

Development Control B Committee Supplementary Information



Date: Wednesday, 23 February 2022

Time: 2.00 pm

Venue: The Council Chamber - City Hall, College Green, Bristol, BS1 5TR

8. Public forum

Any member of the public or councillor may participate in public forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Please note that the following deadlines will apply in relation to this meeting:

(Pages 3 - 27)

Questions:

Written questions must be received three clear working days prior to the meeting. For this meeting, this means that your question(s) must be received at the latest by 5pm on Thursday 17 February.

Petitions and statements:

Petitions and statements must be received by noon on the working day prior to the meeting. For this meeting, this means that your submission must be received at the latest by 12.00 noon on Tuesday 22 February.

The statement should be addressed to the Service Director, Legal Services, c/o The Democratic Services Team, City Hall, 3rd Floor Deanery Wing, College Green,
P O Box 3399, Bristol, BS1 9NE or email - democratic.services@bristol.gov.uk

Members of the public who wish to present their public forum statement, question or petition at the meeting must register their interest by giving at least two working days' notice prior to the meeting. For this meeting this will be 2pm on Monday 21 February.

www.bristol.gov.uk

PLEASE NOTE THAT IN ACCORDANCE WITH THE NEW STANDING ORDERS

AGREED BY BRISTOL CITY COUNCIL, YOU MUST SUBMIT EITHER A STATEMENT, PETITION OR QUESTION TO ACCOMPANY YOUR REGISTER TO SPEAK.

In accordance with previous practice adopted for people wishing to speak at Development Control Committees, please note that you may only be allowed 1 minute subject to the number of requests received for the meeting.

9. Planning and Development

To consider the following applications for Development Control Committee B - **(Page 28)**

Issued by: Allison Taylor, Democratic Services

City Hall, Bristol, BS1 9NE

Tel:

E-mail: democratic.services@bristol.gov.uk

Date: Tuesday, 22 February 2022



Public Forum

D C Committee B

2pm 23 February 2022



- 1. Members of the Development Control Committee B**
Councillors: Ani Stafford-Townsend (Chair), Chris Windows, Fabian Breckels, Andrew Brown, Lesley Alexander, Amirah Cole, Paula O'Rourke, Katja Hornchen, Guy Poultney,
- 2. Officers:**
Gary Collins - Development Management, Peter Westbury, Zoe Willcox, Matthew Cockburn, Luke Phillips, Stephen Rockey, Laurence Fallon.

		Statements/Petitions	
Statement Or Petition	Request To Speak Made Where Indicated S = Speaker	Name	Application
1	S	James Hillier	21/05971/F - 18 Talbot Road Bristol
2	S	David Trevor	
3	S	Councillor Hopkins	
4	S	Councillor Chris Davies	
5		Inspector McKenna	
6		Penny Beynon	
7		Jo Woodhouse & Sarah Trevor	



My name is James Hillier and my property 1 St Martins road BS42NQ is next to 18 Talbot road
The new construction has improved the area 100% taking into consideration what was there before,
we now have a brand new state of the art family home in place of 3 derelict garages.
The security of of my property and my neighbours has been much improved with the improved with
construction of the wall and I can only say that it has improved the area by 100%
Many Thanks

Dear Sir or Madam,

I would just like to add to my comments having seen other comments regarding the new build,
Mr Bech has always communicated with me in a most professional manner and I find it hard to
believe that someone who lives 200 meters away (36 Talbot road can be so objective,all the
neighbours like the new build and are very happy with it.
James Hillier

Statement to Development Control B Committee regarding Planning Application
21/05971/F 2 storey dwelling at 18 Talbot Road, BS4 2NN
From David Trevor, 36 Talbot Road, BS4 2NN. Neighbour

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The Article 13 Ownership Certificate (A) Declaration of this Application is false, incorrectly stating the Applicant had sole ownership which renders this application invalid. Planning are prevented from making a decision once they are made aware, any decisions that are made will be subject to Judicial Review. See last page for Title Plan.

Committee should send this Application back for Planning Officers to issue an enforcement notice and instruct Mr Bech that the Application is invalid and cannot be decided until he resolves the issue of ownership. Mr Bech could Purchase the garage from the owners at an agreed price, or remove the wall and reinstate it to a design agreed with them then submit a fresh application restricted to land he owns. If Mr Bech decides to build a wall solely on land he owns he could save himself the expenditure of reinstating the original wall if Mr Woodhouse and Miss Trevor are happy and agree with the height and design of his wall.

This certification was clearly falsely and knowingly made and possibly recklessly. It will create a financial loss to the true owners of the land in the region of £25,000 by reducing the value of their home on the open market. This is not a trivial sum.

The Agent signed the Article 13 Ownership Declaration A, on three separate occasions stating the Applicant to be the sole owner of all the land to which the application applies. This action is significant, it invalidates the application, and means Committee cannot proceed with a decision and should be made aware that if they do the next step can only be a Judicial Review, Precedent does not favour BCC successfully defending this.

R (oao ALAN BISHOP) v WESTMINSTER COUNCIL & (1) NADEEM ULLAH (2)
MORTIMER LONDON LTD [2017]

Mr Bech was given the garage owner's details by me back in 2017, pre application, whilst he was clearing the site. He later initiated contact both in person and by email with Mr Woodhouse and Miss Trevor in mid 2020 during the early stages of the development just after 1st Covid Lockdown. He asked them to split the costs of demolishing and rebuilding the wall, and when that was declined, offered the sum of £8,000 to purchase the garage. That offer was also declined, being significantly lower than the impact local agents suggest would result from splitting the garage from the house. These actions clearly show Mr Bech knows and understands the land does not belong to him and that he is aware of who the rightful owners are.

The ownership of the land can be readily identified on the relevant Land Registry documents BL25912 (Mr Woodhouse and Miss Trevor's Garage belonging to 51 Talbot Road, BS4 2NN) and BL15576 (The Applicant's property) and the boundary of the 2 properties and the wall is clearly visible. Copies of both documents were supplied to Planning Officers but presumably disregarded as no further enquiries appears to have been undertaken. A plan from the 1971 Covenant transferring the garage to the owners of 51 Talbot Road is appended.

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From David Trevor, 36 Talbot Road, BS4 2NN. Neighbour

The original wall was built in the traditional brick matching the 6 garages and constructed on the concrete hard standing forecourt of the garages which is raised significantly above the Applicant's property. The on-site boundary is clearly delineated by the significant height difference (up to half a metre) between the 2 properties. The Agent also drew the Boundary on all plans submitted, clearly showing the wall on the side of the boundary not belonging to the Applicant. This is easily identifiable when checking drawings attached to the application.

Planning Officers were made aware as far back as 26/10/2021, by email from myself, that part of the land covered by the application does not belong to the applicant, they were also contacted by Mr Woodhouse on 03/11/2021 notifying them of the nuisance and requesting explanations as to how Planning had allowed this to happen, why they had instructed the Applicant to demolish (part of) his property and what action they would be taking to remedy the matter. Mr Woodhouse is still awaiting a satisfactory response to any of his concerns.

Planning Officers have a legal duty under the Town & Country Planning Act to ensure a valid Ownership Certificate of the correct category is submitted to protect interested parties unaware of the application. A planning application form legally requires certification of ownership. Reasonable steps must be taken to identify such people. Generally this should involve checking the Land Register or the Valuation Roll.

Officers also have a legal duty to ensure that notice of the application is communicated to all interested parties wherever possible. In this case that did not happen. No notice was served on Mr Woodhouse and Miss Trevor. Officers claim in their report that notices were displayed on site, but no one locally can recollect seeing them, perhaps there are photographs retained as evidence. However, it does not explain why contact details were obtained from Mr Bech, was he asked? Did he offer? They could have been obtained from the Land Registry, it only took me a minute or so. At the very least the notices could have been stapled to the garage door(s).

If a local planning authority either ignore/or are unaware of a defect in an Article 14 certificate and proceed to determine an application and grant planning permission, any permission granted will be invalid and there would be a real risk that the High Court would quash the permission if any person aggrieved by the grant of the permission brought judicial review proceedings.

When a situation arises where someone disputes whether the applicant owns all or any part of any application site, the Council should ask the applicant and/or the objector for confirmation or evidence of ownership. The Council do not have jurisdiction to determine boundaries and will normally work on the basis that the Land Registry records are definitive unless there is written agreement between the neighbouring owners as to where the definitive boundary lies.

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The report prepared for this committee glosses over this key issue, and several other examples of poor standards applied during the decision making, and attempts to minimise and summarily dismiss it with just 2 words in a single paragraph

The full details of the commentary is held on the case file; but the objections can be summarised to include; landownership, encroachment and accuracy of submission; works to adjoin structures and buildings; the property is of a different size and shape; Building control and structural issues; noncompliant (sic)

I am far from happy with this unbalanced and unprofessional report which does nothing more than attempt to whitewash over significant errors and short comings throughout this case and I have listed my issues chronologically at the end of this statement.

The original application stated both boundary walls would be retained in their existing materials (brick/stone) whereas the new structures are breeze block ,rendered and painted, which is not in keeping with properties in the local environment. This latest application, in Section 7, refers only to the use of Treated Softwood Fencing for the boundaries. No mention is made anywhere of Breeze Block, Rendering, Painting or Coping Stones.

The Applicant wrongfully demolished a perfectly sound wall (approximately 1.7 metres high), unjustifiably claiming it was in a dangerous state thereby preventing further inspections by an independent surveyor. In reality the motive was always to improve skip access for skips and enable construction of this breeze block wall with a supporting pier for a motorized electric gate. All claims about enhanced security are “smoke and mirrors”, this area has virtually no record of theft incidents recorded by the Police.

The breeze block wall in question is 2.47 metres in height including heavy coping stones (max height for a boundary wall between neighbouring properties is 2 metres). The wall occupies over double the floor area of the original significantly restricting door opening for any vehicle parked legitimately on the forecourt. There is a 90 degree return adjacent to the footpath taking up approximately 30% of the width of the access (the access is 1800 mm, the return wall 500 mm leaving an impossible 1300mm for a vehicle to pass through). The result is that this garage is no longer fit for purpose and is unusable for vehicles (see photos 2, 3 & 4 appended).

This is not a trivial nuisance and the casual offhand dismissal displayed in the Planning Officers report is unnecessary and offensive. Professional valuations from the local Agents involved when Mr Woodhouse and Miss Trevor purchased the property is that if the garage is split away from the house and sold separately the expected price of the house would drop by between £20,000 and £25,000 due the price differential of properties in the area with or without a garage and off road parking. The building of this wall across the access preventing ingress and egress of a vehicle renders the garage and parking area unusable and has the same effect on the house valuation. At no time has a party wall agreement been sought or granted for this Application.

The sensible approach for the Applicant to this build should always have been to leave the neighbouring wall intact and construct a parallel wall on his own property arguing that the presence of the existing wall meant his wall did nothing to exacerbate the access/visibility issue. Why he felt the need to “land grab” a couple of feet of someone else’s property is beyond me.

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Hazard to other road users created by unnecessarily high boundary walls

Vehicular access onto the property from the road does not comply with current planning and street design guidelines (Manual for Streets) and is inherently dangerous for all users of both the road and footpath. Officers claim that the vehicular visibility splay can be ignored for a Private Access but this does not appear to be supported within the Manual for Streets which treats all access points equally. Are vehicles emerging from a private access non lethal? Does it not hurt if you are bounced over the bonnet into the road or crushed under a wheel?

The Applicant has totally ignored his responsibility and obligation to provide and maintain access onto the highway which is safe for other users by creating a high walled compound that satisfies his own perception that it enhances security. I am particularly concerned about the safety for footpath users who are unable to see, hear or sense the presence of an occupied vehicle about to cross the footpath, unlike when vehicles are emerging from the neighbouring driveways at numbers 22 – 36 or Knowle Reservoir.

Imagine a young Mother or Father, maybe a GrandParent with a toddler in a buggy, or a young child playfully skipping along, on their way to collect a child from school. They are pushing the buggy in front of them and as the buggy crosses the entrance a vehicle emerges. The driver's view is blocked by the wall and bonnet of their vehicle and they fail to see the buggy or running child until a split second too late when the adult comes into view. The buggy and toddler could be crushed, a young child bounced into oncoming traffic. But it is entirely avoidable

It could be a Cyclist or an Electric Scooter coming from the direction of the Water Tower, the scooter limited to 15.5 m.p.h. maybe, but travelling downhill so possibly reaching 20 m.p.h. Just as they reach the entrance the vehicle emerges, its driver's view blocked by the wall it sweeps them into the carriageway directly into the path of passing traffic and a potentially fatality or life changing event. Maybe they are just that second later and the bonnet of the car has already appeared in front of them, fractionally too late to brake so a choice of swerving into the oncoming traffic or hitting the car and being catapulted into the traffic. Entirely avoidable.

I fully understand a counter argument can be put forward that Bicycles and Electric Scooters are not permitted on the footpath, but it is a fact of life that a large number of both, travel on the footpath. I would estimate that in excess of 80% of the Bicycles and Electric Scooters using Talbot Road, both official Voi and privately owned, use the footpath for their own safety because the narrowness of the carriageway forces close proximity to passing vehicles and the high volumes of traffic using the road. We must accept this as a reality of life, rather than ignoring the risk just because the users are themselves minor transgressors.

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The single photograph supporting the Application in relation to the Visibility Splay is, intentionally I presume, misleading. It is taken looking West from a position adjacent to the footpath. By the time a driver reaches that position 2/3 metres of their vehicle is in front of them, blocking the footpath and protruding onto the highway. The driver is still unable to see anything to their right from the direction vehicles are approaching and crucially neither will they be able to see anything of the footpath they have already crossed. Any damage to a pedestrian, cyclist or scooter rider will have already been done. Additional photographs 5, 6, 7 & 8 are appended at the end to demonstrate this issue.

A personal view expressed by the Officer suggesting the noise of the gate motor and/or the vehicle engine would warn pedestrians of the imminent emergence of a vehicle is naïve and immature. It indicates this Officer may need to acquaint himself with BCC policy on Pollution, and Government Strategy on phasing out Petrol/Diesel vehicle sales by 2030.

The 2.5 metre high wall acts as a highly effective sound barrier. What if the gates are already open, the occupant having arrived back knowing they're going out again shortly? Perhaps the driver was swayed by the introduction of a Bristol City Clean Air Zone and purchased an Electric or Hybrid vehicle with no engine noise? What about the noise from passing traffic? What about the Deaf Cyclist/Pedestrian? Are Disabilities not considered by the Planners?

The comment "Vehicle movement to and from the site can be completed without detriment to the safety of pedestrians, cyclists and other motorists" also seems a naïve personal view that isn't supported by any underlying research or statistics and seems at odds with other BCC policies. Did anyone from Highways visit the site, do they understand that Talbot Road is an extremely busy road, a primary commuter route and key transport corridor between the A37 and the A38.

None of this is a risk Bristol City Council should be prepared to accept. If an accident does occur could the Council possibly be held liable and sued because they ignored the hazard and approved this application? This is not a scenario we want on our streets, innocent lives or quality of life endangered for a vanity project. How would the Committee feel if it was their Child, Grandchild, Brother, Sister, Partner fatally injured or left with life changing injuries.

7.7 Visibility splays at junctions (from the Government published Manual for Streets)

Planning Approval cannot be granted for any dwelling with access onto a classified road with a 20 m.p.h. speed limit, unless a clear line of sight (known as a Visibility Splay) can be maintained in perpetuity from a point 2.4 metres from the carriageway edge in the centre of the access entrance (X axis) to a point 25 metres to the right on the near side of the carriageway and 25 metres to the left on the far side of the carriageway (Y axes). If the line of sight passes over property not controlled by the applicant which could cause obstruction of the visibility splay by future construction, the Applicant will need to either purchase any land the line of sight passes over, or enter into a binding, non-retractable agreement in perpetuity with the owner(s) of that land to ensure they will maintain the visibility splay at all times.

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Planning Inspectorate appeals APP/X3540/D/20/3252166 dated 29/09/2020 and APP/M0655/D/17/3187031 dated 17/01/2018 both deal with similar issues of private access and may be considered relevant. Both highlight Pedestrian/Cyclist safety as a key issue.

Allowing this application would seem to conflict directly with the current BCC policy for Safe Systems Approach to Road Safety (2015 to 2024).

The visibility splay for this application is obstructed by the enormous walls (2.5 metres in height) constructed to enclose the property and further hindered by the fact line of sight passes over land belonging to the owners of at least the first 3 garages in the block of 6. Unless the applicant can acquire the land or reach a binding agreement with all 3 owners (bearing in mind that all 3 garages also have a long-established right to park vehicles there) approval cannot be granted for this dwelling unless it is conditional upon permanently barring access for vehicular traffic. Even in the latter scenario the wall on the Eastern boundary will still need to be reduced below 1 metre, so as not to interfere with safe vehicle egress from the garages.

Drawing 2021.03.A has been inaccurately drawn by the Agent to the Applicant's benefit and has been manipulated appear to to minimise the extent of the Visibility Splay non-compliance. The true angle the boundary line deviates from the extended line of the side wall of the garage is 6 degrees. The inset visibility splay drawing, annotated Talboat Road, has an incorrect deviation increased to 10 degrees and fails to correctly identify the return of the wall parallel to the footpath showing it only to the West of the wall whereas it extends both East and West. This drawing is highly misleading and must be redrawn correctly showing the correct visibility splay axes at 25 metres (Y axes) and 2.4 metres (X axis) from the centre line of the opening.

Nothing has changed since conditions were imposed in 2018, if anything traffic is heavier, Pedestrian footfall has increased post Covid and BCC have introduced the VOi Electric Scooter scheme. All of these suggest the original condition reducing the height of both walls is not only still relevant but perhaps even more so. Why are Planning and Highways now recommending removing it. It was valid for the initial Application and it is still valid now.

The report indicates that additional information has been presented to detail tracking and visibility attributed to vehicle movement. What information and where is it? Nothing has been seen on the web site other than a swept path analysis which deals solely with the tracking of a vehicle emerging onto Talbot Road and nothing else.

Ignorance of these guidelines is no excuse. It is entirely the responsibility of the Applicant/Agent to be aware of and abide by all and any regulations that could affect their project. Errors by BCC in quoting Y Axes distances are not an excuse for noncompliance.

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The original application bears very little resemblance to the actual construction. Conditional approval (**specifically barring any variation**) was granted for a 2 storey, 3 bedroomed dwelling with a single height pitched roof. The application specifically stated it would be retaining existing boundary walls.

The actual construction is a 3 storey dwelling with a loft extension containing a “work area” and overly large WC both suitable for easy conversion to a fourth bedroom with ensuite once the “inconvenience” of planning and building regs sign off are disposed of. There is a multi-pitch roof significantly higher than originally applied for. This would appear to be a not very subtle attempt to subvert the planning regulations by submitting vanilla plans likely to pass planning perusal and then construct a dwelling to the design desired. Requesting retrospective forgiveness rather than correctly obtaining timely permission.

It is highly unlikely that this construction could take place from the original submitted drawings because of the significant variations. It should be impossible to obtain Building Regs approval for the roof design without submitting a Structural Engineers calculations of roof stresses based on the correct drawings. It is also highly unlikely that Building Regs approval could be given from the drawings for Bedroom 1 on the first floor which has no secondary escape route or if a site inspection was undertaken. If working drawings were produced for construction/Building Regs, why were they not submitted for a planning variation order or has Building Regs been sought and approved on incorrect drawings?

Bedroom 1 on the Southwestern corner has been redesigned to include a light well from the 2 original Velux roof lights but almost certainly contravenes Building Regs relating to secondary means of escape as there are no windows permitted on the Southern or Western Fascias.

For a new build, Building Regs say that each habitable room (i.e. not a kitchen, bathroom or cupboard) above the ground floor needs a fire escape window.

Roof lights this inaccessible are unlikely to satisfy that requirement and if this has been signed off under Building Regs one has to question what documentation was submitted and whether or not any site inspections were carried out.

The roof section has been raised by approximately 2.0 metres to enable the extra floor to be added containing the work area and WC. Windows are not in the wrong place as stated in the Officers report however there are 4 additional unapproved Velux roof lights let into the roof, 3 of which are on the south facing pitch, now at a much steeper angle than approved and because the floor level has been significantly raised, allows the gardens and rear fascias of the odd numbered side of St Martins Road to be overlooked resulting in privacy issues. A gable end has been constructed on the Eastern fascia which also includes one further unapproved window.

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The wall on the Northern boundary is approximately 2.5 metres high and significantly exceeds the permitted height for one next to a highway used by vehicles (or the footpath of such a highway) *planning guidelines state it should not exceed 1.0 metre in height (from ground level)*. Relevant drawings submitted by the applicant detail extensive foundations for this boundary wall which must significantly extend under the footpath. I do not believe permission was ever sought from Bristol City Council to excavate under the public footpath and the absence throughout the duration of the construction of any footpath closure with safety barriers suggests this work was never carried out.

The wall on the Eastern boundary which lies on property not owned by the Applicant, as highlighted earlier, is approximately 2.5 metres high which again is significantly higher than that permitted between neighbouring properties. It is capped with heavy coping stones and has been built without any foundations, just laid straight on top of the existing garage concrete forecourt. The stability and safety of this wall is highly questionable, a single nudge from a vehicle maneuvering onto the forecourt could easily bring it down.

The report highlighted the number of comments I have submitted (9, actually 10) in what I read as a feeble attempt to trivialise someone who only wishes to comprehensively address all the issues. Information from Officers was drip fed onto the website, often requiring repeated requests to supply or clarify (some comments were specifically posted to highlight inaction or request missing information). The end result is when more details appear you cannot edit previous comments and therefore have no choice but to add a fresh comment relating to the latest reveals. All this comment does is highlight the unprofessional handling of this case by Officers who failed to update their web site in a timely fashion.

Effective enforcement is not just about waving an application through to cover up the fact that the original planning application was not dealt with competently by Officers. Adding an unapproved loft extension is not considered acceptable, as we discovered in BS4, 4 years ago, when a previous case in Haverstock Road recommended by Officers was submitted to this committee for approval and quite rightly refused in order to prevent the Planning Inspector overturning the decision on appeal. Allowing an applicant to ride roughshod over planning laws and policy and get away with intimidating neighbours is not an equitable or reasonable response.

Concerns relating to Procedural errors relating to this application

There appear to have been numerous procedural errors relating to this application and each one only seems to benefit the applicant. I am concerned that this may indicate an intent to push through approval of this application and cover up the earlier errors made by Strategic City Transport, Transport Development Management Team and Planning Department.

1. No attempt to issue official notification to the garage owners adjacent to the site of the application. The owners were unaware of the development until after work had started on site. The very least Planning should have done is attach a copy to the garage door.
2. Transport Development Management reviewed the original application and recommended walls at the front and side of the property be reduced in height to 900 mm. They noted the requirement for a Visibility Splay but erroneously quoted the distances for the Y axes as 2.2 metres and 2.5 metres instead of 25 metres in both directions. Either the Visibility Splay was not checked or, if it was, the incorrect data was used. The check would have revealed that the sight line passed over land not belonging to the applicant making it not possible to grant planning with vehicular access. This error was exacerbated when the application was conditionally approved.
3. The conditional grant included a condition that the boundary walls be reduced in height but at no stage did Planning check the walls belonged to the Applicant or whether Planning had any right to instruct him to demolish them. To date no one from Planning has acknowledged the error, nor offered an explanation or apology to the rightful owners despite being contacted by email on 03/11/2021 and asked about it.
4. Despite submitted drawings clearly showing the position of the boundary line, and that part of the application crossed over that boundary, no one in Planning challenged the statement regarding ownership in the application or attempted to establish ownership.
5. Planning were notified of the deviations from the conditional approval on 21/02/2021 and despite 12 months passing not once has there been evidence of any effort to enforce the conditional planning approval
6. 28/02/2021 I was Advised an initial assessment 21/30074/BCN was to be carried out and I would be advised of progress by 22/03/2021. No update provided.
7. 10/03/2021 fresh application relating to the walls and motorised gates 21/01124/COND
8. 19/06/2021 Emailed requesting update and got a reply on 21/06/2021 stating application being considered and we would get a further update within 2 weeks. No update.
9. 02/08/2021 I emailed again asking why the delay and was there any progress.
10. 05/08/2021 Nigel Butler advised that the application was being refused and would be resubmitted. Promised an update within 14 days. No update arrived
11. 16/09/2021 Automated email from BCC, confirming refusal then an email from Nigel Butler confirming this and promising an update within 3 weeks. Nothing arrived
12. 26/10/2021 Emailed a further request for information to Nigel Butler.
13. 26/10/2021. Emailed Mr Butler and advised the Article 14 Ownership Declaration had been falsely completed as Mr Bech does not own the land upon which the Eastern Boundary wall is built rendering the application invalid. Copies of the Land Registry Documents were supplied. No action appears to have been taken by Planning.

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14. 27/10/2021 Mr Butler advised me the Applicant's Agent was taking leave and would submit a new application within a week
15. 03/11/2021. The rightful owner of the land, Mr Woodhouse, also emailed Mr Butler notifying him that he and his partner owned part of the land subject to the application, they were unaware of the application and did not agree to it. They are still awaiting a response from Planning on the issues raised.
16. 06/11/2021 application 21/05971/F was submitted. There was no mention of an amendment to the design and detail of the main dwelling and the only plans available related to the boundary walls showing the design as per the original application.
17. 11/11/2021 and 15/11/2021 (several) emails were submitted pointing out that there were no plans to see exactly what the applicant was seeking approval for. In the absence of a reply I posted the following comment online on the application
"Having exchanged numerous emails with Planning Enforcement in an attempt to obtain clarification on what "with variation to condition 14" actually means in relation to this application I am none the wiser. The explanation "Dear Sir, part of the proposal the subject of this new planning application is to replace the approved plans that were listed in condition 14 of the quoted planning permission." does not clarify anything. Condition 14 lists the design drawings for the entire development referred to for "avoidance of doubt" As there are no fresh drawings submitted with the application detailing any changes to the dwelling from that approved, it begs the question as to how interested parties can review the changes and offer comment. If the explanation of replacing the plans is correct, where are those plans, the only ones submitted are for the boundary wall/gate and the bin store/cycle storage."
18. 05/12/2021 I added the following comment
"I note that on 30/11/2021 the proposal section of the details for this application now had the additional 5 words included:- "and ammended design of dwelling." No drawings detailing these amendments to the design of the dwelling have been uploaded to allow interested parties to comment and 06/12/2021 is the last day for comments. How can we add comment if the detail is not there to peruse"
It seems as though a vast array of variations to the design, many of which are controversial and contrary to Planning Regulations were being swept up in a 5 word "catch all" addition to the description presumably in an attempt usher through Officer approval and conceal from Local Tax Payers, Councillors (and presumably the Planning Committee) the complete and utter shambles that this application is.
19. 06/12/2021 Plans appeared on the application web site. I pointed out once again that comments were scheduled to close on 06/12/2021 which was not a reasonable timescale for interested parties to peruse the plans and formulate and research appropriate comments. The timescale was then extended to 18/12/2021.

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Street View of Property



Plan showing encroachment and loss of Access



View of restricted Access from Garage



View of restricted access from opposite

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Driver view West from vehicle
start point on drive

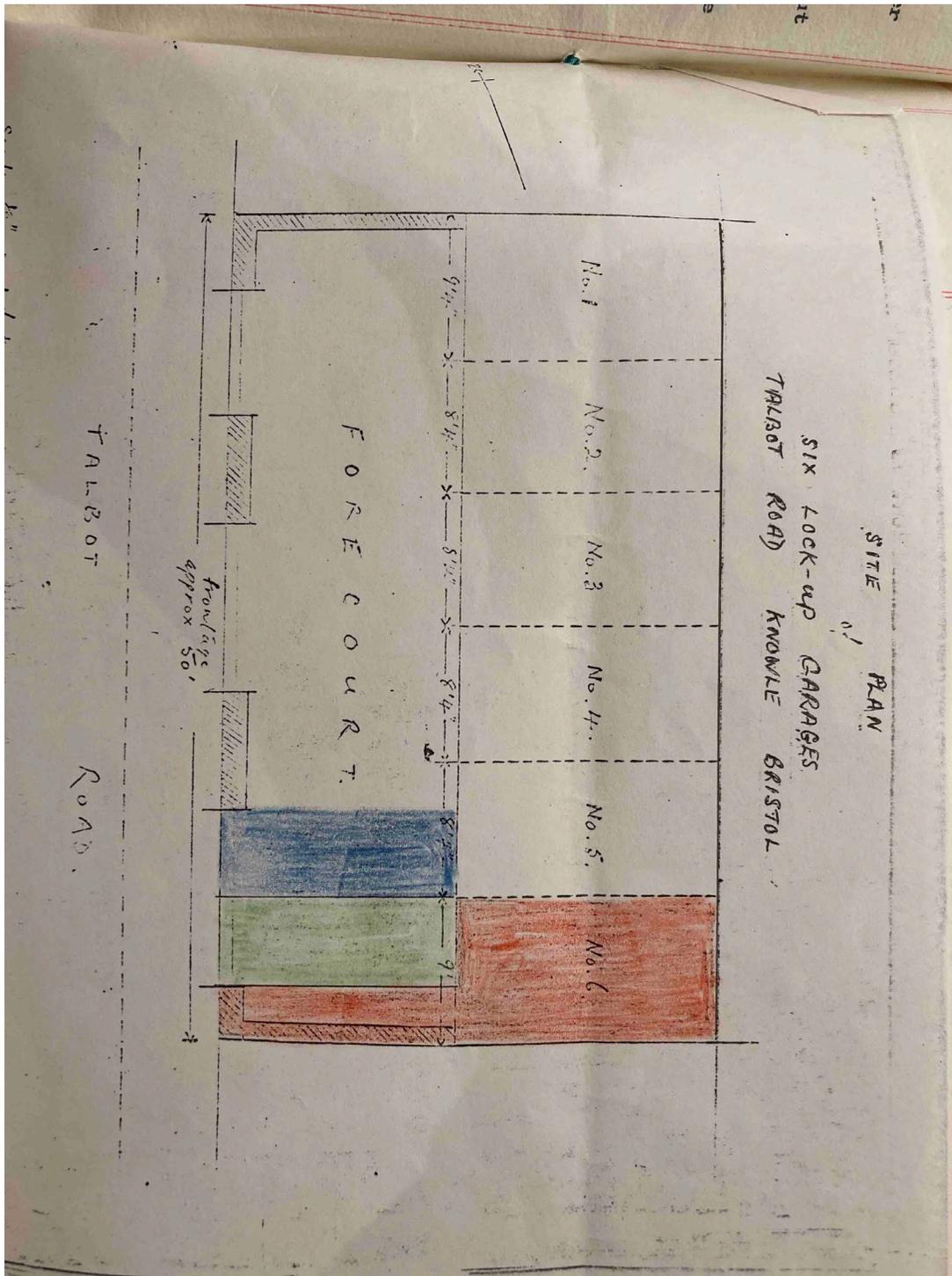
Driver view East from vehicle
start point on drive



Looking East from Driveway edge

Driver view East 2.4 metres from Highway

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Plan from original covenant dated 1971 showing the wall on land belonging to garage.

You will have received a detailed history and technical appraisal from a neighbour to this property who is a retired professional in the planning/building field.

Let me say that I have sympathy for our officers in many cases where the permitted development rules are used to get around the need for permission with mis descriptions of houses as outbuildings etc but none of this applies in this case.

Back in 2018 an application was made for a 2 storey 3 bedroom property on this constrained site. What was actually built was completely different and if, as appears, this has been an attempt to get around planning rules it must be stopped before it allows the floodgates to open to all developers building what suits them. There also appear to have been false declarations and this surely must be thoroughly investigated.

There have been differing reference numbers applied to this case but what you have in front of you is basically a recommendation to allow the developer to do what he wants following a long string of toing and froing.

What though to my mind is even more important than the building is the high walled compound that has been built in defiance of previous conditions, to hide vehicles emerging from the driveway. It is certainly questionable whether off rd parking should be allowed at all but certainly in its present form it presents a major danger to pedestrians and rd users.

If any member of this committee is minded to wave this through I would urge them to demand a site visit first.

Talbot/priory rd is narrow and extremely busy. Many emergency vehicles use this route. Close to this construction there is a vicious s bend with a double junction which further restricts visibility and increases danger.

As constructed at present a vehicle will emerge blind across the narrow busy pavement, which is very heavily used by children, and onto the road carriageway. It is almost certain that a vehicle will impinge on both streams of traffic.

Were it not for considerable persistence in demanding that this saga come to committee it would have been waived through. In any event the twists and turns involved will require a thorough enquiry but please do not add your endorsement to this sorry tale.

Please refuse this application and require a proper safety inspection and compliance.

Councillor Gary Hopkins

Statement Re. Application dc com B23\2\22 Case 212\05971 18, Talbot Road.

Can I please request the Planning Committee pay a site visit for this application.

They will see an extremely busy twisting narrow road where this house has been built, with a high compound wall built upon a neighbour's property having removed the existing wall which was actually the property of the neighbour. Also a car port has been installed. Any vehicle emerging from this car space would present a danger to both oncoming traffic & pedestrians due to its hidden position. A car port should not be permitted in this position.

I am still uncertain why the Planning Dept previously resisted placing this application before Members to make a safe decision, when so many changes have been added since its original application in 2018.

I sincerely hope the Committee request a safety inspection\enquiry and refuse this application.

Cllr Chris Davies
Knowle Ward Councillor

To whom it may concern,

5

I am the Bristol South Neighbourhood Inspector and the above property has been raised to me.

My team have visited the property and we have our concerns about the safety of the development.

I am writing in the hope that consideration can be made for the amendment/rejection of the planning in relation to the works being carried out at the above address.

The wall of this property is at a height that blocks safe the observation of oncoming traffic making it an unsafe junction for members of the public and emergency vehicles.

I am concerned that if the height of this wall is not lowered an accident will occur that may see an injury or loss of life.

This is something that could be prevented if the wall was lowered to a height suitable for such a difficult junction.

Please could you pass my objection to the relevant panel.

With kind regards

Stephanie McKenna

Insp 4300 Stephanie McKenna
Bristol South Neighbourhood policing team

COMPONENTS FITTED AT 62414 MILES
HEAVY BRAKING FOR 500 MILES

TEMPERED 02.13.82
DOTY 252 MR 1382
TRANS. 20P N14
E4 43R-00002
EUYA



ATTENTION - NEW BRAKING COMPONENTS FITTED AT 62414 MILES
AVOID HARSH OR PROLONGED HEAVY BRAKING FOR 500 MILES

I live at 22 Talbot Road, next to 18 Talbot Road , separated by the row of six lock-up garages.

My own concern is solely about the risk to pedestrian safety due to the lack of visibility resulting from the height of the newly constructed boundary wall, which runs at right angles to the pavement and road between the property forecourt and the lock-up garage next to it. This solid wall is over 2m high for its full length, which appears to contravene the Transport Development Management condition to the original application requiring that the wall be tapered so that

'there should be no obstruction to visibility greater than 900mmabove adjoining road level in advance of lines drawn 2.4m carriageway edge'

I cannot understand why it is acceptable that the wall - well over 1 metre higher than the original 900mm required for safety reasons - which completely blocks visibility of then forecourt for pedestrians until they reach it, is now deemed to be safe. The effect is that **with the wall at its current height it is impossible for a driver exiting the property to check the ongoing presence of pedestrians until the bonnet (or back half of the vehicle if reversing) almost completely blocks the pavement and equally - possibly worse - pedestrians are totally unable to see the presence of the vehicle about to cross their path.**

I am also disappointed that this clear risk to pedestrian safety is seemingly dismissed in the report to Committee by the view that

'the fact that there will be all the whirring of a gate opening and closing will further warn pedestrians of the likely exit of a car'

Para 5, page 6, Item 1 Development Control Committee B – 23 February 2022 Application No. 21/05971/F - 18 Talbot Road Bristol BS4 2NN

I have no idea how loud such gates sound when opening but this view takes no account of those with a hearing disability (I have mild hearing loss myself) or the fact that this road can be extremely noisy at times, especially rush hour, with vehicles often queueing back from the Wells Road junction uphill beyond the property in question. Further it fails to take into account the crucial fact, not mentioned elsewhere in the planning documents, that Talbot Road slopes downhill westwards from the water tower entrance, past 18 Talbot Road, all the way to the Wells Road, getting steeper on the way.

As a result people, particularly children on the pavement, running or on bikes or scooters - (or adults) - can build up considerable speed. My original concerns (outlined in my online comment to the application) were emphasised recently when, as I was about to step on to the pavement from my house, a young child raced quickly in front of me past the garages, followed at some distance by her mother pushing a younger child in a buggy. This scenario is not uncommon and one I've experienced myself both in the past as a parent and lately when looking after my grandchildren.

Such a child is unlikely to be aware of the significance of any 'whirring' and a parent might not hear such a noise herself in order to warn her to stop, being several yards behind her on a possibly noisy road. An equally dangerous scenario - or worse - if she had been cycling or on a scooter, either unable to stop at all in the event of the unseen vehicle emerging from the property or alternatively instinctively swerving out into the road in the path of an oncoming vehicle.

This pavement is in frequent use by families to and from Jubilee Pool and Redcatch Park as well as the local shops, not to mention accommodation a few yards away run by Bristol Young Parents Alliance for vulnerable young parents and their children and in addition often vulnerable patients attending Priority Surgery opposite on foot.

I would urge the Committee to require that the wall be tapered to a height adequate to ensure visibility for pedestrians and driver for safety reasons.

Penny Beynon - 22 Talbot Road, Knowle, BS4 2NN

Application no. 21/05971/F
Site address: 18 Talbot Road Bristol BS4 2NN

Development Control B Committee - Wednesday, 23rd February 2022 2.00 pm

Dear Sir/Madam,

I am writing to object to this application because the applicant/agent has falsely claimed to own all of the land covered by the Application (Section 25) when in fact the area where he has demolished a wall and rebuilt the 2.5 metre replacement on the garage side belongs to myself and my partner and does not have our agreement for permission.

Mr Bech approached us in mid-2020. He initially stated that the wall was unsafe and needed taking down and rebuilding, and asked us to contribute financially. As far as we were aware the wall was in good condition, having had no issues with it in the previous 8 years of owning it. The original wall was built at the same time as the garages, in the same materials and there appears to be nothing wrong with the garage sidewall so it is inexplicable why the demolished wall should have been unsafe.

We were not in a position to contribute financially because of Covid/Furlough/Redundancy but said we could agree in principle but wanted the approval of any works or design before they started. We were also unsure of ownership at that point and wanted to establish who actually owned the wall before any action was taken.

Mr Bech did offer to purchase the Garage from us for £8k but lost interest when we told him that the local estate agents had previously advised us that splitting the garage from the house would reduce the value of your house by between £20k - £25k.

I sent him an email that confirmed we had no objections in principle but reiterated we wanted to be sure who owned the wall.

When we got hold of the Title Deeds from the Land Registry we realised it was our wall and Mr Bech had no right to do anything to it, however by then the wall had already been knocked down.

We have always made use of the garage and forecourt and are now seriously inconvenienced. The wall is much thicker than the previous wall and prevents the opening of car doors. The return cuts the access opening down by a third and makes it impossible to drive on and off our property. Comments have been made that the garage forecourt isn't used regularly anymore, or that the garage is "only used to store bikes" - this seems completely irrelevant to me, the garage is our property and how we choose to use it is irrelevant.

We are disappointed not to have heard back from planning since I notified them on 03/11/2021 and after 4 months we are still waiting for an apology and explanation as to how this was allowed to happen.

The wall Mr Bech has built is far higher than it needed to be and much higher than I believe is permitted between neighbouring properties. It is dangerous for pedestrians and other road users as it prevents the driver from having a view of what is coming until the car is already sticking out into the road. This was always our issue with the previous wall and we had hoped that if the wall was

rebuilt it would be much lower allowing safer egress onto the road.

I believe that the false claim by Mr Bech/his Agent to own our land invalidates the application and hope that the Committee will instruct Mr Bech to remove the current wall and reinstate our property. We will be quite happy not to have the wall rebuilt if Mr Bech proposes building one on his land provided the height is kept below 1 metre for at least the first 2 metres from the footpath. Our primary concern is that by restricting/limiting access to our garage/property, the new wall will now effectively reduce the valuation of our house by a significant amount.

Sincerely,

Joe Woodhouse & Sarah Trevor

Amendment Sheet 23 February 2022

Item 1: - 18 Talbot Road Bristol BS4 2NN

Page no.	Amendment/additional information
	No amendments

Item 2: - 217 Canford Lane Bristol BS9 3PD

Page no.	Amendment/additional information
	No amendments