



Decision Notice and Statement of Reasons

Site visit made on 28 August 2025

Decision By J Hobbs MRTPI MCD BSc (Hons)

A person appointed by the Secretary of State

Decision date: 26 September 2025

Application Reference: S62A/2025/0112

Site address: 66 Church Road, Bristol BS5 9JY

- 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 10 July 2025 is made by Mr Harry Cockram and was validated on 4 August 2025.
 - The development proposed is demolition of existing buildings on site and the erection of a three storey building comprising 6No flats, and 3No terraced dwellinghouses.
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Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) The proposed development would lead to an unjustified loss of retail floorspace.
 - 2) The proposed development, by virtue of its height, scale, massing, form, and plot coverage would fail to respond to its local context and the street scene and would appear as an incongruous form of overdevelopment that would not contribute positively to the area's character and appearance.
 - 3) Given the proximity of the entrance to proposed Unit 9 and the neighbouring factory, in combination with the nature of the highway, there would be an increased chance of conflict between occupiers of the proposed development and highway users. It has not been demonstrated that the proposed development would provide safe access to all users and would not give rise to unacceptable traffic conditions.

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) has been designated for non-major applications since March 2024.
3. Consultation was undertaken on 5 August 2025 which allowed for responses by 4 September 2025. Responses were received from the parties listed in Appendix 1. The Council also submitted a Statement on 3 September 2025, which sets out its objections to the proposed development. I have taken account of the written representations in reaching my decision. I also undertook a site visit on 28 August 2025, which enabled me to view the application site and the surrounding area.

Main Issues

4. Having regard to the application, the consultation responses, comments from interested parties, and the Council's Statement together with my observations on site, the main issues for this application are:
 - whether the principle of the proposed development is acceptable;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety;
 - the effect of the proposal on the living conditions of occupiers of 1-4 Cowper Street (Nos 1-4); and,
 - whether the proposed development would provide appropriate living conditions for occupiers.

Reasons

Planning history and background

5. The application site has been the subject of several planning applications. The most pertinent to this application are two applications¹ for mixed use development which were refused and one application where planning permission² was granted for a mixed use development. This planning permission is extant and includes the development of the whole terraced block including 68-70 Church Road (Nos 68-70).

Principle of development

6. The application site comprises of a vacant two-storey building with a yard to the rear. The site was last used for retail purposes with residential accommodation on the first floor.

¹ Planning application Refs. 17/04072/F and 19/02665/F

² Planning permission Ref. 21/04754/F

7. The application site has been vacant since 2000, and there is no evidence that the site has been used for any purpose during the intervening period. The building appears to be in a poor condition, and the yard is boarded up. However, there is no substantive evidence detailing the building's condition. Moreover, the application site benefits from an extant permission for mixed use development including both residential and retail uses. Whilst this proposal is for residential accommodation only, given the presence of the extant permission, it is not clear that the owner's intention is to cease the existing retail use. In accordance with established caselaw³, I conclude that the existing use of the site has not been abandoned.
8. The application site is not within an identified retail centre. Policy BCS7 of the Bristol Development Framework Core Strategy, June 2011 (CS), indicates that single shops away from identified centres should be retained where they remain viable and provide an important service to the local community. Although the application site has been vacant for several years, there is no compelling evidence before me that the retail use is unviable or that it would not provide an important service to the local community, were it to be brought back into an active use.
9. The applicant has indicated that the building could be converted to a residential use by utilising permitted development rights detailed in The Town and Country Planning (General Permitted Development) (England) Order 2015. However, the conversion of a commercial property to residential accommodation would be subject to conditions and limitations. It has not been demonstrated that it would be possible to convert the building and comply with those conditions and limitations. Therefore, the weight ascribed to the possibility of converting the property utilising permitted development rights is extremely limited.
10. I conclude that it has not been demonstrated that the principle of the proposed development is acceptable. The proposal would be contrary to CS Policy BCS7 for the reasons given above, and CS Policy BCS3 which encourages development of a mix of uses in the Inner East and Northern Arc area.

Character and appearance

11. The application site is in a prominent location at the junction between Church Road and Dove Lane. The building fronting Church Road forms part of a terraced block with Nos 68-70. Buildings along Church Road are of a varying design and tend to be either two or three storeys tall. Church Road is a wide road which accommodates a mix of uses, including several retail premises with residential accommodation above. Dove Lane is a narrow road which provides access to two large apartment blocks and a factory that is made up of several buildings. Church Road appears as an arterial route, whereas Dove Lane appears as a side street.
12. As above, there is an extant planning permission for a mixed use development which includes flat-roofed, three-storey development fronting

³ Trustees of Castell-y-Mynach Estate v Taff-Ely BC [1985] JPL 40

Church Road, which steps down to two-storey development fronting Dove Lane. As such, the consented development respects the street hierarchy.

13. The proposed development would differ from the consented development as it does not include the redevelopment of Nos 68-70. As such, when viewed from the road, it would appear as though the proposed development has been severed due to the sudden drop in height and the proposed roof form. Accordingly, the proposed development would harmfully disrupt the roof form of the terraced block.
14. The section of the building fronting Dove Lane would be partially three-storeys tall, but the ridge line would be set down from the section of the building fronting Church Road. The building line would also be brought inwards from Dove Lane, to form a narrow footpath. Nonetheless, the three storey element on Dove Lane and the filling in of the external yard would significantly increase the scale and massing of development at the application site. The proposed development, in combination with the tall development on the other side of Dove Lane and the narrow highway would create a sense of enclosure around the junction. Consequently, it would appear overly dominant in the street scene. Furthermore, the continuation of three-storey development along Dove Lane would draw attention and would confuse the legibility of the area.
15. The proposed external finishes and fenestration would assimilate with the surrounding development. Also, the proposed development would not prejudice further tall development in the area. Notwithstanding this, for the reasons given above, the proposed development would appear incongruous. The harm caused by the proposed development would be amplified by its prominent location.
16. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to CS policies BCS20 and BCS21 and policies DM26, DM27 and DM29 of the Site Allocations and Development Management Policies Local Plan, July 2014 (DMP). These policies indicate development will be expected to contribute positively to an area's character, and new buildings should reflect their function and role in relation to the public realm, amongst other matters. The proposal would also be contrary to paragraphs 131 and 135 of the National Planning Policy Framework (the Framework) where they indicate planning decisions should ensure that developments are sympathetic to local character, amongst other matters.

Highway safety

17. The proposed terraced houses along Dove Lane would front onto the narrow footpath. The vehicular entrance to the neighbouring factory is a gap between buildings. As such, there is limited visibility when exiting the factory onto Dove Lane. The Operations Director of the factory has submitted a representation which indicates that this entrance is frequently used by vehicles, including articulated lorries and forklifts.

18. The front door of Unit 9 would be in proximity to the vehicular access of the factory. Due to the proposed set back of the terraced block, road alignment, and existing development there would be limited intervisibility between people exiting Unit 9 and drivers exiting the factory. It has not been demonstrated that people exiting Unit 9 and crossing the road would have adequate visibility of vehicles exiting the factory and vice versa.
19. Also, this section of Dove Lane has parking restrictions and there is a loading bay. These restrictions allow for deliveries to be taken from the road. When deliveries are being processed there would be a large number of vehicle movements. Furthermore, the road is also narrow which restricts space for manoeuvring vehicles. These aspects would further increase the chance of an accident occurring. Accordingly, it has not been demonstrated that the proposed development would provide safe access to Unit 9.
20. The proposal does not include off-street parking. Although there are some indications of parking stress on nearby streets, the application site is in proximity to bus stops which provide regular services across Bristol and is close to Lawrence Hill train station. The proposed dwellings also include cycle storage. These factors would dampen demand for private motor vehicles. Moreover, I am mindful that the extant planning permission does not include any off-street parking and provides a realistic fallback to the application proposal. Therefore, on balance a lack of off-street parking would not have a harmful effect.
21. I conclude that the proposal would have a harmful effect on highway safety. The proposal would be contrary to CS Policy BCS10 and DMP Policy DM23 which indicate that development will be expected to provide safe access for all sections of the community, amongst other matters.

Living conditions – neighbouring occupiers

22. The proposal would introduce tall development close to the rear of Nos 1-4. However, the ridge height of the proposed development would only be slightly taller than the consented development. Also, the proposed development would not encroach upon a 25 degree line drawn from the rear windows of Nos 1-4. As such, occupiers of those dwellings would have unobstructed views of the sky to the rear of their properties. The proposal would not appear anymore overbearing to occupiers of Nos 1-4 than the consented development. Furthermore, there would not be first or second floor windows in the rear elevation of the proposed development. Therefore, occupiers of Nos 1-4 would not be overlooked by occupiers of the proposed dwellings.
23. I conclude that the proposal would not have a harmful effect on the living conditions of occupiers of Nos 1-4. In this regard, the proposal would comply with CS Policy BCS21 and DMP policies DM27 and DM29. These policies indicate that development will be expected to safeguard the amenity of existing development, amongst other matters. Also, with regard to living conditions the proposal would be in accordance with the Framework, where it indicates that planning decisions should ensure that developments create places with a high standard of amenity.

Living conditions – future occupiers of the proposed development

24. The proposed flats would not have any external amenity space, and the terraced houses would only have modestly sized rear gardens. However, the application site is in proximity to several large areas of public open space, including Netham Park and St George Park. Moreover, the proposed provision of external amenity space is comparable to the consented development which provides a realistic fallback position. Therefore, the proposed external amenity space would be acceptable.
25. Although the precise width of all bedrooms has not been provided, based on the measurements provided within the Planning Statement it appears that all of the proposed dwellings would comply with the Nationally Described Space Standard. Also, all habitable rooms would include at least one window. I acknowledge that some of the proposed rooms would be single aspect, but they would include large windows. Therefore, I am satisfied that all rooms of the proposed development would receive sufficient daylight and sunlight and provide adequate outlook.
26. I conclude that the proposed development would provide appropriate living conditions for occupiers. In this regard, the proposal would comply with CS Policy BCS18 and DMP Policy DM29, which indicate new buildings will be expected to ensure proposed development achieves appropriate levels of outlook and daylight.

Other Matters

27. CS policies BCS14 and BCS15 require proposed developments to reduce carbon dioxide from residual energy use by at least 20% and residential development to meet Level 6 of the Code for Sustainable Homes. Based on the evidence submitted, I expect both of these requirements to be met by the proposed development.
28. With regard to coal mining features and hazards, the application site is within a Development High Risk Area. However, the Coal Mining Risk Assessment identifies that no further site investigation works are necessary, and The Coal Authority support this view. Without evidence to the contrary, I have no reason to reach a different conclusion.
29. The applicant contends that the proposal would be exempt from the statutory biodiversity net gain requirement, as it would affect less than 25sqm of non-priority habitat. I am satisfied that the proposal could be considered as exempt, having regard to the de minimis threshold.
30. The Council has identified the proposal as being chargeable development under The Community Infrastructure Levy (CIL) Regulations 2010. I have no reason to conclude otherwise, and this is capable of being a material consideration as a local finance consideration. The Council advise that a sum of £51,755.13 has been calculated based on the information provided. However, this is based on the assumption that the existing development is unlawful and the loss of floorspace does not offset the provision of additional floorspace. There is no substantive evidence before me which indicates that the existing development is unlawful. Based on the

information provided, I calculate the CIL liability to be £16,233.48. It is the responsibility of the Council, as the charging authority, to issue a Liability Notice if planning permission were granted.

The Planning Balance

31. For the reasons given above, the proposed development would conflict with the development plan when considered as a whole. However, the Framework is a material consideration. The applicant contends that the Council can only demonstrate 2.45 years' supply of deliverable housing land. This is not disputed by the Council. Consequently, the provisions of paragraph 11(d)(ii) of the Framework apply.
32. The harm caused by the proposed development would be its effect on the character and appearance of the area and on highway safety. The proposal would be contrary to paragraphs 116, 131 and 135 of the Framework where it advises that the creation of beautiful places is fundamental to what the planning process should achieve and development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, amongst other matters. It would also be contrary to paragraph 98 of the Framework where it indicates that established shops should be retained for the benefit of the community. The effect would be significant and permanent, as such I ascribe substantial weight to the harm.
33. There would be benefits associated with the proposal including the provision of several energy efficient homes, in a location with good accessibility to services and facilities, where the occupants would not be reliant on the use of private motor vehicles. Paragraph 73 of the Framework is clear that small and medium sites can make an important contribution toward meeting the housing requirement of the area. There would also be economic benefits associated with the construction period and increased investment in the local area through increase spending. The proposal would also improve drainage of the site. There would be a contribution toward infrastructure from the CIL payment. Given the above, the proposal would be in general accordance with paragraphs 61, 110, 115 161, 166 and 167 of the Framework. Nonetheless, given the scale of the development I ascribe moderate weight to the benefits.
34. For the reasons given, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

35. The proposed development would conflict with the development plan and there are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with it.

J Hobbs

Inspector and Appointed Person

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.
- 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>

Appendix 1 - Consultee responses

Bristol City Council – Local Planning Authority, Travel Development Management, and Flood Risk Manager

The Coal Authority

Alison Bennett – Octavius Hunt Limited

George Dickie

Indu Kalia

Miranda Casagran

Scott Hopkinson

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