the impact of the proposed development upon the significance of the various heritage assets and unlisted buildings of merit. The appeal scheme would contribute positively to the character and appearance of the area and assist in reinforcing local distinctiveness in accordance with CS policy BCS21 and AP policy BCAP44.
22. The proposal would enhance the appearance of the area. It would also add to the vibrancy and interest of this part of Bristol and strengthen the local economy. Whilst having special regard to the desirability of preserving the special architectural and historic features of Welsh Back Wharf, the public benefits of the proposed development would outweigh the very slight adverse effect to the historic fabric of the listed wall that I have identified above.
23. I conclude on this main issue that the effect upon Welsh Back Wharf would be outweighed by the public benefits of the development which include enhancing the appearance of the CQSCA and the setting of the RCA. Although there would be some conflict with aspects of the development plan, the proposal accords with the provisions of the Framework that are aimed at conserving and enhancing the historic environment. This justifies not determining the appeal in accordance with CS policy BCS22 and LP policy DM31.

Living Conditions

24. During my visit, I noted the proximity of neighbouring residential properties, as well as other restaurants and businesses which stay open during the evening. I understand that the appeal site lies within a Cumulative Impact Area, designated under the provisions of the Licensing Act 2003. The Council has informed me that within such areas applications for new premises licenses would normally be refused unless it can be demonstrated that the operation of

- premises would not add to the cumulative impact. Be that as it may, the licensing regime is separate from the planning process and I also note that the Council's licensing policy allows for flexibility/discretion in determining applications, especially those involving "*family-friendly*" proposals.
25. Amongst other things, the appellant's Operational Statement identifies future tenants of the appeal premises and explains that the intention is to operate these businesses on a family-friendly basis with an emphasis on food rather than late night drinking. Nevertheless, the Local Planning Authority would have no control over the choice of occupants or their business concepts. Circumstances could also change in the future. The development would increase noise and general activity within the area, including during the late evening. I note the concerns raised by the Council and some local residents that the proposal, in particular, the outdoor seating areas, could result in harmful noise disturbance for neighbouring residents.
26. However, suggested uses for O and M sheds within the AP include "*leisure*". The Council's planning officer advised that the proposal would accord with "*Site Allocation and key land use policies for the site*" and, having assessed the scheme against CS policy BCS23 and LP policy DM10, found that subject to the use of appropriate planning conditions (including those controlling opening hours and odours) the proposal would accord with these policies.
27. The proposed restaurants would be set apart from most of the neighbouring dwellings. It is also not unreasonable to expect some noise and disturbance during the evening when living in city centre locations such as this. Permission for a similar scheme was also granted in 2009 (ref. 08/05153/F)⁹. In the main, I agree with the assessment made by the Council's planning officer. I also note that having considered the application (which was accompanied by a Noise Survey) the Council's Pollution Control officer did not object.
28. Notwithstanding the above, and even if the proposed cantilevered decking could be constructed with the Ebenhaezer in situ, the residents of this houseboat would almost certainly experience considerable noise disturbance and a significant loss of privacy by way of overlooking from customers patronising the proposed restaurants. The proposal would be an unneighbourly development for the residents of Ebenhaezer and would be likely to result in a serious loss of residential amenity. This harm to the living conditions of those living immediately alongside/abutting the appeal site would conflict with the objectives of development plan policies BCS23 and DM10.
29. The Council and the appellant have suggested that if the appeal was allowed a planning condition should be attached requiring the removal/relocation of Ebenhaezer before the development commences. If this houseboat was to be moved or relocated away from the appeal site the use of O and M sheds as restaurants would not result in any serious loss of residential amenity. A negatively worded condition, such as the one suggested by the Council and the appellant, should not be used where there are no prospects at all of the action in question being performed within the three year time limit for implementing a planning permission.

⁹ The appellant has informed me that this was not implemented "*due to the difficult economic climate caused by the financial and property market crash.*"

30. I understand that prior to the appeal discussions were held involving the Council, the owner of Ebenhaezer and the appellant. The Council's Legal Services officer has informed me that the Council is using all reasonable endeavours to relocate this houseboat and is *"exploring a number of options"* to facilitate a move. It is confident that an alternative mooring can be found but if agreement with the owner could not be reached the Council, as a last resort, intends taking court action. The Council believes such action would have *"a reasonable prospect of success"* and could take *"from 6 months to a year to conclude if the action is defended"*.
31. The owner of this houseboat has informed me that she has lived in this location for twenty one years and has the necessary licence/approvals to continue residing in this part of the Floating Harbour for a period well in excess of three years. Moreover, she does not wish to move and has pointed out that serious modifications would need to be undertaken to Ebenhaezer before it could be relocated elsewhere. I appreciate the stress and the anxiety that the owner and her family are experiencing as the Council attempts to move their home. I am also mindful of the provisions of Article 8 of the European Convention on Human Rights (ECHR) as enshrined within the Human Rights Act 1998.
32. Contractual arrangements between the Council and the appellant (Development Agreement), the Council and the owner of Ebenhaezer (Mooring Licence) and the suitability or otherwise of an alternative mooring are not matters for my consideration. Nevertheless, I note from the letter dated 8 February 2018 from the Council's harbour manager that the Harbour Authority *"is minded not to re-berth the Ebenhaezer, even if contractually the harbour authority could; as there are no suitable residential mooring berths in the harbour to accommodate the Ebenhaezer."* This supports the comment made by the owner of Ebenhaezer that there are no available residential moorings with planning permission that would incorporate all of the services for a houseboat of this size. However, the Council has informed me that a further meeting has taken place between its officers, including the harbour master, and three possible locations have now been identified for Ebenhaezer.
33. It appears to me that there has been some inconsistency in the Council's approach to this houseboat, with one arm (owner of the appeal site) wanting it removed to facilitate the development of O and M sheds whilst, as the Local Planning Authority and the Harbour Authority, the Council appears unable to support its removal/relocation until very recently. I have much sympathy for the owner of Ebenhaezer who is not professionally represented and wishes to remain living on this part of the Floating Harbour. It must also be frustrating for the appellant to receive mixed messages from the Council on this matter.
34. However, the 'no prospects at all' requirement for the use of a negatively worded planning condition sets a very high bar. Notwithstanding the opposition to the proposal from the owner of Ebenhaezer and the above noted comments of the harbour manager, circumstances could change during the 'life-time' of a permission. This could include alternative berths becoming available and/or negotiations resuming with the owner of this houseboat that result in agreement being reached between the respective parties. I could not therefore reasonably find that there are no prospects at all of Ebenhaezer being moved within the next three years. However, this does not fetter the houseboat owner's rights in respect of her licence or any separate agreement

with the Council or others. These matters sit alongside but outside the planning process.

35. I conclude on this main issue that subject to use of a negatively worded planning condition requiring the removal of Ebenhaezer, the proposal would not harm the living conditions of neighbouring residents. A condition to this effect would ensure there was no breach of CS policy BCS23 and LP policy DM10.

Other Matters

36. Moving the Ebenhaezer would interfere with the home owner's rights afforded under Article 8 of the ECHR. However, when this weighed with the wider public interest of restoring and re-using the buildings on the appeal site, as well as the economic benefits (employment and local revenue) to be derived from a viable scheme of regeneration, I find that this interference would be justified.
37. The wider public interest and benefits are unlikely to be achieved by means which could result in less interference with the rights of the occupiers of this houseboat. In this regard, even if the proposed outdoor seating was deleted from the appeal scheme there would still be overlooking and noise disturbance from the facing windows in O and M sheds. Blocking up these openings could detract from the appearance and integrity of these buildings of merit and, in all likelihood, would affect the viability of the appeal scheme.
38. I note the concerns raised by some interested parties regarding the potential impact upon bats. Whilst the appellant's Bat Detector Survey Report confirmed commuting and foraging from various species of bats, neither this report nor the appellant's Bat Search Survey Report found any evidence of O and M sheds being used by bats. External lighting could be controlled by the use of an appropriately worded planning condition to limit the extent of any disturbance to bats. The Council's Nature Conservation Officer did not object to the proposals and permission was not withheld on the basis of any harm to protected species. The proposal would be unlikely to have any significant effect upon bats and would accord with the relevant provisions of policy BCS23. There is no cogent evidence to support fears that otters would be harmed.
39. The proposal would increase pedestrian and vehicular traffic along Welsh Back and other sections of the local highway network. There would also be a loss of some limited off-street parking spaces immediately in front of the buildings. However, the site is conveniently located with regards to public transport services, pedestrian and cycle routes and car parks. Some cycle parking would be provided as part of the scheme and many customers would be able to travel by sustainable modes of transport. The Council's Transport Development Management Officer did not object to the proposal and any re-use of the buildings would be likely to result in some increase in traffic and/or loss of parking. The proposed development would be unlikely to compromise highway safety interests or significantly increase congestion.
40. Some interested parties have argued that the appeal site could be put to more beneficial use(s). Be that as it may, I have noted above the provisions of the development plan regarding this site and it is not for me to determine whether or not it should be used for different purposes.
41. There is much local opposition to the proposals and I am mindful of the Government's localism agenda. I do not set these concerns aside lightly.

However, having objectively assessed the planning merits of the case there is more cogency to the arguments put forward on behalf of the appellant. I also note that having carefully considered the application, including the representations made by interested parties, the Council's planning officer recommended that permission be granted.

Planning Conditions

42. In the interests of certainty a condition would be necessary specifying the approved plans. In this regard, I understand that the officer's report incorrectly identifies plans that were superseded during the processing of the application.
43. For the reasons given above, a negatively worded condition would be necessary requiring the removal of the Ebenhaezer. Negatively worded conditions would also be necessary to: safeguard the character and appearance of the area (details of external materials to be used and the protection of the London Plane tree); limit the risk of congestion and danger on the public highway and limit inconvenience to residents and existing businesses (construction management plan); limit the risk of disturbing bats (external lighting) and; ensure public health was safeguarded (land contamination).
44. Other conditions would be necessary to: safeguard the living conditions of neighbouring residents (hours of operation/use of the external seating areas¹⁰, odour control, noise mitigation); ensure the efficient use of water and energy; encourage travel by sustainable modes of transport; reduce the likelihood of customers and staff being at risk of flooding; safeguard the character and appearance of the area (additional drawings of render junctions and external doors and windows); ensure safe/adequate pedestrian movement along Welsh Back and; provide adequate refuse and recycling facilities.
45. Conditions should only be used where permission would otherwise be refused. The Council's suggested condition requiring details of how the building could be connected to a possible district heat network is unnecessary. To avoid duplication and in the interests of concision I have modified some of those conditions that have been suggested to me.

Overall Conclusion

46. I have found above that the proposal would conflict with some aspects of the development plan which do not reflect current Government advice but would accord with other relevant policies. Having regard to the duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would satisfy the economic, social and environmental dimensions to sustainable development, as defined within the Framework, and would accord with the provisions of the development plan when considered as a whole.
47. Given all of the above and having regard to all other matters raised, I conclude that the appeal should succeed.

Neil Pope

Inspector

¹⁰ The Council's suggestion of ceasing the use of the decking areas at 21:00hrs would be unduly onerous.

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 2. The development hereby permitted shall be undertaken in accordance with the details shown on the following approved plans: AHR-AR-B01-PL-001 Rev 02 (location plan); AHR-AR-B01-PL-003 Rev 02 (demolition plan); AHR-AR-B01-PL-010 Rev 03 (proposed site plan); AHR-AR-B01-011 Rev 03 (proposed floor plan); AHR-AR-B01-PL-020 Rev 03 (proposed sections); AHR-AR-B01-PL-030 Rev 4 (proposed elevations); AHR-AR-B01-PL-050 Rev 4 (proposed streetscape); AHR-AR-B01-PL-055 Rev4 (street level finishes); B2727/ME1 Rev A (proposed kitchen ventilation); SK-001 (walkway steel scheme) and; 001-322-01 Rev A (indicative HVAC layout).
 3. No development shall commence until the houseboat known as Ebenhaezer that is moored immediately adjacent to the site has been moved or relocated away from the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
 4. No development or works of demolition shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) the materials to be used in the construction/repair of the external fabric of the buildings;
 - ii) a detailed arboricultural method statement for the construction of the proposed paved areas and cantilevered decking, which shall include a programme of arboricultural supervision and monitoring, the number of site visits proposed and arrangements for making available a site monitoring record;
 - iii) a construction management plan or construction method statement which shall include provision for parking of vehicles of site operatives and visitors, routes for construction traffic, the hours of demolition/construction, the method for preventing mud being carried onto the highway, pedestrian and cyclist protection and arrangements for the turning of vehicles;
 - iv) all external lighting, including a lux level contour plan, which should seek to ensure no light spill outside the boundaries of the site;
 - v) a site specific risk assessment has been completed (by a competent person) to assess the level of risk from any contamination at the site following previous site investigations and a written report of the findings produced in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- The development shall be undertaken in accordance with the approved details.
5. In the event of contamination being found within the site no development shall take place or proceed until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority (LPA). The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall be undertaken or proceed in accordance with the approved remediation scheme, including the timetable of works. Following completion of measures in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the LPA.

6. Notwithstanding the details shown on the approved plans above, none of the units shall be occupied until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- i) the means of ventilation for the extraction and dispersal of cooking smells/fumes (which shall not project above the ridge of the roofs), including details of its method of construction, odour control measures, noise levels, its appearance and finish for each unit respectively;
 - ii) the proposed water efficiency technologies to ensure potable water use is kept to a minimum;
 - iii) the proposed energy efficiency and renewable energy technologies to be implemented within the fit-out of each unit respectively, which shall perform as per (or better than) the details specified within the Sustainability Strategy dated April 2016 by Method Consulting LLP, including a 26.9% reduction in CO₂ emissions below baseline emissions (Part L2B) through energy efficiency and a 28.3% reduction in CO₂ emissions below 'residual emissions' through renewable energy;
 - iv) a BREEAM 'shell only' certificate for each unit demonstrating that BREEAM excellent rating has been aimed for and the ability to achieve a minimum BREEAM very good rating score of 64.22%;
 - v) an assessment (prepared by a suitably qualified acoustic consultant / engineer) on the potential for noise from each restaurant (including the outside seating areas) to affect occupiers of neighbouring residential or commercial properties and a detailed scheme of noise mitigation (including a programme of implementation) if the assessment indicates that nuisance would be caused to neighbouring occupiers or if the rating level from any plant and equipment would not be at least 5 dB below the background noise level;
 - vi) an Odour Management Plan for each restaurant, including cleaning, maintenance and filter replacement policies and a system for recording and demonstrating when such works are undertaken;
 - vii) a Flood Warning and Evacuation Plan (FEP), which shall include information relating to command & control (decision making process and communications to ensure activation of FEP), training and exercising of personnel on site (H&S records of to whom and when), flood warning procedures (in terms of receipt and transmission of information and to whom), site evacuation procedures and routes, provision for identified safe refuges (who goes there and resources to sustain them) and measures for reviewing the FEP at intervals not exceeding three years which shall form part of the Health & Safety at Work Register maintained by the site operator;
 - viii) cycle parking provision within the site.

The development shall be undertaken in accordance with the approved details and these shall be retained thereafter.

7. The use of the outdoor seating areas shall not be carried out outside the hours of 09:00 to 22:00 on any day and no customers shall remain on the premises outside the hours of 08:00 to 23:00 hours Sunday to Thursday and 08:00 to

23:30 hours on Fridays and Saturdays.

8. No development to the roofs or external doors and windows of the buildings shall take place until detailed drawings at a scale of 1:10 or 1:25 of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) render junctions with the existing roofs and;
 - ii) window and door frame sections showing how they relate to the existing / remaining fabric of the buildings.The development shall be undertaken in accordance with the approved details.
9. Neither building shall be occupied until details of the installation of a footway along the frontage of the site along Welsh Back, including the surface finish and kerb details, and a timetable for providing the footway have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details/timetable.
10. None of the restaurants hereby approved shall be occupied until an assessment to show that the rating level of any plant & equipment, for each restaurant respectively, will be at least 5 dB below the background level has been submitted to and approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and shall be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
11. Neither building shall be occupied nor the use commenced until the refuse storage facilities and the area for storing recyclable materials, as shown on the approved plans, have been provided. These facilities shall be retained thereafter.
12. Servicing and deliveries associated with the development, the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall not take place during peak highway hours (which are 8-9am and 4-6pm), or between the hours of 10pm and 9am. No servicing, deliveries or refuse/recycling collections shall take place on Sundays or Public Holidays.
13. The Interim Travel Plan dated December 2015 from RCA Regeneration Ltd shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Interim Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.
14. The development shall be undertaken in accordance with the Flood Risk Assessment (FRA) by Ramboll, dated December 2015, including setting the finished floor levels no lower than 9.4 m above Ordnance Datum (AOD).