

28 March 2022

Paul Chick
Development Management
Bristol City Council
City Hall
College Green
Bristol
BS1 9NE

Dear Paul,

Section 73 Application to vary Conditions 14 and 15 attached to Planning Permission ref. 19/01743/X to alter hours of operation

Left Handed Giant, Hawkins Lane, Finzels Reach, Bristol, BS1 6JQ

On behalf of our client, Left Handed Giant Limited, a Section 73 application has been submitted, via Planningportal, to vary the wording of Conditions 14 and 15 to extend the hours of operation of the Left Handed Giant Brewpub as approved under planning application ref. 19/01743/X.

Context

The application site has a long and complex planning history, dating back to 2005 in earnest, where planning permission was granted for the mixed-use regeneration of Finzels Reach, including 37,364sqm office, 384 residential units, and 8097sqm of leisure, retail and food & drink business services uses as well as public realm improvements and a new pedestrian and cycle bridge across the Floating Harbour.

Following acquisition of the site by Cubex Land Ltd in 2012, planning consent was granted to update the 2005 permission, following a strategic review of buildings and infrastructure already constructed.

Original Permission

The Fermentation North and Compressor Building, where Left Handed Giant is located within Finzels Reach, was granted planning consent under application ref. 12/02450/F on the 18th December 2012 for the following:

"Change of use of the Fermentation North Building at Finzels Reach from Use Class A1 Retail and D2 Health Club to Use Classes A1, D2, A3 and A4, and retention of the Compressor Building as Use Class D2 Health Club."

2017 Permission

Planning permission was granted on 1st of September 2017 for the building's change of use, facilitating flexible consent for the following uses:

"Change of use of the Fermentation North, Compressor and Well Head from A1 and D2, to allow: A1, A3, A4 & Sui Generis (Micro Brewery) at Ground Floor, and D2, A3, A4, Sui Generis (Micro Brewery) and B1 office at First and Second Floor of the Fermentation North; D2, A3, A4 and Sui Generis (Micro Brewery) at the Compressor; and A1, A3 and A4 at the Well Head." The above allows occupation of the ground floor element of the Compressor Building for classes A1, A3, A4 & Sui Generis (Micro Brewery)."

Planning permission 17/02683/F referred to above is the relevant original planning permission as far as this Section 73 application is concerned.

S96A and Section 73

Pursuant to planning permission ref. 17/02683/F, two further applications to vary this permission have been submitted to Bristol City Council.

A submission was made to Bristol City Council to vary the opening hours approved under application ref. 17/02683/F in February 2019 under application ref 19/00742/NMA. It was determined that such amendments to opening hours could not be considered 'non-material' and would instead require the submission of a S73 application. This decision was based on the need for consultation given that many buildings within the Finzels Reach development are now occupied.

Subsequently, application ref. 19/01743/X, a Section 73 application, was submitted and approved for the variation of condition 15 (hours open to customers). As per the NPPG (Paragraph: 015 Reference ID: 17a-015-20140306), Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. As such, this Section 73 application includes reference to permission ref. 19/01743/X in the development description.

Of relevance to this application, the following conditions were attached as Condition 14 and 15:

15. Hours Open to Customers Monday - Sunday

No customers shall remain on the premises outside the hours of 08.00am and 12:30am.

Reason: To safeguard the residential amenity of nearby occupiers.

Licensing Application

While acknowledging that Licensing applications operate under a completely different legislative structure to the planning system, we would note that this planning application seeks to emulate and regularise a recently granted licensing application for the site.

The Licensing Application sought the following:

- Extension of licenced hours to 1am each morning.
- Extension of hours open to the public to 1.30 am each morning (to allow 30 minutes drinking up time)

- Removal of Annex 2 - Conditions consistent with the Operating Schedule '7' Draught beer products shall be served in measures appropriate to their ABV. Namely: Up to 6% not in excess of 2/3rd pint, 6.1% - 7.5% not in excess of 1/2 pint and 7.6% and above not in excess of 1/3rd pint.'
- Removal of Annex 2 - Conditions consistent with the Operating Schedule '30' The total capacity for the ground floor of the premises shall be limited to 270 persons, the first floor limited to 60 persons and the second floor limited to 60 persons. The limit includes performers, guests, staff and officials.' (This condition is covered by Annex 3 - 11)

The application was approved at Licensing Committee on 17th March 2022 in line with the Officer's recommendation to grant the application.

We note that the Environmental Health Officer, Mark Curtis, was consulted as part of this application.

Development Proposals

This Section 73 application seeks to vary Condition 15 attached to planning permission 19/01743/X to allow customers to remain on the premises until 1.30am Monday – Sunday, extending the hours of operation by up to one hour daily. The development proposals would reflect the recently granted Licensing arrangement. As such, Condition 15 would be varied to read as follows:

"Hours Open to Customers Monday - Sunday

No customers shall remain on the premises outside the hours of 08.00am and 1:30am.

Reason: To safeguard the residential amenity of nearby occupiers. "

We would note that 'Progressing Bristol's Development', an interim Statement from Bristol City Council, but also the most recently published planning guidance, provides explicit support for the night-time economy in light of the impact of COVID-19. It states that planning decisions particularly in the city centre, must not put at risk the survival or growth of uses such as music venues, clubs and existing industries which are vital to the city's cultural diversity, the night-time economy and its economic success as we recover from the effects of COVID-19. We therefore consider that the development proposals respond positively to the aspirations of the Council, noting they ensure the longevity and viability of an established business within the City Centre.

A myriad of management measures and acoustic mitigation are in place within the premises to protect the amenity of nearby neighbours, including:

- Top Floor windows, front sliding doors, and bar window will be closed at 11 pm to reduce noise bleed from the venue.
- Amplified music in the outside areas will also be turned off at 11 pm
- Acoustic panelling has been installed throughout the venue to lessen noise;
- Staff will actively discourage anti-social behaviour
- A gate, with sound dampening boards, will be shut in the evening from 7pm in order to lessen the noise impact from the courtyard on neighbouring dwellings

These measures are secured by the premises licensing arrangement.

For completeness, within this planning application, we are submitted details and specification of the acoustic panelling and sound dampening boards mentioned above. These documents have the following references:

- **Solo Rectangle Product UK** - Product details for roof cladding. 12 x 2440 x 1200 and 4 x 1800 x 1220 installed
- **Linea UK Brochure** - Showing product details for wall cladding
- **Tender Issue Quotes Acoustic Wall Panels** - Detailing wall cladding installed
- **LHG Valuation 05** - Lines 19 and 20 detail cost of acoustic wall cladding. Line 21 details the cost of acoustic ceiling cladding, totalling over £35k and therefore demonstrating my client's commitment to the local community.

We would also note that the venue has not received a noise complaint in the last two and a half years it has been operating demonstrating that the venue is being managed effectively with consideration to the surrounding residents. This was recently confirmed and noted by Bristol City Council's Environmental Health Officer. We have also consulted with the EHO prior to submission of this application, and he has confirmed he has no objection to the development proposals.

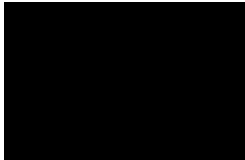
Summary

In light of the above, we consider that this Section 73 application should be granted without delay. It seeks to provide support for an established commercial business within the City Centre following the impacts of COVID-19, while demonstrating that the necessary noise mitigation and management measures are being implemented to protect the amenity of the surrounding residents. We would also note that the development proposals would only seek to emulate the premises' licensing arrangement and therefore approval within the planning process would demonstrate a consistency in decision making by Bristol City Council, which is an important in securing public confidence in the operation of the development control system.

We trust the information provided in this letter is sufficient to permit the extension to the hours of operation proposed, but if you have any further queries or need further information, please do not hesitate to contact me on the details below.



Yours sincerely,



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For and on behalf of Avison Young (UK) Limited