



## Decision Notice and Statement of Reasons

Site visit made on 15 January 2026

**By OS Woodwards MRTPI**

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

**Decision date: 09 February 2026**

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**Application Reference: S62A/2025/0141**

**Site address: 16-18 Cherry Lane, Bristol BS1 3NG**

- 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 14 November 2025 is made by Longacre Cherry Lane Ltd and was validated on 16 December 2025.
- The development proposed is the change of use on ground floor from retail (Use Class E) to one apartment (Use Class C3).

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### Decision

1. Planning permission is granted for the change of use on ground floor from retail (Use Class E) to one apartment (Use Class C3) in accordance with the terms of the application dated 14 November 2025, subject to the conditions set out in the attached schedule.

### 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 6 March 2024. Although that designation ceased on the 27 January 2026, the Planning Inspectorate will proceed to determine all those applications which were received prior to that date.
3. Consultation was undertaken on 22 December 2025 which allowed for responses by 23 January 2026. A press notice was placed on 14 January 2026 which extended the deadline for response to 28 January 2026. The Council submitted an Officer's Report, which sets out that the Council has concerns with regard to land contamination and vapours. I have taken account of all written representations in reaching my Decision.

4. I have added use classes to the description of development for clarity.
5. On 16 December 2025, the Government published a consultation on changes to the National Planning Policy Framework, with an associated Written Ministerial Statement. The consultation period runs until 10 March 2026. The consultation period has not ended and it is not known what the final form of the revised Framework will take following the consultation exercise. The consultation document therefore carries very limited weight.

## **Main Issues**

6. Having regard to the application, the Council's report, together with what I saw on site, the main issues for this application are:
  - whether or not the application site is an appropriate location for development of this type, having regard to local and national planning policy and guidance;
  - the effect of the proposed development on the character and appearance of the area; and,
  - whether or not the proposed development would provide satisfactory living conditions for future occupiers.

## **Reasons**

### *Planning History and Background*

7. On 12 May 2015, planning permission was granted for the redevelopment of the application site to provide 123 sq m retail floor space on the ground floor and nine one and two-bedroom self-contained apartments on the upper floors<sup>1</sup>. This has since been built out and occupied.

### *Location and Principle of Development*

8. The ground floor of the building currently has permission to be used for retail. It is proposed to change the use to residential.
9. The application site is within Bristol City Centre<sup>2</sup>. Policy BCS7 of the Core Strategy June 2011 (the CS) states that active ground floor uses will be maintained and enhanced throughout the centre. Policy BCS2 of the CS states that small scale facilities which contribute to the diversity and vitality of the city centre will be retained. However, Policy BCS2 also expects the provision of around 7,400 new homes in the city centre by 2026 and only expects active ground floor uses along the busier streets, which does not include the fairly quiet side street of Cherry Lane. Policy BCS5 finds that the development of new homes will primarily be on previously developed sites. In addition, the retail unit is not within a protected shopping frontage, either primary or secondary, and there are no policies which explicitly protect existing retail uses outside of the protected frontages.

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<sup>1</sup> Ref 14/04712/F

<sup>2</sup> See Figure 2.2, the Bristol Central Area Plan March 2015

10. There is, not, therefore, an in-principle restriction to the proposed loss of retail floorspace in policy terms. In addition, the existing unit is vacant and the proposal would bring this part of the building back into beneficial use. Residential use as an alternative use is appropriate in principle because the upper floors of the application building are already flats, and because the application site is in a highly accessible location in the city centre. The principle of the proposed change of use is therefore acceptable, and the proposal complies with Policies BCS2, BCS5 and BCS7 of the CS in this respect.

*Character and Appearance*

Existing

11. The application building is six storeys. It is approximately 10 years old. The upper levels are flats and access to the flats is from a doorway directly to Cherry Lane at ground floor. At ground floor level is a vacant retail unit, which has two sets of full length fenestration facing onto Cherry Lane, albeit these are both bordered up. It is unclear from the submitted drawings whether or not the retail unit, if not bordered up, would have doors included in one set of the fenestration. However, it is likely this must be the intention, because otherwise the retail unit would need to be accessed via the lobby for the flats to the upper floors, which is both impractical and in any event there is no intervening internal door providing access between that lobby and the retail unit.
12. The building is sandwiched between other buildings of similar scale, with what appears to be a mixture of residential and commercial floorspace to upper levels. There is a retail unit to the ground floor of the building to the north and east, which turns the corner from Cherry Lane to North Street.

Assessment

13. The proposed change of use of the ground floor retail unit would involve the creation of a one-bed flat. No new fenestration is proposed. Access is indicated through the main entrance for the flats to the upper levels and then an internal access to the proposed flat. This indicates that there are no doors within the existing fenestration, despite my assessment above. Either way, and particularly because full length windows can be very similar in appearance to a set of doors, this could be controlled by condition to ensure that the appearance of the fenestration would be acceptable. Subject to such control, there would be limited change to the appearance of the building or area.
14. The application building is adjacent to a building with student accommodation, including at ground floor, and within a wider area which is mixed use in nature, including residential uses at ground floor level in places. The proposed residential use, and any physical works, would therefore be in-keeping with the character of the area and of the host building.
15. The Stokes Croft Conservation Area (the CA) lies on the opposite side of North Street, close to the application site. However, the building curves

around the corner to face away from the CA, North Street is a wide and very busy road which physically divorces the application site and Cherry Lane from the CA, and there would be no material change to the appearance of the building and limited change to the character. Therefore, there would be no effect on the setting of the CA or its significance.

### Overall

16. For the reasons set out above, the proposal would preserve the character and appearance of the area. It therefore complies with Policy BCS21 of the CS and Policies DM26 and DM30 of the Site Allocations and Development Management Policies Local Plan July 2014 (the SADMP), which require high quality design which reflects the character of the local area including that of the host building.

### *Living Conditions of Future Occupiers*

#### Light

17. The proposed flat would be 54.8 sq m<sup>3</sup>. It is unclear if this is a gross external or internal measurement, but either way this is in excess of the national space standard<sup>4</sup> of 50 sq m gross internal area for a one-bed flat. In addition, the living room and bedroom would have separate windows and the unit would be nearly square with no particular restrictions on the layout.
18. An Internal Daylight Assessment November 2025 has been submitted by the applicant. This finds that both proposed rooms would meet BRE recommended standards for internal daylight. This is with the exception of the kitchen area, which is to the rear of the proposed flat away from the windows. This is acceptable in the context that the main living areas of the living room and bedroom would have adequate light. The proposal would therefore create suitable living conditions for future occupiers with regard to light.

#### Operation, waste and cycle parking

19. As proposed, access would be shared with the main entrance and lobby area for the flats to the upper floors, which are in the same use class as the proposed flat, and this would therefore be acceptable.
20. The drawings indicate that as existing, or consented, the retail unit shares its refuse store with that for the flats, located within the building at ground floor level to the rear. It is proposed that this be used by the proposed flat. The area is sized to serve the flats to upper floors and the consented retail unit. There is no reason to believe that the proposed change of use would materially increase the refuse and recycling requirements and it may, in fact, reduce it because of the likely lower creation of waste by one flat compared to a retail unit. The proposal would also result in the entire

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<sup>3</sup> See Proposed Ground Floor Plan Ref 2668 2101 Rev 02

<sup>4</sup> See Technical housing standards – nationally described space standard, published March 2015

building being within one use class, which would likely be easier to manage. This would therefore be an acceptable arrangement, subject to confirmation of the details by condition.

21. Additional bike storage is proposed to the ground floor and could be secured by condition. This would be through the main lobby and would be awkward because it would involve using three sets of doors. However, this is a very similar arrangement to the existing bike store accessed from the lobby area for the flats to upper levels. This would therefore be an acceptable solution, subject to confirmation of the details by condition.

#### Noise

22. The application site is in a very busy part of the city centre. It is therefore necessary that the flat be protected from external noise by adequate insulation. This could be secured by condition.

#### Amenity space

23. There would be no private outdoor amenity space. However, the Important Local Space and Local Historic Park of King Square is only two minutes walk from the site. This would provide adequate alternative opportunities for outdoor recreation. It is also germane that the proposed flat is in a very central and urban location in Bristol where access to outside space would likely not be expected by future occupiers.

#### Land contamination

24. The Council has stated that there is a risk of vapour intrusion from volatile organic carbons. The original permission for the building included various conditions to mitigate the effect of such vapour, which included installing a protective membrane. This was not confirmed during construction of the original building. The proposal would introduce a more vulnerable use to vapour release, ie residential rather than retail. It is therefore necessary that it is confirmed that the protective membrane has been installed and, if not, will be installed prior to occupation of the proposal, along with appropriate validation after installation.
25. If the membrane hasn't been installed then it is possible that the works required to install it would be intrusive, potentially difficult and expensive. However, I have not been provided with any substantiated evidence that this would be impossible to achieve. This factor could therefore be controlled by condition, to ensure that a membrane is in place, either because it exists already or because it is installed, prior to occupation of the proposed flat. Subject to this, the proposal would be acceptable with regard to land contamination and pollution issues.

#### Overall

26. For the reasons set out above, subject to control by condition(s), the proposed flat would create suitable living conditions for future occupiers with respect to its size, layout, light, refuse and cycle storage, noise, outdoor amenity space, and vapour from land contamination. The proposal

therefore complies with Policy DM30 of the SADMP which requires proposals to safeguard the amenity of the host premises, and Policy BCS15 of the CS which expects satisfactory arrangements for the storage of refuse and recyclable materials.

## **Other Matters**

### *Biodiversity*

27. The applicant's position is that the Biodiversity Net Gain requirement does not apply because the proposed development would be subject to the *de minimis* exemption. In this regard, the proposal is only for internal works and it would not impact a priority habitat, would impact less than 25 sq m of on-site habitat, and there are no hedgerows. I therefore have no reason to disagree with the conclusion of the applicant. However, considering Article 24 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (as amended), I have included an informative in this Decision that refers to the relevant regulatory provisions in this regard.

### *Sustainable design and construction*

28. A submitted statement proposes to install an air source heat pump. However, there is no outside space where this could be installed, and no details have been provided of where it could be installed. I do not, therefore, consider an air source heat pump to be a part of the proposal, and nor could it be secured by condition. I therefore disregard this for the purposes of my assessment. There is also no other viable alternative provision of renewable or low carbon energy, because the application site is a small, internal part of a building. It is not therefore possible to provide sustainable solutions in these regards. However, the potable water usage could be restricted to 110 litres per person per day by condition.
29. The proposal is of a small scale and would involve minimal works other than internal fitout. There are restrictions on what can be achieved because it is a small, internal area in a highly constrained part of the city centre. In these circumstances, the proposal is of acceptable standard with regard to sustainable design and construction, and complies with Policies BCS13, 14 and 15 of the CS.

### *Community Infrastructure Levy*

30. The applicant has confirmed that the proposal involves the change of use of existing Use Class E floorspace to create a new residential unit. The existing commercial floorspace is 109.8 sq m and the proposed flat would be 106.7 sq m, therefore equating to a loss of 3.1 sq m<sup>5</sup>. The Council has confirmed the proposal is not liable for CIL and I see no reason to disagree.

### *Minerals*

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<sup>5</sup> All floorspace figures Gross Internal Area

31. The application site is in a defined Development High Risk Area with regard to coal. The Coal Authority has been consulted and stated that the proposed development meets its exemption criteria, and that it therefore has no comments. The proposal is therefore acceptable in this respect.

### **The Planning Balance**

32. The proposal would replace a vacant retail unit with a flat, helping to meet the Council's identified need for housing. The location is highly accessible in the city centre of Bristol. The application site is not in a protected shopping frontage. There are several flats and student accommodation nearby to the application site and to the upper floors of the application building. The principle of the proposal is therefore acceptable.
33. There would be minimal, if any, changes to the external appearance of the building. All technical matters with regard to land contamination, acoustics, and cycle and refuse storage could be adequately controlled by condition. The proposal would therefore be acceptable in these respects, and would create adequate living conditions for the future occupiers of the proposed flat.
34. The proposal is therefore acceptable and complies with the Development Plan when considered as a whole.

### **Conditions**

35. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty.
36. The design detail condition is necessary to protect the character and appearance of the building and the area.
37. The acoustic glazing rating and protective membrane conditions are necessary to create suitable living conditions for the future occupants of the proposal.
38. The cycle parking and refuse and recycling conditions are necessary to ensure that these technical aspects are complied with appropriately, and to ensure highway safety.

### **Conclusion**

39. For these reasons, and having regard to all other matters raised, the proposal accords with the Development Plan and therefore I conclude that planning permission should be granted.

*O S Woodwards*

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 drawings: MapServe Site Location Plan, 2668 0101 01, 0201 01, 2101 02, 2201 01.

*Reason: To provide certainty.*

3. No development shall take place until details of the design of the fenestration has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

*Reason: To protect the character and appearance of the area.*

4. Prior to commencement of the relevant works, details of the specification for glazing and ventilation for the bedroom and living room shall be submitted to and approved in writing by the Local Planning Authority. The glazing and ventilation specification shall take into account the provisions of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings." Thereafter, the approved glazing shall be installed prior to occupation of the flat and retained as approved.

*Reason: To create a suitable standard of accommodation for future occupiers.*

5. Prior to commencement of the relevant works, detailed drawings at the scale of 1:50 of the proposed cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved cycle parking shall be installed prior to occupation of the flat and retained as approved.

*Reason: To ensure that adequate cycle parking is provided.*

6. All refuse and recyclable materials associated with the development shall either be stored within this dedicated area as shown on the approved drawings, or otherwise internally within the building. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

*Reason: To safeguard the living conditions of the occupiers of adjoining premises and to prevent any obstruction to pedestrian movement.*

7. Prior to occupation of the flat, confirmation that a suitable protective membrane has been installed, validated and a Verification Report provided, must have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved membrane shall be retained as approved.

*Reason: To ensure that the future occupants of the proposal are suitably protected from land contamination and vapour.*

**Informatics:**

- i. 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 solutions.
- ii. With regard to Biodiversity Net Gain, the permission which has been granted is for development which is exempt being 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). Approval of a Biodiversity Gain Plan will not be required before development commences.
- iii. 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
- iv. 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>
- v. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council, any applications related to the compliance with the conditions must be submitted to the Council.
- vi. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authority's Highways Management Team at traffic@bristol.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed. To discuss and agree a programme of all temporary traffic management measures required such as footway, Public Right of Way, carriageway/lane closures, temporary parking restrictions, portable signals, stop & go, contraflow, priority working and give & take for which a Temporary Traffic Regulation Order (TTRO) will be required. You must give at least ten weeks' notice OFFICIAL prior to the date when you wish to put any measures in place, to enable the TTRO to be processed.

- vii. To discuss any licences required. In the case of installing/working on any apparatus such as drains, fibre optic cables, ducts, sewer, water, or gas pipes, you must give at least four weeks' notice prior to the date when you wish to undertake the work, to enable the Section 50 Licence to be processed. Depending on the amount of traffic management measures required this may increase to ten weeks. Where works affect traffic sensitive streets (as defined by Section 64 of the New Roads and Street Works Act 1991), specific working conditions such as overnight and/or weekend (including Sundays) working may be required. You must give at least eight weeks' notice prior to the date when you wish to undertake these measures. You are advised to contact the Highway Authority's Parking Infrastructure Team at [parking.businessteam@bristol.gov.uk](mailto:parking.businesssteam@bristol.gov.uk) if you need to suspend or remove a parking meter.
- viii. Traffic management measures where required must not be installed until:
  - i) Construction Management Plan/Statement has been approved;
  - ii) The correct licences have been issued;
  - iii) Section 278 Agreement giving permission to work on the adopted highway has been signed, without which hoarding licences and footway closures will not be issued. If any measures are installed without the permission of the Highway Authority a Stop Notice can be issued and contractors ordered off the adopted highway. Any breach could result in the removal of licences/orders.
- ix. Restriction of parking permits – existing controlled parking zone/residents parking scheme. You are advised that the Local Planning Authority has recommended to the Highways Authority which administers the existing Controlled Parking Zone/Residents Parking Scheme/Permit Parking Area of which the development form's part that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Controlled Parking Zone/Residents Parking Scheme/Permit Parking Area. Further information is available on our website. Holders of a disabled persons badge do not require resident parking permits. This also does not affect your right to obtain an Essential Visitors Permit.