

Bristol City Council- LPA S62A Statement Note

Planning inspectorate reference: S62A/2025/0149

LPA reference: 25/15627/PINS

Address: 703 Fishponds Road, Fishponds, Bristol, BS16 3UH



This statement relates to a full planning application (LPA reference: 25/15627/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the change of use from a takeaway (sui generis) to a bar, with a seating area, office and small kitchen (sui generis). Additionally, the proposal includes a large rear extension.

The LPA considers the application to be acceptable subject to conditions and recommends approval of the scheme.

SITE DESCRIPTION

The application site is addressed 703 Fishponds Road, located in Frome Vale ward and is within the Staple and Frome Valley Conservation Area.

The site consists of a three storey mid-terrace property. The ground floor unit was previously in use as a takeaway shop, with a residential unit on the upper floors. The property is finished with brickwork, UPVC windows and a tile roof with a small dormer. The site also includes a lane to the rear of the property.

There are no listed buildings or TPO on site.

APPLICATION

Application for Planning permission for Rear extension and change of use from takeaway (sui generis) to bar with seating area, office and small kitchen (sui generis).

RELEVANT HISTORY

24/01813/F Rear extension and Change of Use from Takeaway (Suis Generis) to Bar with seating area, office and small kitchen (Use Class E). Date Closed 17 June 2025, Refused.

Appeal decision: 25/20131/REF Rear extension and Change of Use from Takeaway (Suis Generis) to Bar with seating area, office and small kitchen (Use Class E). Date Closed 11 November 2025, Dismissed.

Relevant history in the immediate area:

705 Fishponds Road:

23/01140/F: Ground and first floor rear extensions. Appeal against not determination. Date closed 27 October 2023. Appeal allowed.

RESPONSE TO PUBLICITY AND CONSULTATION

Nineteen neighbouring properties were consulted via individual notification letter with an expiry date of 01.05.2025. No responses were received during this period.

OTHER COMMENTS

Bristol City Council's Transport Development Management Team and Pollution Team were consulted regarding the scheme; both consultees recommended the inclusion of conditions. See later in this report for further details.

KEY ISSUES

A) PRINCIPLE OF DEVELOPMENT

Policy BCS7 of Bristol's Core Strategy, 2011, focuses on centres and retailing, encouraging uses which contribute to maintaining the vitality, viability and diversity of centres. Retail areas throughout the city are listed in a Hierarchy of Centres, Fishponds is categorised as a Town Centre. Policies DM7 and DM8 of Site Allocations and Development Management Policies, 2014, provides further requirements for proposals outside the city centre within town centres.

Policy DM7 of SADMP, 2014, identifies that retail and other main town centre uses should be located within the centres identified on the Policies Map. Main town centre uses are defined within the National Planning Policy Framework, 2025, as including retail development, restaurants, drive through restaurants and bars and pubs.

Takeaways are not described as main town centre uses within the NPPF.

Policy DM8 of Site Allocations and Development Management Policies (2014) aims to support the vitality and viability of shopping areas and frontages, promoting diversity by maintaining a healthy mix of uses. There is an expectation that development within Primary Shopping Areas and Secondary Shopping Frontages will maintain or provide active ground floor uses. Within Primary Shopping Areas change of use from A1 (shops) to another use will not be permitted unless the proposed use would:

- i. Make a positive contribution to the vitality, viability and diversity of the Primary Shopping Area and centre; and
- ii. Not fragment any part of the Primary Shopping Area by creating a significant break in the shopping frontage; and
- iii. Not result in a loss of retail floorspace of a scale harmful to the shopping function of the centre; and

iv. Be compatible with a retail area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street

Policy DM9 of SADMP, 2014 sets out that development in Local Centre Frontages will be expected to maintain or provide active ground floor uses.

Policy DM10 outlines Food and Drink Uses and the Evening Economy as beneficial to the vibrancy, vitality and diversity of centres, however it is stipulated that they require careful management in order to prevent harmful impacts to the centre and its wider area. proposals will be acceptable provided they do not harm the character of the area, residential amenity and/or public safety, either individually or cumulatively.

In order to assess the impact of food and drink proposals on an area the following matters will be taken into account:

- i. The number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission; and
- ii. The impacts of noise and general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas; and
- iii. The availability of public transport, parking and servicing; and
- iv. Highway safety; and
- v. The availability of refuse storage and disposal facilities; and
- vi. The appearance of any associated extensions, flues and installations.

The site is located within Fishponds Town Centre forming part of the Primary Shopping Area, located between a restaurant on one side and a barber shop on the other side. The site was most recently in use as a takeaway shop. The proposed change of use is from sui generis, hot food takeaway to sui generis, bar with seating area, office and small kitchen. An active ground floor usage will be retained.

As such the proposal is considered to maintain the vitality, viability and diversity of the town centre and primary shopping frontage in line with BCS7. Furthermore, the introduction of a bar is a main town centre use as defined in the NPPF, 2025, therefore, the proposal accords with DM7 requiring main town centre uses to be located within the town centre. In accordance with DM8, the retention of the ground floor frontage, generating footfall would not fragment the primary shopping frontage. No plans have been provided for the proposed front elevation, as such it is assumed that the shopfront will be retained as existing. Given the site was previously in use as a takeaway and as assessed against the criteria detailed in DM10, the proposed bar is not considered to harmfully impact the centre and the wider area.

B) DESIGN AND IMPACT TO THE CONSERVATION AREA

Policy BCS21 of Bristol's Core Strategy 2011, states that new development in Bristol should deliver high quality urban design, which contributes positively to an area's character and identity, creating or reinforcing local distinctiveness.

Policy BCS22 states the need to safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including conservation areas, explained as sources of immense local pride and valuable educational resource.

Policy DM26 establishes that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. Maintaining such character and distinctiveness by reflecting the predominant materials, colours, textures, landscape treatments and boundary treatments in the area and responding appropriately to existing land forms, green infrastructure assets and historic assets.

Policy DM27 of SADMP, 2014 establishes the necessity of height, scale and massing of a development to be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and the setting.

Policy DM30 of SADMP, 2014 sets out the expectation that development should respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene; necessitating extensions to be physically and visually subservient to the host dwelling.

Policy DM31 of SADMP, 2014 states development within a conservation area will be expected to preserve or, where appropriate, enhance elements contributing to the special character or appearance of the area.

Officers have undertaken the assessment required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have given special regard to the desirability of preserving or enhancing the character or appearance of the area. They have given the harm caused considerable importance and weight in reaching this conclusion.

The Authority is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special regard to the desirability of preserving or enhancing the character or appearance of the area. Considerable importance and weight is given to harm caused.

The proposal consists of a 2-storey rear extension, measuring 9 metres in depth and 3.95m in height at the eaves. The extension consists of a lower ground floor level and a mezzanine level. Additionally, the proposal includes an extension at first floor level to provide an office space and an extract duct running along the roof slope and slightly above the roof ridge. The proposed extensions would only be visible from the rear lane and from adjacent properties.

Neighbouring property, No. 705 Fishponds Road, has a rear extension of similar depth, though of reduced height as approved by application 23/01140/F. No. 705 additionally has a first-floor extension and an extract duct similar to that proposed within the current application.

Whilst the proposed extract duct is substantial in size, given it is similar to that installed at No.705, in addition to its limited visibility from the property's principal elevation, it is considered acceptable in this instance.

The proposal is generally confined to the rear of the property, therefore not highly visible from the public realm, this in addition to the adjacent property's existing rear extension of a similar scale results in limited impact on surrounding area. As such the proposal is considered to preserve the special character of the conservation area and is acceptable in terms of design.

C) IMPACT ON THE AMENITY OF SURROUNDING PROPERTIES

Policy BCS21 of Bristol's Core Strategy, 2011, states that a high-quality built environment should consider the amenity of both existing and future development. Consideration should be given to matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

Policy DM27, of the Site Allocations and Development Management Policy, 2014, states that development is expected to enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight. Additionally, it is necessitated that development enables the provision of adequate appropriate and usable private or communal amenity space.

Policy DM30 states development is expected to safeguard the amenity of the host premises and neighbouring occupiers. Development should avoid harmful loss of sunlight or daylight through overshadowing; being overbearing; causing overlooking; or loss of privacy.

The previous scheme at the application site, 24/01813/F, was refused in part due to the overbearing impact of the proposed rear extension on the neighbouring property's private amenity space, in addition to the impact of the proposed raised terrace in terms of overlooking and noise disturbance. The application was then appealed with the inspector considering the impact in terms of overbearing and overlooking to be acceptable. The appeal was dismissed on the basis that the noise impact of the proposed terrace 'would go beyond existing and reasonable noise levels'.

The current proposal includes the replacement of the previously proposed rear terrace with a walkway screened by a 1.8m obscure glazed balustrade. The scale and positioning of the extensions remain the same as within the previous application.

Overbearing

The inspector for the previous appeal decision described that the rear extension 'would be stepped in from the site boundary, sunken into the ground with a pitched roof which would incline away from the garden. These aspects would minimise the visual impact of the proposal when viewed from the rear garden, which would retain its open aspect to the western side and rear. Given this, the proposal would not appear overbearing in views from the rear garden.'

Given the proposed rear extension remains the same in terms of scale and position, the impact on overbearing remains the same and is not considered to harm neighbouring amenity.

Overlooking/ noise disturbance

The raised terrace has been removed, with the replacement walkway of insufficient size for recreational use, therefore the impact in terms of overlooking and noise disturbance is negligible. The reasons for refusal as set out within the previous officer report and subsequent appeal decision are considered to be overcome.

Loss of private amenity space

The existing first floor flat includes a raised terrace along the boundary with No. 705 Fishponds Road, providing private amenity space for the occupants. The proposed first floor element would be built on the existing raised terrace. As such there would no longer be any private amenity space for the occupants of the flat.

It is noted that the flat is in proximity to nearby parks and green spaces including Fishponds Park, at a distance of approximately 300m; and Oldbury Court Estate, at a distance of approximately 950m. Additionally, it is considered that as the unit is relatively small, it is more likely to attract single occupants or couples.

Given the above it is recommended that the inspector weighs the loss of private amenity space in the balance with the benefits of the proposal, including bringing the vacant ground floor unit back into use within a Primary Shopping Area.

Light loss

The proposed privacy screen measures 1.8m in height at first floor level, giving a total height of 5.3m from ground floor level. The privacy screen is separated from the neighbouring property by approximately 1.85m.

Whilst the proposed privacy screen does increase the height adjacent to the neighbouring property's window, given it is stepped away from the boundary and as such the 45-degree line on elevation plan is likely not breached, the impact on light loss is considered negligible.

D) TRANSPORT AND HIGHWAYS CONSIDERATIONS

Policy BCS15 of Bristol's Core Strategy, 2011, sets out that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Policy DM32 furthers the need for recycling and refuse provision, outlining that in assessing the recycling and refuse provision regard will be had to a number of considerations including the location; the impact on visual amenity; the impact on health and neighbouring amenity; and security against pests and vandalism.

Policy DM23 of Site Allocations and Development Management Policies, 2014, states that development is expected to provide safe and adequate access for all sections of the community within the development and onto the highway network. This includes assessment of the traffic implications of development proposals, as well as access and improvements to public transport, walking, cycling and vehicular parking.

Bristol's Transport Development Management Team (TDM) were consulted regarding the proposal. They provided comments setting out the following:

- It was noted that the applicants red line boundary does not extend to the adopted highway however given the nature of Elmdale Gardens and limited scale and nature of the proposal this does not raise concerns.
- Consideration that the nature and scale of the proposal will not result in significant increase in deliveries or servicing
- It was noted that no parking is proposed however there is on street parking subject to restrictions
- Assessment that the proposal does not meet the threshold for secure cycle storage, noting that there are existing Sheffield stands on the footway.
- Assessment that whilst TDM consider the proposed location of the waste storage to be acceptable in principle further details must be submitted and should be secured via condition. Additionally, refuse containers must not be left on the footway at any time other than on the day of collection.

TDM recommended a number of conditions to be detailed at the end of this report.

E) ECOLOGY

Paragraph 187 of the National Planning Policy Framework sets out that planning policies Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Biodiversity net gain (BNG) is a national requirement for planning permission introduced on 12 February 2024, whereby all applications are required to either provide detailed information proving there will be a biodiversity increase; or explain why they are exempt from doing so.

The absence of a Biodiversity Net Gain Exemption statement formed one of the reasons for refusal of the previous application. A Biodiversity Net Gain exemption statement has been included as part of the current application. Additionally, within the appeal decision the inspector stated the following:

There is no indication that the development would impact a priority habitat. The submission states that the extension would be erected on an area of hardstanding and impacts less than 25m². Given this, the proposal would be exempt from the BNG requirements under the act as it would fall under the 'deminimis exemption'.

As such the previous reason for refusal has been overcome.

F) SUSTAINABILITY

Policy BCS13 sets out that development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions.

Policy BCS14 sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-carbon energy sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.

Development in Bristol should include measures to reduce carbon dioxide emissions from energy use in accordance with the following energy hierarchy:

- i. Minimising energy requirements;
- ii. Incorporating renewable energy sources;
- iii. Incorporating low-carbon energy sources.

New development will be expected to demonstrate that the heating and cooling systems have been selected according to the following heat hierarchy:

- i. Connection to existing CHP / CCHP distribution networks
- ii. Site-wide renewable CHP / CCHP
- iii. Site-wide gas-fired CHP / CCHP
- iv. Site-wide renewable community heating/cooling
- v. Site-wide gas-fired community heating/cooling
- vi. Individual building renewable heating

Within the energy and sustainability statement submitted it is set out that residual Carbon Dioxide emissions will be reduced by 65% through the installation and use of an Air Source Heat Pump (ASHP). This should be conditioned to ensure the above

reduction is met. Within the submitted plans there is no detail of the location or specification of the proposed ASHP; it is therefore recommended that these details are conditioned. Please see the end of this report for full details of the recommended conditions.

G) POLLUTION

Policy BCS23 of Bristol's Core Strategy deals with pollution, setting out that development should be sited and designed in a way to avoid adversely impacting upon Environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution.

Policy DM33 of Site Allocations and Development Management Policies, 2014, reiterates the impact of pollution on environmental amenity, biodiversity and health and wellbeing. Policy DM33 sets out that an appropriate mitigation scheme must be provided where there is potential for harm caused by pollution.

Policy DM35 of SADMP, 2014, discusses more specifically noise mitigation, stating Development which would have an unacceptable impact on environmental amenity or biodiversity by reason of noise will be expected to provide an appropriate scheme of mitigation.

Bristol's Pollution Team were consulted regarding the scheme, they had concerns regarding the noise impact of the bar and plant and equipment (including the ASHP and kitchen extract); as well as the cooking fumes/odours produced. As such they recommended a number of conditions including:

1. Noise assessment condition
2. Details of kitchen extraction/ventilation condition
3. Noise from plant and equipment affecting residential condition
4. Use of refuse and recycling facilities condition
5. Deliveries condition
6. Opening times condition
7. Restriction of use of the outdoor area condition

Full details of these conditions will be included at the end of this report.

CONCLUSION

The proposal is considered to overcome the previous reasons for refusal and dependant on the inspector's assessment of the loss of private amenity space is recommended for approval subject to conditions.

LIST OF PLANS CONSIDERED AS PART OF THE APPLICATION:

672-PLA-001 REV B, Existing site location and site plan. Received 31 December 2025

672-PLA-010 REV A, Existing ground & first floor plan. 31 December 2025

672-PLA-011 REV A, Existing roof plans. 31 December 2025

672-PLA-020, Existing front and side elevations. 31 December 2025

672-PLA-021 Existing rear & side elevations. 31 December 2025

672-PLA-030 Existing section A-A. 31 December 2025

672-PLA-100 REV B, Proposed site plan. 31 December 2025

672-PLA-110 REV A, Proposed ground and mezzanine floor plans. 31 December 2025

672-PLA-111 REV B, Proposed first floor and roof plans. 31 December 2025

672-PLA-121 REV A, Proposed rear and side elevation. 31 December 2025

672-PLA-140 Proposed section A-A AND B-B. 31 December 2025

Biodiversity Net Gain Exemption Statement. 31 December 2025

Energy and Sustainability Statement. 31 December 2025

Recommended advice as provided by Bristol City Council Transport Development Management:

Impact on the highway network during construction

1) 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 prior to the date when you wish to put any measures in place, to enable the TTRO to be processed.

2) 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. A plan of Traffic Sensitive Streets is available at www.bristol.gov.uk/trafficsensitivestreets

- Licence and TTRO application forms are available at www.bristol.gov.uk/highwaylicences
- Application forms to suspend:
 - Parking bays within the adopted highway or one of the Highway Authority's car parks are available at www.bristol.gov.uk/parking/suspensions
 - Bus stops or taxi ranks are available at www.bristol.gov.uk/busstopstaxiranksuspension 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 if you need to suspend or remove a parking meter.

N.B. 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.

Recommended conditions:

Time limit for commencement of development

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

1. Noise from development

No development shall take place until an assessment on the potential for noise from the development affecting neighbouring residential premises has been submitted to and approved in writing by the Council.

The assessment shall include noise from:

Noise from the proposed bar affecting the flats above noise from any plant or equipment that forms part of this application

If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings".

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: to protect neighbouring amenity.

2. Details of Kitchen Extraction/Ventilation System

No equipment for the extraction and dispersal of cooking smells/fumes shall be installed until an odour risk assessment in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Exhaust Systems – Guidance document - Issue 2: 2022 to show that odour from the proposed extract system will not cause harm to neighbouring properties.

If the risk assessment identifies that odour mitigation is required then details including method of construction, odour control measures, noise levels, appearance and ongoing maintenance have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the installation of any such equipment and thereafter shall be permanently retained.

Reason: to protect neighbouring amenity

Pre-occupation conditions

1. Refuse storage

No building or use hereby permitted shall be occupied or the use commenced until further details of refuse storage facilities shall be submitted to, approved in writing by the Local Planning Authority and installed. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. 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 amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials

2. Further details of ASHP

Prior to occupation, further details of the air source heat pump shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include include the noise levels, and a calculation, in accordance with Microgeneration Certification Scheme planning standards (MCS 020) to show that the heat pump will be in compliance with noise levels specified in that standard at any neighbouring property.

(Details of the Microgeneration Certification Scheme planning standards (MCS 020 including the calculation can be found at
<https://www.planningportal.co.uk/permission/common-projects/heat-pumps/the-microgeneration-certification-scheme>)

Reason: In order to safeguard the amenities of adjoining residential occupiers.

Post-occupation management

3. Noise from plant & equipment affecting residential

The rating level of any noise generated by plant & equipment as part of the development shall not exceed the background noise level at any noise sensitive property. Any assessment shall be made in accordance with BS4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard neighbouring amenity.

4. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To protect neighbouring amenity.

5. Deliveries

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To protect neighbouring amenity.

6. Restriction of use of Outdoor Area

There should be no consumption of beverages outside at the front of the premises.

Reason: To protect neighbouring amenity.

List of Approved plans

2. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.