



Decision Notice and Statement of Reasons

Site visit made on 1 October 2025

Decision by C Shearing BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 17 October 2025

Application Reference: S62A/2025/0115

Site Address: The Assembly, 110- 112 East Street, Bedminster, Bristol BS3 4EY

- 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 30 July 2025 is made by TMT Capital Ltd and was validated on 12 August 2025.
 - The development proposed is described as 'demolition of the rear extensions and construction of a large HMO (sui generis). Change of use of remaining ground floor unit from public house to a commercial unit (use class E)'.
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Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) The proposed development would fail to provide an acceptable and healthy standard of accommodation for future occupants, contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM2, DM27 and DM30 of the Bristol Site Allocations and Development Management Policies 2014.
 - 2) The proposed development would fail to preserve the living conditions of occupants of the adjoining properties, with particular regard to the effects on daylight received by 2 Warren Road, contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM2, DM27 and DM30 of the Bristol Site Allocations and Development Management Policies 2014.

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 and responses were received from the parties listed in Appendix 1. Responses were also received from third parties. The Council's response comprises an officer report and sets out the reasons that the Council object to the proposal. I have taken account of all written representations in reaching my decision. I also carried out a site visit on 1 October 2025, which enabled me to view the site and the surrounding area.
4. During the course of the application a consultation response raised doubt over the site ownership. Consequently an amended ownership certificate was completed and notice served on an additional landowner. I am satisfied that this is adequate for the purposes of the planning application.

Background and Main Issues

5. The main issues for this application are: the loss of the public house; whether the site is suitably located for a new HMO; whether the proposal would provide a suitable standard of accommodation for future occupants; the effects on the living conditions of nearby occupants; the effects of the proposed extensions and alterations on the character and appearance of the Bedminster Conservation Area; and; highways effects.

Reasons

Loss of the Public House

6. Policy DM6 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (the SADMP) states that proposals involving the loss of established public houses will not be permitted unless it is demonstrated that: i) the public house is no longer economically viable; or ii) a diverse range of public house provision exists within the locality. The supporting text acknowledges the role of public houses in providing opportunities for social interaction as well as facilitating community activities. This is expanded upon in the Council's 'DM6: Public Houses Practice Note' 2022 (the Practice Note).
7. The marketing details submitted are vague and fail to meet the requirements set out in the Practice Note, particularly in terms of the period of marketing. Accordingly, the first criteria of policy DM6 would not be met. Nonetheless, the policy allows that the second criteria could be met instead in order for the proposal to be acceptable.
8. The applicant has provided details of 15 other public houses within 800m of the application site. Details of their general services have been provided, which vary between traditional public houses and those offering sports and live music. I have no strong reason to doubt those assertions and this demonstrates a diverse range of public house provision within the locality, as required by the policy and expanded upon in the Practice Note.

9. As this second test is met, the proposed loss of the public house would comply with that part of the policy overall. The proposed extensions to the site would not be in connection with the public house, and their effects are considered separately below. In conclusion on this main issue, the loss of the public house would be acceptable, and would not be in conflict with policies DM6 of the SADMP or BCS12 of the Core Strategy 2011 (the CS).
10. The proposed commercial use at the front of the site would contribute to the vitality of the designated Primary Shopping Area and provide an active frontage to this pedestrianised part of East Street. This would comply with policies BCS7 of the CS and DM8 of the SADMP.

Whether the site is suitably located for a new HMO

11. Policy DM2 of the SADMP relates to proposals including the construction of new buildings to be used as HMOs and is supported by the 'Managing the development of houses in multiple occupation' Supplementary Planning Document 2020 (the SPD).
12. The SPD acknowledges that HMOs form a significant part of the city's private rented provision, providing homes and contributing to people's housing choice. It states HMOs are generally more affordable and flexible and therefore suitable for younger people and other households that are not living as families, and can provide positive social benefits to their occupiers. The SPD finds that higher numbers of HMOs in recent years reflect changes in the city's housing market, as increasing numbers of individuals are unable to buy a home or rent a flat in the city. However, in acknowledging that they have the potential to create harmful effects, policy DM2 together with the SPD, seek to ensure that new HMOs would not harm residential amenity and the character of an area and they seek to avoid harmful concentrations of HMOs from occurring.
13. The SPD sets out how harmful concentrations will be considered using two tests. Based on information provided by the Council, the percentage of HMOs within 100m of the application site is 7.7%, as such the 10% threshold test would be met. Based on the evidence before me together with the findings of my site visit, neither would 'sandwiching' of other residential properties occur as described in the SPD.
14. For the reasons given the site would be suitably located for the proposed HMOs and the proposal would not result in a harmful concentration. It would comply with the relevant part of policy DM2 of the SADMP, and policy BCS18 of the CS which requires residential development to contribute to a mix of housing tenures. The other parts of policy DM2, for example relating to living conditions, are discussed in turn below.

Standard of Accommodation

15. As acknowledged by the Council, in the case of HMOs there is a heavy likelihood that future occupants would spend an increased amount of time in their bedrooms rather than in communal areas. As such the conditions of

HMO bedrooms are an important factor in providing good quality and healthy living conditions for future occupants.

16. A significant proportion of the proposed bedrooms would be single aspect and would benefit only from windows in the side elevation, facing into the yard behind no.106 and into the proposed integral garden. Those spaces would be heavily enclosed by built forms, particularly by the tall and unrelieved flank wall of no. 102-106, which would dominate and give a poor outlook from those proposed bedroom windows. As a result of the poor outlook, conditions in those rooms would likely feel oppressive to future occupiers. Levels of sunlight would also be heavily restricted due to their orientation and enclosure.
17. Furthermore, rooms no.4, 5, 6 and 8, 9 and 10 would directly adjoin the rear service yard behind no. 108 East Street, which is outside the applicant's control. There is not information regarding how that space is used, and there is no certainty as to how it might be used in the future. Given the proximity of those windows to the adjacent service yard, the use of that space has the potential to cause noise and disturbance, as well as a loss of privacy to future occupiers of those ground floor rooms. Similarly, the use of the proposed shared garden by occupants would heavily compromise the privacy of those bedrooms which face on to it, and if obscure glazing were conditioned this would further compromise the outlook from those rooms. In combination, these factors would create unacceptable living conditions for those future occupiers.
18. Despite the poor outlook and heavy enclosure of the side facing windows, the majority of those rooms would benefit from rooflights and the applicant has provided an Internal Daylighting Assessment, which finds all bedrooms would receive a level of daylighting compliant with BRE Guidance. The proposed communal kitchen/ living area would also be well proportioned with multiple windows offering dual aspect. While this would likely provide a spacious and well lit communal space, given its distance from many of the proposed bedrooms, it would not mitigate for the effects of the poor conditions in many of the bedrooms.
19. The proposed integral garden could provide an asset to future occupants. However, given its heavy enclosure this is unlikely to be an attractive outdoor space and, as above, its use would have adverse effects on the privacy of the rooms which would face onto it.
20. In conclusion on this main issue, the proposal would not provide an acceptable standard of accommodation for future occupants, contrary to SADMP policies DM27 and DM30 and CS policy BCS21 which expect development to safeguard amenity and create a high-quality and healthy environment for future occupiers. In turn the proposal would also conflict with DM2 regarding HMOs, where it states that development must provide a good standard of accommodation by meeting other standards set out in the other development plan policies.

Effects on living conditions of nearby occupants

21. The applicant's Daylight and Sunlight Impact Assessment Report identifies that one north facing window within 2 Warden Street would experience a reduction in daylight, placing those levels lower than recommended by BRE Guidance. No. 2 appears to have been separated into two self contained units and the affected window is positioned within an extension to the back of the property, overlooking a private parking area and Herbert Street. Based on the findings of my site visit it appears the affected window could serve a habitable room and be important to the overall living conditions experienced by the occupants of that flat. I acknowledge that the breach of the BRE guidance is relatively minor and some flexibility can be provided. However, in the absence of further evidence surrounding the effects of that loss of daylight, I cannot conclude that the effects of the development on the overall living conditions of the ground floor unit of 2 Warden Road would be acceptable.
22. Other tested windows, which include those on East Street, would not experience harmful reductions in daylight having regard to the BRE Guidance. Given the location and bulk of the proposed extensions, it is not considered that unacceptable harm to the living conditions of other residents nearby would occur.
23. For the reasons given, and in the absence of evidence to the contrary, the proposal would cause unacceptable harm to the living conditions of the occupants of no.2 Warren Street. It would not comply with policy DM2 insofar as it relates to the effects of physical extensions on residential amenity, nor policies DM27 or DM30 of the SADMP and policy BCS21 of the CS relating to amenity.

Character, Appearance and Heritage

24. The application site is within the Bedminster Conservation Area. The Bedford Conservation Area Character Appraisal 2013 (BCACA) identifies East Street as a major retail and commercial hub with positive features including the quality of its pre-1950s townscape, strong building line and rhythm contributed to by a broadly consistent height and roofscape. The BCACA identifies the frontage building of the application site as an unlisted building of merit.
25. Herbert Street has been subject to change in recent years, in particular from development to the rear of buildings on East Street, which I observed have enclosed the edge of the street and heavily diluted the appreciation of the narrow plot widths and pattern of traditionally lower building heights behind the main frontage. This has already occurred to some extent on the application site, given the extent of existing extensions at the back of the plot. I also observed other recent developments along Herbert Street to include doors and windows at the edge of the footpath, which have created an active frontage to the street further to the north east of the site.
26. The proposed extensions to the plot would rise up to three storeys in height. However, where the extensions are closest to the main building on East Street, they are single storey and therefore allow the former Assembly building to remain the dominant built form on the site. The design of the

extensions is contemporary and simplistic, thereby not attempting to compete with the character of the frontage building. For these reasons in combination the proposal would allow some visual distinction to remain between the components of the site and the merit of the frontage building would be maintained.

27. The elevation proposed onto Herbert Street would lack any entrance. However, given the varied character of Herbert Street, I do not consider this to be harmful. The vertical emphasis of the north facing elevation would appear comfortable within the context of other developments to the north east. While the proposal overall would preserve the character and appearance of the Conservation Area, I do not find the proposals would amount to an enhancement given I do not find the back of the site at present to be harmful since it reflects the typical hierarchy of development behind the main frontage.
28. Overall, the proposal would preserve the character and appearance of the Bedminster Conservation Area and would comply with the relevant development plan policies which together require high quality design, including policies BCS21 of the CS, DM26 and DM27 of the SADMP only insofar as they relate to design quality. The proposal would comply with policy DM31 of the SADMP relating to heritage assets.

Highways

29. The proposal does not include any car parking provision for future occupants, and I observed opportunities to park on the street near the site were very limited. There is little information from either the Council or the applicant regarding the potential impact on on-street parking.
30. Nonetheless, the site is very close to services and facilities which would serve the needs of future residents. These are within easy walking distance of the site and public transport nearby provides reasonable links to facilities and employment further afield. For this reason, and in noting the Council's parking standards are a maximum standard, the absence of parking for cars is acceptable here. The plans show designated areas for cycle and refuse storage which would be appropriate for their intended use.
31. For these reasons the proposal would comply with policy BCS10 of the CS and DM23 of the SADMP relating to parking, cycle parking and sustainable travel options.

Other Matters

32. The majority of the site falls within Flood Risk Zone 2 and the applicant has provided a flood risk assessment which includes a drainage strategy. This suggests the finished floor level of the development would mitigate the risk to future occupants. The recent changes to the Planning Practice Guidance relating to the application of the sequential test are applicable here and, as the application is being refused for other reasons, I have not discussed this matter, or the need for mitigation, further.

33. The submitted Energy and Sustainability Statement demonstrates the proposal is able to comply with the Council's policies in respect of energy through the use of measures including heat pumps and PV panels as shown on the drawings. The proposal would therefore be acceptable in this respect.
34. The applicant has set out the reasons they consider the proposal would be exempt from the statutory biodiversity net gain requirement. In summary this is because the proposal would impact less than 25sqm of non-priority habitat. I have no strong reason to reach a different view.

Planning Balance

35. The applicant asserts the Council is unable to demonstrate a five year land supply for housing and there has been a failure to meet the housing delivery requirements. In that case the provisions of paragraph 11d) of the National Planning Policy Framework (the Framework) would be relevant to the application. In terms of assessment against 11d)i. the application of policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the proposed development. Accordingly, part ii. applies and I have had regard to the key policies listed in its footnote.
36. The adverse impact of granting planning permission would be the provision of unacceptable living conditions, amounting from the combination of various aspects of the proposal. There would also be a degree of harm to the living conditions of nearby occupants through the loss of daylight. Accordingly the proposal would conflict with paragraph 129 of the Framework which states the importance of securing healthy places, and paragraph 135 which, among other things, states developments should create places which promote health and well-being with a high standard of amenity for existing and future users. In terms of the quality of the proposed accommodation, the effects of this harm would be significant and long lasting, and I give this very substantial weight. In terms of the effects on no.2 Warren Road, I accept this harm could be at the lower end of the scale, however in the absence of evidence on that point, and adopting a precautionary approach, I give that harm significant weight.
37. In terms of benefits, the proposal would deliver new HMO accommodation, which would contribute to the national objective to boost the supply of homes and which is particularly important given the undersupply of land for homes in Bristol. Those units would be in an established built up area, with good accessibility to services and facilities and supporting sustainable means of travel, in line with the policies of paragraphs 110 and 115 of the Framework. The proposal would rejuvenate the back of the site and provide natural surveillance and movement on Herbert Street which, alongside the recommendations of the Designing Out Crime Officer, could help reduce risk of crime. This is particularly relevant given the site lies within the wider regeneration area of the Bedminster Green Framework. I understand the proposal would be liable for a CIL payment, which would support local infrastructure, although the extent of that payment is not yet clear. There would also be economic benefits arising from the construction process and

ongoing expenditure into the local economy by future occupants, as well as some improvements to site drainage. In combination I give these matters moderate weight, given the scale of the proposal.

38. While the applicant asserts there would be landscaping and ecological benefits from the new outdoor amenity spaces, given their heavy enclosure and based on the drawings before me, this benefit has not been substantiated. For the reasons set out above, I do not consider there to be a heritage gain, only that the proposal would preserve the character and appearance of the Conservation Area. Where the proposal would be policy compliant in other respects, these are neutral matters rather than benefits.
39. Accordingly 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. The proposal does not therefore benefit from the presumption in favour of sustainable development in the Framework.

Conclusion

40. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it.

C Shearing

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

The Coal Authority

Environment Agency

Designing Out Crime Officer