

Development Control B Committee Agenda



Date: Wednesday, 18 January 2023

Time: 6.00 pm

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

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Councillors: Ani Stafford-Townsend (Chair), Chris Windows (Vice-Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Lorraine Francis, Katja Hornchen, Steve Pearce and Guy Poultney

Copies to: Gary Collins, Matthew Cockburn, Norman Cornthwaite, Allison Taylor (Democratic Services Officer), Jeremy Livitt, Rachael Dando, David Fowler (Members' Office Manager (Conservative)), Stephen Fulham, Paul Shanks, Stephen Peacock (Chief Executive), Philippa Howson and John Smith (Director: Economy of Place)

Issued by: Jeremy Livitt, Democratic Services
City Hall, PO Box 3399, Bristol, BS1 9NE
E-mail: democratic.services@bristol.gov.uk

Date: Tuesday, 17 January 2023



Agenda

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 - 43)

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 12th January 2023.**

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 Noon on Tuesday 17th January 2023.**

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 3176, Bristol, BS3 9FS or email - democratic.services@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.

11. Amendment Sheet

(Pages 44 - 45)



Public Forum

D C Committee B

6pm 18th January 2023



1. Members of the Development Control Committee B

Councillors: Ani Stafford-Townsend (Chair), Chris Windows, Fabian Breckels, Andrew Brown, Lesley Alexander, Lorraine Francis, Katja Hornchen, Guy Poultney Steve Pearce (substitute for Chris Jackson)

2. Officers:

Gary Collins - Development Management, Peter Westbury, Matthew Cockburn, Luke Phillips, Stephen Rockey, Phillipa Howson, John Smith, DSO

No.	Speaking	Name	
		A – Filwood Broadway	
A1	Yes	Nick Haskins	
A2	No	Shaun Ogden	
A3	No	Vicky Beckwith and Jane Smallcombe	
A4	Yes (if able to attend)	Michele Tedder	
A5	Yes	David Hagan	
A6	Yes	Tom Westwood	
		B – Hobhouse Close	
B1	Yes	Councillor Steve Smith	
B2	No	Jodie Jones	
B3	No	Margaret Raymond	
B4	No	Janet Saunders	
B5	Yes	Susan Holland	
B6	No	Diane Pearce	
B7	Yes	Martyn Jones	
B8	No	Jill and Anthony Hughes	
B9	Yes	Les Rowe	
B10	Yes	Brian and Joan Griffiths	
B11	No	Anonymous at the Request of the Provider of the Statement	
B12	Yes	Nick Duro	
B13	No	Laura Drage	
B14	Yes	Sheila Miller	
B15	No	Nina Schembri	
B16	No	Jonathan Lax	
B17	No	Celina Lax	
B18	No	Chris Griffith	
B19	No	Janet Gibson	
B20	Yes	Paul Sullivan	
B21	No	Roger Moses	
B22	No	Hassan Khaleghi	



**List of People Requesting to Speak – Public Participation – DC B Committee –
5pm on Thursday 12th January 2023 for Questions, 12pm on Tuesday 17th
January 2023 for Statements**

A – Filwood Broadway

A1 – Nick Haskins

A4 – Michele Tedder (if able to attend)

A5 – David Hagan

A6 – Tom Westwood

B – Hobhouse Close

B1 – Councillor Steve Smith

B5 – Susan Holland

B7 – Martyn Jones

B9 – Les Rowe

B10 – Brian and Joan Griffiths

B12 – Nick Duro

B14 – Sheila Miller

B20 – Paul Sullivan

STATEMENT NUMBER A1

Dear sir.

I would like to attend this meeting on the 18th of January regarding the demolition of the old cinema building on Fillwood Broadway Knowle west Bristol. My reason is as follows.

1. This Building has been neglected and to deteriorate over the years so that demolition could take place. The Air conditioning units was removed to allow water ingress.
2. English heritage was called in to check and surrender a report regarding the status and condition. English heritage found the exterior to be of good condition, but was refused entry to the interior of the said building by Bristol city council. Reason being was the building was unsafe due to asbestos. When in fact the asbestos was undisturbed and caused no threat to health. The council submitted a list to English Heritage explaining other problems and English Heritage took that as the truth (I find this very questionable) and condemned the building. English heritage also said the building was NOT Art Deco and could not list it as. I have had Builders look at this building and all have said that it is Art Deco and if it was any where else except Knowle west the building would have got the listing that it deserves. Also English heritage should be called back in and be allowed to gain entry. I was informed that Bristol city is guilty of DEMOLITION BY NEGLECT. Which is totally against the law.
3. After doing some research I would like to ask if the cinema was not Art Deco why is it the furniture and Cini cameras on display in the M shed marked down as Art Deco furniture from a cinema in knowle west ?????
4. My grandfather was a master builder and specialised in building Art Deco buildings the cinema being one of them. 1937 he and 4 others was picked to undertake the job providing a entertainments building for the residents of Knowle west which was completed in 1938 and became a very much loved building and used even buy stars. It Was visited by Stan Laura and Oliver hardy. Dixie Brown world champion boxer had lots of fights there. P,J.Privey pop band. I community hall that held dances. This building I'd the beating heart of Knowle West
5. Bristol city council said they put out a question Air asking 60 peoples who wanted to keep the cinema. The results was that 49 said no and 11 said yes. I have in my possession 1.980 peoples saying they want to keep the building. They want to keep it and use it as infrastructure for the area such as an indoor mini market and a small cinema. a police office/residents drop in Center where the police can work closer in the community.
- 6 Feelings are running high in the area as the council seem determined to build houses all over Knowle west with no regard for the local residents. The council say they are listening but they are not. And I would just like to remind the Great Hall that

Demolition by neglect is against the law and it is my intention to make this information public.

Yours sincerely: Nick Haskins (KWRV) - Knowle West Residents Voice

STATEMENT NUMBER A2

Dear panel, I am a proud Bristolian whose family have and still reside in Knowle West since the estate was built. I and many other residents have witnessed our Beautiful city being changed for the worst without taking our views seriously. You say you consult but ignore the views of the people who are your bosses. You work for us. You must do as we say. If you carry on behaving in the manner we have been accustomed to, you will one day be held to account. We do not want the cinema building to be turned into homes. The infrastructure does not exist for the homes already in the pipeline. Although homes are needed in Bristol, you are not using due diligence when agreeing contracts with home builders. Lack of amenities and poverty are at a high level in Knowle West so cramming more people in without proper planning will be worse than it is now. Please for once, can you do as we want. People in Bristol are becoming more and more suspicious of how contracts are being given to companies that have no interest, besides profits, in Bristol, please save the cinema for the people who pay your wages. Thanks, Shaun Ogden

Development Control B Committee
Bristol City Council
City Hall
College Green
Bristol
BS1 5TR

16th January 2023

Dear Committee Members,

WRITTEN SUBMISSION - STATEMENT NUMBER A3

RE: Application no 22/03536/FB Site address: 18 - 20 And Land To Rear Of Filwood Broadway Bristol BS4 1JN

This letter comes from a charity and social enterprise, re:work ltd, that runs its trading services on Filwood Broadway, and has done so for over 20 years from a number of the commercial units affected by this planning application .

Firstly, we are extremely supportive of the development of the street and have engaged with the planning and consultation at every level.

As identified by the Knowle West Redevelopment Framework the residents of the Filwood and Knowle Wards have ambition for Filwood Broadway to be the “village centre” of the area – offering a range of retail and services.

Due to this ambition we have consistently raised concerns regarding the loss of vehicular access to the rear of the residential and commercial units from 4-16 Filwood Broadway proposed in this application.

This access is essential to residential tenants to provide secure parking – the alternative is Filwood Broadway, a street that suffers from considerable anti-social behaviour and vandalism. Easy access for refuse and recycling pick-ups is required to prevent a build-up of rubbish, fly tipping and pest infestation.

It will also severely limit what retail businesses will be able to operate from the premises 4-16 Filwood Broadway. All the current tenants utilise the access behind the properties for their commercial refuse pick-ups. There is insufficient refuse area in the plans to take the number of large bins for retail units, service units or offices. Moving the refuse pick up to the front of the building would be also unsightly and cause traffic problems.

Re:work has a portacabin and container that we use and access daily at the rear of our premises for loading/unloading large, commercial gardening machinery. The proposed development does not take into account the existing access, adequacy of parking/loading/turning and we strongly

object to the proposal to take this away. Removing and finding alternative storage space will incur considerable cost to the charity. Our woodworking workshop that operates from the portacabin is crucial in providing our work placement programme to young people who have been excluded from school.

We also use the rear, gated area for secure parking of our company vans.

We would request that the access to rear of the existing buildings at 4-16 Filwood Broadway is reconsidered to take into account the material needs of the current tenants and businesses.

We will strongly object to the Secretary of State for Transport for any Stopping Up Order made under the Town and Country Planning Act.

We were also disappointed to see the lack of commitment to mixed commercial use with very little of the ground floor being for retail/service usage. In addition, the plans will limit the usefulness of the retail space that already exists.

It should also be noted that the Council's Case Officer's report was not available on the Planning Portal as outlined in the notification letter of the 5th January. It was only available following email enquiries last week.

We will be forwarding a copy of this objection letter to our local, ward councillors – Cllrs Chris Jackson and Zoe Goodman.

If any further information is required or clarifications needed please do not hesitate to contact us.

Yours faithfully

A handwritten signature in black ink, appearing to read "Vicky Beckwith". The signature is fluid and cursive.

Vicky Beckwith
Chief Executive

A handwritten signature in black ink, appearing to read "Jane Smallcombe". The signature is fluid and cursive.

Jane Smallcombe
Operations Manager

STATEMENT NUMBER A4

Statement in relation to Planning application: 22/03536/FB
18 and 20 and Land to Rear of Filwood Broadway

The report refers to the Knowle West Regeneration Framework, a twenty-year framework published in 2012. Aspects of it have not been adhered to in the context of this development.

However, it is hoped that through a refreshed vision of the Filwood Broadway regeneration framework, currently evolving, there will be an opportunity to achieve the outcomes of regeneration that were originally intended.

Provision of affordable housing is positive as is a community hub and some commercial space but the regeneration is about more than that.

There has to be a coherent approach to Filwood Broadway generally and a commitment to both sustaining existing local shops, businesses and community services as well as protecting and enhancing these for the future, in line with local policies and frameworks.

The commitment to co—design of the public realm improvements is a welcome approach. Going forward, this approach should be endorsed, with a commitment and a refreshed vision, and adherence to the relevant policies and frameworks, to ensure that Filwood Broadway survives and thrives in the future.

STATEMENT NUMBER A5 - PLANNING COMMITTEE B, 18TH JANUARY 2023 – SUPPORTING STATEMENT

18-20 AND LAND TO REAR OF FILWOOD BROADWAY, BRISTOL, BS4 1JN

REF: 22/03536/FB

I write on behalf of Rapleys LLP, the agent for this application. We act for the applicant Bristol City Council Housing Delivery Team.

This application seeks the redevelopment of the brownfield site to provide thirty affordable dwelling houses in line with the councils aspirations.

The site is allocated for a mix of retail, business and housing in the adopted local plan but not subject to any special designations such as nationally listed status or local listing.

This scheme proposes an innovative residential development seeking to make the most efficient use of a disused brownfield site, whilst utilising modern construction methods. It would provide much-needed housing in a sustainable location.

The proposed housing would comprise 100% affordable houses, with a mix of houses and apartments which is in line with policy BCS17 of the Core Strategy and will contribute to the Council's corporate objectives set out in its Housing Delivery Plan.

In addition to housing, the scheme also proposes 541sqm of flexible commercial floor space (Use Classes E, F1 and F2), split across two units.

Whilst largely empty, the site does currently contain the former cinema building. This received Prior Approval consent ref: 19/02647/N and work is ongoing to demolish this building. The demolition of this building is therefore not for consideration in this application.

The house types proposed are designed to feel spacious and light offering a quality environment for residents.

The scale and layout of the development enables effective and efficient use of land to be delivered whilst also responding to the immediately surrounding context and safeguarding the amenity of existing development.

Key benefits of the scheme are:

- Provision of 30 dwellings;
- 100% affordable housing on site (policy requires 30%);
- Provision of 541sqm of flexible commercial space;
- 22% reduction in residual Co2 emissions (policy requires 20%);
- High quality landscape enhancement;
- Improved accessibility and permeability.

Taking into account the key issues set out within this statement and those highlighted by the Planning Officer together with the clear material benefits of this proposal it is considered that planning should be approved in line with the officer recommendation.

Kind regards, David Hagan

PLANNING COMMITTEE B, 18TH JANUARY 2023 – STATEMENT A6

18-20 AND LAND TO REAR OF FILWOOD BROADWAY, BRISTOL, BS4 1JN

REF: 22/03536/FB

I write on behalf of the applicant, Bristol City Council's Housing Delivery team.

This application is a key element of the council's drive to deliver much needed new-build affordable homes across the city.

The project will revitalise the site which has lain derelict for some years, providing 30 new homes in addition to new non-residential space at ground floor level on Filwood Broadway. It will contribute to increased activity on the Broadway through both the additional residents moving into the new homes and the additional floorspace for commercial or community use.

The project forms a significant piece of wider investment in the Filwood Broadway area, sitting alongside other projects both by the council and others, which together promise to transform the area for the community.

Tom Westwood

Senior Development Manager

Housing Delivery Team

Bristol City Council

STATEMENT NUMBER B1

On behalf of local residents I would like to thank the committee for taking their concerns seriously at your last meeting and taking a firm line against the anti-social use of this property that you heard about. It is disappointing to see that the draft condition proposed at your last meeting is not advised on legal grounds. I would encourage committee members to continue to take a firm line in this case, but I understand that you may feel constrained to follow the legal advice that you have been given.

Whatever the outcome of this meeting, it is positive to see that both officers and committee members fully appreciate the level of disruption that this development has caused. Residents and Councillors will continue to closely monitor the case to see that all available enforcement action (including under planning and HMO licensing) is taken to restore the character of this peaceful residential area. We stand ready to support officers in this work as far as we can.

Steve Smith,

Councillor for Westbury-on-Trym and Henleaze.

STATEMENT NUMBER B2

Public Forum Statement on 22/01550/F : 29 Hobhouse Close, Bristol, BS9 4LZ

DCB, 18th January 2023

Mrs Jodie Jones – 11 Broadleys Avenue

Please see below my previous statement which I still stand by.

The only additional comments I would like to add are you have written to the owners advising them to cease with immediate effect the short term letting of the property. This has not happened. The property was still being let out up until Christmas. There was a large group in the property over the New Year weekend and it appears to be occupied again during the week by the same tradesman that were staying in the property on a regular basis last year, along with their multiple vans and cars causing issues yet again with parking!

The planning permission was originally rejected for a 2 bedroom dwelling and upon appeal, permission was then granted under strict conditions which quite frankly I am not sure many have been adhered too.

The fact the exterior of the property is not in keeping with the other houses, which the permission clearly stated it must strictly do is one issue but the major complaint against this property is the fact that an extra 3 bedrooms seem to have appeared after only 2 bedrooms were approved.

Permission would never have been granted for a 5 bedroom house so the devious tactics used could now mean that this all gets passed because of the councils incompetence to keep track of this build along the way. When we had our extension built, we had regular checks to make sure we were doing everything as it should be done!! Why has this not happened, especially with the owners track record of deceitful behaviour with his own home on Pycroft.

I am still very confused as to how this property has been and continues to be used as an air bnb without the property being signed off? How has this been allowed? Whilst we are all having to put up with the parking issues, noise and frequent comings and goings of strangers, generally in large groups, the owner of the property is cashing in on revenue from this. Are the properties in our close even allowed to be used for commercial gains?

We live directly across from this house so have been impacted directly from all the issues. I have images of numerous parking issues we have all encountered over the months and have lost track of the late night noise we have experienced from this property. Myself and my husband are having to juggle our cars around daily, so that if I have to pop out, we try and make sure I will be able to park somewhere close to my property to enable me to get my children into the house safely.

Broadleys Avenue and Hobhouse Close are quiet residential areas mostly made up of families and elderly residents. I have always felt very safe and happy in my home. I no longer feel this way. I have 2 young children so the upset of not knowing who is coming and going from this property from one day to the next has really affected my mental health and I feel so stressed about it constantly!!

The fact that we have had to get to the point of a public consultation is very disappointing and leaves me with zero confidence that something like this will not happen again in the future.

If this gets approved, not only does it make a complete mockery of the planning department but I am also in no doubt that that this will then give the green light for more HMO houses to spring up in what was a lovely neighbourhood.

STATEMENT NUMBER B3

Site address: 29 Hobhouse Close, BS9 4LZ

Retrospective application for retention of Dwelling

This is the third occasion I have had to comment on the above.

As I previously indicated, the developer has flagrantly disregarded the ruling of the central Government Planning Inspectorate for the erection of a two-bedroomed dwelling.

As you well know, the property has five bedrooms and four bathrooms and is operating as an Airbnb with people constantly coming and going.

I fail to understand how local government can overrule the Planning Inspectorate. I have no objection to a two-bedroomed property and very much hope this will be the final ruling.

Margaret Raymond

STATEMENT NUMBER B4

Re Retrospective application of retention of dwelling 30 Hobhouse Close

Dear Planners

I live at 13 Broadleys Avenue. My HOME is approximately 50 metres from 30 Hobhouse Close.

I strongly object to this property being used as an Air BnB by reason that it is totally inappropriate in the surrounding area of family homes.

The original approved planning consent for a 2 bed family home has been blatantly and arrogantly disregarded and has been deviously developed into what is effectively a five bed, 10 occupancy self catering Hotel business.

It is having a detrimental affect on neighbours and families in the surrounding properties. The anxiety and worry of who and what kind of persons will turn up next to this property is very concerning. We are subjected to strangers arriving in multiple vehicles which creates serious parking issues. Weekends especially are a real concern with Stag parties bringing loud noise and bad behaviour. I have personally picked up empty beer cans thrown into the road from this property.

There is a shortage of living accommodation in the city but no shortage of hotels.

Please reinstate this property to a 2 bed family home for which the original planning application was approved.

Kind Regards

Janet Saunders

STATEMENT NUMBER B5

Development Control B Committee - Application No. 22/01550/F: 29 Hobhouse Close Bristol BS9 4LZ Public Forum Statement

I have taken advice from Counsel about this Application and I am submitting a copy of that advice with this statement. I would like to speak at the Meeting on 18 January and I have been advised to ask permission to read the substance of Counsel's advice at the meeting. I would propose to read paragraphs 8 - 15 and 20, which I estimate would take approximately 9 minutes. In essence, Counsel advises that:

- i) Planning Officers have assessed this Application on the wrong basis. It should be reassessed as a fresh application for a 5-bedroom dwelling for C3 use, as constructed and as detailed on the accompanying plans;
- ii) The Officers have failed to consider the impact of the property on the residential amenity of adjacent occupiers, present and future, and/or off-street parking;
- iii) The actual use of the property is only relevant when assessing whether there has been a breach of planning and not when determining the application. However, the Officers are wrong to state that use for short-term letting does not require planning permission. This is a matter of fact and degree of the user;
- iv) The advice given in the Officer's Report published on 30 November 2022 and at the Development Committee Meeting on 7 December is, in legal terms, "irrational";
- v) Any decision made on the basis of that advice would be highly susceptible to challenge by way of Judicial Review; and
- vi) It would be difficult sufficiently to correct the errors made by the Planning Officers at the Meeting on 18 January without a proper assessment having been carried out.

It seems that Planning Officers have been notified of an Appeal against non-determination of this Application, but currently it remains open to the Committee to determine the Application. The Officers recommend that planning permission be granted in accordance with their earlier recommendation, but with the addition of a Note to Applicant set out in their Report of 10 January.

For the reasons outlined above and detailed in Counsel's advice, I object to the grant of planning permission based on the advice given by the Planning Officers. This advice was given without a proper planning assessment being carried out and is so flawed that it is, in legal terms, "irrational".

The Planning Officer's Report dated 10 January states that their advice is on the basis that no start letter has been received and the Officer will update the Committee and explain further what their recommendation is at the meeting. This presents potential difficulty for objectors in not knowing the case we have to meet.

However, I am advised that if the Application falls to be determined on appeal rather than by the Development Committee, the Council will still have to decide whether or not to oppose this Application on appeal and that, for the same reasons, it would be wrong to rely on the Reports and

advice given by the Planning Officers to date in making that decision or in connection with an appeal generally.

For the reasons outlined above, however this Application is ultimately determined, I am advised that a fresh planning assessment should be undertaken on the correct legal basis and the Planning Officers' advice should be amended appropriately before further action is taken on the Application. I would ask that any decision made by this Committee today accords with the advice I have received.

Susan Holland

ADVICE

INTRODUCTION

1. I am instructed to advise Susan Holland, the occupier of 17 Hobhouse Close, Henleaze, Bristol in respect of an application for retrospective planning permission for the retention of a dwelling (“the Application”) at 30 Hobhouse Close, Bristol BS9 4LZ (“the Property”) to be determined at Bristol City Council’s (“the Council”) Development Committee on 18th January 2023.
2. I am instructed that the Application is made seeking retrospective permission for a 5 double-bedroom, 4 bathroom, 3 storey property built in or around 2021 in what was previously the garden of 29 Hobhouse Close. The Property was built following the granting of planning permission on appeal in 2019 for the erection of a 2 bedroom, 2 storey dwelling (Appeal Ref: APP/Z0116/W/19/3222132) (“the 2019 Permission”).
3. Since completion, I am instructed that the Property has been marketed and used as an Airbnb, and also possibly as a corporate let. Such use has caused issues for local residents and neighbours in the form of excessive noise late into the night, littering in neighbouring gardens and parking issues. The exterior appearance of the Property is not in accordance with the 2019 Permission, nor has the proposed on-site parking has been provided. Instead, the developer has bought a single garage in a nearby block. Objectors also consider that the Property is out of keeping with the character of the area.
4. I am instructed that no application was made to amend the granted planning permission before the Property was constructed. The Application therefore seeks to regularise the current form of the Property. The Council, as Local Planning Authority, have recommended approval for the reasons set out in the Officer’s Report (“OR”) published on 30th November 2022.

5. The matter came before the Council's Development Committee on 7th December 2022 ("the Committee Meeting") and was deferred until 18th January 2023 in order to allow the Council's officers to consult the legal department and consider whether a condition could be appropriately drafted to preclude use of the Property as an Airbnb as requested by Members.
6. The OR notes that there is an ongoing enforcement investigation into breach of condition in and/or material change of use of the Property contrary to the 2019 Permission and without planning permission which is currently held in abeyance pending the outcome of the Application.

ISSUES

7. Accordingly, I am instructed to advise on the following issues:
 - a. Was the Council's advice given in the OR and at the Committee Meeting legally correct?
 - b. What are the available options as an objector?

ISSUE A: WAS THE COUNCIL'S ADVICE GIVEN IN THE OFFICER'S REPORT AND AT THE COMMITTEE MEETING LEGALLY CORRECT?

8. First, the Application seeks retrospective planning permission *per* section 73A of the Town and Country Planning Act 1990 ("TCPA") on the basis that the Property does not conform with the 2019 Permission. In particular, the Property comprises an internal layout of 5 double-bedrooms and 4 bathrooms, as well as exterior changes in conflict with approved plan 157P/02, the compliance of which was subject to Condition 2 in the 2019 Permission. Accordingly, the Application, which if approved would grant a fresh planning permission, should be assessed as a 5 bedroom dwelling as constructed and as detailed in the accompanying plans.
9. The OR states (with emphasis added):

The previously approved dwelling showed 2 bedrooms with a study. The dwelling, as built, has 5 bedrooms, through the living room and study becoming bedrooms, and the creation of a bedroom in the loft space. Whilst it is acknowledged that this results in an intensification of the expected number of occupants, internal alterations to dwellings which are not Listed Buildings do not require planning permission. As such, this application cannot be refused for this reason and doing so would not be reasonable.

For the above reasoning, the increased number of bedrooms within the dwelling does not form part of this application and cannot have any weight on the decision making.

10. It is correct that internal alterations to dwellings which are not Listed Buildings do not require planning permission *per* section 55(2)(a) TCPA 1990. However, in order to rely on section 55(2)(a) the Property would have had to be constructed in accordance with the 2019 Permission, and therefore in accordance with the plans conditioned, before it was subsequently altered. Given this has not occurred, and the Property is in breach of planning control, the Application should be considered as a fresh application for a 5 bedroom dwelling. The OR however assesses the Property as a 2 bedroom dwelling. In my view, such an approach irrational and therefore if relied upon by Members a decision to grant planning permission would be highly susceptible to legal challenge.
11. Second, and for the reasons as set out above, the OR fails to properly consider the impact of the Application as a 5 bedroom Property on the residential amenity of future of adjacent occupiers and/or off-street parking. This is of particular relevance given the objectors' representations.
12. Third, I understand that the Property is currently being used as an Airbnb and for short term lets, however this is not the use that is being applied for. A C3 use forms part of the Application. Under the Schedule 1, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GDPO"), a change of use to C4, as a small HMO (3-6 persons), would not require planning permission, as correctly set out in the OR. It was stated at the Committee Meeting that the Property has been granted the relevant HMO licence. However, use of the Property as a large HMO (6-10 persons) requires both the appropriate HMO licence and planning permission for a material change (to a *sui generis* use). The actual use of the Property is only relevant insofar as assessing whether there is a breach of planning permission and is not relevant when determining the Application. Accordingly, if

there is an unauthorised change of use in the future enforcement action can be taken by the Council.

13. The OR, however, also erroneously states the following (with emphasis added):

There have been allegations that the property is being used for short term lets (Airbnb or similar) and the Local Authority has evidence that corroborates these allegations.

The applicant has confirmed that the use of the property in this manner will be ceased. Therefore, it is considered that this issue has fallen away. In any event the use of a property for short-term letting does not require planning permission.

14. The use of the Property for short-term letting can form a material change in use to a *sui generis* use requiring planning permission (see the Appeal Decision in Roman House, Severn Place, Cambridge (Ref: APP/Q0505/C/18/3196460)). The point at which such a change is material is however a matter of fact and degree (*Moore v Secretary of State for Communities and Local Government* [2012] EWCA Civ 1202).¹
15. For the reasons set out above, in my view the Council's advice given in the OR and at the Committee Meeting is irrational. If relied on by Members to grant permission such a decision would be highly susceptible to a legal challenge by way of judicial review.

ISSUE B: WHAT ARE THE AVAILABLE OPTIONS AS AN OBJECTOR?

16. For the reasons set out above, I consider that the Application should not be granted permission given the errors in the OR. If the Application is refused permission, the ongoing enforcement investigation will likely resume and action may be taken against the developer. However, if permission is granted I consider that there are a number of available options as an objector.

¹ For this reason I agree with the Council's concerns and the legal department's comments surrounding a condition meeting the required tests under §55 of the NPPF precluding use of the Property solely for short term tenancies.

17. First, on the basis of the errors established, in my view if the Committee determine to grant planning permission on the basis of the OR (in my opinion it would be difficult to sufficiently correct the substantive written errors at the Committee Meeting on 18th January 2023 without a proper assessment having been carried in respect of a 5 bedroom property), the Decision Notice can be challenged by way of judicial review. There is a six-week time limit from the date that the Decision Notice is issued by the Council. The result, if successful, would be that the permission is quashed.
18. Second, if permission is granted it will be for the Property as C3 use. It may be used, by way of permitted development rights, as a small HMO (C4 use). However, if it is used as a large HMO and/or for short term lettings (subject to the extent of such use which would need to be assessed and advised on in due course), enforcement action could be taken by the Council for an unauthorised change in use in breach of planning control. I am however instructed that the Property is no longer advertised for short term lets, with a minimum tenancy length of 12 months. The caveat in any event is that enforcement action is discretionary, albeit if sufficient evidence was provided by objectors to show that an unauthorised use was occurring, a judicial review of the decision not to take enforcement action could potentially be considered against the Council in due course.
19. Third, as raised by Members at the Committee Meeting, there are separate requirements to obtain a HMO licence. If it is considered that the Property does not meet the prescribed standards required for a licence, that it is not satisfactorily managed or that any licence conditions are being breached, objectors can make representations to the Local Housing Authority who may revoke the Property's licence (see Part 2 of the Housing Act 2004).

CONCLUSIONS

20. For the reasons set out above, in my view the Council's advice given in the OR and at the Committee Meeting was irrational. Accordingly, the Committee should not rely on the advice to grant permission for the Application, which would result in a decision highly susceptible to legal challenge by way of judicial review.
21. If, however, planning permission is granted at the Committee Meeting on 18th January 2023 there are a number of options available to objectors as detailed above at §16 to 19.

22. If I can provide any further assistance or clarifications please do not hesitate to get in touch.

12th January 2023

SHEMUEL SHEIKH
BARRISTER – KINGS CHAMBERS
MANCHESTER | BIRMINGHAM | LEEDS

STATEMENT NUMBER B6

I object against Mr Khaleghi's applications for a number of reasons. But the main reason being he has disrespected the planning process in place which has consequently disrupted and aggravated our neighbourhood. Ruining all community spirit, which was once thriving, and an enjoyable place to reside.

Many thanks

Diane Pearce

STATEMENT NUMBER B7

Ref control B meeting on the 18th January

RE, 30 Hobhouse Close

The disregard for the planning department and also the planning inspectorate's decision and also the tree TPO 1167/R , REF 22/30230/TPO (under investigation apparently)that the Khaleghis decided needed some adjustment in building this unpermitted commercial enterprise gives us all some insight to what we are dealing with!

The house is still being let out despite the local authority advice not do so.

The planning department also have a lot of questions to answer as to how they have let this happen. The stress they have inflicted on the residents throughout this absolute fiasco is unmeasurable and may find themselves having to answer some robust questions if this goes to Court.

The impact this continues to have on us personally as detailed in my previous statement still continues.

I would like just to clarify also that the Khaleghis also own house number 29 which they also let out so what is there in place to stop them turning that into a 10 person occupancy HMO???

I find it ironic that the khaleghis chose to completely ignore the planning inspectorate first appeal decision showing complete arrogance and now they hope to gain some protection or favour from that department by trying to force an appeal!

I cannot object strongly enough and hope justice prevails.

STATEMENT NUMBER B8

Objection to application.

The original planning application was for a two bedroom extension. The final build has created a five bedroom four bathroom addition that is now being used as an Airb&b. During week nights this is usually occupied by work men complete with their trade vans. At weekends by groups of five to ten tourists, each couple usually arriving with a personal car. The planning consent was for one parking place.

The owner of the property has been allowed to ignore planning permissions at every stage and completely change the character of this neighbourhood.

This application should be refused.

Jill and Anthony Hughes

STATEMENT NUMBER B9

Counsel's opinion dated 12th January 2023 states that illogical and unreasonable advice was given to Planning Committee Councillors at Development Control Meeting B on 7th December 2022.

We again object to the recommendation by planning officers to Planning Committee Councillors that retrospective planning permission be given, to use the planning officers' own words, " for what has been built " at 30 Hobhouse Close.,

We understand that the applicant is appealing or has appealed to the Inspectorate regarding non determination of this case. It is indeed paradoxical and ironical, but not unexpected, that the appellant should now seek shelter from the Inspectorate. Conditional planning permission obtained on appeal to the Inspectorate by the original owner of 29 Hobhouse Close, for the building of a two bedroom dwelling house on the adjacent plot (now 30 Hobhouse Close) and passed on with the sale to this builder has been brutally and arrogantly abused by him in producing a five double bedroom four bathroom property within the available 900 square feet.

If the builder, on purchasing 29 Hobhouse Close had applied for new permission to erect a five bedroom four bathroom property on the adjoining plot, would planning permission have been granted ? In the likely event that it would have not have received approval it is impossible to understand why planning officers now seek to regularise matters, and thereby presumably clear the case from their desks, by recommending to Councillors on the Development Control that permission be given " for what has been built." Surely it would be seen as a gross injustice if this were allowed to happen.

STATEMENT NUMBER B10

Brian & Joan Griffiths

Dear Sir or Madam,

The proud residents of Hobhouse Close have always kept a certain smart uniformity of our houses and when we realised that a rather tasteless brick building was to be tagged on to the end , we were not best pleased. We soon realised that the building under construction was nothing like the plans we had seen and later were told that retrospective planning had been applied for altering things to quite some degree, also learning that this included multi occupancy.

Worse still when the guests started to arrive often rather noisily late at night, they took up residents parking spaces and often littered nearby gardens with beer cans and other rubbish. Needless to say we look to the council to do something positive in our favour.

I wish to be allowed to speak for just one minute to those present.

Brian Griffiths

STATEMENT NUMBER B11

Hello,

I'm a close neighbour to this house and would like to object to granting retrospective planning permission to this property. The property was granted permission to be a 2 bedroom property. It was constructed as a 5 bedroom property from the start so was not a later interior conversion.

The front exterior of the property does not conform to the planning permission either and there is in fact no allocated parking space as per the original planning permission.

(I do not want my name or address details on the public comments but if you require them for verification purposes, I can provide them).

Many thanks for taking note of this objection.

STATEMENT NUMBER B12

I have read the report as written by the planning officers and am aghast at the procedures and their implementation.

Everything's is in favour of the developer, residents views are totally disregarded.

This developer has a history of ignoring the regulations and proceeding as he pleases, what are the regulations for? are they to be viewed as voluntary.

From start to finish the developer has run roughshod over the residents and council and still you are proposing passing what he has done! It is totally baffling.

All the residents, local councillors, the Henleaze Society have made their views quite clear yet still this one developers wishes seem paramount.

The Planning regulations have to be enforced to what was granted, it is not for the planning department to fall inline with what the developer has deviously built!

Importantly the following needs to be considered:

Can someone who's own actions have shown them to have a dishonest and devious attitude be allowed to profit financially from their actions?

Right has to be seen to be done.

I wish to speak at the forthcoming meeting. 18th January

STATEMENT NUMBER B13

Objection to Planning Application 22/01550/F 29 Hobhouse Close Bristol BS9 4LZ

I whole heartedly object to the retrospective planning permission for a 5 bed property at 29/30 Hobhouse Close.

The original planning permission was for a 2 bed property so it is clear that the developer has shown a blatant disregard for this original planning permission by altering his plans so significantly. The property is in a quiet, residential area occupied by young families and elderly residents. The property has been designed to attract students/young people (to rent) and is also being advertised on air bnb for upto 10 guests. This causes a number of problems/concerns:

-families and elderly residents will not feel as safe with different people occupying the property on a weekly basis. Children will not be as safe playing on the green; elderly residents will not feel as safe to exercise.

- large occupancy houses famously attract groups of people wanting to party and socialise which is frequently noisy and anti-social (this has already happened on several occasions). These guests have frequently left empty alcohol bottles and cigarette butts littered on the green. My toddler has tried to pick these up!

- parking space is limited and an extra 5-10 cars will make this problem worse for residents (and carers who need to park nearby to care for elderly residents who live in the Close)

The developer has shown no care for his community, no respect for the planning permission that has been given and no regard for the residents - those who have lived here for many years and those who have moved here more recently. I hope that my concerns and those of others who live nearby will be heard. Thankyou

Laura Drage

STATEMENT NUMBER B14

The following comments are in response to the planning officer's report to committee dated 10 January 2023 ref 22/01550/F.

It is regrettable that the legal advice received was not in favour of imposing a condition on the short term letting of the property. Although the planning officer's report clearly states *the building does not have planning permission and officers have identified a breach of planning control in respect of use* the recommendation is still to approve the application but with an additional Note. The Note itself is rather vague and given that the developer has ignored all previous requests and rulings there is little likelihood that he will take any notice of this.

The report also states that a change of use from a C3 to a C4 does not require planning permission but this dwelling was never built as a C3. It was built as a large C4 in the 'sui generis' category with 5 double bedrooms and 4 bathrooms accommodating 10 people. It operates more like a C1 Premier Inn and is advertised on many websites including bristolhotelsengland.com for short term lets. Therefore it cannot be considered under the application 22/01550/F which was for a 2 bedroomed 2 storey house. It requires a completely different planning application. Indeed it begs the question why the developer did not submit plans for 5 bedrooms in the first place as this was clearly his intention.

Although it is true that *a material change of use* has no statutory definition and is a matter of *fact* and *degree* it can be linked to the significance of the change and must be determined on the individual merits of each case. A 3 storey 5 double bedroomed pseudo hotel has a materially different planning impact on the amenity of neighbours than a normal dwelling house use. The 100 or so objections about disturbance, noise, increased traffic, parking, security, litter etc give testament to this.

I note that a planning enforcement case was registered on 15.2.22 (ref 22/30064/NAP). Inexplicably this was not mentioned in the previous planning report of 30 December 2022. It appears that the developer has ignored the requests resulting from this. If this application is approved it is possible he will have similar totally inappropriate ambitions for his neighbouring property, number 29 and the strong residential character (Henleaze Character Appraisal) of the area will be much diluted.

Therefore I respectfully implore the committee to reject this retrospective application for the dwelling as it stands and take immediate action over the breaches of planning control.

STATEMENT NUMBER B15

I write this statement to object to application for retrospective Planning permission. The hearing is on 18 January 2023 6pm.

I refer you to my previous objection below. This application is made by a developer who continuously and blatantly breaches planning permission and planning control. Whilst it appears nothing can be done to stop him, I provide you with reasons why the council's advice given in the officer's report at the committee meeting on December 7, 2022 was not legally correct.

The officer's report states that planning permission was not required for internal alterations of the property as per section 55 (2)(a) of the Town and Country Planning Act 1990. However, in order to rely on section 55 (2)(a) of the Town and Country Planning Act 1990, the property would first have had to be constructed as per planning permission in 2019. It did not.

The property is in breach of planning control, the application should be considered a fresh application for a five bedroom property.

The officer's report also does not consider the impact a five bedroom dwelling has on neighbouring amenities, future occupiers and on street parking (for up to 10 people). Our housing area is restricted because our houses are around a green, Hobhouse close is a green not a road, we therefore heavily rely on parking on Broadleys Ave. we are also restricted by 2 dual carriageways around us so parking is very limited.

The property was built from the start as a commercial property, rooms have individual access locks, fire doors and health and safety signage in keeping with a commercial letting. There is no lounge and not enough seating for 10 people as there is a little communal room in the kitchen. This was never built in accordance with planning permission. The developer had no intention of following the rules of the planning permission and planning control. Today the property can still be let on a short term basis, I can reserve the property online. enforcement action should be taken by the Council for unauthorised change of use, in breach of planning control.

There is no correct HMO licence in place and a property of 6 to 10 people requires an HMO licence and planning permission for a material change. The officer's report incorrectly stated planning permission was not required. This is legally incorrect.

The officer's report had several errors, incorrect advice and therefore the application should not be granted.

As the developers own number 29 as well as newly developed number 30, the neighbourhood has a great fear that that 29 will also be overdeveloped if this application passes.

Please can you reject the application on the basis you've received incorrect advice and get legal clarity. Otherwise we will have to make a legal challenge by way of judicial review. Legal advice has already been obtained by our neighbour.

Thank you

Nina Schembri

STATEMENT NUMBER B16

Development Control B

Committee Wednesday, 18 January 2023 6.00 pm

Planning and development application 22/01550/F - 29 Hobhouse Close

Recently sought Counsels advice notes that the planning officers previous report contained advice considered irrational and should not be considered by the committee members to grant permission.

My objection to the planning application remains unchanged from my previous submission and is as follows:

1. This retrospective planning permission should only be granted if it would have been approved at the initial planning request. In this case, I don't believe that would be true - the original application was refused and then only granted on appeal on the basis that this property was a 2 bed 2 storey single household dwelling. Further to that, the permission included a list of strict conditions that needed to be followed, and considered the impact on the neighbourhood eg parking, waste, cycle provision etc. the approval also considered Technical housing standards space requirements for a 2 bedroom house. The planned house met the standards but I do not think the constructed building would meet those standards. I am also concerned that the constructed house would no longer meet everyday space and appropriate living standards required for the number of occupants living in a 5 bedroom house. Based on the above and the original planning officers report, I highly doubt a 5 bedroom house of multiple occupancy would have been granted at appeal.
2. The original approved plan proposed a single off street parking space which has not been built or amended from the garden of 29 Hobhouse Close to form part of the accommodation. The officers report noted that a 2 bedroom dwelling with off street parking would have a negligible impact on parking in the neighbouring streets. The constructed house has no off street parking and a materially greater number of residents which I consider would have a negative impact on the available parking in the neighbourhood.
3. This application was only submitted after a Planning Enforcement case (ref 22/30064/N) was brought against the property. The applicant did not actively engage with the council to make alterations to the construction as it was being built, but instead only after the construction was completed, and after the owner had advertised the property for rent. This would suggest they only applied for planning permission to prevent the planning enforcement case against them.
4. According to the National Planning Policy Framework (paragraph 59) effective enforcement of the planning rules is important as a means of maintaining public confidence in the planning system. It is clear the owner accepted the conditions of the planning permission but had no intention of adhering to them. This build has far exceeded the planning permission granted and if this retrospective application is approved it will severely undermine the authority of the planning services in the council.

I trust the above is in order, however if you have any further queries then please contact me.

Many thanks

Jonathan Lax

STATEMENT NUMBER B17

Re: Planning and development application 22/01550/F- 29 Hobhouse Close

As previously stated I object to this planning permission being granted.

Kind regards

Mrs Celina Lax

STATEMENT NUMBER B18

I strongly object to the retrospective planning permission.

A five bedroom house sleeping 10 and used as an Airbnb is out of keeping with the residential area.

This type of accommodation attracts large groups causing issues with litter, late night noise and the already difficult parking .

In some cases this is causing a great deal of distress to the neighbours especially those with disabilities.

The retrospective planning permission should be refused as the rules have clearly been flouted.

Chris Griffith

STATEMENT NUMBER B19

No 30 Hobhouse Close is Retrospective application for retention of dwelling.

I simply object that the above is not in accordance with the original planning application. Surely all involved with the building were aware of this . The person who owns no 29 also owns No 30 Hobhouse . I am concerned a precedent will be set if this application is approved.

Also now a multi occupancy house which is being let via
https://www.rightmove.co.uk/properties/130710461#/?channel=RES_LET and others.

Has consent been sought for a HMO (House in Multiple Occupation)

I will also be requesting a reduction in my council tax as there is a commercial property opposite. Surely the Council Tax is not the same for a 3 bedroomed house as a 5 double bedroomed house.

yours faithfully

Janet

Janet Gibson

STATEMENT NUMBER B20

Hello,

I wish to register to speak at the meeting of the Planning Committee B tomorrow. My written statement follows:

I am grateful to the Planning Committee for taking on board the concerns of me and my fellow residents at the last meeting. During the meeting it became clear to me that the Planning and Licencing departments were not talking to one another about the property in question. According to legal advice that I have now seen, it also seems clear that your officers' advice that you should grant retrospective planning permission for the property is open to question. I'm no lawyer, but it cannot be right for developers to seek and obtain planning consent for one thing and then deliberately build something else. Therefore, whether you decide to grant the application or not, I urge you to take a stand and insist that the Planning and Licencing departments enforce the existing regulations rigorously.

Yours sincerely,

Paul Sullivan

STATEMENT NUMBER B21

This new recommendation to approve is still outrageous.

Planning Control originally approved, On Appeal, the building of a 2 storey, 2 bedroom residential family house in keeping with the existing style of the estate. The developer then cynically built something not approved, a 3 storey, 5 bedroom house in multiple occupation, not in keeping with the estate, for serial rental. He did not build to the approved plans, and then modify the internal structure. He ignored what was permitted on appeal, and deliberately built something else from scratch. If this is approved, Bristol City Council will be, in effect, tearing up the planning rules, as well as ignoring the valid objections of the neighbours. This is supported by the legal opinion supplied to other neighbours.

Yours Sincerely, Roger Moses

Planning Appeal Statement – Hassan Khaleghi - STATEMENT B22
Re: Application No. 22/01550/F 29 Hobhouse Close, Bristol, BS9 4LZ

Our statement does not differ from the statement that we submitted to the Development Committee on the 7 December 2022. The only addition is that since the last Development Committee Meeting, we have negotiated with our current tenant and they have agreed to vacate the property by the 14 February 2023. The property will be let as a 5 bedroom, maximum 5 occupant HMO on a 12 month tenancy agreement from then on.

Amendment Sheet 18 January 2023

Item 1: - 18 - 20 And Land To Rear Of Filwood Broadway Bristol BS4 1JN

Page no.	Amendment/additional information
45	<p>Impact on neighbour</p> <p>The proposed block A1 (facing Hartcliffe Road) is sufficient distance from the nearest neighbour to not result in a significant impact on light to this neighbour or result in any unacceptable overlooking.</p> <p>Block A2 is of the same scale as the existing cinema building --- therefore the impact on the existing terrace is also acceptable. No windows are proposed along the flank elevation (party wall) next to the neighbouring properties.</p>
50	Correction to number of trees removed- 8 (not seven).

Item 2: - 29 Hobhouse Close Bristol BS9 4LZ

Page no.	Change to Recommendation to take account of Appeal against non-determination.
	<p>The committee is advised that officers obtained legal advice on Monday 16th January in respect of the Appeal against non-determination. Legal advise that; once the notice of appeal has been served on the Secretary of State (SoS) within the relevant time period, the appeal is then within the jurisdiction of the SoS (even though they haven't yet validated it). The planning Inspectorate confirmed to officers the same day that; "We are currently in the process of validating this appeal and we will write to you to let you know whether it is a valid appeal or not as soon as we can. This is on average currently likely to take 10-12 weeks following submission depending on how many new appeals we have received."</p> <p>As such the committee is advised that it cannot determine (make a decision on) this application today.</p> <p>The committee is reminded that this application is retrospective it was submitted following a planning enforcement investigation which is still live. The building in question is an end of terrace two storey building which provides three levels of accommodation which the submitted plans show as currently comprising; Kitchen/dining room, 1 bedroom and 1 bathroom on the ground floor, 3 bedrooms (1 ensuite) and 1 bathroom at first floor level and 1 bedroom (ensuite) within the roof space. Committee is advised that it is this building and use [to be used either for C3 (dwellinghouse) or C4 (small HMO) purposes] that has been assessed by officers in their report and the recommendation as made previously is that when tested against the applicable planning policies the development is acceptable.</p> <p>Officers in respect of use can advise that a HMO licence was issued by the Private Sector Housing Team on 24 June 2022 which means that under the Housing Act the property can be used for 5 occupants. The planning department has also alerted the Private Sector Housing Enforcement Team to consider if there have been any breaches of the HMO licence. The recommendation that the built form of the building the subject of this</p>

Page no.	Change to Recommendation to take account of Appeal against non-determination.
	<p>retrospective planning application was acceptable was based on the delivery of physical changes that would need to be delivered pursuant to planning condition.</p> <p>The committee is hereby asked to agree the terms that officers will set out in respect of the Appeal</p> <p>Officers recommend that we advise the Planning Inspectorate that planning permission should not be granted without the requirement that the alterations are delivered by planning condition. It can be noted that on 11 January officers received confirmation from the applicant that they would be bringing the unauthorised use to end by the 14 of February, they also asked that officers remove the requirement for one of the physical adaptations to the building. Officers consider that all the adaptations are required to make the appearance of the building acceptable.</p> <p>The planning enforcement team will inspect the use of the property soon after that date and the planning enforcement case will remain open until after the unauthorised use has ceased and the planning appeal has been decided.</p> <p>In summary officers maintain that the development is acceptable only subject to the planning conditions and that needs to be the basis of the case we put forward in respect of the appeal.</p>