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Agenda Item No: 3

**Bristol City Council
Minutes of Development Control Committee B
Wednesday 24th June 2015 at 2.00pm**

The Colston Hall, Colston Street, Bristol BS1 5AR

Councillors Present:-

Ani Stafford-Townsend (Chair), Fabian Breckels, Carla Denyer, Richard Eddy, Margaret Hickman, Tim Leaman, Charles Lucas (substitute), Olly Mead, Eileen Means, Bill Payne, Chris Windows.

Officers in attendance:-

Gary Collins, Patricia Jones, Andy Cross and Peter Westbury

1. Membership

Resolved that the following membership of the committee for 2015/16 be noted:-

**Councillor Stafford-Townsend
Councillor Breckels
Councillor Denyer
Councillor Eddy
Councillor Hickman
Councillor Leaman
Councillor Mead
Councillor Means
Councillor Morgan
Councillor Payne,
Councillor Quartley
Councillor Windows**

2. Election of Chair

Resolved – that Councillor Stafford-Townsend be elected Chair of the Committee for the 2015/16 municipal year.

3. Apologies for absence

Apologies for absence were received from Councillor Morgan and Councillor Quartley. Councillor Lucas attended as substitute for Councillor Quartley.

4. Election of Vice-Chairman

Resolved – that Councillor Eddy be elected Vice-Chairman of the Committee for the 2015/16 municipal year.

5. Declarations of Interest

Councillor Mead and Councillor Lucas declared an interest in relation to Items 2 and 4 respectively, and confirmed they would not be participating in these applications.

6. Minutes

Resolved – that the Minutes of Development Control B Committee held on the 24th April 2015 be confirmed as a correct record and signed by the Chair.

7. Terms of Reference

Resolved – that the Terms of Reference as determined by Annual Council on the 26th May 2015 be noted.

8. Dates of Future Meetings

Resolved – that the following dates and times be noted and agreed:-

2015	2016
5 th August 6pm	3 rd February 6pm
16 th September 2pm	16 th March 2pm

28 th October 6pm	27 th April 6pm
9 th December 2pm	

9. Appeals

The Committee was updated on the status of Items 4 and 5 which would be decided following a Public Inquiry on the 6th October 2015.

It was also reported that a decision made by Development Control A relating to land on the eastern side of the Chittingen Trading Estate in Avonmouth had been overturned on appeal (Item 43). The Planning Inspectorate took account of the emission controls proposed by the applicant and took the view that there was no credible evidence to support concerns about impact. It was decided that emissions would be relatively small when taken on a cumulative basis.

There was no application for costs.

10. Enforcement

The report was noted.

11. Public Forum

Statements were heard before the respective application and taken into consideration by the Committee when reaching a decision. Copies of the Public Forum submissions can be found in the Minute Book.

12. Planning and Development

[14/05709/F](#) *Land Located Between Nos. 5 & 11 Bramble Drive. Construction of 5 no. detached houses with integral garages and private gardens.*

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- Attention was drawn to the site location plan within the Sneyd Park Conservation area. Although privately owned and not publicly accessible, the site

was designated as Important Open Space and a Site of Nature Conservation Interest.

- In response to consultation, 85 written objections were received and 1 letter of support. The concerns (set out in detail at page 1 of the report) were primarily based around the loss of open space, impact on wildlife, the negative impact on the character of the area and the amenity of the neighbouring properties.
- It was recognised that the volume of traffic would increase but the proposal was found to be acceptable in relation to transport and highway safety issues.
- Both the site and the adjacent Nature Reserve were designated Important Open Space. In policy terms, open space was protected:-
 - unless the space has lost some of its recreational, leisure or community value;
 - unless the existing space is enhanced by the proposed development.
 - if the nature conservation value of the site was harmfully impacted by the development.

The Committee heard that the application site was not accessible to the public and therefore could not be reasonably considered to have a significant role or value for recreation, leisure or community use.

It was further reported that BCC's Nature Conservation Officer had reached the following conclusions:-

- The space had lost part of its nature conservation value.
 - The development would bring significant improvement to the lower part of the site – trees and habitat.
 - There were no ecological objections – the proposed conditions and related management plan were considered acceptable.
- The proposal was not considered visually intrusive and dense tree cover would mask the view of the application site when viewed from the Nature Reserve.

- The degree of overlooking resulting from the proposal was considered acceptable and not uncharacteristic with levels across the city. Conditions would afford protection in the form of obscure glazing to plots 6 and 10 and the reduction of the rear balcony to plot 10. It was noted that the overshadowing of 11 Bramble Drive had been raised as a concern, however the relationship with the next adjoining property was considered acceptable at 9 metres and therefore did not warrant refusal on this basis.

Conditions would also minimise disruption to amenity during construction works.

- The removal of 16 trees would be mitigated by replacement planting of 47 trees.
- the proposal was considered acceptable in sustainability and flood risk terms, and in relation to contamination issues.

During subsequent debate, members of the Committee made reference to the chronic shortage of family homes in Bristol and the introduction of 5 new residential properties was welcomed. Officers were invited to provide further assurance on the issue of the overbearing effect, specifically in relation to plot 11, and this was noted.

However the focus of the discussion was around nature conservation issues, the potential impact of the development on ecology and wildlife and the loss of open space. Officer provided the following responses to the issues raised by the Committee:-

- Officers were satisfied with the proposed boundary treatments and provision for badgers in the proposed conditions.
- A pre-commencement condition would provide for a reptile survey. This would ensure that legally protected reptiles on the site were protected.
- Asked how it was possible for open space not to be detrimentally affected in this case, officers outlined the impact of the development in the context of policies BCS9 and DM17 and the proposed mitigation measures.
- A member of the Committee suggested that the loss of “open space” in this case was being misinterpreted because the site was privately owned fenced land and not public open space. This was reinforced by officers who stated that no public access meant there was no loss of the practical use of the site. Added to this, the ecology value of the site was not considered to be high.

It was accepted that the site was designated as a Site of Nature Conservation Interest and that this should be factored into the Committee's decision making process. However it was also important to take account of the current ecology value of the site and it was the view of officers that the harm/impact of the development was not substantial. The Committee was advised to also focus on the benefits of the proposal and the mitigation measures that would be put in place to offset any detriment.

- It was suggested that the overgrown nature of the site was a positive factor in terms of nature conservation. Officers stated that they had relied on the expertise of the Nature Conservation Officer who considered that this diminished the value of the site in this context.

The officer recommendation to grant the application was then moved by Councillor Eddy and seconded by Councillor Lucas. On being put to the vote, the motion was lost (5 voting in favour and 6 against).

Councillor Mead outlined a number of reasons for refusing the application including the impact on visual amenity and the harmful impact on plot 11. Officers provided advice in relation to a third reason proposed by Councillor Mead relating to the failure of the development to enhance the existing space, and it was agreed that the Committee could more reasonably rely on the impact on the ecological value of the site.

In conclusion, it was moved by Councillor Mead, seconded by the Chair on being put to the vote (6 members voting in favour and 5 against)

RESOLVED - that planning permission be refused on the grounds of visual amenity, the impact on the ecological value of the site and the harmful impact/overshadowing of no.11.

14/05476/F 3 Tyne Road Demolition of garage and construction of two storey single dwelling house.

Statements were heard before the application and taken into consideration by the Committee when reaching a decision. Copies of the Public Forum

submissions can be found in the Minute Book. The Committee heard an additional statement from Dr Katherine Alsop.

Attention was drawn to the Amendment Sheet circulated in advance of the meeting detailing changes since the publication of the original report.

The representative of the Service Director (Planning) introduced the report. With reference to the site location plan, aerial photographs and proposed plans, the Committee received a presentation of the key issues affecting the application:-

- In response to consultation, 12 representations objecting to the application were received and 1 in support. A further 10 written objections were received following amendments to the scheme. The concerns (set out in detail at page 1 of the report) were primarily based around parking and access issues, design and the amenity of the neighbouring properties.
- The site was in an established residential area/sustainable location and the principle of development was therefore acceptable in land use terms.
- Overlooking of neighbouring properties had been addressed by way of amendments to the scheme and limited overlooking to garden areas was considered acceptable.
- The proposed building would comply with space standards requirements. The garden, whilst small, would serve a family and was in keeping with the area.
- Concerns of the Highways Team included pedestrian safety and the ability to manoeuvre and access the proposed parking space. To minimise disruption to surrounding residents, a Management Plan would include details of access, parking and other activities during construction.
- The layout and design of the scheme was considered acceptable and good quality materials were proposed throughout.
- Sustainability and flood risk measures met policy requirements and the site could not be regarded as having a nature conservation value.

Members of the Committee welcomed the proposal on the basis that it was not overly ambitious, was an efficient use of the land and would create a family home.

However, the issue of access and manoeuvrability in the narrow lane to the rear of the proposal remained a matter of concern to other members. Officers accepted that the turning space was below the recommended guidance but pointed out that the position was the same with other properties along the lane and a vehicle could still access the space safely.

In response to further concerns relating to the height and dominance of the building, officers advised the Committee that the design of the proposal was not intrusive and was considered to be thoughtful in the context of the surrounding properties.

Officers confirmed that it was possible for a house of this size to be converted into a House in Multiple Occupation (HMO). Should the Committee be minded to grant permission, a condition could secure against this change of use.

In conclusion, it was moved by the Chair, seconded by Councillor Means and on being put to the vote (9 voting in favour and 1 abstention):-

RESOLVED - that permission be granted subject to the conditions set out in the report and a further condition to secure against a change of use to an HMO.

*15/00931/F Christchurch Church Of England VC Primary School, Clifton
Installation of games court lighting within the school grounds.*

Statements were heard before the application and taken into consideration by the Committee when reaching a decision. Copies of the Public Forum submissions can be found in the Minute Book.

Attention was drawn to the Amendment Sheet circulated in advance of the meeting detailing changes since the publication of the original report.

The representative of the Service Director (Planning) introduced the report. With reference to the application site and its layout, the Committee received a presentation of the key issues affecting the application:-

- The Committee noted the illustration of the games court (granted planning permission in 2014) and the proposed 6no. 5m tall lighting columns which would be installed along the perimeter of the court.
- The proposed lighting columns would be brighter than the typical lighting/lux levels in the Clifton area, but were designed in such a way so as to minimise the impact.
- 40 representations were received in response to consultation, 29 of which had objected to the application.
- Officers were mindful of any issues that would affect the setting of a conservation area/listed buildings. There were no listed buildings on Landsdown Road itself and officers were satisfied that there would be no impact on other listed buildings in surrounding roads.
- The amenity of local residents would be protected by a condition stipulating that the lighting would not be used outside the hours of 8am and 6pm, with the option of use to 9pm on one day a week.

During subsequent debate, the proposal was generally well received by all members of the Committee. There was a brief discussion in relation to the impact of extending use to 9pm on one night a week, but following discussion it was agreed that this was acceptable.

Members observed that this was a good use of a community facility and were reassured by the use of moderately low LED energy. It was noted that the lux levels quoted were the levels received on site, but that this dropped away rapidly as demonstrated in the presentation.

It was agreed that the secondary concern behind some of the representations relating to noise, was best addressed if and when noise became an issue.

Finally, the Committee noted that the onus was on the school to retain a record of the occasions when the lighting was used to 9pm and that appropriate action would be taken by the Enforcement Team should this be required.

In conclusion, it was moved by Councillor Lucas, seconded by Councillor Eddy, and on being put to the vote, unanimously:-

Resolved – that permission be granted subject to the conditions set out in the report.

14/06047/F Katherine House Rest Home, Cote House Lane Erection of single storey detached building to accommodate self- contained 8 bed dementia unit for the elderly in the grounds of existing care home.

Councillor Hickman left the meeting at this point.

Statements were heard before the application and taken into consideration by the Committee when reaching a decision. Copies of the Public Forum submissions can be found in the Minute Book.

Attention was drawn to the Amendment Sheet circulated in advance of the meeting detailing changes since the publication of the original report.

With reference to the photographs of the site and the proposed landscaping plan, a representative of the Service Director (Planning) introduced the report and gave a presentation of the key issues affecting the application:-

- The proposed single-storey building would mirror the style of the existing Katherine House Care Home.
- Attention was drawn to the landscaping plan and the trees affected by the development. Replacement planting and related conditions would mitigate against this.
- Officers were mindful of the location of the site within the Downs conservation area, however the proposal did not raise any unacceptable heritage issues.
- As set out in detail in the Public Forum statements and the verbal representations made to the Committee, it was noted that the primary concern of residents related to highway safety and traffic volumes.

Officers reported that Orchard Close was a private road and Katherine House was the subject of a Section 106 legal agreement that managed access and servicing of the site. The Committee heard that in accordance

with the agreement, both emergency vehicles and deliveries should access the site via Orchard Close. Only smaller vehicles should be accessing the site from Cote House Lane and breaches could be dealt with under the terms of the agreement.

A detailed Construction Management Plan would be submitted and BCC's Transport Team was satisfied that the proposal did not raise any unacceptable traffic and transport issues.

In the subsequent debate, members were in agreement that a facility to treat dementia patients was a much needed and acceptable extension to the existing building. However, to alleviate concerns and the reality of vans and delivery lorries using Cote House Lane to access the site, it was suggested that officers take steps to ensure that the terms of the Section 106 agreement were being upheld. Any consequences of enquires, including breaches, could then be dealt with as a separate issue to planning consent.

There was further discussion in relation to what might be put in place to assist and deter breaches. The Transport Development Manager clarified that imposing a weight or width restriction would effectively be restricting access to the properties on Cote House Lane. An except for access sign was not considered a viable alternative either. The Transport Development Manager suggested that officers, in consultation with the Highways Team and with reference to the existing Section 106 Agreement, could take steps to establish what signage would assist in these circumstances.

In conclusion, it was moved by the Chair, seconded by Councillor Means, and on being put to the vote, unanimously:-

Resolved:-

- (1) that permission be granted subject to the conditions set out in the report.**
- (2) that officers take appropriate steps to establish the extent to which the existing development is complying with the terms of the Section 106 agreement relating to access to the site. This to include enquiries into the use of signage to alleviate breaches.**

(the meeting ended at 5.15pm)

CHAIR