



Decision Notice and Statement of Reasons

Site Visits made on 09 March and 18 March 2026

By A Hickey MA MRTPI

A person appointed by the Secretary of State

Decision date: 09 April 2026

Application Reference: S62A/2025/0150

Site address: 265-267 Church Road, Bristol BS5 9HU

- 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 22 December 2025 is made by McGowan Hayes Property Ltd and was validated on 22 January 2026.
 - The development proposed is erection of a second floor roof extension, demolition and rebuilding of a single storey rear extension, and change of use of upper floors and part of ground floor from ancillary commercial space to a large 8-bed HMO. New shopfronts to retained ground floor commercial units.
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Decision

1. Planning permission is granted for erection of a second floor roof extension, demolition and rebuilding of a single storey rear extension, and change of use of upper floors and part of ground floor from ancillary commercial space to a large 8-bed HMO. New shopfronts to retained ground floor commercial units, in accordance with the terms of the application Ref S62A/2025/0150 dated 22 December 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 (BCC) 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. On 16 December 2025 the Government published a consultation on changes to the National Planning Policy Framework, accompanied by a

Written Ministerial Statement. As the final form of any revised Framework is unknown, the consultation draft carries very limited weight.

4. Consultation was undertaken on 27 January 2026 with responses invited by 24 February 2026. BCC did not provide an officer report within that period but subsequently provided a statement and a list of suggested conditions. The applicant was given the opportunity to respond. I have taken into account all representations received.
5. I carried out an unaccompanied site visit on 09 March 2026 and an accompanied visit on 18 March 2026, which enabled me to view the site and the surrounding area.

Background

Planning History

6. In April 2025 planning permission (reference S62A/2025/0091) was refused by the Planning Inspectorate for the erection of a second floor roof extension, demolition and rebuilding of a single storey rear extension, and change of use of upper floors and part of ground floor from ancillary commercial space to a large 8-bed HMO. New shopfronts to retained ground floor commercial units. The Inspector in consideration of this application determined that the proposal would not provide adequate ventilated waste storage necessary for commercial operation or provide adequate secure facilities to encourage travel by sustainable means.

Main Issues

7. Having regard to the application, the planning history, the consultation responses and what I saw on site, the main issues for this application are:
 - the effect of the proposal on the vitality and viability of the Town Centre;
 - the effect of the proposal on the highway network;
 - whether the proposal would provide an acceptable living environment for future occupiers;
 - the effect of the proposal on the character and appearance of the area and the living conditions of the occupiers of neighbouring properties and;
 - the effect of the development on the mix and balance of housing in the area.

Reasons

Vitality and Viability of the Town Centre

8. The application site comprises a mid-terraced property on Church Road. The building currently provides retail and workshop space at ground-floor level, with office and ancillary storage at first-floor level. The proposal seeks to change the use of the upper floors and part of the ground floor to create a large 8-bedroom HMO, whilst retaining a commercial unit within the remaining ground-floor area.

9. The site is within the St George (Church Road) Town Centre, a primary shopping area. Bristol Development Framework Core Strategy (CS) Policy BCS7 states that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged. Local Plan – Site Allocations and Development Management Policies (LP) Policy DM8 sets out that within Primary Shopping Areas change of use of 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.
10. The proposal makes provision for a 32m² ground floor commercial unit to the front of the building. This represents an overall increase in retail floorspace. The proposal would provide a shopfront with a display function and would not result in the loss of active frontage within or fragmentation of the primary shopping area. Although the proposed ground-floor residential use would not provide an active frontage, the existing workshop also failed to do so.
11. In response to the previous refusal, a ventilated bin store for the commercial unit is now proposed as part of the shopfront. The provision of adequate refuse space would ensure a realistic prospect of this unit being commercially viable, thereby avoiding harm to the site's retail function.
12. For the reasons above, the proposal would avoid any adverse effect on the vitality and viability of the town centre and therefore complies with the aims of LP Policy DM8 and CS Policy BCS7 the aims of which are set out above.

Highway Network

13. The proposal does not include off-street parking, and on-street capacity in the surrounding area is limited. However, the site is in a highly sustainable location, with convenient access to shops, services and frequent public transport. It would therefore be feasible for future occupiers to live without reliance on a private car. In line with the existing situation, the commercial use would also not provide any dedicated cycle or car parking.
14. The proposal includes cycle storage within the building. Access would be via an internal corridor of approximately 1.2m in width. Whilst this falls below the standards set out in the Bristol Transport Development Management Guide, occupiers would only need to wheel bicycles a short distance along a straight section of corridor. Given the scale of the development, this arrangement would not be so inconvenient or impractical as to discourage cycle use.
15. The proposed cycle storage is shown in proximity to refuse storage and includes the use of two-tier racks. I recognise the concerns raised by the

Council that such arrangements are less accessible and may discourage use. However, the overall level of provision is appropriate for the scale of development and there is sufficient space within the building to enable separation of cycle and refuse storage areas. Subject to a condition requiring revised details to secure appropriate separation and layout, the proposal would provide acceptable cycle storage.

16. The submitted drawings show a bin store adjacent to the commercial frontage. The door is shown opening outward onto the footway, which would not be acceptable given its proximity to the highway. However, this matter can be satisfactorily addressed through a condition requiring an inward-opening or roller shutter door, whilst maintaining appropriate ventilation.
17. Additionally, the width of the footway is of a sufficient size to accommodate pedestrian movements including those with mobility issues on collection days. Consequently, the temporary siting of bins would not result in unacceptable arrangement that harms pedestrian safety.
18. For the reasons set out above, the development would not give rise to an unacceptable risk to the highway network. It would not therefore conflict with Policy BCS10 of the CS and Policies DM2 and DM23 of the LP. These require, amongst other matters, developments that are designed and located to ensure the provision of safe streets and do not give rise to unacceptable traffic conditions whilst encouraging development proposals where sustainable travel patterns can be achieved.

Living conditions for future occupiers

19. Each future occupier of the HMO would be provided with a bedroom that exceeds the Council's minimum size standards and would benefit from natural light and outlook. Adequate communal living space would be provided, along with access to external amenity space to the rear.
20. The internal circulation spaces would be relatively narrow and lack natural light. However, in light of the limited time future occupiers would spend in the circulation spaces, this would not be particularly harmful to the living conditions of the occupiers of the property.
21. Concerns have been raised over the internal location of the residential refuse store adjacent to circulation areas. However, there is no substantive evidence that, subject to appropriate ventilation and management secured by condition, this arrangement would result in unacceptable living conditions for future occupiers.
22. The site is located on a busy road and in proximity to commercial uses, including a hot food takeaway. However, subject to conditions requiring a noise assessment and appropriate mitigation, as well as assessment of odour and ventilation impacts, future occupiers would not experience unacceptable living conditions.
23. In view of the above, subject to conditions, the development would provide an appropriate living environment for future occupiers in accordance with

CS Policies BCS18 and BCS21 and LP Policies DM2 and DM30 which require developments to provide sufficient space for everyday activities and a good standard of accommodation for future occupiers.

Character and appearance of the area and the living conditions for neighbouring occupiers

24. The site forms part of a terrace row fronting Church Road, which comprises a mixture of commercial and, to a lesser degree, residential uses. The proposal includes a roof extension, demolishing and rebuilding a single-storey rear extension, and inserting new frontages to the ground floor.
25. The proposed frontage alterations would maintain the rhythm and function of the street frontage. Whilst the inclusion of refuse storage within the frontage introduces a utilitarian element, this would not result in unacceptable harm to the character and appearance of the building or wider area. Subject to appropriate materials, the proposed frontage alterations would assimilate well with the wide and varied mix of frontages found along this section of the road.
26. The roof extension would be set behind the existing parapet and would have limited visibility from public viewpoints. Therefore, this element of the proposal would not result in harm to the character and appearance of the area.
27. Concerns have been raised regarding the level of supporting drawings submitted with the scheme. However, I am satisfied that the plans accompanying the current application provide sufficient detail to assess the proposal.
28. The relationship between the proposed development and neighbouring properties/buildings would not result in unacceptable overlooking, loss of light, or overbearing effects. The proposed use would also not give rise to noise and disturbance levels beyond those typically associated with nearby commercial and residential uses, which would be acceptable in this location.
29. For the reasons above, the proposal would safeguard the living conditions of the occupiers of neighbouring properties and would not result in harm to the character and appearance of the area. Therefore, the proposal would accord with the aims of LP Policies DM2, DM27 and DM35 and CS Policies BCS21, BCS23, which amongst other matters, seek to ensure development creates quality urban design that safeguards the amenity of existing premises and avoids harm to residential amenity or character of the locality.

Mix and balance of housing

30. LP Policy DM2 seeks to ensure that proposals for new HMOs don't contribute to a harmful concentration of such uses within a locality as a result of exacerbating existing harmful conditions or reducing the choice of homes in the area by changing the housing mix.

31. Based on my observations and the evidence available to me the proposal would not result in an overconcentration of HMOs and there is no suggestion that the scheme would reduce the choice of homes in the area by changing the housing mix. The proposal therefore accords with the aims of LP Policy DM2 and CS Policy BCS18. These seek all new residential development to provide or contribute to a mix of housing tenures, types and sizes. For similar reasons it would also accord with the SPD¹.

Other Matters

32. The Community Infrastructure Levy (Amendments etc.) (England) Regulations 2025 came into force on 1 May 2025. Regulation 2 enables developments approved directly under Section 62A to be subject to Community Infrastructure Levy (CIL) contributions. The Council has set out that if the application had been submitted to them then CIL would have been payable. As the application is allowed and planning permission granted, in respect of CIL matters it is now the responsibility of the Council as the charging authority to issue a Liability Notice.

Energy minimisation and renewable energy generation

33. CS policy BCS14 states that development should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements and by incorporating renewable and low-carbon energy sources. The policy goes on to state that 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%. The proposal meets the 20% residual energy use target through the building fabric and the incorporation of an air source heat pump.

Minerals

34. 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 supporting Coal Mining Risk Assessment is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development, and therefore have no objection to the scheme. The proposal is therefore acceptable in this respect.

Conditions

35. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance within the Framework and the Planning Practice Guidance.
36. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty.
37. A condition for a Construction Method Statement is necessary to protect the living conditions of nearby occupiers and to ensure adequate highway

¹ Managing the development of houses in multiple occupation Supplementary Planning Document (2020) (SPD)

safety. The sample details condition is necessary to protect the character and appearance of the area.

38. Conditions on noise, odour, refuse and cycling stores are necessary to create suitable living conditions for the future occupants of the proposal and ensure that these technical aspects are complied with appropriately.
39. Conditions on renewable energy and energy efficiency are necessary to ensure that the proposal complies with technical considerations and in the interests of climate change mitigation and adaptation.

Conclusion

40. 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.

A Hickey

Inspector and Appointed Person

Schedule of Conditions

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: 4480.PL.01; 4480.PL.05 Rev B; and 4480.PL.06.
Reason: To provide certainty.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - 24 hour emergency contact number;
 - a construction programme including phasing of works and construction methodology, including hours of operation/construction;
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities if required;
 - measures to control the emission of dust and dirt during construction;
 - any necessary temporary traffic management measures, including, measures to protect vulnerable road users;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To protect the living conditions of nearby occupiers and highway safety.

4. No development above ground level shall take place until a scheme for protecting the occupiers of the HMO from noise from road traffic, adjoining uses and noise from ventilation, refrigeration and air conditioning plant at nearby commercial premises has been submitted to and approved in writing by the local planning authority.

The scheme shall include an acoustic report 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 BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. All works which form part of the scheme shall be completed before any part of the HMO is occupied and retained thereafter.

The rating level of any noise generated by plant & equipment as approved as part of the development shall be at least 5 dB below the pre-existing background levels which shall be indicated within the acoustic report.

Reason: To ensure an adequate standard of proposed accommodation.

5. No development above ground level shall take place until an odour impact assessment has been submitted to and approved in writing by the Council. The odour impact assessment shall be undertaken by a suitably qualified specialist and shall provide full details of odour control measures for the adjacent flue system including and assessment of noise from the flue and associated equipment including any required mitigation measures. The report shall demonstrate that the bedrooms and communal areas hereby permitted will be provided with suitable alternative (mechanical) ventilation for use at times when the flue is in use and windows cannot be opened. The mitigation strategy and mechanical ventilation shall be installed prior to commencement of the residential use hereby permitted and retained thereafter.

Reason: To ensure an adequate standard of proposed accommodation.

6. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

Reason: To ensure a satisfactory appearance.

7. No development above ground level shall take place until details of the air source heat pump (ASHP) renewable energy technology (including the exact location, dimensions, design/ technical specification- including noise levels) together with calculation of energy generation and associated CO2 emissions to achieve 20% reduction on residual emissions from renewable energy in line with the approved energy statement should be submitted to the Local Planning Authority and approved in writing. The renewable energy technology shall be installed prior to occupation of the development and thereafter retained.

Reason: To ensure that adequate renewable energy is secured for the proposal.

8. No building or use hereby permitted shall be occupied or use commenced until the full details of all refuse and recycling bins storage areas have been submitted to and approved in writing by the local planning authority. Thereafter, the refuse and recycling bins storage areas shall not be used for any other purpose other than the storage of refuse or recycling bins and shall at all times be kept separate from Cycle Parking areas.

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.

9. No building or use hereby permitted shall be occupied or use commenced until full details of the cycle storage for the development has been submitted to and approved by the local planning authority. Thereafter, the Cycle Parking is not to be used for any other purpose other than the storage of bikes and shall at all times be kept separate from refuse or recycling bins.

Reason: To ensure that adequate cycle parking is provided so as to encourage non-car based modes of transport.

10. The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the submitted Sustainability Statement (titled Sustainability Statement, by Complete Energy Consultancy, dated 18/12/25) prior to occupation or use commenced.

Reason: To ensure the development incorporates measures to minimise the effects of and can adapt to a changing climate.

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. 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. You are advised that the Local Planning Authority has recommended to the Highways Authority that on the creation of any Controlled Parking Zone/Residents Parking Scheme/Permit Parking Area area which includes the development, 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 at www.bristol.gov.uk/low-car-permit-restrictions 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 (EVP) available at www.bristol.gov.uk/parkingpermits

- iv. 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
- v. 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>

- vi. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council, and any applications related to the compliance with the conditions must be submitted to the Council.