
Appeal Decision

Site visit made on 15 January 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2021

Appeal Ref: APP/Z0116/W/20/3249373

Slug and Lettuce, 26-28 St Nicholas Street, Bristol BS1 1TG

- 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 Stonegate Pub Company against the decision of Bristol City Council.
 - The application Ref 19/05856/F, dated 4 December 2019, was refused by notice dated 3 February 2020.
 - The development proposed is the refurbishment of the existing customer external seating area to include provision of 2 wooden pergolas and a seating booth.
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Decision

1. The appeal is dismissed insofar as it relates to the seating booth and the posts along the front boundary wall.
2. The appeal is allowed insofar as it relates to all elements of the refurbishment of the existing customer external seating area to include provision of 2 wooden pergolas, apart from the seating booth and the posts along the front boundary wall, and planning permission is granted for the refurbishment of the existing customer external seating area to include provision of 2 wooden pergolas (apart from the seating booth and the posts along the front boundary wall), at Slug and Lettuce, 26-28 St Nicholas Street, Bristol BS1 1TG in accordance with the terms of the application, Ref 19/05856/F, dated 4 December 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Unless otherwise amended under the condition below, the development hereby permitted shall be carried out in accordance with the approved plans (insofar as they concern the elements of the development permitted), namely: 3982-29E; 3982-30A (entitled 'External Details Detail K1-Pergola 1') & 3982-31.
 - 3) Prior to the first erection of Pergola K2, details shall be submitted to and approved in writing by the Council of the refuse and recycling storage area and a route to transport refuse and recycling between that area and the highway. That area and that route shall be made available before Pergola K2 is built and the area shall thereafter be kept available for refuse and recycling storage while the access shall thereafter be retained to allow the transport of refuse and recycling between the refuse and recycling storage area and the highway.

Procedural matters

3. I have had regard to the amended scheme shown on drawing 3982-29E, as this superseded the earlier layout on drawing 3982-30A. However, the plan for Pergola 1 is also numbered 3982-30A and so I have taken that into account. Drawing 3982-32A concerns a fence that is no longer proposed and so does not form part of my assessment. For the avoidance of doubt a condition should be imposed on any permission defining the plans subject of the decision.

Main Issues

4. The main issues in this case are whether the works
 - a) would fail to preserve the character or appearance of the conservation area and the setting of the adjacent listed building, and their impact on the significance of these 2 designated heritage assets and
 - b) would allow for a workable system of refuse and recycling storage and collection.

Reasons

The effect on heritage assets

5. The significance of the City and Queen Square Conservation Area lies partly in the manner in which its buildings and intervening spaces reflect the growth and evolution of this prosperous historic city over the centuries. Within the conservation area its character and appearance include a network of tightly packed streets enclosed by many older buildings of a higher status that date from the 19th Century and earlier, and this very much enhances this significance.
6. St Nicholas Street adds positively to this historic environment. It is a curved road that follows the medieval city wall, and is lined in part by attractive older commercial buildings sited at the back of or close to the back of the pavement. Within St Nicholas Street the appeal site is an anomaly. For whatever reason it seems any older buildings on the land have been cleared at some point in the past and replaced with a relatively modern public house set back behind a deep terrace (the terrace). This terrace is now used as an outside drinking and dining area for customers of the public house. It currently appears cluttered and uncoordinated, as it comprises a number of levels and various fences and surfacing treatments, as well as a large awning structure. Therefore, even though the terrace is, to a great extent, visually contained and concealed by the large gables to either side, I consider this to be a discordant space in the conservation area and harming the significance of that designated heritage asset. This is reflected in the conservation area's *Character Appraisal* that identifies the terrace as a negative feature in the conservation area.
7. Pergola K1 is to be in the western rear corner of the terrace and running towards the road while Pergola K2 would be on the opposite side and run parallel to the road. Their sizes, their set back from the front of the site, their simple form and their concealment from St Nicholas Street by the gables to either side mean they would not be unduly dominant in the streetscape or unduly bulky. Moreover, even if I shared the view that the use of timber was better suited to a garden context, given the semi-private nature of this terrace

- that would not be inappropriate here. As such, I find this aspect of the scheme would not cause harm to the character or appearance of the conservation area.
8. The large seating booth is on site now in roughly its intended position. This is metal framed with a curved roof and is partially enclosed by what appears to be Perspex sheeting or similar. However, the form and appearance of this structure mean it would relate poorly to the 2 pergolas and appear discordant, with this discordancy adding to a sense of clutter on the site. Moreover, because of its form and materials it would be at odds with the historic surroundings. As such, I find this aspect of the scheme would cause harm, albeit less than substantial, to the character and appearance of the conservation area.
 9. Although the description of development refers explicitly to only the pergolas and a seating booth, the refurbishment scheme comprises a number of other elements that are detailed in the submissions. One of these is a series of timber posts that have been constructed along the back of the front boundary wall to allow festoon lighting. I consider these too are discordant. They appear unrelated to this older piece of walling and erode the contribution it makes to integrating the site to some extent into the surrounding streetscape. Moreover, being right at the back of the pavement they are far more prominent from St Nicholas Street than much of the rest of the scheme, and this prominence emphasises their adverse relationship to the historic locality. Accordingly, I find this element too would cause harm, again less than substantial, to the character and appearance of the conservation area.
 10. Given what is now there, I consider the other various elements of the scheme would not harm the conservation area. Overall, although the seating booth and front posts are unacceptable, the remainder would offer a slightly more unified and visually cohesive arrangement to the terrace when compared to what is currently present, to the benefit of the conservation area.
 11. In assessing this issue, I have noted the outside seating area at the premises on the opposite side of St Nicholas Street. I do not know how much of what I saw required or has received planning permission, while the depth of the terrace and the scale of the associated building are different to what is found at the appeal property. As such, it does not draw me to change my findings.
 12. Turning to the effect of the works on the setting of 20 St Nicholas Street, this is a Grade II listed building that lies immediately to the east. Its significance and special architectural and historic interest lie, partly, in its ornate front detailing that reflects its original use as a public house dating from the 19th Century. The openness of the terrace allows the frontage of the building to be better appreciated to some degree so contributes positively to its setting. However, the side gable of No 20, which forms much of the eastern side of the terrace, is relatively blank apart from 2 large advertisements. As such, I consider this gable contributes little to the significance of that building.
 13. The pergola on that side would be set well back and so would not intrude into any important or valuable views of No 20 and its frontage. Whilst it would be seen against the gable, given the limited contribution the gable makes to the significance of No 20 that would not be harmful. However, the posts on the front wall are more apparent in the context of the front of that adjacent building, and so would cause some harm to its setting and significance by eroding an appreciation of this frontage in the streetscape. All the other

aspects of the scheme would be of a size or position that meant they caused no harm to the significance of the building.

14. Accordingly, if I exclude the front posts and the seating booth, I have found that all the remaining aspects of the scheme would not fail to preserve the character or appearance of the conservation area or the setting of the adjacent Grade II listed building, and so would not harm the significance of either of these designated heritage assets. As such they would not conflict with Policies BCS21 and BCS22 in the *Bristol Development Framework Core Strategy*, or Policies DM26, DM27, DM30 and DM31 in the *Site Allocations and Development Management Plan* (the Site Allocations Document), which together seek to high quality urban design that safeguards the city's historic environment. They would also not be contrary to the *National Planning Policy Framework* (the Framework).
15. However, I have found that the seating booth would cause less than substantial harm to the significance of the conservation area whilst the posts would not only cause less than substantial harm to the significance of the conservation area but the setting of the adjacent listed building as well.
16. The Framework states that heritage assets should be conserved in a manner appropriate to their significance. Moreover, any harm to the significance of a designated heritage asset and its setting should require clear and convincing justification. If less than substantial harm is identified to a designated heritage asset it should be weighed against the scheme's public benefits. In relation to these 2 elements I appreciate that premises such as this need to make themselves as appealing as possible to customers, but I see no reason why this can only be done using these features.
17. Moreover, although some elements of the development would be acceptable and may indeed improve the appearance of the terraced area, I am not aware of any reason why these acceptable elements should justify the scheme's harmful elements given the fact that the seating booth and the front posts appear to be distinct and severable from the rest. Therefore, any benefits arising from the other aspects are not sufficient to overcome their harm. Consequently, I find that there is no clear and convincing justification for the harmful elements of the works, and public benefits do not outweigh the harm they would cause.
18. Accordingly, I conclude that the seating booth would not preserve the character or appearance of the conservation area, so causing less than substantial harm to its significance as a designated heritage asset. Moreover, the front posts would not preserve the character or appearance of the conservation area or the setting of the adjacent listed building, causing less than substantial harm to the significance of both of these designated heritage assets. In the absence of any public benefits to outweigh this harm, these aspects of the scheme would conflict with Core Strategy Policies BCS21 and BCS22, Policies DM26, DM27, DM30 and DM31 in the Site Allocations Document, and the Framework.

Refuse and recycling storage and collection

19. The Council is concerned that the introduction of the Pergola K2 in addition to the seating booth will prevent safe movement of bins and result in them becoming a permanent blockage to pedestrians on the pavement. However, it is reasonable to assume that the operators of the premises would be anxious to

maintain the ambience of the premises and so would avoid kegs and refuse being kept in unsightly or offensive places. In any event, as I am not accepting the seating booth, I consider the terrace would remain relatively open and so should allow bins to be taken across the area, while the ramped access to the road is not changing. To secure this, a condition should be imposed to ensure a storage area and a route to the road to move the bins would be agreed and retained.

20. I accept that identifying an area within the site for such storage and a route for access would not necessarily mean bins would not be left on the pavement, but it would at least reduce the likelihood of it occurring. I consider that the suggested condition requiring bins to be on the pavement only for collection would not be precise or enforceable, but if they remained on the pavement unnecessarily that would be a matter best addressed under other legislation.
21. Accordingly, I conclude it has not been shown this scheme would result in an unacceptable situation with regard to refuse and recycling storage and collection. As a result, the development would not conflict with Core Strategy Policies BCS10 and BCS15, or Policies DM23 and DM32 in the Site Allocations Document, which broadly seek to ensure satisfactory refuse and recycling storage and a protection of pedestrian routes.

Conclusions

22. I have concluded that the only unacceptable elements of the scheme are the seating booth and the posts along the front boundary wall. Although the appellant has no doubt sought a comprehensive approach to the refurbishment of the terrace, these 2 elements are distinct and severable from the remainder and I have been given no reason to consider otherwise. Therefore, I conclude a spilt decision should be issued, dismissing the appeal insofar as it concerns the seating booth and the posts along the front boundary wall, but allowing the appeal in all other respects subject to the conditions discussed in my reasoning above.

Mr JP Sargent

INSPECTOR