



Appeal Decision

Site visit made on 12 May 2026

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Appeal Ref: APP/Z0116/W/25/3371502

Unit 1, The Courtrooms, Rupert Street, Bristol BS21 2AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by GSA Group GBP Unit Trust against the decision of Bristol City Council.
 - The application Ref is 24/03959/X.
 - The application sought planning permission for *Variation of conditions 42 (Commercial uses threshold) and 43 (Commercial uses hours of operation) of permission 13/00452/F - no commercial unit shall exceed 320m² of interchangeable use under Class E at ground level; and no Sui Generis use shall exceed more than 190m² of commercial ground floor space* without complying with a condition attached to planning permission Ref 20/01409/X, dated 28 July 2020.
 - The condition in dispute is No 10 which states that: *Insofar as this permission relates to new commercial units on Nelson Street/Christmas Street no single, A1 (Shop) use shall occupy more than 160m² of the commercial floor space at ground floor level, no A3 use (Restaurant and Cafe use) and/or A4 use (drinking establishment) hereby approved shall exceed more than 190m² of the commercial floorspace at ground floor level; no D1 use (Non Residential Institution) hereby approved shall exceed more than 190m² of the commercial floorspace at ground floor level and no D2 use (Assembly and Leisure) hereby approved shall exceed more than 250m² of the commercial floor space at ground level, unless otherwise agreed in writing by the Local Planning Authority.*
 - The reason given for the condition is: *To safeguard the amenity of adjacent premises/occupiers and highway safety and to ensure the broad provisions of SPD8 are met.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within their evidence the appellant has referred to Bristol Local Plan – Bristol Central Area Plan (BCAP) Policy BCAP13. Although a copy of this has not been submitted, the online version has been reviewed as part of this decision. This is also the case for the Bristol Local Plan – Site Allocations and Development Management Policies (SADMP) Appendix 2 which is referred to in SADMP Policy DM23.
3. The appellant has also referred to a document named ‘Marketing and marketing particulars by Hartnell Taylor Cook, Dated September 2024’ as part of its original application submission. This document has not been submitted, and the Council has confirmed that no marketing evidence was submitted during the application so did not form part of its assessment. Accordingly, to request and consider it as part of this decision would risk disadvantaging interested parties.

Background and Main Issues

4. Planning permission 13/00452/F provided for the demolition of the former Magistrates Court and redevelopment of the site to provide a mixed use development comprising of 348no. bedspaces of purpose built, managed student residential accommodation (Use Class sui generis), ground floor commercial uses, (Use Classes A1, A3, A4, D1 & D2) associated car parking and ancillary facilities. This permission limited the commercial units to sizes not exceeding 190m².
5. A variation of that permission was granted under 20/01409/X, and this included condition 10 which altered the limits for the sizes of commercial units by use to, a maximum of 160m² for A1 use, 190m² for A3, A4, and D1 uses, and 250m² for D2 uses.
6. The commercial space was then split into 2, a 250m² unit previously let by a private gym but now vacant, and a 70m² also vacant.
7. An amendment to The Town and Country Planning (Use Classes) Order 1987 in 2020¹ introduced Use Class E 'Commercial, Business and Service' which combined Use Classes A1 and A3 and parts of Use Classes D1 and D2, along with other uses classes. Notably the previous Use Class A4 was also repealed, and its uses became defined as Suis Generis.
8. The proposal seeks to amend condition 10 to Use Class E, and allow the maximum unit size to be 320m², in effect allowing the provision of a single rather than multiple units.
9. Condition 10 was imposed to protect amongst other things, highway safety, and the broad provisions of SPD8² which seeks to promote the regeneration of the Nelson Street area, including the appeal site, to provide mixed uses and support a balanced community.
10. Therefore, the main issues are the effect that varying condition 10 would have on the commercial diversity of the area, and highway safety with regard to servicing and cycle parking.

Reasons

Commercial diversity

11. Nelson Street and Lewins Mead is an area of Bristol City Centre where the development plan seeks to promote a greater mix of uses, as identified in the Bristol Development Framework Core Strategy (CS) Policy BCS2. This is further expanded in BCAP Policy BCAP38 which identifies the mix of uses to include retail, leisure, new homes, hotels, student housing and youth and community facilities, amongst other things. SPD8 sets out the aspiration and guidance as to how this could be achieved.
12. Although these policies do not specify unit sizes or specific use deficits within this area, it is clear from BCAP Policy BCAP14, and the associated supporting text, that specifically larger scale retail development (over 200m²) should be directed towards the Primary Shopping Areas and the sites which adjoin them. BCAP Policy BCAP15 makes provision for smaller scale retail development (under

¹ Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020/757 reg.13

² Supplementary Planning Document 8: Nelson Street Bristol Regeneration Framework, Adopted 2006

200m²) and related uses outside of the afore mentioned areas when they would add to the vitality of an area.

13. SPD8 identifies the appeal site is part of the mixed commercial area of Nelson Street and the elevations facing Nelson Street and Christmas Street are secondary shopping frontages. Therefore, locationally the appeal site does not comply with the requirements of BCAP Policy BCAP14 but would meet those requirements for BCAP Policy BCAP15.
14. The appellant states that because condition 10 limits retail unit size to 160m², the believe this is the reason they are unable to let the ground floor commercial space. However, no compelling evidence has been submitted that for retail purposes a unit that is below the development plan threshold of 200m² but above the approved 160m² would not be viable, not that the only marketable solution for this location is a singular large unit.
15. Further the proposed change in Use Class would remove the potential for drinking establishments and some forms of local community and learning facilities. This would in effect reduce the potential breadth of uses the ground floor could be marketed for.
16. The benefit to the area of bringing the ground floor space of the appeal site into use, rather than it staying vacant is recognised. However, with no justifiable reasoning for a singular large unit in this location, and the effectual narrowing of potential uses, it is not found that varying condition 10 as proposed would maintain or improve the mix of uses in the area and so support a balanced community as the condition intended.
17. For these reasons, the proposed variation of condition 10 would not improve the commercial diversity of the area. It would fail to comply with CS Policy BCS2, and BCAP Policies BCAP14, BCAP15, and BCAP38, and the provisions of SPD8. These policies align with the National Planning Policy Frameworks (the Framework) positive approach to town centre development.
18. The Council has referenced BCAP Policy BCS7 and SADMP Policy DM7 within the associated reasons for refusal and the appellant has referenced BCAP Policy BCAP13 and emerging Bristol Local Plan Policy SSE2. These policies are largely strategic but seek to focus retail and other main town centre uses toward identified centres and adjoining sites. However, they are not determinative in this decision as the potential of a retail use at the appeal site has already been approved.

Highway safety

19. The ground floor commercial space of the appeal site faces onto Christmas Street and Nelson Street. These roads form part of the strategic bus route corridor entering the Broadmead city centre shopping area. Christmas Street specifically is a narrow one-way road for buses only and has a physically separated cycle lane.
20. With this in mind any blocking of Christmas Street or Nelson Street, even temporarily by poor parking, could have significant impact on traffic flow, and thereby highway safety. However, there are clear road demarcations preventing loading and unloading around this junction. These limitations would apply to any occupant of the ground floor of the appeal site, and it is not for this appeal to pre-

empt future occupiers theoretically ignoring these restrictions. Further there are other mechanisms available to the Council to enforce them.

21. As far as to prevent larger developments from causing highway safety issues due to poor parking, SADMP Policy DM23 requires appropriate servicing and loading facilities and cycle parking to be provided in line with the parking schedule in SADMP Appendix 2. For a food retail unit of over 250m², a full-size loading bay and 1 staff and visitor cycle space per 250m² would be required. The proposed variation of condition 10 could allow a food retail unit larger than 250m², and there is no mechanism before me that should this be the case, the required loading bay and cycle parking could be secured.
22. During the site visit it was observed there are a series of public cycle stands around the parameter of the appeal site which could be utilised by visitors and there is a public loading bay on Nelson Street.
23. The abundance of public cycle stands could justify the lack of provision for 1 visitor cycle space, but there is no mechanism before me to secure on site provision for staff. However, as only 1 staff cycle storage would be required, there is potential this could be dealt with via an additional condition.
24. That the previously approved amendments to commercial unit sizes did not require additional cycle provision is noted. However, they did not have the potential to create a retail unit over 250m².
25. The proposed variation makes no provision for service and delivery vehicles should the public bay be unavailable or in use. This combined with the increase in the number of daily service vehicle movements³ a single food retail unit using the whole space available would require, could lead to a detrimental impact on traffic flow. When taking account of the extensive use of the roads in question impacts on traffic flow could create highway safety issues. It is therefore found that the proposed variation of condition 10 could create development that would fail to comply with SADMP Policy DM23.
26. Therefore, with nothing before me to conclude otherwise, the proposed variation of condition 10 could have a detrimental effect on highway safety, with regard to servicing, so would not comply with SADMP Policy DM23.

Conclusion

27. For the reasons given above, the appeal is dismissed.

RJ Redford

INSPECTOR

³ As identified in the Transport Technical Note (Appendix 5 of the appellant's Statement of Case)