



Decision Notice and Statement of Reasons

Site visit made on 3 March 2026

By Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

A person appointed by the Secretary of State

Decision date: 9 March 2026

Application Reference: S62A/2025/0149

Site address: 703 Fishponds Road, Fishponds, Bristol BS16 3UH

- 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 9 December 2025 is made by Jesey Kaur and was validated on 12 January 2026.
 - The development proposed is a rear extension and change of use from takeaway (sui generis) to bar with seating area, office and small kitchen (sui generis).
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Decision

1. Planning permission is granted for a rear extension and change of use from takeaway (sui generis) to bar with seating area, office and small kitchen (sui generis), at 703 Fishponds Road, Fishponds, Bristol BS16 3UH in accordance with the terms of the application dated 9 December 2025, subject to the conditions set out in the schedule at the end of this decision.

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 was designated for non-major applications between 6 March 2024 and 27 January 2026. The application was made to the Planning Inspectorate during this period.
3. Consultation was undertaken on 14 January 2026 which allowed for responses by 11 February 2026.
4. I carried out an unaccompanied site visit on 3 March 2026. This enabled me to view the site and the surrounding area.

Background

5. Of direct relevance to my assessment below is a planning appeal dismissed in relation to a substantially similar scheme in 2025. In that case the sole ground for dismissal of the appeal was disturbance likely to be caused to the occupants of

701 Fishponds Road through noise generated by use of a roof terrace. The current application has sought to address this concern as considered below.

6. The Inspector in the above appeal noted that modifications had already been made to the rear elevation of No 703, such that it did not resemble the details shown on the 'existing plans'. This principally included replacement of the pitched roof over the existing rear extension with a flat roof deck. The same plans appear to have been submitted as part of the current application, and the status of these modifications remains unclear. For the sake of certainty my assessment below is based on the submitted plans.

Main Issues

7. The main issues for this application are:
 - whether the location of the development accords with the strategy set out in the development plan;
 - the effect of the development on the living conditions of occupants of 703 and 701 Fishponds Road; and
 - the effect of the development on the character and appearance of the area, including Stapleton and Frome Valley Conservation Area.

Reasons

Location and Principle of Development

8. The development would involve a change of use from a takeaway, which is currently disused, to a bar. The latter is defined as a main town centre use falling within the broad category of leisure, entertainment and more intensive sport and recreation uses, within the National Planning Policy Framework.
9. The Council's strategy for such uses is set out in Policy BCS7 of the Bristol Development Framework Core Strategy 2011 (the Core Strategy). This states that leisure uses will be primarily located within, or where appropriate, adjoining the centres in the identified network and hierarchy serving Bristol. Policy DM7 of the Bristol Local Plan – Site Allocations and Development Management Policies 2014 (the SADMP) similarly states that main town centre uses should be located within the centres identified on the Policies Map. Policy DM8 of the SADMP sets out a further general expectation that development will be expected to maintain or provide active ground floor uses within Primary Shopping Areas.
10. The site is located within a Primary Shopping Area which falls within Fishponds Town Centre. As the development would reintroduce and expand an active main town centre use to the ground floor of No 703, both the location and the principle of the proposed use is consistent with the above policies.
11. For the reasons set out above I conclude that location of the development would accord with the strategy set out in the development plan, and more Policy BCS7 of the Core Strategy and Policies DM7 and DM8 of the SADMP.

Living conditions

12. Policy BCS21 of the Core Strategy sets out the expectation that development will safeguard the amenity of existing development. Policy DM30 of the SADMP additionally sets out the expectation that alterations to existing buildings will safeguard the amenity of the host premises and neighbouring occupiers. Within the more specific context of the proposed use, Policy DM10 of SADMP additionally indicates that food and drink uses will be acceptable where, amongst other things, they would not harm residential amenity.
13. A flat is located on the upper floors of No 703. The ground floor of No 701 is currently in use as a barber shop. It is unclear whether the floors above are occupied, but they have also been previously assumed to provide residential accommodation. It is principally in relation to these residential uses rather than the existing commercial use of No 701 that amenity issues are relevant.
14. The flat at No 703 is accessed at first floor level via a walkway identified on the existing plan as a 'roof terrace'. As it is wide enough to accommodate seats it could indeed be used as a cramped and somewhat inadequate outdoor amenity space. A lawn located to the rear of No 701 presumably provides a larger amenity space for occupants of that property. However, it lacks privacy and is exposed to activities relating to the surrounding commercial uses. Therefore, as existing residential outdoor amenity spaces can be identified, their quality is poor.
15. The development would provide a relocated screened off walkway to the flat at No 703, with the remainder constructed as a green roof. The walkway could not be used as an outdoor amenity space, and subject to a condition restricting access, nor could the green roof. Given that the value and utility of the existing space is doubtful, and a range of public open spaces are otherwise available within the locality, loss of the existing amenity space would not cause any unacceptable harm.
16. Screening of the walkway would prevent scope for views into the accommodation at No 703. As the walkway and the green roof would not serve as outdoor amenity spaces, there would also be no scope for either to host activities likely to generate noise sufficient to disturb neighbours.
17. The proposed extension would run the length of the outdoor amenity space to the rear of No 701. The introduction of built form along one side of the space would modestly reduce the sense of openness, and even though the extension would be set back from the boundary, there would be an inevitable but minor degree of overbearing. The consequent reduction in the quality of outlook would result in some further diminution in the overall quality of the space. However, the harm caused would not be unacceptable considered in context, and again taking into account the availability of alternative spaces.
18. When operational the existing takeaway use would have generated noise and odours associated with the preparation and cooking of food, and noise associated with comings and goings for deliveries and collections. This does not appear to have been incompatible with the residential use above or in neighbouring properties. The proposed use would similarly generate noise and odours associated with cooking, comings, goings, deliveries and collections, all of which can be regulated by the imposition of appropriately worded conditions.

19. It is likely that the character of noise generated within the building by use of the bar seating areas would differ from that previously generated within the takeaway. A greater potential for disturbance appears likely. No details of sound insulation measures which may be required to prevent the transmission of additional noise to the flat above have been provided. However, as I have no reason to believe that appropriate measures cannot be taken, these details can again be secured by condition.
20. For the reasons set out above I conclude that the development would not have any unacceptable effect on the living conditions of occupants of occupants of 703 and 701 Fishponds Road. Subject to a range of appropriately worded conditions, it would therefore comply with Policy BSC21 of the Core Strategy and Policies DM10 and DM30 of the SADMP.

Character and appearance

21. The site is located within Stapleton and Frome Valley Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. That objective is supported by Policy BCS21 of the Core Strategy, and Policies DM26 and DM31 of the SADMP.
22. Insofar as it is relevant, the significance of the conservation area resides in the character and relationship of a number of historic settlements, including Fishponds, which are linked by later development, and their broader setting within the Frome Valley. No 703 is part of a C19th terrace which makes a positive contribution to the character of the streetscene in Fishponds. The rear elevation remains partially intact but has been subject of some change, including a plot length extension at No 705. Viewed in context the design of the proposed development would appear somewhat more sympathetic and would generally integrate without detracting from the character of the historic core of the building. Though the proposed extract duct would appear incongruous, it would replace a similar extract duct already present on the roof. As such the effect would be neutral in impact. The scheme would, overall, preserve the character and appearance of the conservation area
23. For the reasons set out above I conclude that the effect of the development on the character and appearance of the area, including Stapleton and Frome Valley Conservation Area, would be acceptable. In these regards it would comply with Policy BCS21 of the Core Strategy, and Policies DM26 and DM31 of the SADMP.

Other Matters

24. Policy BCS14 of the Core Strategy seeks to secure renewable energy generation provision in new development sufficient to reduce carbon dioxide emissions by 20%. An air source heat pump has been proposed, and subject to a condition securing its provision, this target would be met.
25. Policy BCS15 of the Core Strategy requires consideration of waste and recycling during operation of the development. The location of a proposed bin store has been indicated but no details provided. These details can however be secured by condition.

Conditions

26. A condition setting the time limit for commencement of the development is required by statute. A condition requiring compliance with the plans is necessary for the sake of certainty.
27. Conditions securing details of measures to control the emission of odours and the transmission of any additional internal noise to the flat above are required in the interests of safeguarding neighbour amenity.
28. As noted above, conditions are required to secure installation of the proposed air source heat pump in the interests of sustainability, and details of waste storage to ensure that adequate provision is made.
29. A condition requiring the installation of the proposed glass balustrade is necessary in the interests of securing the privacy of neighbours, and a condition restricting use of the green roof is required to prevent noise disturbance of neighbours.
30. Further conditions are required to limit scope for disturbance by restricting noise levels generated by plant and machinery, and by restricting the timeframe for deliveries and collections.
31. Powers are available under separate legislation to deal with commercial waste left in the public highway and the regulation of activities which might take place on the public pavement outside the front of the premises. It is therefore not appropriate or necessary to seek to govern these activities by imposing conditions. I have also not imposed a condition relating to the tipping of empty bottles into bins. This is again partly because where a noise nuisance arises as a result of poor management this can be addressed under separate legislation. It is also given that the suggested prohibition of tipping on Sundays and Bank Holidays could adversely affect the operation of the use on what could be some of its busiest trading days.

Planning Balance and Conclusion

32. For the above reasons the proposed development would comply with the development plan. I therefore conclude that planning permission should be granted.

Benjamin Webb

Inspector and Appointed Person

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: As required by section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 672-PLA-100 Rev.B; 672-PLA-110 Rev.A; 672-PLA-111 Rev.B; 672-PLA-121 Rev.A; 672-PLA-140.

Reason: To provide certainty.

- 3) No equipment for the extraction and dispersal of cooking smells/fumes shall be installed until details of the equipment, together with an odour risk assessment produced in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Exhaust Systems – Guidance document – Issue 2: 2022, have been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall detail any measures necessary to ensure that no harm shall be caused to occupants of neighbouring properties by smells and fumes. The equipment shall then be installed, and thereafter operated, as approved.

Reason: To safeguard neighbour amenity in line with expectations set out in Policy DM10 of the SADMP.

- 4) The use hereby permitted shall not be commenced until details of sound insulation measures required to control the transmission of any additional internal noise that it would generate to the flat above have been submitted to and approved in writing by the Local Planning Authority. These details shall be supported by a noise assessment carried out in accordance with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound, and BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings.

Reason: To avoid the disturbance of neighbours as result of any additional noise generated by the change of use, in line with expectations set out in Policy DM10 of the SADMP.

- 5) The use hereby permitted shall not be commenced until the proposed air source heat pump has been installed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: to secure installation of the pump in accordance with the emissions targets set out in Policy BCS14 of the Core Strategy, and in the interests of sustainability.

- 6) The use hereby permitted shall not be commenced until refuse storage facilities have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the management of waste in accordance with Policy BCS15 of the Core Strategy, and to safeguard neighbour amenity in line with expectations set out in Policy DM10 of the SADMP.

- 7) The use hereby permitted shall not be commenced until the obscured glass balustrade shown on the approved plans has been installed. The balustrade shall thereafter be retained.

Reason: To safeguard the privacy of neighbours in line with expectations set out in Policy DM10 of the SADMP.

- 8) The rating level of any noise generated by plant and equipment installed as part of the development hereby permitted shall not exceed the background noise level at any noise sensitive property, when assessed in accordance with BS4142: 2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound.

Reason: To avoid the disturbance of neighbours in line with expectations set out in Policy DM10 of the SADMP.

- 9) Deliveries shall be taken at, and collections shall be made from the premises only between the hours of 08.00 and 20.00 Monday to Saturday and not at any time on Sundays or Bank or Public Holidays.

Reason: To avoid the disturbance of neighbours in line with expectations set out in Policy DM10 of the SADMP.

- 10) Access onto the green roof hereby permitted shall be for maintenance purposes only. The green roof shall at no time be used as an area for outdoor seating or for other domestic activities.

Reason: To avoid the disturbance and to safeguard the privacy of neighbours in line with expectations set out in Policy DM10 of the SADMP.

Informatives

- 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. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

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

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

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is considered to apply – in this case that listed below:
Development below the de minimis threshold, meaning development which:

- (a) 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
 - (b) 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)
- 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.