



## Decision Notice and Statement of Reasons

Site visit made on 2 May 2025

**By C Shearing BA (Hons) MA MRTPI**

**A person appointed by the Secretary of State**

**Decision date: 20 May 2025**

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**Application Reference: S62A/2025/0092**

**Site address: 10 Melvin Square, Knowle, Bristol BS4 1LZ**

- The application is made under section 62A of the Town and Country Planning Act 1990.
  - The site is located within the administrative area of Bristol City Council.
  - The application dated 28 February 2025 is made by Mr Kevin Patel and was validated on 21 March 2025.
  - The development proposed is described as 'ground, first and second floor extensions to 10 Melvin Square and first floor side extension to 1 Ilminster Avenue, to create 2no. large HMOs (1no. 9 bed, 1no. 7 bed), with cycle storage and retail storage at ground floor level'.
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### Decision

1. Planning permission is granted for ground, first and second floor extensions to 10 Melvin Square and first floor side extension to 1 Ilminster Avenue, to create 2no. large HMOs (1no. 9 bed, 1no.7 bed), with cycle storage and retail storage at ground floor level in accordance with the terms of the application dated 28 February, subject to the conditions set out in the schedule below.

### Statement of Reasons

#### Procedural Matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (the Council) have been designated for non major applications since 6 March 2024.
3. Consultation was undertaken on 28 March 2025 which allowed for responses by 30 April 2025. Responses were received from the parties listed in Appendix 1 and a number of interested parties and local residents also submitted responses. The Council submitted an officer report which includes some consultation responses and sets out the reasons that the

Council support the application, with suggested conditions. I have taken account of all written representations in reaching my decision. I also carried out a site visit on 2 May 2025, which enabled me to view the site and the surrounding area.

4. The description of development above is taken from the application form, but I have removed reference to the earlier planning application since this is not a description of development.

## **Background and Main Issue**

5. There is an extant planning permission for development on the site described as 'ground, first and second floor extensions to 10 Melvin Square to create 6no. self contained flats, and first floor side extension to 1 Ilminster Avenue, to create flat at first floor level, with cycle storage and retail storage at ground floor level'<sup>1</sup>. These works are similar in scale and design to those currently proposed and I understand that permission could still be implemented.
6. An earlier application for development with a similar description to that of this application was refused by the Council on 5 September 2024<sup>2</sup>. The reason for refusal referred to the quality of the proposed accommodation, in particular as the proposal was considered to constitute 18 self contained units of substandard size, rather than HMO accommodation. Concerns were also raised by the Council for the arrangements for cycle storage and the loading bay, which would cause unsafe highway conditions.
7. That refusal was the subject of a subsequent appeal<sup>3</sup> which was dismissed on 14 February 2025. The Inspector in that appeal found the proposal to be acceptable in terms of its cycle storage and loading arrangements, but found the standard of proposed accommodation to be unacceptable.
8. The scale, bulk and design of the proposed extensions before me are largely similar to those previously considered by the Council and the earlier Planning Inspector, including the locations of balconies, windows and openings across the development. Accordingly, and having regard to the findings of those bodies, I consider the main issue for this application to be whether the proposal would provide an acceptable standard of accommodation for future occupiers.

## **Reasons**

9. The proposed drawings demonstrate two large HMOs, provided at the first and second floor levels of the extended building. Each bedroom would include a small ensuite WC with shower, and each HMO unit would include a communal kitchen with balcony to the northern side of the building. Associated shared refuse and cycle storage facilities would be provided at the ground floor level.

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<sup>1</sup> Council reference 22/02320/F dated 28 April 2023

<sup>2</sup> Council reference 24/00433/F

<sup>3</sup> Appeal reference APP/Z0116/W/24/3353637

10. The Council's Supplementary Planning Document 2020 'Managing the Development of Houses in Multiple Occupation' (the SPD) defines a HMO as a unit which is occupied by 3 or more persons from 2 or more households and there are shared facilities such as a toilet, bathroom or kitchen. The SPD also refers to the legal definition of a HMO taken from the Housing Act 2004, which similarly refers to sharing of one or more basic amenity such as a bathroom, toilet or cooking facilities. As the proposal demonstrates that cooking facilities would be shared within each HMO unit, I am satisfied that the proposal meets the definitions provided in the SPD. The concerns of the earlier Inspector in this regard have therefore been addressed.
11. The proposed bedrooms are intended for single occupancy, and each would exceed the 6.51m<sup>2</sup> floorspace standard set out in the SPD. All those bedrooms would also exceed the floorspace requirement for two people should that occur. In addition, all would have a reasonable layout and benefit from well proportioned windows providing natural lighting and outlook to those rooms.
12. In conclusion on this main issue, for the reasons given the proposal would provide a satisfactory standard of accommodation for future occupiers, and would comply with policies BCS18 and BCS21 of the Council's Core Strategy 2011 (the CS) and DM30 of the Site Allocations and Development Management Policies 2014 (the SADMP) insofar as they relate to the healthy living conditions of residential development. The development would also adhere to the guidance set out in the relevant SPD as set out above.

### **Other Matters**

13. Other issues relevant to the assessment of the proposal have been subject to consideration by both the Council and a Planning Inspector under the recently refused planning application and appeal. As such I have not revisited the other issues in detail.
14. I note the concerns raised by third parties surrounding traffic around Melvin Square, and I observed the nearby school and bus services which create a busy road network surrounding the site. No parking would be provided for residents of the development. However, given the site's location and good accessibility to public transport, in combination with the Council's policy regarding maximum parking standards, this is acceptable and would encourage use of sustainable means of transport by future occupants. Neither is there substantive evidence that the development would cause severe impacts on the road network that would justify refusal, as set out in the National Planning Policy Framework. Appropriate cycle and refuse storage facilities are shown, and I have no strong reason to believe that they would be inadequate or lead to public nuisance.
15. Given the findings of the earlier Inspector I have no substantive reason to find the loading and servicing arrangements to now be unacceptable, and any issues arising from the mis-use of the highway and its restrictions would be for the relevant highway authority to enforce if necessary. Similarly, issues relating to other development on the site or breaches of

planning control would be a matter for the Council, and would not amount to a reason to withhold planning permission for the proposed development.

16. In the absence of evidence of any notable changes in circumstances since the consideration of the earlier application, and given the fall-back position of the extant permission, the proposal would remain acceptable in terms of its effects on the living conditions of adjoining and nearby occupants. While I note concerns regarding anti-social behaviour in the area, there is not evidence to support that this proposal would necessarily exacerbate those issues, or that it would add to noise disturbance. Powers exist beyond the scope of the planning system to assist with those matters should they occur in the future, and to deal with HMO licensing. The proposal would comply with Policy BCS23 of the CS, as well as DM30 and DM35 of the SADMP.
17. I note the Council's observations that, based on local statistics, the proposal would not amount to a harmful concentration of housing of this type in this area, in line with the requirement of Policy DM2 of the SADMP. Neither is there substantive evidence to suggest the proposal would amount to 'sandwiching' of any existing dwelling as set out in the SPD. The proposal would contribute to the mix of housing types both in this area and within the Council's administrative area, which is supported by Policy BCS18 of the CS.
18. The proposal would amount to fairly substantial changes to the character and appearance of development on the site as it moves away from its traditional built form characteristic of the interwar period and which is broadly shared with surrounding residential development. The proposal would appear more akin to the modern flatted development which is apparent at the opposite end of Melvin Square. As above, the proposed extensions and alterations to the site have been subject to consideration under the previous application, and the presence of an extant permission in this respect is an important material consideration. Given these factors, I am content that the proposal would comply with the relevant development plan policies with regard to its character and appearance, including policies BCS21 of the CS, and policies DM26 and DM27 of the SADMP regarding those matters.
19. It has been demonstrated that the proposal would be capable of meeting the sustainable energy requirements set out in policies BCS13, BCS14 and BCS15 of the CS, including through the use of solar panels as shown on the proposed drawings. The applicant considers the proposal to be exempt from the statutory requirement for biodiversity net gain on the basis that the development would not impact a priority habitat and would impact less than 25 square metres of onsite habitat or 5 metres of linear habitats such as hedgerows. Given the findings of my site visit, and given the comprehensive spread of built form across the site, I have no reason to reach a different view. The proposal is therefore exempt for those purposes.
20. I note the concerns raised by the Council's Designing Out Crime Officer regarding matters including the cycle store, access control systems and communal mailboxes, among other things. Given the nature of those

comments I am satisfied that satisfactory solutions could reasonably be achieved subject to an appropriate condition.

21. The Council have identified the proposal as being chargeable development under the Community Infrastructure Levy (CIL) Regulations. I have no strong reason to conclude otherwise and this is capable of being a material consideration as a local finance consideration. The Council advise that the CIL payment would be spent on funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area, and a sum of £41,316.83 has been calculated based on information provided by the applicant relating to this particular proposal. I have no reason to disagree with that figure and it is the responsibility of the Council, as the charging authority, to issue a Liability Notice following the grant of planning permission. Any implications arising from the extant permission would be a matter for the Council as the charging and collecting authority.

### **Conditions**

22. The Council has provided a list of suggested conditions that it considers would be appropriate if planning permission were granted. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
23. Given the nature of the existing shop on the site, and the absence of parking areas within the applicant's control, I am not satisfied that a condition relating to noise from users of the extended shop at night would meet the tests of reasonableness or necessity. Similarly given the scale of the development on the plot, it is not apparent that details of external lighting would be necessary. I have no strong reason to doubt that strategies for waste collection exist, particularly given the nature of the existing use, and it is not apparent that a condition relating to them is necessary for the purposes of the planning permission. In the absence of notable areas of new soft landscaping, conditions in that regard are also not necessary.
24. Some of the conditions set out in the schedule below, in particular relating to construction arrangements and relocation of street furniture on the site, contain pre-commencement requirements. It is necessary that these matters are addressed prior to commencement to ensure they are considered at an early stage, and as a later trigger could limit the effectiveness of the measures which could be used.

### **Conclusion**

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons given the proposal has been found to comply with the development plan, and there are not material considerations of

sufficient weight which demonstrate that the decision should be made otherwise.

26. For the reasons given, planning permission is granted.

*C Shearing*

Inspector and Appointed Person

# Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 532-PLA0-001/A, 010/A, 011/A, 012/A, 013/A, 020/A, 021/A, 022/A, 023/A, 030/A, 040/A, 100/A, 110/B, 111/D, 112/C, 113/A, 130/A, 131/A, 132/A, 133/A, 140, 141, 210/A.

Reason: To provide certainty.

3. Prior to the commencement of development, including any demolition works, a Construction Traffic Management Plan shall be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Plan, and its details shall include:

- 24 hour emergency contact number;
- Hours of works;
- Locations for parking of vehicles of site operatives and visitors;
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Traffic Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: To maintain highway safety during the construction process, given the sensitivities of the site's location, and to comply with Policy DM23 of the Site Allocations and Development Management Policies.

4. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan shall be submitted to, and approved in writing by the local planning authority. The Plan shall demonstrate the use of best practicable means to reduce the effects of noise, vibration, dust and lighting, experienced by nearby residents. The development shall be carried out in accordance with the approved details, and the Plan shall provide for the following:

- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the local planning authority, shall be carried out only between the following hours: 0800 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and at no time on Sundays and Bank Holidays;
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for

safe working or for security purposes.

Reason: To protect the living conditions of nearby residents during the course of the construction process, to comply with Policy BCS23 of the Core Strategy, as well as DM30 and DM35 of the Site Allocations and Development Management Policies.

5. Prior to the commencement of development, including any demolition and site clearance, details of a scheme for the relocation of street lighting and the post box currently positioned on the application site, shall be submitted to and approved in writing to the local planning authority, along with timescales for the implementation of those works. The development shall be carried out in accordance with the approved scheme and timescales.

Reason: For public safety and to preserve the character and appearance of the area, to comply with policies BCS21 of the Core Strategy and policies DM23, DM26 and DM27 of the Site Allocations Development Management Policies.

6. Prior to the commencement of development associated with any new external walls of the development, details of all facing materials to be used on the external surfaces of the building shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out only in accordance with the approved details.

Reason: To preserve the character and appearance of the area, to comply with Policy BCS21 of the Core Strategy and policies DM26 and DM27 of the Site and Allocations Development Management Policies.

7. Occupation of any HMO hereby approved shall not occur until renewable energy technologies have been installed to the site, in accordance with details that have first been submitted to, and approved in writing by, the local planning authority. Those details shall include full details of any Air Source Heat Pumps and/or Photovoltaics to be used in the development, including details of their location, specification, and any noise mitigation if necessary, together with details to demonstrate that a 20% reduction on residual emissions will be achieved from renewable energy.

Reason: To ensure the development adapts accordingly to climate change and contributes to targets to reduce carbon dioxide emissions, to comply with policies BCS13, BCS14 and BCS15 of the Core Strategy.

8. Prior to the first use of any part of the development, the building shall be fitted with energy efficiency measures, sustainable design principles and climate change adaptation measures in accordance with the details set out in the energy statement by Complete Energy Consultancy, dated 5th January 2024.

Reason: To ensure the development adapts accordingly to climate change and contributes to targets to reduce carbon dioxide emissions, to comply with policies BCS13, BCS14 and BCS15 of the Core Strategy.

9. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
  - i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and



- ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the development is safe for its future occupiers in the event of unexpected contamination being found, and to comply with Policy BCS23 of the Core Strategy.

10. Occupation of any HMO hereby approved shall not occur until details of security measures for residents of the HMOs have been submitted to, and approved in writing by the local planning authority. The development shall be carried out only in accordance with those details, and they shall include but not be limited to:

- security measures surrounding the cycle store;
- access control systems;
- mailbox and delivery facilities;
- locking systems for balcony doors;
- entrance lighting.

Reason: To ensure safe conditions for future occupiers, to comply with Policy BCS23 of the Core Strategy, as well as DM30 of the Site Allocations and Development Management Policies.

11. The secondary windows in the side elevations of bedrooms 5 and 6 of both of the first and second floors of the development (as annotated on the approved floor plans) shall be obscure glazed in their entirety and shall be fixed shut unless the opening parts are more than 1.7m above the internal floor level of the rooms they serve. Those windows shall be maintained as such thereafter.

Reason: To protect the living conditions of adjoining occupiers, to comply with Policy DM30 of the Site Allocations and Development Management Policies.

12. Prior to the first occupation of any HMO, or the first use of the extended commercial facility, the areas shown on the approved plans for cycle and refuse storage shall be installed in full and shall remain available for those purposes at all times.

Reason: To protect the living conditions of future occupiers, encourage use of sustainable travel, and protect the character and appearance of the area, to comply with Policy BCS21 of the Core Strategy, and policies DM23 and DM32 of the Site Allocations and Development Management Policies.

## **End of Schedule of Conditions**

## **Informatives:**

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any changes.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council and any applications related to the compliance with the conditions must be submitted to the Council.
- v. **Biodiversity Net Gain**  
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition 11 (biodiversity gain condition) that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Bristol City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions

or transitional arrangements is/are considered to apply – in this case the exemption below:

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

## **Appendix 1 - Consultee responses**

Bristol City Council- Local Planning Authority