

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

Members of the public attending meetings or taking part in Public Forum are advised that all Development Control meetings are filmed for live or subsequent broadcast via the council's webcasting pages. The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years.

If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

Councillors: Ani Stafford-Townsend (Chair), Chris Windows (Vice-Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Lorraine Francis, Katja Hornchen 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, 10 January 2023



Agenda

1. Welcome, Introduction and Safety Information

2.00 pm

(Pages 5 - 8)

2. Apologies for Absence

3. Declarations of Interest

To note any interests relevant to the consideration of items on the agenda.

Any declarations of interest made at the meeting which are not on the register of interests should be notified to the Monitoring Officer for inclusion.

4. Minutes of Previous Meetings for Approval

To agree the minutes of the following meetings as a correct record.

a) 12th October 2022

(Pages 9 - 15)

This meeting was rearranged to 12th October 2022 as the previous meeting date of 14th September 2022 was within the mourning period following the death of Queen Elizabeth II.

b) 7th December 2022

(Pages 16 - 25)

5. Action Sheet

The Committee is requested to note any outstanding actions listed on the rolling Action Sheet for DCB Committee.

(Page 26)

6. Appeals

To note appeals lodged, imminent public inquiries and appeals awaiting decision.

(Pages 27 - 36)

7. Enforcement

To note enforcement notices.

(Page 37)



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:

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.

9. Planning and Development

To consider the following applications for Development Control Committee B - **(Page 38)**

- a) **21/03536/FB - Land to Rear of Filwood Broadway** **(Pages 39 - 71)**
- b) **22/01550/F - 29 Hobhouse Close** **(Pages 72 - 105)**

10. Date of Next Meeting

The next meeting is scheduled for 2pm on Wednesday 8th March 2023 in the Council Chamber, City Hall, College Green, Bristol.



Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

Public meetings

Public meetings including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny will now be held at City Hall.

Members of the press and public who plan to attend City Hall are advised that you may be asked to watch the meeting on a screen in another room should the numbers attending exceed the maximum occupancy of the meeting venue.

COVID-19 Prevention Measures at City Hall (June 2022)

When attending a meeting at City Hall, the following COVID-19 prevention guidance is advised:

- promotion of good hand hygiene: washing and disinfecting hands frequently
- while face coverings are no longer mandatory, we will continue to recommend their use in venues and workplaces with limited ventilation or large groups of people.
- although legal restrictions have been removed, we should continue to be mindful of others as we navigate this next phase of the pandemic.

COVID-19 Safety Measures for Attendance at Council Meetings (June 2022)

We request that no one attends a Council Meeting if they:

- are required to self-isolate from another country
- are suffering from symptoms of COVID-19 or
- have tested positive for COVID-19

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.



Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to democratic.services@bristol.gov.uk.

The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, it may be that only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.



- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution <https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

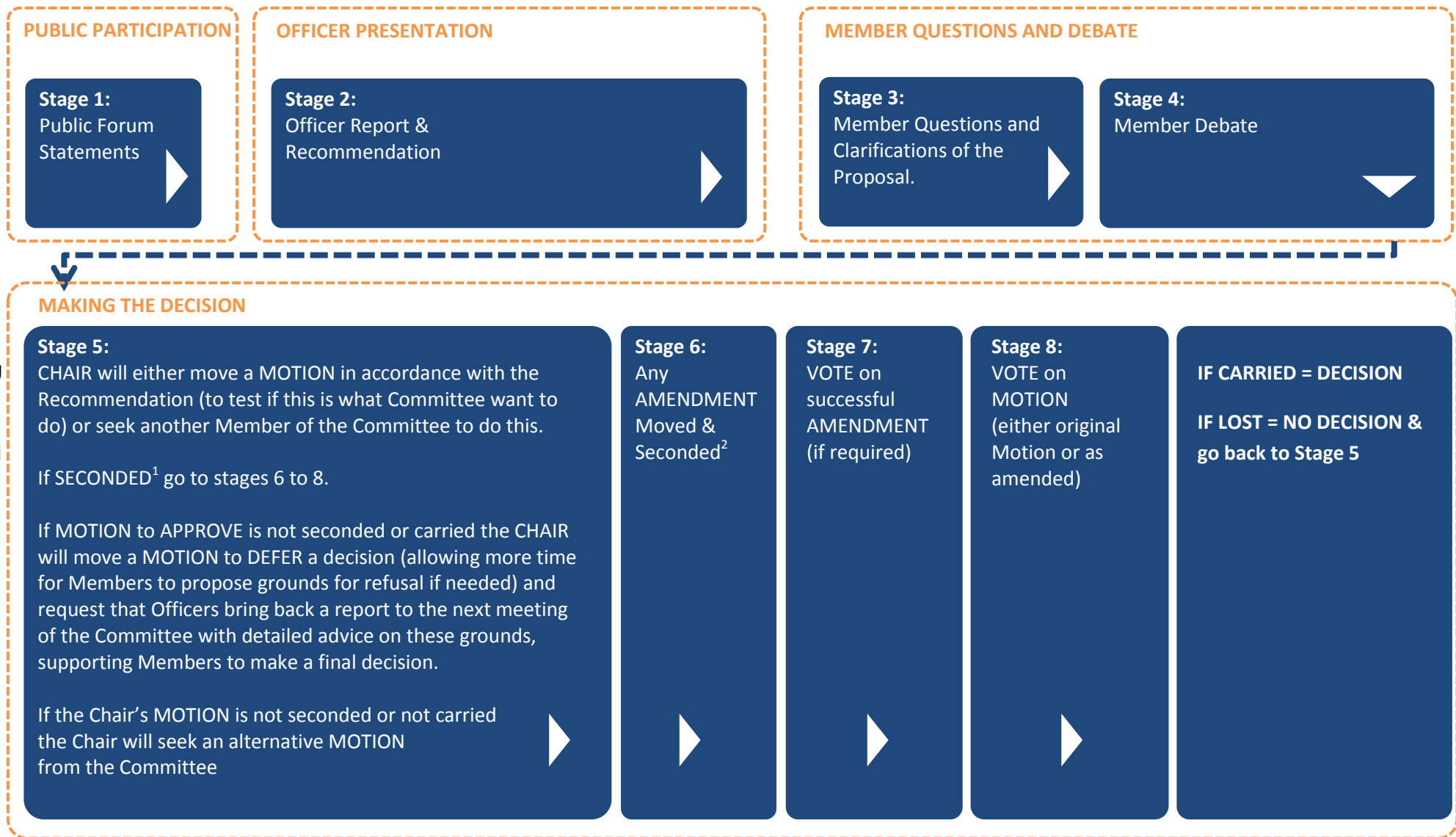
Webcasting/ Recording of meetings

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The privacy notice for Democratic Services can be viewed at www.bristol.gov.uk/about-our-website/privacy-and-processing-notices-for-resource-services



Development Control Committee Debate and Decision Process



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¹ A Motion must be Seconded in order to be formally accepted. If a Motion is not Seconded, the debate continues

² An Amendment can occur on any formally approved Motion (ie. one that has been Seconded) prior to Voting. An Amendment must itself be Seconded to be valid and cannot have the effect of negating the original Motion. If Vote carried at Stage7, then this becomes the Motion which is voted on at Stage 8



Public Document Pack

Bristol City Council Minutes of the Development Control B Committee

12 October 2022 at 2.00 pm



Members Present:-

Councillors: Ani Stafford-Townsend (Chair), Lesley Alexander, Marley Bennett, Fabian Breckels, Andrew Brown, Lorraine Francis, Guy Poultney and Philippa Hulme

Officers in Attendance:-

Gary Collins and Norman Cornthwaite

1 Welcome, Introduction and Safety Information

The Chair welcomed everyone to the meeting and issued the safety information.

2 Apologies for Absence

Apologies were received from Cllrs Katja Hornchen (substitute Philippa Hulme) and Chris Windows.

3 Declarations of Interest

Cllr Hulme stated that application 22/01608/FB - Garages Bell Close was in her Ward.

4 Minutes of the previous meeting

Resolved – that the Minutes of 3rd August 2022 be agreed as a correct record and signed by the Chair.

5 Action Sheet

The Planning Co-ordinator, Development Management stated that he would contact Cllr Poultney outside the Meeting concerning Alfred Place.



6 Appeals

The Head of Development Management introduced the report.

He drew attention to Item No. 9 Home Gardens and advised that the Appeal would be the subject of an Informal Hearing on 15th November 2022.

7 Enforcement

The Service Manager, Development Management introduced the report.

He advised that Items 3 to 6 are re-served Notices.

8 Public forum

Members of the Committee received Public Forum Statements in advance of the meeting.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision.

9 Planning and Development

The Committee considered the following applications.

22/02677/COND - Romney House Romney Avenue Bristol BS7 9TB 0

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

The application is for approval of details reserved by condition 2 (Site levels) of Reserved Matters approval 20/05477/M, which approved the detailed layout, appearance, landscaping and scale of the residential development of 268 dwellings (Use Class C3), originally approved by Outline permission 18/00703/P (cross boundary application with South Gloucestershire Council) (major application).



Cllr Breckels moved the Officer Recommendation.

Cllr Bennett seconded this Motion.

On being put to the Vote it was

Resolved – (Voting 6 for, 1 abstention) that Condition 2 attached to 20/05477/M be discharged.

22/00632/PB - Bristol City Council Depot Dovercourt Road Bristol BS7 9SH 1

(Cllr Brown joined the Meeting during this item but did not participate in the item.)

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

The application is for Outline Planning Permission for up to 140 residential dwellings. All matters except means of access to the site reserved.

The following answers were provided to questions:

- At present the entire carriageway including both footways is 8 metres wide, each footway is 1.5 metres wide; it is proposed to increase the width of 1 footway to 2 metres wide, with a consequent reduction in the width of the vehicular carriageway
- Traffic calming measures on Dovercourt Road are included as Conditions; details of the measures would be included in Reserved Matters
- Details of the visibility requirements at the junction were provided
- A carriageway width of 5.5 metres is considered to be acceptable to allow 2 vehicles to pass each other
- The site can be accessed from both the North and the South
- Members were advised when considering the access to the site for the development, that they should bear in mind the levels of traffic generated by the site in its present lawful use; the access to the site from Dovercourt Road is considered to be acceptable
- An advice has been included concerning a cycle way on Concord Way and the teams involved in it working together; more will be known about this issue when the Reserved Matters comes before the Committee
- There will be parking restrictions on the access road to the site
- Although there was a permission for the site granted in 1988, the present application is being judged on a different set of criteria
- The site is still being used for storage purposes



- MOUs have been used for a number of years to enable contributions to be made by other parts of BCC in relation to developments; the Council cannot enter into a legal agreement with itself; any defaults would be raised with relevant Cabinet Member and the Monitoring Officer
- The applicant will have to update their arboricultural information to take account of the Condition relating to the number of trees to be provided on the site
- The level of traffic that will be generated by the development has been compared to the present levels of traffic

Debate

- The site is capable of accommodating the number of dwellings proposed, which will include affordable housing, and the access to the site is considered to be acceptable
- This is a brownfield site which is appropriate for the proposed development
- Adequate traffic calming measures are required
- Concerns about access to the site including from adjacent main roads
- Concerns about the amount of traffic the development will generate
- A lot of people in Bristol are in need of housing
- The access meets the standards required
- Would like to see the site linked to Concorde Way

It was noted that the applicant is committed to the affordable housing requirements and the sustainability requirements relating to energy efficiency. Any deviation from either of these would require a new application.

Councillor Breckels moved the Officer Recommendation.

Councillor Bennett seconded the Motion.

On being put to the vote it was

Resolved – (Voting 6 for, 1 against) that the application be granted subject to a Planning Agreement.

22/01608/FB - Garages Bell Close Bristol 2

The Chair noted that there had been an informal site visit earlier that day.

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

Redevelopment of site to provide 9no. residential dwellings (Use Class C3) together with car and cycle parking, refuse and recycling storage, and hard and soft landscaping.



The following answers were provided to questions:

- There are no concerns about amenity for residents on the site
- There is guidance in the report about the size of the properties and it is considered that the design of the properties is appropriate for the level of occupancy, however the number of people who live in each unit cannot be controlled
- The access into the site is considered to be safe and the issue of the movement of the gates is being resolved, although it falls outside this application
- The road would be managed by a management company as the road would not be adopted – although it will be built to an adoptable standard it would not be wide enough
- There is not information relating to the sunlight and daylight details for the proposed properties, however the proposals were assessed against neighbouring properties and the scheme was considered to be acceptable; there are no concerns about the daylight for the proposed properties that would merit a refusal
- Although some of the properties exceed the Manual for Streets guidance and the Bristol Waste guidance, it was noted that these are only guidance and not mandatory and therefore would not constitute a reason for refusal; it is a compromise to enable the site to be developed for housing
- It was confirmed that a fire appliance would be able to access the site
- As the road would not be adopted the management company would be responsible for managing the parking arrangements
- The buildings would be required to meet Building Regulations Standards and there are an increasing number of applications across the City for Modern Methods of Construction (MMC), one of which has won a number of awards; this is the first application for this particular product

Debate

- A brownfield site and is a good idea, will provide decent sustainable accommodation and will be a quick construction
- Some reservations about the design of the site
- There are not many alternatives to this proposal for redeveloping the site
- It was suggested that a Condition relating to the rear access be included, but it was suggested that the inclusion of an Advice Note would be more appropriate
- Some concerns about the light and the space in the units
- A very good idea
- Site visit was useful

Councillor Poultney moved the Officer Recommendation.

Councillor Breckels seconded the Motion.



On being put to the vote it was

Resolved – (Voting 8 for, 0 against) that the application be granted subject to Conditions.

21/05341/F - 21 Oak Road Bristol BS7 8RY 3

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

The change of use from residential dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 residents (Use Class C4), with associated cycle and refuse/recycling storage.

The Case Officer informed Committee that the applicant has appealed to the Planning Inspectorate for non-determination.

The following answers were provided to questions:

- There are more HMOs that have been licensed than there were identified at the time of the previous Committee Meeting
- One has been granted a licence but does not have planning permission
- The data on HMOs is updated every 4 to 6 weeks; updates have taken place on 26th June, 25th July, 23rd August, 6th September and 10th October
- Any data presented has to be based on factual evidence
- Members are being asked to endorse the reasons for refusal for the purposes of an Appeal for non-determination.
- Any unauthorised HMOs need to be reported and are then investigated by Enforcement
- Only the lawful HMOs can be taken into account – licensed or having planning permission
- This number is now over the 10% threshold so it is considered appropriate any further applications would be refused and that this refusal can be justified at Appeal
- There was a recent paper on the importance of resourcing properly to monitor and enforce HMO regulations was presented to Scrutiny; a lot of work has been done on HMOs and this work is showing results

Councillor Poultney moved the Officer Recommendation.

Councillor Bennett seconded this Motion.

On being put to the vote it was

Resolved – (Voting 8 for, 0 against) that, if the Committee had the power to determine the application, it would REFUSE planning permission on the grounds of a sandwiching effect on Nos. 17 and 19 Oak Road caused by the existence of a new HMO License granted to Number 15 Oak Road on 13th June 2022 and a harmful concentration of HMOs in the immediate area as set out in the HMO SPD (2020) which would have a detrimental impact on the amenity of the area. The application would therefore be contrary to the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020); Policy DM2 of the Site Allocations and Development Management Policies (2014) and the National Planning Policy Framework (2021).



10 Date of Next Meeting

Wednesday 26th October 2022 at 6.00 pm.

11 Amendment Sheet

The Amendment Sheet was noted.

The meeting ended at 4.35 pm.

CHAIR _____



Bristol City Council Minutes of the Development Control B Committee

7 December 2022 at 2.00 pm



Members Present:-

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

Officers in Attendance:-

Gary Collins and Claudette Campbell (Democratic Services Officer)

11 Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting and explained the arrangements in the event of an emergency evacuation procedure.

12 Apologies for Absence

Apologies for absence were received from Councillor Breckels, Councillor Jackson substituting.

13 Declarations of Interest

Councillor Hornchen as local Ward Member will withdraw from committee for the matter of 22.01878.P Land at Broom Hill Brislington Meadows; Councillor Brown as local Ward Member will withdraw from committee for the matter of 22.01199.PB Former School Site New Fosseway Road.

14 Minutes of the previous meeting

Resolved – that the Minutes of the 26th October 2022 be agreed as a correct record and signed by the chair.

15 Action Sheet

There were none.



16 Appeals

The Planning Co-ordinator, Development Management introduced the report.

The Land at Home Gardens Redland Hill Bristol: An appeal to the Planning Inspectorate, against the decision by this committee to refuse, has been heard with the decision pending. An update will be provided at the next meeting.

17 Enforcement

The Planning Co-ordinator, Development Management introduced the Report.

An update will be provided on the action taken, and being challenged, against a large HMO at 71 Ashley Hill.

18 Public forum

Members of the Committee received Public Forum Statements in advance of the meeting.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision.

19 Planning and Development

The Committee considered the following applications.

20 Amendment Sheet

The amendment sheet was shared with committee in advance of the meeting.

21 22.01878.P Land at Broom Hill Brislington Meadows BS4 4UD

Officer's presentation:

- a. Officers advised that this was a high profile application that was subject to an appeal against non-determination. The public inquiry was set to start on the 31st January 2023 and would run for 11 days over a 5 week period.
- b. Committee were asked to consider the grounds for refusal; Officers provided a brief overview of issues arising from the application.
- c. The application was for Outline Planning Permission in the Brislington East ward and comprises an irregular shaped parcel of land extending to 9.6 hectares; development of up to 260 new



residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking.

- d. The public consultation resulted in; 6 letters of support; 575 objections; 3 neutral to the development; In summary the concerns covered; impact on biodiversity and ecology; loss of open space for recreation. Health and wellbeing; loss of important/ancient hedgerows; loss of trees; impact on highway network.
- e. Officer's recommendation to Members was to resolve that if Committee had the power to determine the application, it would 'refuse' planning permission. The reasons for refusal had been amended following input from the Council's expert witnesses and were set out in the Amendment Sheet. These were:
 - 1) The proposed development is considered to result in significant harm to biodiversity, for which it provides neither adequate mitigation nor compensation (whether on or off site). The application is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM17 and DM19 of the Site Allocations and Development Management (2014), and paragraphs 174, 179 and 180a of the NPPF (2021).
 - 2) The proposed development fails to retain important hedgerows and trees within the proposal site and is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014).
 - 3) The proposal would lead to the loss and deterioration of Irreplaceable Habitat without either a wholly exceptional reason or a suitable compensation strategy. It is therefore contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014) and paragraph 180c of the NPPF.
 - 4) The proposed development fails to adhere to the landscape and urban design policy considerations by virtue of excessive damage to the existing features on the site. The proposed plans and supporting documents present unsympathetic responses to the natural assets on the site and surrounding context and would prejudice the future design and delivery of an appropriate scheme. The proposal will fail to meet the requirements of the NPPF; policy BCS21 of the Core Strategy 2011; and policies SA1, DM26, DM27, DM28 and BSA1201 of the Site Allocations and Development Management Policies 2014.
 - 5) In the absence of an appropriate agreement under s106 of the Town and Country Planning Act 1990, the proposed development fails to make provision for the following:
 - Affordable Housing,
 - Ecological Mitigation (including BNG Biodiversity Off Setting),
 - Financial Contributions towards Fire Hydrants, Public Transport Facilities, amending Traffic
 - Regulation Orders, Tree Planting, Training and Employment Initiatives,
 - Management and Maintenance of on-site Public Open Space,
 - Travel Plan Audit Fee and contribution,



- Highway works including cycle and pedestrian works though Bonville Trading Estate.
 - These are required in order to mitigate the impacts of the development. The proposal is therefore contrary to policies BCS10, BCS11 and BCS17 of the Bristol Local Plan: Core Strategy (2011) policies DM15, DM16, DM17, DM19, DM23 of the Bristol Local Plan: Development Management Policies (2014) and the Planning Obligations SPD (Adopted 2012).
- f. Officers request Members to agree that the Head of Development Management in consultation with the Head of Legal Services be authorised :-
- (a) To draft and sign the Council's Statement of Case for the appeal
 - (b) To agree and sign the Statement of Common Ground for the appeal
 - (c) To negotiate and complete any s106 obligation that can be negotiated with the applicant that mitigates the impact of the development
 - (d) To prepare and present the evidence on behalf of the Council based on the recommended reasons for refusal outlined in this report
 - (e) To take all necessary decisions arising during the course of the Inquiry proceedings relating to the presentation of the Council's case.

Debate

- a. Cllr Brown: expressed disappointment that the decision on the application is with the Planning Inspector; thanked Officers for compiling reasons for refusal.
- b. There was general consensus on the frustration of having a major application removed from the decision-making remit of committee.

Councillor Stafford-Townsend moved, seconded by Councillor Poultney and upon being put the vote, it was:

RESOLVED - (For (7); Against (0); Abstain (0))to accept the grounds for refusal as set out above, (e)1 – 5 and, the Delegated Authority set out in section (f) a-e.

22 22.01199.PB Former School Site, New Fosseway School BS14 9LN

The Officer's presentation:

- a. The application relates to the land of the former New Fosseway School in Hengrove. The site is located to the north of New Fosseway Road and to the west of the rear gardens of 625 to 681 Wells Road. This site is 3.4 hectares in size. The main access to the site is located between 12 and 14a New Fosseway Road. The northern end of the site is bounded by 1 to 7 Petherton Road, however there is no access from Petherton Road.



- b. The outline application, with all matters reserved except for means of access, is for the provision of up to 200 residential dwellings including extra care facility; along with car parking; landscaping and associated infrastructure.
- c. Plans and photographs were shared of the site.
- d. The outcome of the public consultation; of the 18 comments received; 17 objections; one general comment. The second round of consultation following changes to the proposal to mitigate road safety concerns resulted in 16 objections.
- e. Concerns had been raised concerning the distance between the boundary and the development. The design included the designated 21 metres distance between properties.
- f. The development includes dwellings identified as 'extra care' accommodation; future residents are projected to have lower levels of vehicle ownership.
- g. Officers recommended that committee grant the outline planning permission, subject to delegation to officers to finalise planning agreement and agree conditions.

Questions for Clarification

- h. 212 car parking spaces are included in the development; this is considered adequate to meet the needs of carers visits to clients.
- i. The two secondary schools in the vicinity create high footfall and traffic at the start and end of the school day; members asked if the two education settings had been consulted on the development; ask about the provision for highway adjustments to mitigate safety risks.
- j. The access road, as it exists now, will not be available to the school for overflow parking; not all of the existing highway issues will be resolved by this development; the scheme would look to make modification to the highway and these adjustments will mitigate a number of the issues.
- k. The land had been previously developed; seen as having previously been used for human activity therefore designated 'brown-field land' and not green-field.
- l. Members sought clarification on the term 'outline' application and what could be considered at this stage. The outline plan provides some details but should be considered as the framework for future design. The detail would be considered when the reserved matters are presented to committee. The future reserve application must align with the outline application; must adhere to the access and highways agreement set out in the outline application.
- m. Officers did not anticipate a change in the designation of the development because demand is high for affordable extra care developments.
- n. Officers noted the concerns expressed by members that they are being asked to consider an outline application with all other matters, that they would normally comment on, assigned to a, reserved application to be present in the future.

Debate

- o. Cllr Poultney noted that there was an unmet need for this type of accommodation; had some concerns that so much of the development would be considered in future reserved applications.
- p. Cllr Jackson happy to vote in favour as he was aware of the need and demand for assisted living accommodation.
- q. Cllr Alexander expressed her support due to the demand for this type of development.



- r. Chair moved, and Cllr Jackson seconded, that the committee support the officer recommendation to grant this 'Out line application', with the conditions set out in the report and further amended in the Amendment Sheet
- s. When put to the vote:
RESOLVED: (7 for; 0 against;) To Grant the outline planning permission, subject to planning agreements and conditions set out in the report together with those detailed in the Amendment Sheet.

23 22.03490.F Land at Derby Street Car Park BS5 9PH

The Officer's presentation:

- a. The application is for the installation of 8 modular homes (Solohaus) with associated on-site services, landscaping and amenity space to include bin store and cycle parking, remodelling of existing car park, and adjustment of existing access.
- b. The application is being led by Hill Group in collaboration with the Salvation Army and BCC.
- c. The dwellings will be for temporary/move- accommodation for former rough sleepers; maximum stay 2 years to provide stability, to enable them to develop independent living skills to then move onto longer term housing solution.
- d. The dimensions of each unit would only allow for a single bed for single person occupancy. Each unit would be 2.7 metres high, 7.9 metres deep and 3.8 metres wide providing a total of 24 Square metres of floorspace. The units include a living and kitchen area to the front, central shower room and a bedroom to the rear.
- e. The units will be placed into two groupings, between the units will be a grassed amenity area with planting.
- f. The locality is well served with a number of off-street parking areas; this carpark is underused; the car parking spaces will be reduced from 45 parking spaces to 23.
- g. The public consultation resulted in 40 comments; 3 in support and 37 objecting; concerns with regards to anti-social behaviour; density of housing in the area; loss of car parking; proximity to the pre-school and loss of parking at the time of pick up and drop off.
- h. The development would also address the unofficial use of the car park by the public house for storage and delivery.
- i. There are no major objections from statutory consultees.
- j. Officers recommend that planning permission is granted subject to planning agreement and conditions.

Questions for Clarification

- k. The issue of agent of change was raised; the units would be in the vicinity of two public houses; concerns raised about noise arising from these business and impact on tenants. Officers confirmed that all necessary assessments would be undertaken; that the design of the units protected occupants from noise egress and ingress; triple glazing is proposed; data gathered on noise generation; pub contact details would be made available to tenants.



- l. The flat roof known as a 'blue roof' is design to hold water until it drains away; the units will have a level of thermal efficiency that would assist in reducing energy bills; heat pumps and all mechanical ventilation units will be maintained by the Salvation Army.
- m. Amenity Areas: each unit have small areas to the front and back; amenity area between the two sets of units; there is a local park.
- n. The units are below space standards and have strict conditions on length of tenancy; concerns raised about the difficulty in moving on to permanent addresses and that 2 years may not be sufficient time; assurance were given that the tenant would be well be supported by the Salvation Army; conversations would be ongoing if this becomes a stumbling block.
- o. Concerns raised over the removal of parking spaces from the vicinity of an active high street; Church Road that is a showcase bus route with little to no on street parking; the assessment demonstrated that, after the removal of 22 spaces, there was sufficient car parking spaces in the area available for customers of local businesses.
- p. Officers confirmed that assessment reports supported that this is an appropriate location for such a scheme; the scheme in St George park was seen as a success; the tenants have access to local shops on Church Road and public transport.

Debate

- q. Chair was in support of a development that would meet the need accommodation; agreed that the location was appropriate; that the Salvation Army organisation brought with it added personal support to the occupants
- r. Cllr Francis expressed her concerns about the location; on a car park near public houses; acknowledged that the properties would be well managed, and occupants supported by Salvation Army in a way that would not be possible if they were tenants in a tower block.
- s. Cllr Jackson noted that the development was similar to one in his ward; he had concerns but noted that they work well to address the need for first step tenancy; the length of the tenancy would prove challenging due to the time it takes to access rented accommodation.
- t. Cllr Brown expressed his concern about the size of the modules but would support.
- u. Chair moved, and Cllr Poultney seconded, that members support the officer's recommendation to grant with the conditions set out in the report.
- v. When put to the vote:

RESOLVED: (7 for; 0 against; 1 Abstain) To Grant subject to the conditions set out in the report

24 22.01550.F 29 Hobhouse Close BS9 4LZ

The Officer's presentation;

- a. This is a retrospective application for retention of a dwelling; the final build deviated from the original approved plans.
- b. The original planning application allowed on appeal 11 July 2019; for the erection of new 2 storey dwelling attached to side of 29 Hobhouse Close and associated structures; new property with own post code



- c. Deviations: front bay window is the wrong design; white band is thicker than the others in terrace due to structural methods; no pillars installed; projecting structural walls at ground floor; additional window in first floor rear elevation; the garage to the rear of no.29 is no longer part of the property.
- d. The application was called in by the Ward Members; 90 objections from 42 individuals; concerns expressed ranged from the use of the property as an Airbnb; property modified from 2 bedroom to 5 bed property; the property is a small HMO not appropriate for the location; the property is detrimental to the parking situation in the area due to its use and occupancy; the front elevation of the property is incongruous with the character of the area; the internal arrangements do not match the approved scheme.
- e. The property was granted a Licence for a House of Multiple Occupation for 5 occupants (use class C4) by the Local Authority's private renting sector housing service.
- f. The short-term letting of the property does not require planning permission and does not form part of this application and should not be given any weight when making the final decision.
- g. The report sets out all the areas of consideration that the application must be weighed against and seeks with this application to remedy the deviation. Officers recommend the application for approval subject to conditions set out in the report.

Questions for clarification

- h. The issues that have arisen centre on no.30 which is tied to the application titled no.29 as it was built on the land owned by no.29.
- i. Members explored what options were available to committee to manage the use of the property to prevent it being used for short lettings to protect the amenity of the area.
- j. HMO License was issued in June 2022 for 5 occupants and restricts the property to an occupancy level that constitutes a C4 use.
- k. Issues of breaches of license for Houses of Multiple Occupation is a matter for the Private Housing Service and not a planning matter. It is for the Private Housing service to consider whether the use of this property, as an Airbnb, short-term let is in breach of any enforceable legislation. Evidence would need to be provided to enable the matter to be investigated.
- l. An owner of a property is able to reconfigure the rooms/space within the dwelling without any reference to planning. In this instance the owners have increased the number of bedrooms from 2 to 5.
- m. Questions were asked on what conditions could be attached to the grant of the application that would be enforceable, to address the concerns raised by local residents. Members were reminded that the matter would be for the Private Housing Service to address; that an advice note could be added but not a condition as that would be unenforceable.
- n. Members were reminded that the application before them was to remedy the deviation in the final construction of the property; that the applicant could appeal the decision for non-determination; should the appeal be successful the planning inspector would not consider conditions to mitigate current concerns.
- o. The Chair noted that there was no appetite to consent to the application without addressing local concerns on the way the property was being managed. It was proposed that Officers seek legal advice to determine what conditions can be applied from the plethora of legislation; to arrive at a form of words that can be applied and agreed at the next meeting of this committee.



- p. Members were happy for this matter to be deferred on that basis and when moved by the Chair, seconded by Cllr Francis, it was:

RESOLVED: (7 for; 1 against) That the consideration of the application be deferred to the next meeting of this committee on the 18th January 2023; that Officers seek legal guidance on the conditions that can be applied on granting of the application.

25 21.01808.F 2 Birchwood Road BS4 4QH

Councillor Poultney left the meeting at 15:18

Officer's presentation:

- a. The application is for change of use of part of shop area from Retail to Take Away; not within a designated centre; it is a side extension to provide the additional space for kitchen area, and customer area with appropriate storage; operating from Noon to 10.30pm.
- b. The consultation resulted in 3 replies 2 objections and 1 letter in support; concerns with regards to parking; odour; density.
- c. The proposed takeaway is within 400 metre radius of Kingfisher School; Policy DM10 states that takeaways in close proximity to school and youth facilities are not permitted as they would likely influence behaviour harmful to health or promotion of healthy lifestyles.
- d. Pollution Control were unable to make a determination on the matter of noise arising from the extraction equipment and odour control. Although they are satisfied that there are no over concentration of takeaways within the area, no concerns with regards litter or late-night activity.
- e. Highway Safety: without the necessary traffic management report it was not possible to assess the impact of the potential increase of private car use and delivery vehicles; to make a final determination on the necessary mitigations to be applied.
- f. Officers looked to committee to refuse the application due to the Health impacts and unresolved Highway safety issues as detailed in the report.

Questions for Clarification:

- g. Members wondered why the application was with them for consideration. Officers advised that they could not come to an agreement with the applicant and his representative on the development. They were looking for them to provide a transport report and parking survey; site visits were made in March and April; attempts made to engage with the applicant but without success.
- h. The reports required must be undertaken by known accredited professionals and for this reason would result in additional expense for the developer. The Transport Consultant would report on the anticipated trips and vehicle movement; this would lead to a determination on the whether the current kerbside area would meet demand; An acoustic consultant would need to report on the mechanical noise associated with the business.



- i. Members noted the petition in support and sought assurance that the information being sought from the applicant was being asked of all making similar applications; enquired whether any small business support was available to the applicant.
- j. Officers confirmed that all such applications had to be considered in line with prevailing policy; that the small business economic team function did not cover this type of business.

Debate

- k. Cllr Brown: confirmed that he was in support of small business and if the applicant had delivered all reports he would have voted to grant.
- l. Cllr Francis: keen to support small business and although had sympathy for the applicant, would encourage him to complete the task required.
- m. Chair stated that committee was supportive of small businesses and would encourage the applicant to work with the planning department to move the application forward.
- n. Chair moved, seconded by Cllr Francis, that members support the Officers reasons for refusal, when put to the vote, it was:

RESOLVED: (6 for; 1 Abstain) That the applicant be refused for the reasons set out in the report

26 Date of Next Meeting

The next meeting 18th January 2023 at 6.30pm

Meeting ended at 5.46 pm

CHAIR _____



Action Sheet – Development Control Committee B

Date of Meeting (s)	Item/report	Action	Responsible officer(s)/Councillor	Action taken / progress
12.10.22 and 07.12.22		No Actions		

DEVELOPMENT CONTROL COMMITTEE B

18th January 2023

REPORT OF THE DIRECTOR: ECONOMY OF PLACE

LIST OF CURRENT APPEALS

Householder appeal

Item	Ward	Address, description and appeal type	Date lodged
1	St George Troopers Hill	42 Nicholas Lane Bristol BS5 8TL A single storey extension is proposed to the rear of the property with a roof terrace accessed from the rear bedroom. Appeal against refusal Delegated decision	12/10/2020
2	Filwood	22 Courtenay Crescent Bristol BS4 1TQ Rear ground floor extension with part first floor bedroom extension and new front porch. Appeal against refusal Delegated decision	16/11/2022
3	Knowle	79 Minehead Road Bristol BS4 1BP Two story side & rear extension & single storey front bay / porch and creation of 2 parking spaces to front. Appeal against refusal Delegated decision	17/11/2022
4	Stoke Bishop	14 Mariners Drive Bristol BS9 1QQ Oak frame 1.5 car garage to the front garden. Appeal against refusal Delegated decision	18/11/2022
5	Westbury-on-Trym & Henleaze	7 Wildcroft Road Bristol BS9 4HZ First floor extension over present garage. Appeal against refusal Delegated decision	18/11/2022
6	Hartcliffe & Withywood	50 Hareclive Road Bristol BS13 9JN Retrospective application for boundary wall with adjustments. Appeal against refusal Delegated decision	18/11/2022

7	Hillfields	25 Beaufort Road Speedwell Bristol BS15 1NF Two storey side extension. Appeal against refusal Delegated decision	07/12/2022
8	Hillfields	3 Woodland Way Bristol BS15 1QL Loft conversion with a rear/side dormer. Appeal against refusal Delegated decision	13/12/2022
9	Hengrove & Whitchurch Park	25 Goodwin Drive Bristol BS14 0DR Demolition of existing side extensions and part double story side extension with single story side and rear. Appeal against refusal Delegated decision	13/12/2022
10	Westbury-on-Trym & Henleaze	287 Canford Lane Bristol BS9 3PH Double-storey side extension with single storey rear extension. Appeal against refusal Delegated decision	14/12/2022
11	Stockwood	29 Hazelbury Road Bristol BS14 9EP 2 storey side and single storey rear extensions. Appeal against refusal Delegated decision	14/12/2022
12	Southville	21 Lydstep Terrace Bristol BS3 1DR Proposed loft conversion with rear dormer. Appeal against refusal Delegated decision	21/12/2022
13	Cotham	16 Clyde Road Redland Bristol BS6 6RP Demolition of side extension, housing staircase and insertion of new window to side elevation. Creation of access steps/balcony from main entrance level to garden and reconfigure rear garden. Appeal against refusal Delegated decision	22/12/2022
14	Stoke Bishop	53 Shirehampton Road Stoke Bishop Bristol BS9 2DW Proposed two storey side extensions and single storey rear extension. Appeal against refusal Delegated decision	23/12/2022

Informal hearing

Item	Ward	Address, description and appeal type	Date of hearing
15	Brislington West	515 - 517 Stockwood Road Brislington Bristol BS4 5LR Outline application for the erection of a five-storey building comprising 9no. self-contained flats, with Access, Layout and Scale to be considered at part of the outline application. Appeal against refusal Delegated decision	TBA
16	Brislington West	515 - 517 Stockwood Road Brislington Bristol BS4 5LR Outline application seeking matters of Access, Layout, and Scale for the erection of a care complex (Use Class C2). Appeal against refusal Delegated decision	TBA
17	Clifton Down	Land At Home Gardens Redland Hill Bristol BS6 6UR Outline planning application for the redevelopment of the site comprising demolition of existing buildings (1-4 Home Gardens, 1-2 The Bungalows and associated garages and outbuildings) and the erection of two new buildings to provide up to 60 residential units (Class C3) (including 20% affordable housing) and up to 262sqm of flexible office space (Class E) to Whiteladies Road frontage and associated works. Permission sought for Access, Scale and Layout). Appeal against refusal Committee	15/11/2022
18	Avonmouth & Lawrence Weston	8 - 10 Station Road Shirehampton Bristol BS11 9TT Redevelopment of the site to include 18no. houses and 3no. apartments with associated access, parking and landscaping. Appeal against non-determination	21/02/2023

Public inquiry

Item	Ward	Address, description and appeal type	Date of inquiry
19	Lawrence Hill	11 - 17 Wade Street Bristol BS2 9DR Outline application for the demolition of buildings and erection of student accommodation, with access, layout and scale to be considered. Appeal against non-determination	TBA

20	Brislington East	Land At Broom Hill/Brislington Meadows Broomhill Road Bristol BS4 4UD Application for Outline Planning Permission with some matters reserved - Development of up to 260 new residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking, public open space and associated infrastructure. Approval sought for access with all other matters reserved. (Major) Appeal against non-determination Committee	31/01/2023
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Written representation

Item	Ward	Address, description and appeal type	Date lodged
21	Eastville	Merchants Arms Bell Hill Bristol BS16 1BQ Change of use from public house (Sui Generis) to mixed use Class F2 (Local Community Uses), Class C3 and Class C4. Appeal against non-determination Delegated decision	06/06/2022
22	Henbury & Brentry	Severn House Ison Hill Road Bristol BS10 7XA Window and balcony door replacement scheme for 16 flats. Appeal against refusal Delegated decision	07/06/2022
23	Horfield	3 Hunts Lane Bristol BS7 8UW Change of use of existing garage/store to a single 1 bed dwelling (Use Class C3). Appeal against refusal Delegated decision	14/06/2022
24	Westbury-on-Trym & Henleaze	Land Opposite Car Park Westbury Court Road Bristol BS9 3DF Application to determine if Prior Approval is required for proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	21/06/2022
25	Westbury-on-Trym & Henleaze	15 Westfield Road Bristol BS9 3HG Demolition of existing buildings and erection of 4no. dwellinghouses, with parking and associated works. Appeal against refusal Delegated decision	21/06/2022

26	Central	40 Baldwin Street Bristol BS1 1NR Erection of a building containing 9 residential flats and office space. Appeal against refusal Delegated decision	20/07/2022
27	Frome Vale	Strathmore Pound Lane Bristol BS16 2EP Appeal against High hedge at 4 metres in height in rear garden. Appeal against high hedge	09/09/2022
28	Bishopston & Ashley Down	Telecommunication Monopole Junction With Queens Drive And Kings Drive Bristol BS7 8JW Proposed 15 metre tall slim-line, phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works. Appeal against refusal Delegated decision	29/09/2022
29	Hillfields	Communication Mast Ingleside Road Bristol BS15 1JD Application to determine if prior approval is required for a proposed 5G telecommunications installation: H3G Phase 8 17 metre high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets. Appeal against refusal Delegated decision	29/09/2022
30	Brislington West	Wyevale Garden Centre Plc Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal for hardstanding. (C/22/3306445). Appeal against an enforcement notice	04/10/2022
31	Brislington West	Wyevale Garden Centre Plc Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal for builders yard. (C/22/3306441). Appeal against an enforcement notice	04/10/2022
32	Brislington West	Wyevale Garden Centre Plc Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal for bunds & portable buildings. (C/22/3306446). Appeal against an enforcement notice	04/10/2022

33	Brislington West	Wyevale Garden Centre Plc Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal for plant equipment. (C/22/3306444). Appeal against an enforcement notice	04/10/2022
34	Lockleaze	36 Stothard Road Bristol BS7 9XL Enforcement Notice enforcement for the erection of detached building in garden without planning permission. Appeal against an enforcement notice	17/10/2022
35	Bishopston & Ashley Down	37 Maple Road Bishopston Bristol BS7 8RD Change of use from small house in multiple occupation (C4) to a large house in multiple occupation for up to 7 people (sui generis). Appeal against refusal Delegated decision	17/10/2022
36	Cotham	38 Chandos Road Bristol BS6 6PF Demolition of 8no. existing garages and construction of 2no. two storey residential dwellings. Appeal against refusal Delegated decision	17/10/2022
37	Redland	7 Belvedere Road Bristol BS6 7JG Change of use from 3no. 2-bed flats (Class C3) to a 12-bed extension to the nursing home at 8-9 Belvedere Road (Class C2) (Revised proposal). Appeal against non-determination	24/10/2022
38	Bishopston & Ashley Down	21 Oak Road Bristol BS7 8RY Change of use from residential dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 residents (Use Class C4), with associated cycle and refuse/recycling storage. Appeal against non-determination Committee	25/10/2022
39	Bishopsworth	Land To Rear Of 44 & 46 Wrington Crescent Bristol BS13 7EP Construction of 2no. three bedroom semi-detached dwellings. Appeal against non-determination	26/10/2022

40	Westbury-on-Trym & Henleaze	10 Rylestone Grove Bristol BS9 3UT Demolition of existing detached house and erection of 6 bedroom replacement detached dwelling with integral garage, associated landscaping and adjusted access. (Self Build). Appeal against refusal Delegated decision	17/11/2022
41	Stoke Bishop	2 Bramble Drive Bristol BS9 1RE Enforcement notice appeal for front boundary not completed as per plans approved as part of planning permission 21/00431/H and additional planting. Appeal against an enforcement notice	22/11/2022
42	Henbury & Brentry	Site Opposite Bradbury Court 117 Station Road Henbury Bristol BS10 7QH Application to determine if prior approval is required for a proposed - Proposed telecommunications installation: Proposed 15.0m Phase 8 monopole C/W wrapround cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	23/11/2022
43	Westbury-on-Trym & Henleaze	9 Abbey Road Bristol BS9 3QN One proposed detached dwelling to the side of No. 9 Abbey Road. Appeal against refusal Delegated decision	08/12/2022
44	Clifton	Granby House Granby Hill Bristol BS8 4LT Replacement of all sash windows of Granby House that were manufactured and installed during 1972-74 on the front (north), side (west) and back (south) elevation with matching style wooden double glazed units and repair window casing and mouldings. Appeal against refusal Delegated decision	09/12/2022
45	Lawrence Hill	St Gabriels Court St Gabriels Road Bristol BS5 0RT Change of use of existing commercial building to create 8 no. residential flats (Use Class C3) with parking and associated works. Appeal against non-determination	13/12/2022
46	Hillfields	11 The Greenway Bristol BS16 4EZ Erection of two storey, 2 bed detached dwellinghouse, with landscaping and parking. Appeal against non-determination	14/12/2022

47	Stockwood	102 Kinsale Road Bristol BS14 9EZ Remove existing conservatory and re-build as sun room. Appeal against non-determination	15/12/2022
48	Southville	8 Acramans Road Bristol BS3 1DQ Change of use from registered nursing home (C2) to a 14- bedroom emergency accommodation unit for up to 20 people (sui generis), including ancillary office. Appeal against non-determination	15/12/2022
49	Cotham	71 Arley Hill Bristol BS6 5PJ Enforcement notice appeal for change of use of the building to large HMO with 8 bedrooms. Appeal against an enforcement notice	15/12/2022
50	Cotham	71 Arley Hill Bristol BS6 5PJ Change of use of the upper floors residential unit from small 6 bedroom HMO C4 to large HMO (Sui Generis Use) for 8 bedrooms (Retrospective). Appeal against refusal Delegated decision	15/12/2022
51	Lockleaze	34 Lockleaze Road Bristol BS7 9RR Change of use from a dwelling house (C3a) to a large house in multiple occupation for up to 9 people (sui generis). Appeal against non-determination	16/12/2022
52	Hotwells & Harbourside	1 Ashton Avenue Bristol BS1 6XH Application for Outline Planning Permission - For a single apartment (studio) on the ground floor besides no 1 Ashton Avenue. Approval sought for Access, Landscaping, Layout, and Scale. With all other matter reserved. Appeal against refusal Delegated decision	19/12/2022
53	Southmead	Grass Area Near Arnside Road Greystoke Avenue Bristol BS10 5NZ Application to determine if prior approval is required for a proposed telecommunications installation: Proposed 15.0m Phase 9 slimline Monopole and associated ancillary works. Appeal against refusal Delegated decision	19/12/2022

54	Filwood	149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear. Appeal against refusal Committee	20/12/2022
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List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
55	Hartcliffe & Withywood	1 Maceys Road Bristol BS13 0NQ Erection of a two-storey two-bedroom dwelling attached to 1 Maceys Road, with vehicular access, refuse and cycle stores. Appeal against refusal Delegated decision	Appeal dismissed 29/11/2022
56	Bedminster	Land Adjacent To Teddies Nurseries Clanage Road Bristol BS3 2JX Proposed demolition of existing buildings and erection of replacement building for indoor recreation use (Class E(d)), with associated car parking. Appeal against refusal Delegated decision	Appeal dismissed 02/12/2022
57	Central	Rear Of 6 Tyndalls Park Road Bristol BS8 1PY Application for removal or variation of a condition 12 (List of Approved Plans) of permission 20/01279/F - Demolition of boundary wall and construction of a two storey building containing 1no. residential unit with associated provision of amenity space, refuse and cycle storage - revised plans to show the proposed building sitting higher on the site as compared to the consented scheme, given the proposed use of existing foundations. Appeal against refusal Delegated decision	Appeal allowed 15/12/2022
58	Bishopston & Ashley Down	229 - 231 Gloucester Road Bishopston Bristol BS7 8NR Erection of a new building to provide 4no. residential flats with refuse/recycling and cycle storage and associated development. Appeal against refusal Delegated decision	Appeal dismissed 16/12/2022
59	Horfield	160 Monks Park Avenue Bristol BS7 0UL Erection of a two bedroom dwelling; with associated vehicular access from Kenmore Drive and pedestrian access from Monks Park Avenue, refuse storage, cycle storage, car parking, provision of private gardens and new landscaping. Appeal against refusal Delegated decision	Appeal dismissed 06/01/2023

60	Southmead	Telecoms Mast Corner Of Charlton Road/ Passage Road Westbury Bristol BS10 6TG Application to determine if prior approval is required for a proposed - Proposed 20.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision	Appeal dismissed 09/12/2022
61	Stoke Bishop	49 The Crescent Sea Mills Bristol BS9 2JT Proposed enlarged ground floor rear extension which is permitted development and first floor stairwell extension. Appeal against refusal Delegated decision	Appeal allowed 08/12/2022
62	Redland	30 Codrington Road Bristol BS7 8ET Single storey rear extension to replace existing conservatory. Appeal against refusal Delegated decision	Appeal allowed 07/12/2022
63	Clifton	The Richmond Building 105 Queens Road Clifton Bristol BS8 1LN Proposed telecommunications Rooftop installation upgrade and associated ancillary works. Appeal against refusal Delegated decision	Appeal allowed 15/12/2022
64	Bedminster	Telecoms Installation Winterstoke Road Bristol BS3 2NW Application to determine if prior approval is required for a proposed 5G telecommunications installation: 15 metre slim line phase 8 monopole c/w wraparound cabinet at base, 3 no. additional ancillary equipment cabinets and associated ancillary works. Appeal against refusal Delegated decision	Appeal allowed 22/12/2022

DEVELOPMENT CONTROL COMMITTEE B

18th January 2023

REPORT OF THE DIRECTOR: ECONOMY OF PLACE

LIST OF ENFORCEMENT NOTICES SERVED

Item	Ward	Address, description and enforcement type	Date issued
1	Southville	20 Mount Pleasant Terrace Bristol BS3 1LF Change of use to HMO (C4) without planning permission. Enforcement notice	29/11/2022

Development Control Committee B 18 January 2023

Report of the Director: Economy of Place

Index

Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Filwood	Grant	22/03536/FB - 18 - 20 And Land To Rear Of Filwood Broadway Bristol BS4 1JN Redevelopment of site to provide 30 no. residential dwellings (Use Class C3), flexible commercial floor space (Use Classes E, F1 and F2) and creation of new access onto Filwood Broadway. Provision of associated landscaping, refuse storage and parking.
2	Westbury-on-Trym & Henleaze	Grant	22/01550/F - 29 Hobhouse Close Bristol BS9 4LZ Retrospective application for retention of dwelling.

index
v5.0514

WARD: Filwood

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

APPLICATION NO: 22/03536/FB Full Planning (Regulation 3)

DETERMINATION DEADLINE: 21 October 2022

REDEVELOPMENT: *Redevelopment of site to provide 30 no. residential dwellings (Use Class C3), flexible commercial floor space (Use Classes E, F1 and F2) and creation of new access onto Filwood Broadway. Provision of associated landscaping, refuse storage and parking.*

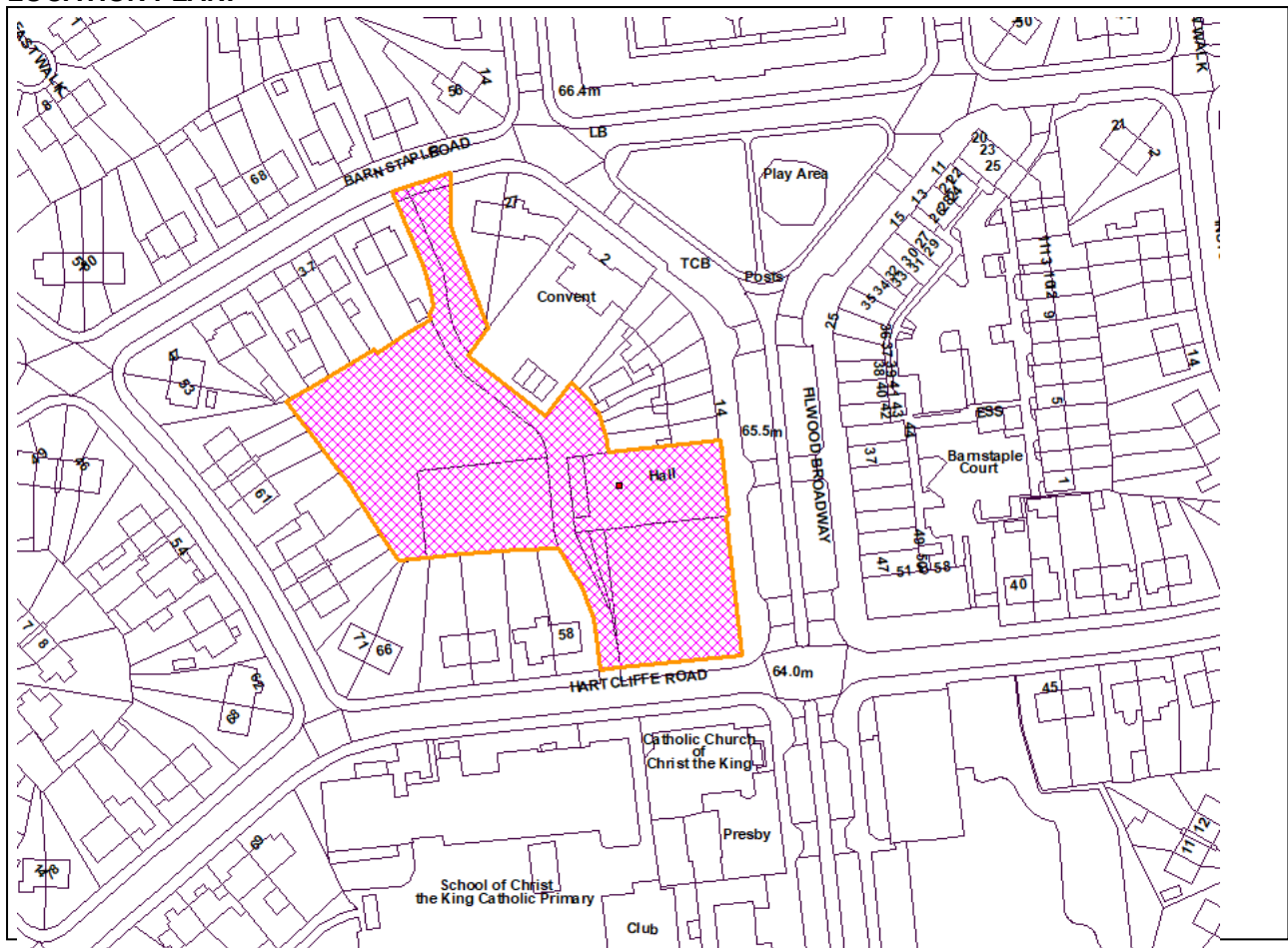
RECOMMENDATION: Grant subject to Condition(s)

AGENT: CSJ Planning Consultants Ltd
1 Host Street
Bristol
BS1 5BU

APPLICANT: Bristol City Council
C/o Agent

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 18 January 2023
Application No. 22/03536/FB : 18 - 20 And Land To Rear Of Filwood Broadway Bristol BS4 1JN

SUMMARY

The scheme proposes to redevelopment an area fronting onto and behind Filwood Broadway for 30 dwellings and commercial floorspace.

The developments plot falls within an allocated site in the Local Plan therefore the principle of development is supported.

A total of 8 objections have been received raising concerns with the loss of access to the existing properties, the lack of a supermarket and the overall visual impact of the scheme to the main road. Objections have also been raised to the demolition of the cinema, but this is not under assessment as part of the application- the demolition of the building is permitted development and prior approval granted in 2019.

The proposal is considered to be visually acceptable and would provide much needed (affordable) housing to the area. The scheme also includes commercial floorspace that could be occupied by a variety of end users which would benefit the designated centre (Filwood Broadway).

The application is recommended for approval subject to conditions outlined at the end of this report and the completion of Memorandum of understandings to secure necessary contributions.

SITE DESCRIPTION

The application site consists of an area of land fronting Filwood Broadway

The land is part of an allocated site in the Bristol Local Plan. Allocation BSA1120 which allocates the land for retail, business and housing. The development considerations for the allocation are that any scheme should contribute the following:

- implementation of public realm improvements along the full length of Filwood Broadway, which will include the provision of street trees, paving, bicycle stands, street furniture and car parking.
- be designed so that the buildings fronting Filwood Broadway reflect the existing context of Filwood Broadway, including building line and building heights.
- be designed to safeguard the amenity of neighbouring residential properties.
- provide active ground floor uses where it fronts onto Filwood Broadway.
- ensure the off-street shoppers car park is well connected to Filwood Broadway with strong and safe pedestrian links.

The supporting text for the allocation also states that development would be expected to include 1,000m² (net) of convenience retail floorspace and the estimated number of homes for this site is 20.

It is noted that the site allocation covers all the terrace between 2 to 20 Filwood Broadway while this proposal is just for the section between 18-20 (and the land to the rear).

RELEVANT HISTORY

19/02647/N: Application for prior notification of proposed demolition. - Former cinema and bingo hall attached to rank of 3 storey shops on the north side. Prior notification has been given for the demolition of the Cinema (approved 12.09.2019)

Development Control Committee B – 18 January 2023**Application No. 22/03536/FB : 18 - 20 And Land To Rear Of Filwood Broadway Bristol BS4 1JN****APPLICATION**

Permission is sought for the erection of 30 no. residential dwellings (Use Class C3), flexible commercial floor space (Use Classes E, F1 and F2) and creation of new access onto Filwood Broadway.

A new access road will be provided which runs through the middle of the site as a crescent with a row of 8 three storey dwellings on the west side and 5 two storey dwellings on the east side.

The proposal includes 3 to 4 storey buildings which will front Filwood Broadway and will consist of flats and ground floor commercial/community floorspace.

The development proposes 30 dwellings at a density of 62.26 dwellings per hectare (dph),

A total of 541sqm of net flexible commercial floor space is also included.

See plans for full details.

PRE APPLICATION COMMUNITY INVOLVEMENT

Due to its size, the application is required to be accompanied by a Statement of Community Involvement. Guidance and good practice examples exist to inform the choice of appropriate methods in order to help ensure effective, efficient, transparent and accountable community involvement. Those responsible for undertaking community involvement are expected to reflect such good practice to ensure inclusive, fair and effective initiatives. Failure to do so may limit the validity and relative credibility of the involvement undertaken

The application includes a Community Involvement Statement which sets out how the applicant consulted the community. The applicants had contacted key stakeholders Knowle West Alliance, Filwood Broadway Working Group in addition to consultation with the community via the community group websites and facebook. 880 near neighbours were also consulted by letter drop. A website was also created along with the display of materials in the local library and on fencing around the site.

The proposals were discussed at several meetings of Filwood Broadway Working Group, initially to explain the proposals and the plans for consultation and then subsequently to discuss the proposals in more detail. The ward councillors were also briefed on the proposals

Consultation feedback is included in detail within the statement and the applicant has set out how they have responded to some of the issues raised by the local Community.

RESPONSE TO PUBLICITY AND CONSULTATION

Site notice and press advert issued. 111 neighbouring properties consulted by letter. A total of 8 objections received raising the following points-

Principle

No supermarket is proposed (as referenced in the Knowle West Regeneration Framework 2012) Appears to be no co-ordinated approach to all the site allocations in the area.

Highway safety

Loss of servicing and parking at rear of 4-16 Filwood Broadway.

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No advertisement to the loss of a right of way under section 257 of the TCP act 1990. (Case officer note: Stopping up of the highway is a separate process independent of the assessment of the planning application).

Increase traffic onto main road.

Safety concerns with new dwellings having doors onto the new pavement.

Concerns with refuse collection.

Design

Loss of street frontage on the main road due to new access road.

Other issues

Concerns with management and maintenance of public realm.

Impact on drains

There is a petition with over one thousand signatures against the demolition of the cinema (See heading below regarding the demolition of the church).

Concerns with anti social behaviour along lane that runs between Hartcliffe Road and the new access road.

The Filwood Broadway working group objected on the following grounds

Loss of active frontage from new road.

No input for local residents on masterplan.

Loss of vehicular access to rear of 4-16 Filwood Broadway.

DEMOLITION OF CINEMA

The existing cinema building dates from the 1930s and was sold in the 1980s to become a full time bingo hall. It is understood that the building finally closed to the public in 1994.

The demolition of the cinema is not part of the assessment of this planning application and prior approval has been granted for its demolition under application 19/02647/N. The demolition of the building is classed as permitted development.

A prior approval application considers the potential impact of the demolition works on surrounding properties and any ecological interests. This type of prior approval application does not consider the value of the building in terms of history or its aesthetics.

The cinema is not listed, a scheduled ancient monument, or situated within a conservation area. As such, the buildings have no statutory protection from demolition.

The applicant has advised that the existing cinema building is only a shell of a building, it has been internally dismantled and stripped to remove large amounts of asbestos, the remaining structure has had some temporary support installed to support the walls and roof. The roof itself is incomplete and allows water ingress to the building and that of the adjoining property. The building is awaiting the final demolition of the external elevations. Unfortunately, this element of the work has had to be delayed

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due unforeseen structural works being required to the party wall.

The cinema is beyond economical repair and wholly unsuitable for modern commercial, retail or community use. An application to Heritage England to conserve the building was unsuccessful as was an application to reclassify the building as a Community Asset. Any refurbishment would require extensive remedial work to be carried out to ensure the building meets current Building Regulations before any refurbishment could begin.

OTHER COMMENTS

Air Quality has commented as follows:-

The development is not anticipated to have a significant impact on local air quality once completed and fully occupied. The construction impacts are short term and should be mitigated by a construction plan as per section 6 of the air quality assessment. This should be conditioned as part of planning permission.

Urban Design has commented as follows:-

No objections raised subject to standard detailed design conditions to ensure equality.

Avon Fire& Rescue has commented as follows:-

The additional residential and commercial developments will require additional hydrants to be installed and appropriately-sized water mains to be provided for fire-fighting purposes. This additional infrastructure is required as a direct result of the developments and so the costs will need to be borne by developer.

Avon Fire & Rescue Service has calculated the cost of installation and five years maintenance of a Fire Hydrant to be £1,500 + vat per hydrant. One fire hydrant will be required and secured by memorandum of understanding.

Crime Prevention officer has commented as follows:-

We acknowledge and welcome the early consultation we had with the architects regarding this development.

Gates providing access to the rear of dwellings (including communal gates) must be robust, a minimum of 1.8 metres in height and key operated from both sides.

I note that lighting on the site will meet the requirement of Secured by Design (Homes 2019).

The apartment blocks must have audio access control in line with the BCC document Urban Living SPD (adopted November 2018).

Any communal mail boxes must meet the requirements of TS 009.

I would also like to add that the affordable housing will have to satisfy the LPAs Affordable Housing Practice Note (April 2018) which needs to meet or exceed the standards specified in the former Housing Corporations Design and Quality Standards (published April 2007). This document states, ensure that the scheme design reflects advice obtained from local police architectural liaison officers/crime prevention design advisors prior to detailed planning stage and obtain Secured by Design certification wherever possible. As such we can provide advice on Secured by Design, from the outset.

Development Control Committee B – 18 January 2023**Application No. 22/03536/FB : 18 - 20 And Land To Rear Of Filwood Broadway Bristol BS4 1JN****RELEVANT POLICIES**

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES**PRINCIPLE**

The application is located on an allocated site which promotes retail, commercial and residential development. Therefore, the principle of development is supported.

The Knowle West Neighbourhood Regeneration Framework was published in 2012 and has a 20 year plan for meeting community aspirations for the area. For the Filwood Broadway area the framework indicates that it was to providing a range of major community and retail facilities, businesses and homes in a high-quality street setting, with excellent walking, cycling, and public transport links. It also promotes the creation of a foodstore.

Housing-

Policy BCS5 of the Core Strategy sets out the city's aim to deliver 26,400 homes. Policy BCS20 sets out that new residential development on previously developed land should represent efficient use of land and comprise a density appropriate to the characteristics of the site and local context. The application proposes a density of 62.26 dwellings per hectare (dph), which exceeds the minimum 50dph target promoted by policy BCS20.

The site is located adjacent to a designated centre (Filwood Broadway) where an increase in density is strongly promoted and will deliver effective and efficient use of previously developed land

Commercial uses

Although the proposed 541sqm of commercial floor space is less than the 1,000sqm referenced in the BAS1120, it should be noted that the site allocation includes 8 units (no's 2-16 Filwood Broadway) that are not included in the application site. The development of those units would increase the amount of retail floor space to a net circa 1,000sqm. Therefore the commercial floorspace proposed by this application is considered acceptable and helps to achieve the aims of the Local Plan.

The application proposes 541sqm net floor space and would ensure that the units fronting Filwood Broadway deliver active ground floor uses within the Local Centre. A flexible consent for a range of commercial uses (Use Classes E, F1 and F2) is sought in order to maximise the potential for end users. This approach is considered acceptable as it would help to ensure that potential for vacant units is reduced. The inclusion of community uses is also beneficial as it has the potential to provide much needed community floorspace for the area.

It is considered that the proposed uses are acceptable in principle.

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The affordable housing statement refers to the development being 100% affordable as it is being undertaken by the council in its role as the housing authority.

As the council will retain ownership it will not be possible to have a legal agreement to secure a policy compliant percentage of affordable housing however as the council is acting in its role as housing provider the tenure will be safeguarded. The affordable housing statement will be included in the approved documentation.

The scheme proposes 30 homes with a mix of 17 flats and 13 houses in total :

- 10 x one-bedroom (1b2p apartment);
- 11 x two-bedroom (6 x 2b4p apartment, 5 x 2 bed house); and
- 9 x three-bedroom (1 x 3b6p apartment, 8 x 3 bed house).

The proposed scheme comprises a good mix of housing sizes with a decent amount of 3 bed properties. This approach is supported.

No objections raised to the proposed mix.

SPACE STANDARDS AND ACCESIBILITY

Policy BCS18 requires residential developments should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards

All units will meet the minimum standards required for a 1, 2 and 3 bed unit.

The development is below the number of units which triggers the requirement to provide 2% of units as wheelchair accessible (policy DM4). Therefore this cannot be forced as a requirement by the LPA. Regardless the submission states that 13 of the 17 proposed apartments and all the proposed houses (13 units) will be M4(2) compliant, a total of 26 of the proposed 30 in the scheme. Therefore, the majority of dwellings will be wheelchair accessible housing which is a positive aspect of the scheme.

DESIGN AND IMPACT ON CHARACTER OF THE AREA

Policy BCS21 advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development. Policies DM26-29 (inclusive) of the Site Allocations & Development Management Policies require development to contribute to the character of an area through its layout, form, public realm and building design.

The Urban Living SPD requires all major developments to respond positively to its context. This should identify the prevailing height, scale and mass of surrounding buildings, streets and spaces. It further outlines that for tall buildings proposed in sensitive locations particular consideration should be given.

The main road is dominated by large three/four storey buildings with the Cinema building and catholic church making a significant impact on the street scene.

The proposal consists of a mix of design approaches all of which are contemporary compared to the surrounding existing architecture.

The buildings fronting the main road will consist of 3 to 4 storey blocks which are considered to be an appropriate scale which respects the existing building lines and heights along the main road.

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A number of objections have been raised to the new access road impacting on the street frontage. This new road will have an impact by creating a gap in the frontage, but the overall regeneration of the site (in particular the current vacant space next to the cinema) would significantly improve the visual contribution the site makes towards the area.

The proposed 3 storey dwelling houses along the new access road, while larger than the surrounding 2 storey dwellings on neighbouring streets, are of an appropriate scale as they will front a new road. Their materials and design approach appear to be of high quality. Details will be controlled by conditions.

The two storey buildings located opposite the new 3 storey dwellings are also of an appropriate scale and design.

No objections are raised to the appearance of scheme subject to conditions.

IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

Policy BCS21 sets out criteria for the assessment of design quality in new development. Development will be expected to safeguard the amenity of existing developments and create a high-quality environment for future occupiers. Policy DM30 in the Site Allocations and Development Management Policies (2014) also expresses that alterations to buildings should safeguard the amenity of the host premises and neighbouring occupiers.

The new dwellings along the new access road are a satisfactory distance from the nearest residential properties to not create any unacceptable overlooking to existing windows (over 21m window to window distance).

In terms of loss of light, or overshadowing impacts the houses situated along the new crescent will have some impact on gardens to the north (along Barnstaple Road) but these existing dwellings have decent sized gardens (approx. 17m in length) which will ensure that the gardens will continue to receive a satisfactory level of sunlight throughout the year.

The new ground floor community/commercial building will have access to an outside space which will be adjacent to a neighbour's garden (Creswicke Road). A condition will be required setting out the requirement for a management plan for this space to ensure there is no noise nuisance to this neighbouring property.

Subject to conditions the proposal will have an acceptable impact on the amenity of neighbouring properties.

HIGHWAY SAFETY

Policy BCS10 and DM23 seek to ensure that development will not give rise to unacceptable traffic conditions. The applicant has made a few minor tweaks and the proposal has been reviewed by the Transport Development Management (TDM) and the following includes their assessment.

Local conditions and trip generation

The site is adjacent to the local centre and is within walking distance of a number of other facilities.

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The site has good access to public transport facilities. The metrobus serves Creswicke Road and there are metrobus stops at the south of Filwood Broadway. Filwood Broadway forms part of the Filwood Greenway, a cycle route linking Hengrove with the City Centre. The site is considered to be in a highly accessible location.

It is not considered that the trip generation associated with the development will be significant enough as to cause a concern and is not considered 'severe'.

Adoption / Stopping Up

The access route to the rear is currently adopted. Elements of this will require formal stopping up under the Town and Country Planning Act, as they will no longer have a highway function.

The applicant has submitted a stopping up plan and the stopping up process will follow if this planning application is approved.

The stopping up of the highway is a separate consideration under section 247 and 248 of the Town and Country Planning Act. Highway officers have advised that they are unlikely to object to this stopping up, subject to the appropriate measures for any existing underground services and street lighting being made, as the detour will not be significant, this is not a significant desire line, and there will be improvements to the surrounding streets to compensate.

New plans have been submitted and it has been confirmed that the proposals for stopping up will include the path to the south of the site, and that there is no intention that this will remain as a through route but become a private amenity space for the commercial ground floor use. No objections are raised to this. The final extents of adoption will be confirmed in the formal technical approvals process.

Pedestrian Access

Generally the access for pedestrians to the buildings is acceptable. However, there are concerns about the defensible space in front of the mews type houses to the north/east of the access road. Because these will access directly onto live carriageway, there is a risk that there will be limited intervisibility between people emerging from their homes (particularly children or wheelchair users), and vehicles on the access road. It will therefore be necessary to ensure that this planting is not higher than 600mm, and this should be secured by a condition.

The existing dwellings above 4-16 Filwood Broadway will continue to be accessed from the rear, but through a gated passageway.

Within the site, pedestrians will use the shared surface. Traffic speeds will need to be reduced to ensure that speeds are kept low. Some localised narrowing's or speed reduction measures should be considered to ensure that speeds in the access road are kept low. Such measures could be secured by a condition.

Vehicles

Vehicular access will generally be from the new access road. Parking is available to frontages accessed from this road. The access road is adequate for large vehicles and can accommodate a refuse vehicle, which is generally the largest vehicle using this road regularly.

Vehicular rear access for the existing dwellings and commercial units at 4-16 Filwood Broadway will be lost. Alternative non-allocated parking will be available in the access road. Any servicing for the commercial units will need to be provided for in Filwood Broadway.

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The waste strategy includes the provision of a commercial and residential store for the properties that will lose vehicular access to the rear of Filwood Broadway. The plans incorporate sufficient space for storage. No objections are raised to this.

Layout

No Safety Audit has been undertaken for the internal access road and works to Filwood Broadway and Barnstaple Road. In this instance, as the layout is relatively straightforward, it is anticipated that a Stage 2 SA undertaken at technical approvals will identify any issues over and above those outlined below.

The access from Barnstaple Road is established, but the use will be intensified. Visibility splays are adequate. There will be a new access from Filwood Broadway which is adequate in size and visibility splays are acceptable. Swept paths have been provided for a refuse vehicle entering and leaving the site without needing to turn.

The access into the site from Filwood Broadway would be a left in left out arrangement. There is no objection to this. Both junctions into the site should be vehicular crossovers, rather than radius junctions. The access from Barnstaple Road should be a continuous footway crossover to allow pedestrian priority on footway, with the shared surface treatment starting at the back edge of the footway and setts to signify the change in priority.

Highway works which would be undertaken under a Highway Agreement will consist of the following and secured by a highway works condition (to secure when it will be implemented) and Memorandum of Understanding (to mirror the external highway agreement process). The works would consist of the following:

- . New vehicular crossovers in Filwood Broadway and Barnstaple Road
- . Street lighting on approaches to Filwood Broadway and Barnstaple Road
- . Refurbishment of footway across extents of the frontage of development in Hartcliffe Road and Filwood Broadway
- . Cycle bypass in Filwood Avenue
- . Cycle parking in Filwood Broadway
- . Associated waiting restrictions
- . Any repairs arising from damage (identified in condition survey)
- . Improvements to footpath between access road and Hartcliffe Road (if to be retained as highway)
- . Associated ancillary works

25m visibility splays are normally required for a 20mph road. It is apparent that this forward visibility cannot be achieved within the site, due to the planting to the frontages of the mews houses, should this be allowed to grow too high. It will be essential to restrict the planting to 600mm in height to allow both forward visibility through the access road and prevent conflict with pedestrians and vehicles, and to allow for pedestrians to safely exist their homes (as outlined above). This will be secured by a condition.

The parking spaces to the north of the site have insufficient visibility to allow them to manoeuvre in and out of the site -to ensure adequate visibility to remove conflict and the potential for collisions, visibility must be 2.4m x 25m, which, because of boundaries of existing properties can't be provided. Subject to objections from highway officers the applicant has removed these spaces. This results in a reduction in the number of parking spaces by 5.

These spaces were removed as these are considered unsafe, and would result in conflict between

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vehicles emerging and those travelling along the access road, as well as any pedestrians in the shared surface, to the detriment of safety.

Adoption

New plans have been submitted and it has been confirmed that the proposals for stopping up will include the path to the south of the site, and that there is no intention that this will remain as a through route but become a private amenity space. Officers are satisfied with the proposals. The final extents of adoption will be confirmed in the formal technical approvals process.

Car parking

Following the removal of 5 parking spaces. A total number of 22 parking spaces are shown within the proposals. This is within the maximum standard.

The 3-bed town houses contain on-plot parking. The apartments and mews dwellings would share off-plot spaces within the access road.

There is no detail of how these communal spaces will be managed, but as these will be off the highway, the management and allocation of these spaces will be the responsibility of the landowners. There is space available in nearby streets which can take a small amount of overspill and / or visitors car parking.

As outlined above, the applicant was requested to remove 5 spaces as these do not meet the visibility/safety requirements. The parking would still be within the maximum standard.

At present whilst there is low parking provision in the site compared to the Local Plan maximum standard, unless it were considered that the result of this would create a safety problem, this would not be a reason for refusal. There would be waiting restrictions within the access road which would prevent inappropriate and obstructive parking. Waiting restrictions are also likely to be required on nearby junctions, which will deter obstructive parking. To reduce the on-street impact which may arise should there be any permit scheme introduced in the future, residents would be ineligible from parking permits from such a scheme.

Parking is available on Filwood Broadway for the commercial / community spaces. This will be reduced by the introduction of a new junction on Filwood Broadway. There is capacity in surrounding streets to accommodate displaced traffic.

Travel planning

The submitted travel plan template provided by the applicant has been reviewed and there are some elements missing from the submission. A condition is therefore required.

Memorandum of understanding

As the land is BCC land and the applicants are BCC, a highway agreement for adoption of the new road is not possible, as BCC is not permitted to enter into a legal agreement with itself. A Memorandum of Understanding between departments will therefore be required to secure the delivery of the works to the satisfaction of the Highway Authority. TDM is preparing the draft MoU.

The following will be secured in the MoU:

- TRO fees for 3 TROs (£6310 per TRO)
- Approvals and supervision fees for the new access road approval (tbc)
- Approvals and supervision fees for the off-site highway works (tbc)
- Agreement to construct the new road to an adoptable standard acceptable to the Highway

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Authority.

- Agreement to implement the off-site highway works
- Fees to prepare s278 agreement (Estimated to be £1472 for a minor works agreement)

The highway works on the adopted highway would be secured by a condition, and covered by a separate s278 agreement which would be expected to be signed by the relevant contractor undertaking the works.

It is considered that the proposal addresses issues of highway safety and will provide an adequate level of parking in a sustainable location. Subject to necessary conditions no objections are raised by officers.

CLIMATE CHANGE AND FLOODING

Policies BCS13, BCS14, BCS15 and BCS16 of the adopted Core Strategy give guidance on sustainability standards to be achieved in any development, and what measures to be included to ensure that development meets the climate change goals of the development plan. Applicants are expected to demonstrate that a development would meet those standards by means of a sustainability statement.

Ground source heat pumps are proposed for the domestic parts, and air source heat pumps for the non-domestic. This meets the BCS14 heat hierarchy and exceeds the requirement for 20% carbon reduction from renewable energy systems.

The applicants have also provided an overheating assessment which will remove the need for a condition. The assessment concludes that some bedrooms would be subject to overheating, however, this can be addressed via the following:

-window handles on windows that open outwards are not more than 650mm from the inside face of the wall when the window is at its maximum openable angle; and guarding height meets the minimum standards of 1.1m.

These measures can easily be retrofitted to the development in year 2080, although the likelihood is that windows would need to be replaced before this date and window technology will have advanced to reduce overheating in any event.

Subject to conditions securing compliance with the submitted energy strategy the development would have an acceptable impact on climate change.

Flooding

No objections have been raised by the Flood Risk team and recommend that the standard SuDs condition.

TREES AND ECOLOGY*Ecology*

Ecological mitigation is required to meet the requirements of the National Planning Policy Framework (NPPF). The National Planning Policy Framework (2019) states in paragraph 170(d) on page 49 that planning decisions should minimise impacts on and provide net gains for biodiversity.

Policy DM19 of the Local Plan states that where loss of nature conservation value would arise

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development will be expected to provide mitigation on site and where this is not possible provide mitigation off site.

It is currently recommended that all schemes employ Natural England's Biodiversity Net Gain (BNG) biodiversity metric 3.0 to develop ecological mitigation proposals. The resulting assessment are expected to show a positive figure, i.e., a biodiversity net gain

The site is located in an urbanised area and is not within or directly adjacent to any designated wildlife sites. The habitats are not within a nature recovery network, although scrub identified on this site is identified as a priority habitat in the Bristol Biodiversity Action Plan (BBAP).

The Preliminary Ecological Appraisal (PEA) (AECOM, June 2022) and Biodiversity Net Gain Assessment (BNGA) (AECOM, June 2022) satisfactorily inform this development proposal.

The PEA identifies opportunities for ecological mitigation and enhancement on this site for species which are deemed to be present, or which have the potential to use habitats on this site. The results of the latest bat surveys deem the building proposed for demolition to have no signs of bat activity and precautionary measures will be employed during demolition to take in to account the potential presence of bats. There are trees on site with bat roost potential which must only be felled subject to a precautionary method of working. Considering the site holds habitat which has the potential to support species such as slow worms (protected by the Wildlife and Countryside Act 1981) and hedgehog (a priority species in the BBAP) the mitigation and enhancement measures proposed are supported and are conditioned.

The BNGA shows a net loss in habitat units on this site and a gain in hedgerow units (net loss of 0.73 habitat units (-18.35%) and a net gain of 0.07 hedgerow units (+73.70%). It is understood that the design process for this proposed development has explored options for on-site mitigation and has deemed it unviable to retain all habitats on site. Biodiversity offsetting off-site is therefore required to compensate for biodiversity losses and meet BNG trading rules. The loss in scrub habitat is the primary concern as scrub is identified as a priority habitat in the BBAP due to its importance for nesting birds. The proposal outlined in the BNGA is to identify a minimum of 0.20 ha of mixed scrub habitat in poor condition off-site and enhance this to good condition, this would satisfy the trading rules and provide a BNG uplift to the proposed development.

It is recommended that a condition is attached to any approval to require the applicant to provide the off setting on a site that is owned by the Council. Full details of this will be required (by condition) prior to commencement of development.

Trees

Policy DM17 requires all new development should integrate important existing trees. Where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided, in accordance with the tree compensation standard.

The application includes an arboricultural impact assessment which advises that 7 trees will need to be removed in order to develop the site. A total of 7 trees will need to be removed, 3 of which are below a stem diameter of 15cm so would not require any replacement planting in line with the Bristol Tree replacement standard. Therefore, a total of 4 new trees are required but the application includes the provision of 14 new trees. This is acceptable.

No objections have been raised by the tree officer and standard conditions are recommended to protect retained trees during construction (tree protection and supervision)

Development Control Committee B – 18 January 2023**Application No. 22/03536/FB : 18 - 20 And Land To Rear Of Filwood Broadway Bristol BS4 1JN****EQUALITIES ASSESSMENT**

The public sector equalities duty is a material planning consideration as the duty is engaged through the public body decision making process.

S149 of the Equalities Act 2010 provides that a public authority must in the exercise of its functions have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relationships between persons who share a relevant characteristic and those who do not share it.

During the determination of this application due regard has been given to the impact of the scheme upon people who share the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 when making the assessment set out in this report.

The proposal will provide a mix of housing size and tenure to reflect identified need, all will be affordable. Continued management of the development will be undertaken by the Council. The proposal will also have the potential to provide additional community floorspace to the area.

It is considered that there will be a positive impact on equalities.

COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is £313,271.65, however social housing relief may be claimed on those residential dwellings included in the development that are to be managed by a Housing Association for the provision of affordable housing.

CONCLUSION

The proposal would provide much needed affordable housing on an allocated site in a highly sustainable location and is compliant with the current adopted site allocation and Local Plan policies

The development will not give rise to any significant impact to highway safety on the surrounding or proposed roads and would not conflict with transport policy. The scheme will also have an acceptable impact on existing neighbouring properties.

Officers recommend approval subject to the conditions at the end of this report and the applicant completing memorandums of understanding to secure necessary highway obligations, one fire hydrant and a local employment skills plan.

RECOMMENDED GRANT subject to condition(s) and completion of memorandums of understanding to secure highway obligations and one fire hydrant.

Time limit for commencement of development

1. Full Planning Permission

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The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre commencement condition(s)

2. Renewable energy - ground and air source heat pumps

Prior to implementation, details of the air source heat pumps (including the exact location and design/ technical specification) together with calculation of energy generation and associated CO2 emissions to achieve 22% reduction on residual emissions from renewable energy in line with the approved energy statement should be submitted to the Local Planning Authority and approved in writing. The system shall be installed prior to occupation of the dwellings and thereafter retained.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions

3. Temporary Access to the Site

No development shall take place until a plan that shows any temporary access from the adopted highway and the routes construction traffic will use has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

4. Highway Condition Survey

No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- o A plan to a scale of 1:1000 showing the location of all defects identified;
- o A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

5. Construction Management Plan

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to

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throughout the demolition/construction period. The plan/statement shall provide for:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

6. Highway to be Adopted

No development shall take place until plans to a scale of 1:200 showing the following information has been submitted to and approved in writing by the Local Planning Authority.

- o Long sections
- o General arrangement
- o Threshold levels to buildings
- o Drainage
- o Structures
- o Swept path for two directional movement of a 11.4m long refuse vehicle passing a 4.98m long large saloon car

Prior to occupation detailed technical plans to a scale of 1:200 setting out how the internal access road(s) will be constructed to the Highway Authority's adoptable standard shall be submitted and approved in writing by the Local Planning Authority.

These works shall then be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: To ensure the internal roads are planned and approved in good time to a satisfactory standard for use by the public and are completed prior to occupation.

7. Highway works - General arrangement plan

No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.

- . New vehicular crossovers in Filwood Broadway and Barnstaple Road
- . Street lighting on approaches to Filwood Broadway and Barnstaple Road
- . Refurbishment of footway across extents of the frontage of development in Hartcliffe Road and Filwood Broadway
- . Cycle bypass in Filwood Avenue
- . Cycle parking in Filwood Broadway

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- . Associated waiting restrictions
- . Any repairs arising from damage (identified in condition survey)
- . Associated ancillary works

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order.

Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

8. Alterations to internal layout

Notwithstanding the plans hereby approved, prior to commencement updated plans showing the following alterations shall be provided and agreed in writing by the Local planning Authority:

- . Indicative street lighting design
- . Provision of protective buffer strip adjacent to 31 Barnstaple Road
- . Removal of parking spaces which do not meet sufficient visibility splay commensurate with 20mph speed limit (2m x 25m)
- . Traffic calming within access road"

The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: to ensure safe and adequate internal access arrangements

9. Sustainable Drainage System (SuDS)

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.

10. Protection of Retained Trees during the Construction Period

No work of any kind shall take place on the site until the protective barriers have been erected around the retained trees, in the position and to the specification shown on the Tree protection Plan Drawing No. TPP-1 by Bosky Trees dated 23/6/2021 Once installed photos should be electronically sent to the Local Authority Case Officer, to be verified in writing by the Tree Officer. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work

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commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Under no circumstances should the tree protection be moved during the period of the development and until all works are completed and all materials and machinery are removed. Landscaping works within protected areas is to be agreed with the Local Planning Authority and carried out when all other construction and landscaping works are complete.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area in line with Policy DM17.

11. Arboricultural Supervision

Prior to the commencement of development, a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant and the designated site foreman to discuss details of the working procedures. A schedule of visits shall be drawn up to ensure the Project arboriculturist is present during key stages of the development.

Site visits must be carried out during the key stages identified above. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority, prior to occupancy. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

Reason: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

12. Broadband

Prior to commencement of development, evidence of the provision of 'next generation broadband' shall be provided by providing evidence that the development has been registered with BT on the BT Openreach website, with Virgin Media on the Virgin Media website, or an alternative provider. Registration should show the speed rating/specification of the connection.

Prior to occupation, the development shall be connected to the broadband infrastructure to achieve the speeds stated.

Reason: To show that residents and businesses will have access to ultrafast broadband from occupation.

13. Prior to the commencement of building operations (excluding site clearance, demolition, formation of access roads and the laying of utilities infrastructure), a Public Art Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall also contain a timetable for delivery and details of future maintenance responsibilities and

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requirements. All public art works shall be completed in accordance with the agreed scheme and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that public art is integrated into the design and build of the development.

14. B15 Further details of Design of New buildings before development starts

Large scale Detailed drawings including plans, sections, and elevations at a relevant scale between 1:50 and 1:10 of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The works shall be carried out in accordance with that approval.

- a) Typical brick details including coursing, bonding, pointing and other decorative features.
- b) Typical details of all types of doors and window opening including sills, lintels, surrounds, reveals and design of external doors and windows.
- c) Typical details of all balcony types and treatments
- d) Typical details of shop frontages
- e) Typical details of bay projections, porches, and canopies
- f) Typical details of eaves, soffits, overhangs, ridge, parapets, coping
- g) Typical details of rainwater goods
- h) Typical details of junctions between materials

Reason: In the interests of visual amenity and the character of the area

15. B17 Submission of samples before work starts

Provision of material samples/sample panels on site for inspection: details of all external materials, including hard landscaping, shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. An agreed sample reference panel to include external facing materials and construction details shall be erected on site and approved in writing by the Local Planning Authority. The approved reference sample panel shall be retained on site until the completion of the development. The development will be carried out in accordance with the approved materials and panel

Reason: In order to ensure the quality of the design and external appearance of the building is of high quality, in accordance with quality expectations set out within the approved plans and compliant with the local Plan.

16. B10 Artificial Lighting (external)

No development shall take place until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.

Reason: In order to safeguard the amenities of adjoining residential occupiers

17. Submission and Approval of Landscaping Scheme

Detailed design: Detailed design for hard and soft landscape works for each phase should be submitted and agreed with the Local Planning Authority prior to the commencement of relevant works that incorporates public art as part of the landscape proposals. These works should be

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delivered in accordance with the agreed plan and phasing which is linked to the occupation of the building of the relevant phase.

Landscape Details: Detailed drawings including plans, sections and elevations at a relevant scale between 1:5 and 1:20 of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The works shall be carried out in accordance with that approval.

- o Full details of tree pit construction in highway and soft landscape areas showing relationship to the surrounding highway and footway paving, tree grills where used, nature of growing medium, size of pits (Stockholm type pit should be used), tree support, method of anchoring and means of irrigation to ensure the provision of optimum growing conditions for newly planted trees.

- o Construction details for junctions between i) paving materials (showing changes of level) and ii) between areas of hard and soft landscape treatments.

- o Construction details of boundary treatments, retaining walls

- o Details of street furniture including seating, lamps

Landscape Sample Panel: Sample panels of all external surfacing materials including paving, kerbs, edging, showing jointing details shall be erected at an appropriate location on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved sample before the relevant phase is occupied in accordance with the phasing plan submitted. The approved sample should be retained until the completion of works.

Maintenance Plan: A detailed maintenance plan to ensure establishment of the soft landscape works for the scheme over the first 5 years should be provided and agreed with the local planning authority prior to the commencement of soft landscape works. Once agreed, the soft landscape should be maintained in accordance with this plan

Hard and Soft Landscape Works Implementation

The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years, and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory.

18. Prior to the commencement of development hereby approved, including all site clearance and vegetation removal, a method statement for a Precautionary Method of Working (PMW) shall be prepared by a suitably qualified ecological consultant and submitted to and approved in writing by the Local Planning Authority.

The PMW shall include:

- measures to protect badgers and hedgehogs during construction for example by preventing them from becoming trapped in excavations or open pipework. Open pipework larger than 150 mm outside diameter shall be blanked off at the end of each working day;
- measures to protect bats, for example with a sensitive felling methodology for the tree on site with bat roost suitability, as described in section 5.6.4 in the PEA (AECOM, June 2022);
- and measures to protect reptiles such as with sensitive vegetation clearance methodologies, as described in section 5.6.3 in the PEA (AECOM, June 2022);

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The development shall be carried out in full accordance with the approved method statement.

Reason: To ensure the protection of legally protected and priority (Section 41) species which are a material planning consideration. And to demonstrate compliance with the 1981 Wildlife & Countryside Act (as amended) and the 2017 Habitats Regulations

19. Ecological mitigation and enhancement strategy (EMES)

Prior to the commencement of the development hereby approved the applicant shall submit an Ecological Mitigation & Enhancement Strategy (EMES). This shall include details of the provision of bird, bat, insect and hedgehog* boxes. One bird box on each proposed residential property is deemed appropriate due to the loss of scrub habitat on this site (priority habitat in the BBAP for nesting birds). The location, specification, height and orientation of these features shall be shown on a site plan.

The development shall be carried out in full accordance with the approved details or any amendments agreed in writing by Bristol City Council.

Reason: (1) The Natural Environment and Rural Communities (NERC) Act 2006 (Section 40) obliges the LPA '... in exercising its functions, [to] have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. In order to discharge its biodiversity duty, the LPA must satisfy itself that all developments deliver ecological enhancement wherever reasonably possible; (2) Ecological enhancement is a requirement of the revised National Planning Policy Framework (2021) which states (in paragraph 174) that 'Planning policies and decisions should contribute to and enhance the natural and local environment...'.

20. Lighting Plan

Prior to the commencement of the development hereby approved, details for any proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details. This shall include a lux level contour plan, and shall seek to ensure no light spill outside of the site boundaries. The lux contour plan shall show lux levels at frequent intervals (lux levels at 0, 0.2, 0.5, 1, 1.5, 2, 3, 4, 5 lux and higher are particularly useful) and extend outwards to additional levels (above the pre-existing background light level) of zero lux. The lux contour levels shall be superimposed on a site plan which includes all land that is affected by raised light levels (including potentially land outside the red line planning application area) and shall reflect the use of any proposed mitigation, e.g visors.

The lighting plan produced should follow guidance within the Bat Conservation Trust & Institution of Lighting Professionals (2018) Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.

Guidance: According to paragraph 180 (page 52) of the National Planning Policy Framework (2019), 'Planning policies and decisions should... limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Reason: To conserve legally protected bats and other nocturnal wildlife complying with the 1981 Wildlife & Countryside Act (as amended).

21. Green roofs

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Prior to commencement of the development hereby approved the applicant shall submit a Method Statement prepared by a suitably qualified ecological consultant or landscape architect shall be submitted to and approved in writing by Bristol City Council for the creation of living roofs and/or walls. This shall include management details e.g watering/care schedule and details of the provision of new plants should the originals fail. All details shall be shown on a scale plan of the site.

The development shall be carried out in full accordance with the details submitted or any amendments approved in writing by the Council.

Reason: To conform with Policy DM29 in the Site Allocations and Development Management Policies Local Plan, which states that: 'Proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks'.

22. Biodiversity mitigation

Prior to the commencement of development, full details shall be submitted and approved in writing by the Local Planning Authority of measures to mitigate the calculated -18.35% loss of biodiversity on the application site. In order to offset the loss of scrub habitat on this site 1.23 habitat units in the form of scrub habitat, or a habitat of a higher distinctiveness is required. The biodiversity loss mitigation plan shall include the following:

Identification of the land where biodiversity gain is proposed with evidence that the works have the owner's consent;

Ecological survey of the land in question;

Proposed biodiversity improvement works and updated BNG calculation;

Timescale for the works;

Proposals for the long term management of the works once completed in the 3-year LEMP;

The works shall be undertaken in accordance with the details, timescale and management as approved.

Reason: To ensure that the development mitigates the loss of nature conservation value as required by policy DM19.

23. Prior to the commencement of development, a 30-year Landscape and Ecological Management Plan (LEMP) shall be submitted and approved in writing by the Local Planning Authority. This should address retained features of ecological interest, together with mitigation and enhancements to be provided. The LEMP should set out management compartments, objectives, and prescriptions. It should also show how management of the site will be resourced and monitored.

Reason: Ecological enhancement is needed to meet the requirements of the revised National Planning Policy Framework (NPPF, 2021). The NPPF states in paragraph 174 (d) on page 50 that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity...".

24. If the development hereby approved has not commenced within 18 months of the date of this permission, an updated ecological survey shall be carried out by a suitably qualified ecological consultant and shall be submitted to and approved in writing by the Local Planning Authority. The Survey Report shall conclude whether the Ecological Mitigation and Enhancement Strategy/Precautionary Method of Working should be updated, and if so, an updated EMES/PMW shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works.

The development shall then be undertaken in full accordance with the approved Ecology

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report/EMES/PMW.

Reason: To ensure legal and policy compliance with regard to valued ecological species and habitats as well as to invasive plant species.

25. Prior to the commencement of building operations (excluding site clearance, demolition, formation of access roads and the laying of utilities infrastructure), a Public Art Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall also contain a timetable for delivery and details of future maintenance responsibilities and requirements. All public art works shall be completed in accordance with the agreed scheme and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that public art is integrated into the design and build of the development.

26. Site Specific Construction Environmental Management Plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- * Procedures for maintaining good public relations including complaint management, public consultation and liaison
- * Arrangements for liaison with the Council's Pollution Control Team
- * All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- * Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- * Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- * Procedures for emergency deviation of the agreed working hours.
- * Bristol City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
- * Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- * Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Pre occupation condition(s)

27. Travel Plan Statement - Not Submitted

No building or use hereby permitted shall be occupied or use commenced until a Travel Plan Statement comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and

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approved in writing by the Local Planning Authority. The Approved Travel Plan Statement shall be implemented in accordance with the measures set out in therein.

Within three months of occupation, evidence of the implementation of the measures set out in the Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority unless alternative timescales are agreed in writing.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

28. Completion and Maintenance of Cycle Provision - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

29. Completion and Maintenance of Car/Vehicle Parking - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

30. Energy and Sustainability in accordance with statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the energy statement (Aecom, July 2022) and sustainability statement (Aecom, July 2022) prior to occupation. A 22% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies BCS13 (Climate Change), BC14 (sustainable energy), BCS15 (Sustainable design and construction), DM29 (Design of new buildings)

31. Completion of Pedestrians/Cyclists Access - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

32. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

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No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

33. "Electric Vehicle Charging Points:

No building or use hereby permitted shall be commenced until details of Electrical Vehicle Charging infrastructure, management plan and phasing for implementation has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

- . Final Layout
- . Number and location of EV parking spaces
- . Number and location of EV charging points
- . Type of EV charging points (fast, rapid)
- . Indicative locations for feeder pillars and protective infrastructure
- . Evidence of power supply from WPD (to ensure substation capacity is adequate)
- . Indicative location of substation (where required)
- . Indicative cable routing
- . Management plan outlining proposed management of spaces, charging network and infrastructure
- . Electrical Layout and Schematic Design
- . Feeder Pillar Design/Electrical Layout/Schematic Layout Designs

The Electric Vehicle Charging Points and management strategy as approved shall be implemented prior to occupation / as per the agreed phasing plan and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change.

34. Provision of Visibility Splays

No building or use hereby permitted shall be occupied or use commenced until forward visibility splays commensurate with 20mph (25 metres) are provided along the length of the internal access road. Other than lighting columns, nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.6 metres above the nearside carriageway level which would obstruct the forward visibility splay.

Reason: To ensure motorists have clear and unrestricted views of approaching cyclists/vehicles in the interest of highway safety.

37. Noise from plant & equipment (commercial uses)

There shall be no commencement of use of any external plant or equipment until details

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including noise levels and any necessary noise mitigation measures have been submitted to and been approved in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties.

38. Noise insulation

No non-residential use shall take commencement within the area defined for such uses in the ground floor of the proposed development until a scheme of noise insulations for the relevant use has been submitted to and approved in writing by the Council.

If required the scheme of noise mitigation insulation measures shall be prepared by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To protect the amenity of neighbouring properties.

Post occupation management

35. Restriction of parking level on site

Parking within the development site is to be restricted to the areas allocated on the approved plans and shall not encroach onto areas allocated on the plans for other uses.

Reason: To control the level of parking on the site and to safeguard the uses of other areas.

36. Waste Management Plan

The measures identified in the approved waste management plan shall be implemented for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

39. Use of Refuse and recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

40. No further extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of this (these) dwelling(s) or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area.

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41. Outside community/commercial space

Prior to the use of the proposed outside space next to block A1, full details of what the space will be used for and the management of the space shall be submitted to and approved in writing by the Local Planning Authority.

Following approval -the space shall be used in the way defined by the statement thereafter.

Reason: To protect the amenity of neighbouring residential properties.

List of approved plans

42. List of approved plans and drawings

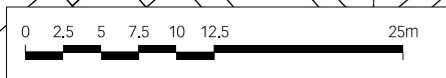
Final list to be agreed with applicant alongside and will be presented on the amendment sheet.

Reason: For the avoidance of doubt.

Supporting Documents

18 - 20 And Land To Rear Of, Filwood Broadway

1. Site plan
2. Sitewide elevations 1
3. Sitewide elevations 2
4. CGI
5. CGI 2



rev	date	by	revisions
A	02.08.22	CS	unit type colours have been updated.
B	19.12.22	CS	back of house layout in buildings A1 and A2 have been revised.
C	20.12.22	CS	back of house layout in building A2 has been revised.
D	05.01.23	CS	5no. parking spaces have been removed towards the northern boundary.

- notes
- 1 Bed / 2 Person
 - 2 Bed / 4 Person
 - 3 Bed / 5 Person
 - entrance lobby
 - Plant
 - Commercial
 - Library Space
 - entrances

- existing trees retained
 - proposed new trees
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LDS Standard Frame V1 - 11.10



project
Filwood Broadway - Cinema Site

client
AECOM

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key	
1. community space	5. terraced houses (type01)
2. retail unit	6. terraced houses (type02)
3. apt block A1	
4. apt block A2	

drawing index:	
Building:	Drawing Ref
building A1 :	P0201 - P0205, P0501, P0601 - P0602
building A2 :	P0201 - P0205, P0501, P0611 - P0612
house type 1 :	P0251, P0641 - P0651, P0502
house type 2 :	P0221, P0621 - P0632, P0502

drawing title
proposed masterplan

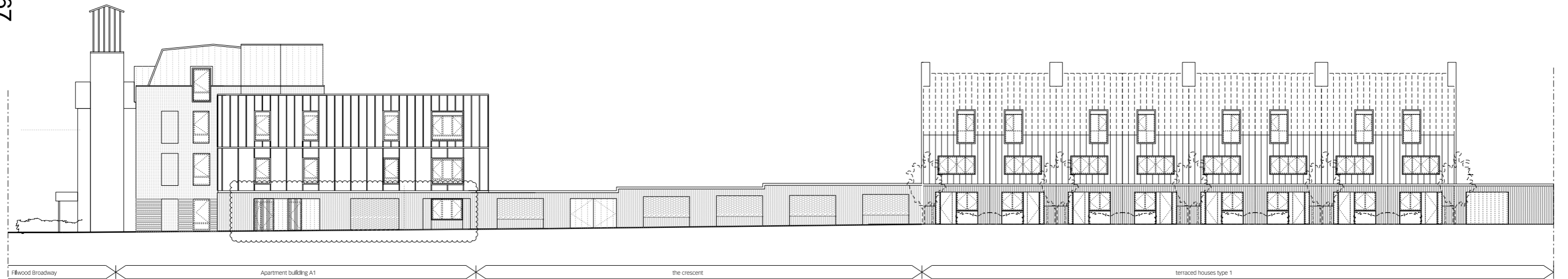
scale at A1	scale at A3	drawn	date
1:500	1:1000	CS	06.22

job no.	drawing	rev.
1062AE2	P0101	D



1. Sitewide elevation along Filwood Broadway - East

Page 67



2. Sitewide elevation along the Mews - North



rev	date	by	revisions
A	19.12.22	CS	Ground floor door setting out of the back of house of building A1 has been revised.

key plan notes



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LDS Standard Frame V1 - 11.10

architect
Lifschutz Davidson Sandilands
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project	sitewide elevations			
Filwood Broadway Cinema				
client	scale at A1	scale at A3	drawn	date
AECOM	1:150	1:300	CS	06.22
	job no.	drawing	rev.	
	1062AE2	P0401	A	

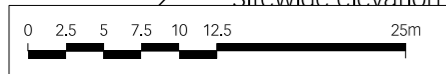


1. Sitewide elevation along the Mews - South

Page 68



2. Sitewide elevation along Hartcliffe Road - South



rev date by revisions

key plan

notes

architect

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project

Filwood Broadway Cinema

sitewide elevations

client

AECOM

scale at A1

1:150

scale at A3

1:300

drawn

CS 06.22

job no.

1062AE2

drawing

A0402

rev.

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LDS Standard Frame V1 - 11.10





Development Control Committee B – 18 January 2023

ITEM NO. 2

WARD: Westbury-on-Trym & Henleaze

SITE ADDRESS: 29 Hobhouse Close Bristol BS9 4LZ

APPLICATION NO: 22/01550/F Full Planning

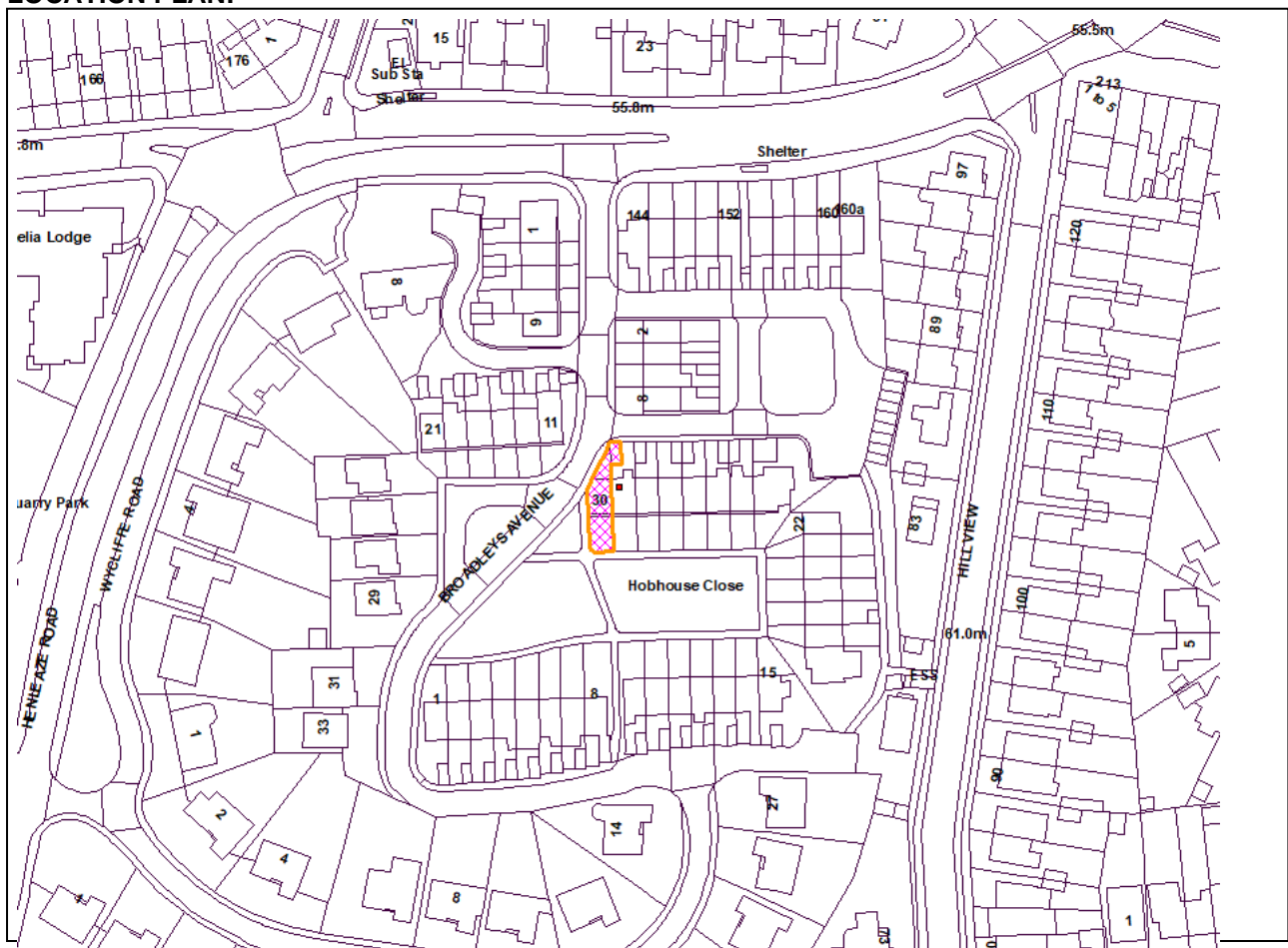
DETERMINATION DEADLINE: 11 July 2022
Retrospective application for retention of dwelling.

RECOMMENDATION: Grant subject to Condition(s)

APPLICANT: Mr Hassan Khaleghi
 9 Pycroft Avenue
 Bristol
 BS9 4NL

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 18 January 2023
Application No. 22/01550/F : 29 Hobhouse Close Bristol BS9 4LZ

This application has been brought back the Development Control Committee following the item being deferred at the last meeting. Since that time planning officers have consulted with the legal services team on the potential to attach a planning condition to any planning permission to control the concern about short-term letting. It should be noted that we have received an indication from the property owner that they have submitted an Appeal against non-determination of the planning application. Whilst we have received initial details and confirmation of a reference number from the Planning Inspectorate we are yet to receive an official start letter confirming the time table and advising the planning authority that it cannot make a decision on the planning application.

The legal team provided a memo dated 15.12.22 which is appended to this committee report. It can be noted that in summary they advise; that imposing the draft condition proposed is inadvisable (due to the wording not satisfying the 6 tests and it also not achieving the proposed aim)

The previous planning committee report is appended and the recommendation being made is that planning permission is granted as per the recommendation set out last time with an additional Note to Applicant being added to the Notice of Decision stating; "For the avoidance of doubt, this permission does not enable the property to be used for short-term letting use outside of the limitations generally agreed to be permissible under a C3 (dwellinghouse) use. Should the property owner wish to utilise this dwelling for short-term letting in a manner that is considered to constitute a material change of use (such as solely for short-term letting) it will require a separate grant of planning permission."

This is on the basis that no start letter has been received regarding an appeal, officer will update the committee in the amendment sheet and explain further what the recommendation is at the meeting.

Members are reminded that this application is retrospective and seeks permission for the retention of dwelling as built subject to a couple of physical amendments which would need to be delivered pursuant to planning condition.

The building would then be able to be occupied as either a C3 dwellinghouse or as a small hmo C4. That is no different from the uses permissible as approved by the Appeal Decision on 11.7.19. That is because such a change of use (from C3 to C4) does not require planning permission. That in practice means that the property could be occupied as a C4 hmo by up to a maximum of 6 unrelated individuals.

This planning application is effectively for a differently designed building (externally) to that consented previously. The committee is reminded that whilst the planning system does control how a building is used, it does not ordinarily control how a building is laid out in terms of internal configuration.

It can be noted that as established as part of a planning enforcement case registered on 15.2.22 (22/30064/NAP refers) officers have identified a breach of planning control in respect of use. We have identified that the property has been in use as a large HMO and has been used for short term letting. This application does not seek to regularise that breach of planning control.

Planning Officers have asked the building owner to bring the unauthorised use to an end, we understand that to date they have not done so.

Members are advised that issuing the new planning permission and making this planning decision today does not fetter the planning authority's opportunities to take formal planning enforcement action against any ongoing or future unauthorised use.

Officers will under the terms of a planning enforcement case, continue to pursue the cessation of any unauthorised use and could serve a Planning Enforcement Notice if a voluntary cessation is not secured.

Unfortunately as the developer has not followed the previous approved details the building does not have planning permission. Members are respectfully reminded that planning processes can and do

Development Control Committee B – 18 January 2023
Application No. 22/01550/F : 29 Hobhouse Close Bristol BS9 4LZ

follow a staged or stepped approach and the decision on this application is the next stage in the process and does not authorise a use that would require a further planning application process to be followed.

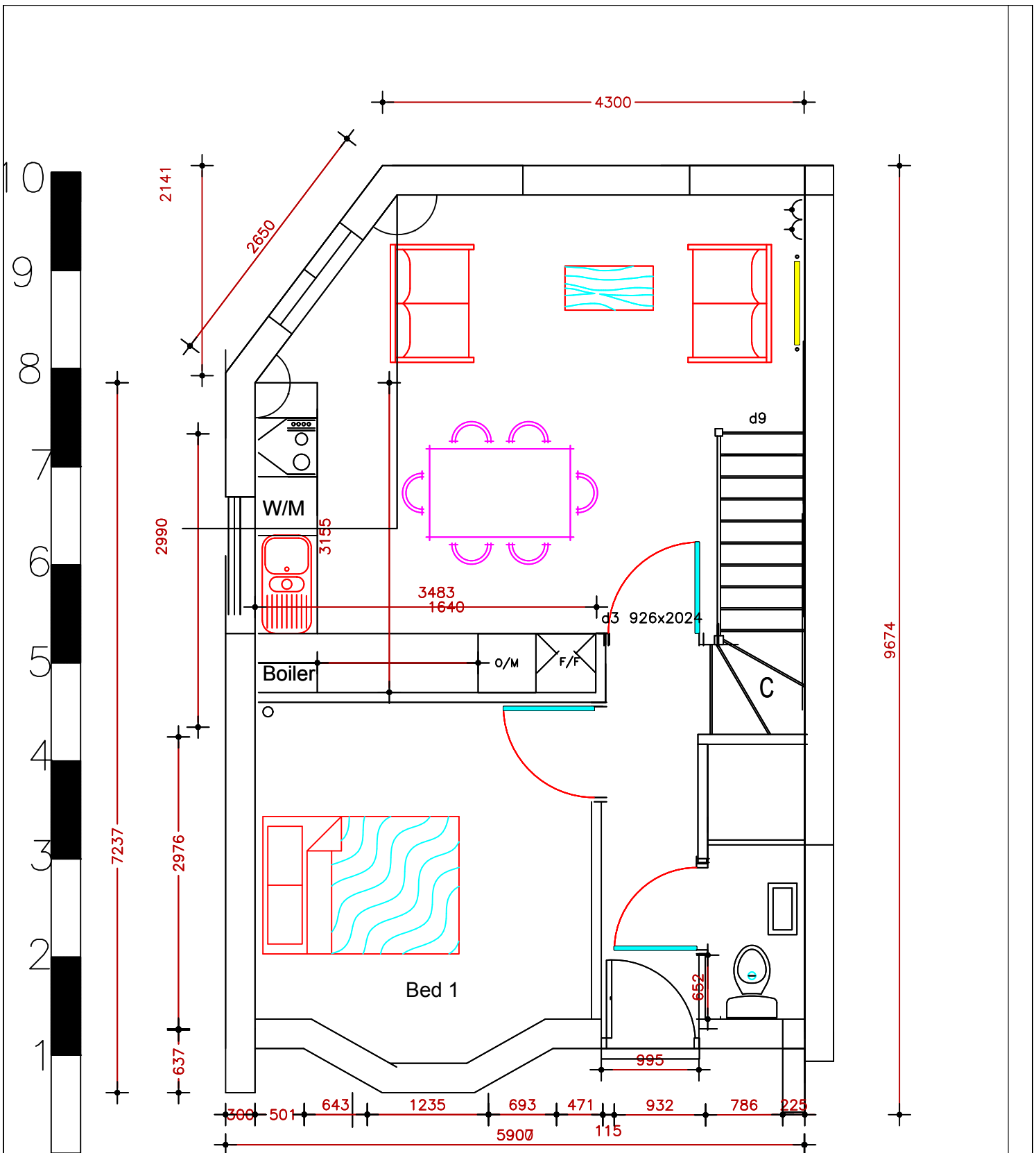
As well as not constructing the approved building correctly they have been using it in an unauthorised way which has understandably caused much public annoyance. This unauthorised use does not form part of the application under assessment, it has not been assessed by officers or considered against the relevant planning policies – it can be subject to formal planning enforcement action.

In conclusion, whilst planning officers contend that planning permission should be granted - it may well be the case that the committee will be advised that it is unable to determine the planning application due to an appeal against non-determination. If that is the case the amendment sheet and the verbal update to committee will explain what the options are in this matter. In any event further investigations and follow up planning enforcement action can be pursued should the unauthorised use not cease.

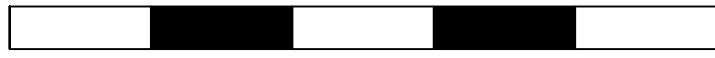
Supporting Documents

29 Hobhouse Close

1. Existing ground floor plan (001A)
2. Existing first floor plan (002A)
3. Existing second floor plans (003A)
4. Existing roof plan (004A)
5. Existing side elevation (007A)
6. Proposed front elevation (005D)
7. Proposed rear elevation (006B)
8. Proposed block plan (008B)
9. Proposed site location plan (009B)
10. Proposed garage/parking arrangement (010A)
11. Refusal of previous scheme - 18/06126/F
12. Appeal decision for previous scheme - 18/06126/F
13. Plans approved on appeal for - 18/06126/F
14. Legal advice on short term let condition
15. 29 Hobhouse Close 7th December committee report

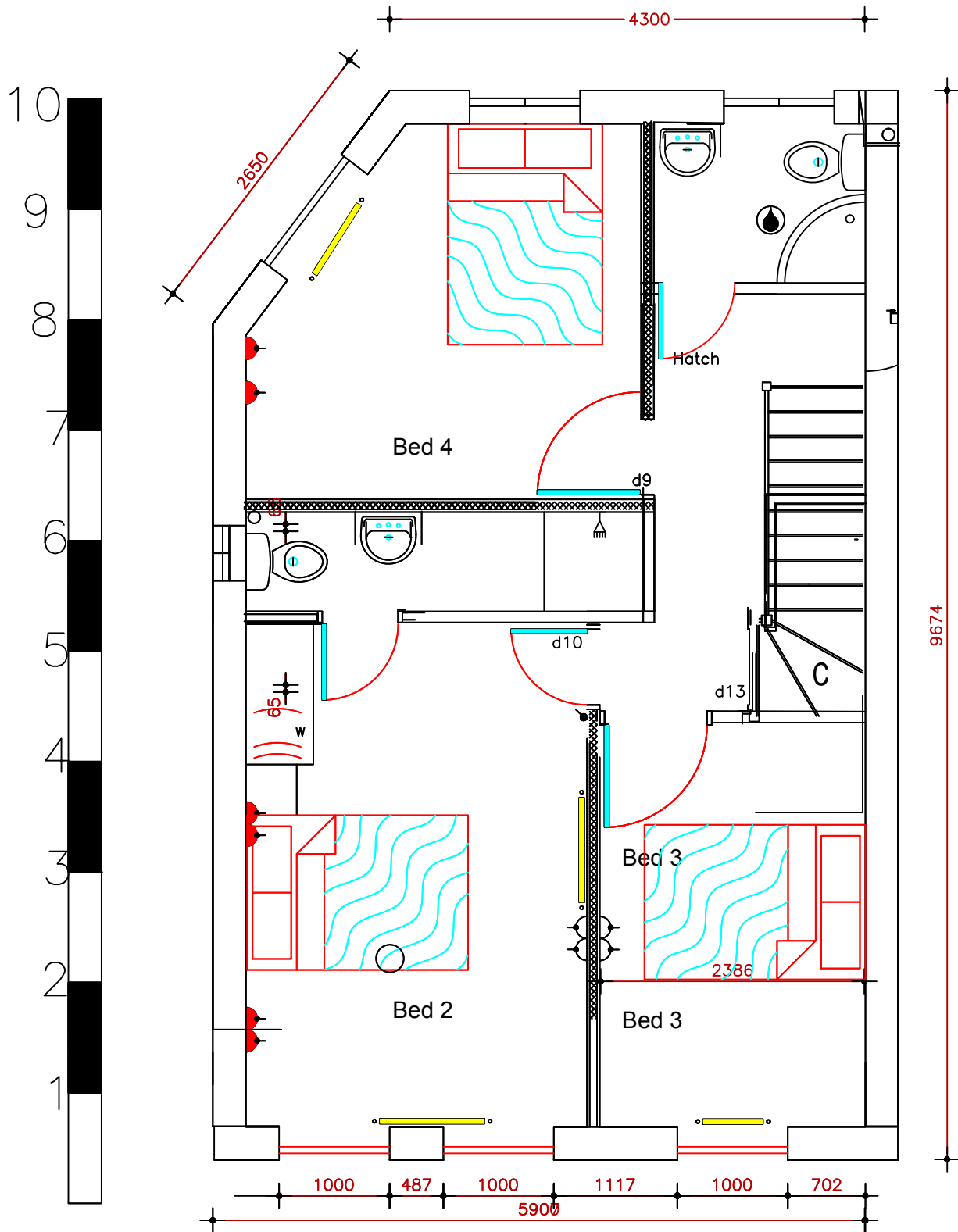


GROUND FLOOR PLAN

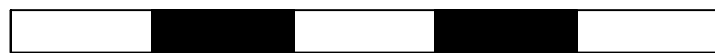


1 2 3 4 5

Title: Ground Floor Plan	SIZE A4	FSCM NO.	DWG NO. 001	REV A
Project: 30 HOBHOUSE CLOSE BS9 4LZ		SCALE 1/50	Drawn: HASSAN KHALEGHI	



FIRST FLOOR PLAN



1 2 3 4 5

Title: First Floor Plan

SIZE
A4

FSCM NO.

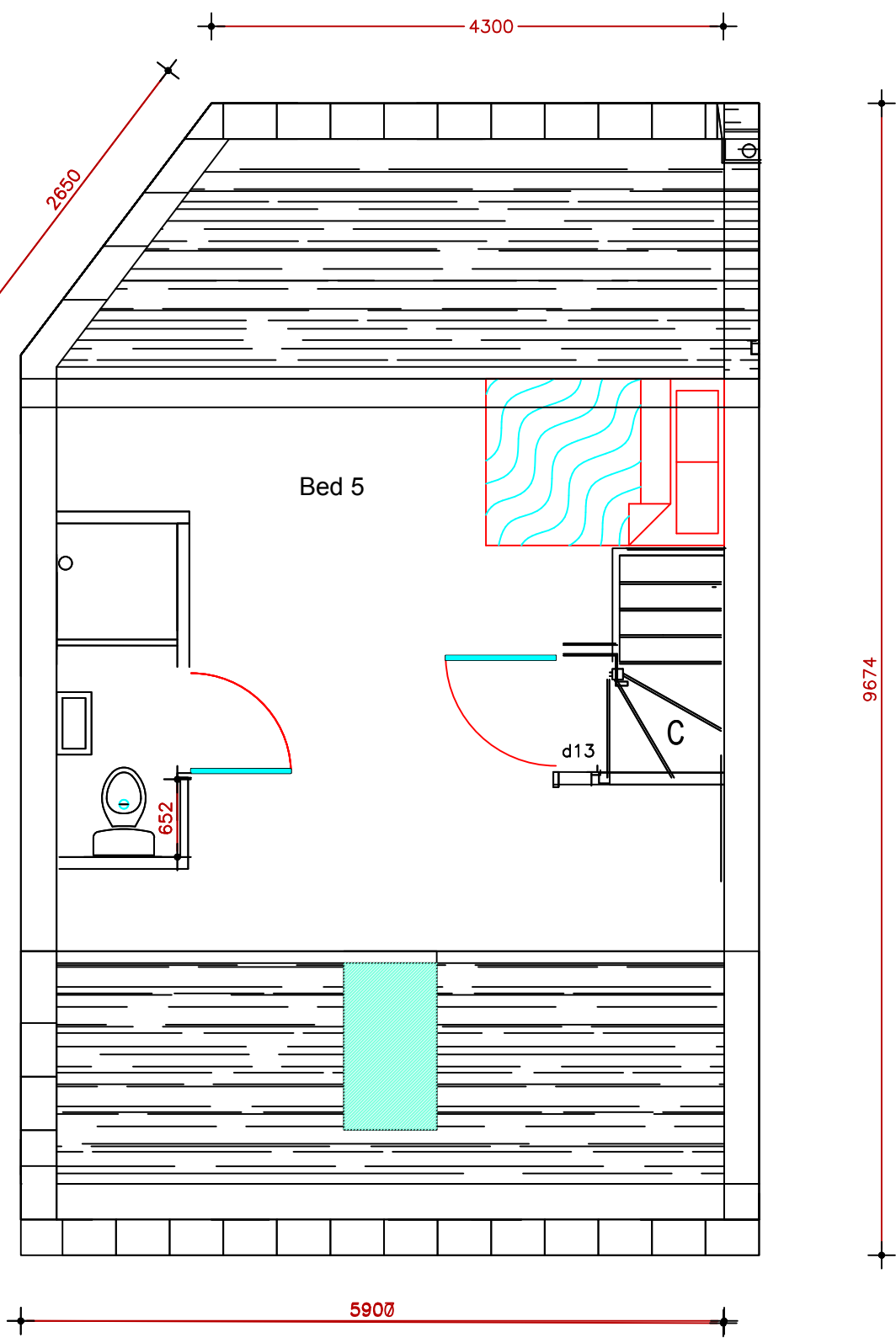
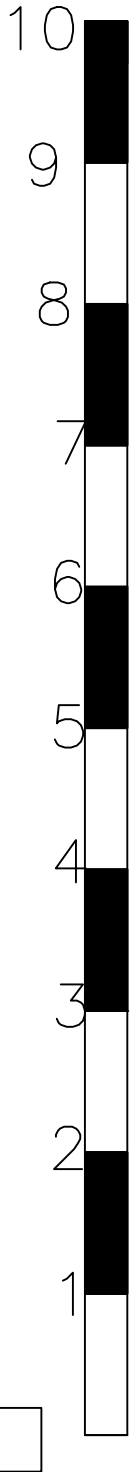
DWG NO. 002

REV
A

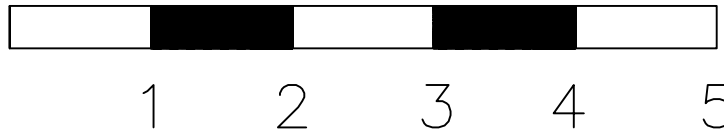
Project: 30 HOBHOUSE CLOSE BS9 4LZ

SCALE 1/50

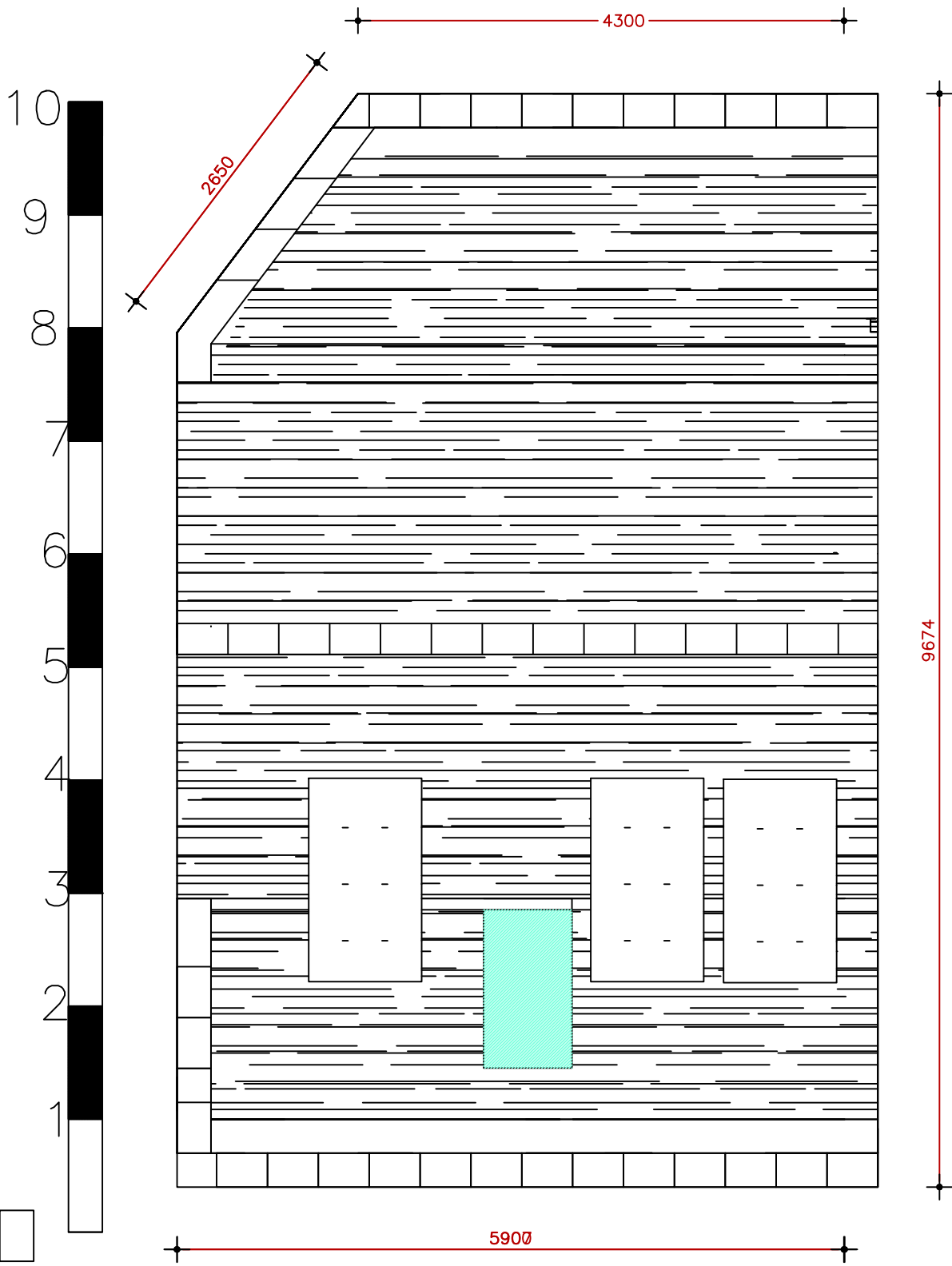
Drawn: HASSAN KHALEGHI



SECOND FLOOR PLAN

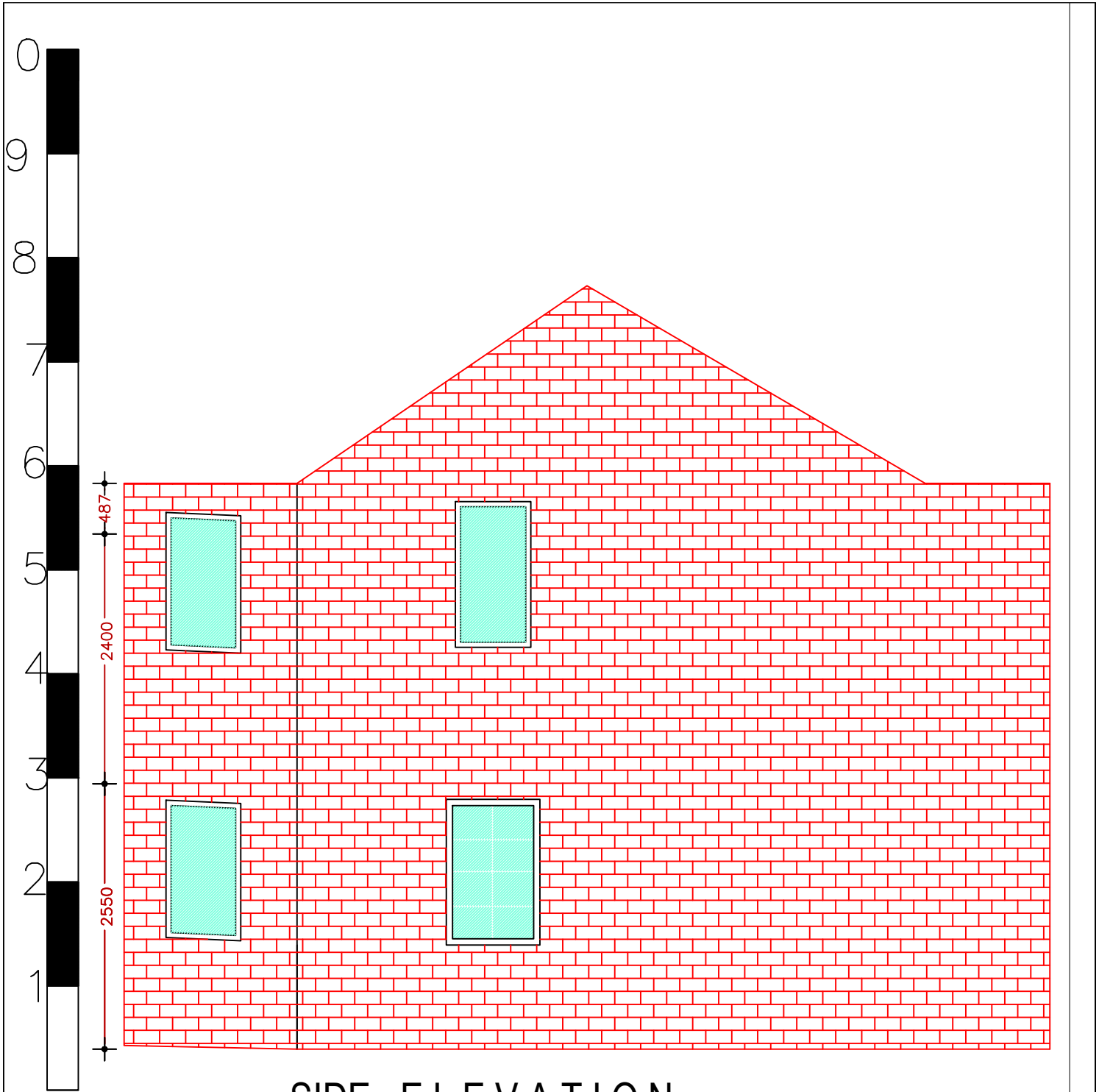


Title: Second Floor Plan	SIZE A4	FSCM NO.	DWG NO. 003	REV A
Project: 30 HOBHOUSE CLOSE BS9 4LZ	SCALE 1/50		Drawn: HASSAN KHALEGHI	

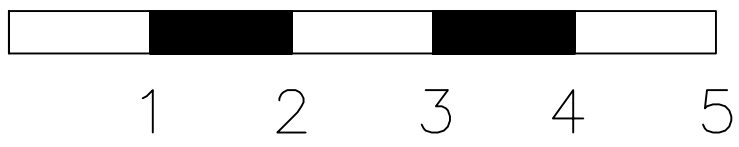


ROOF PLAN

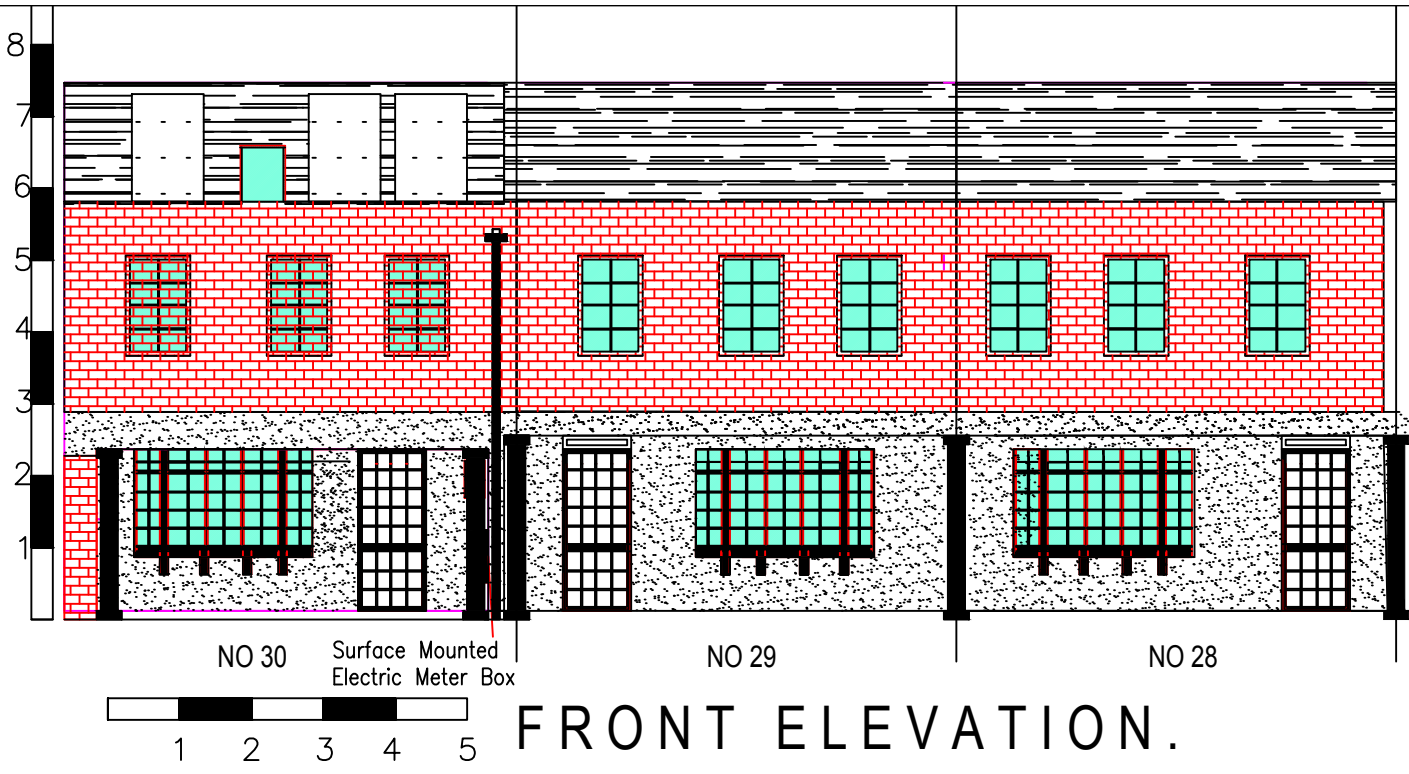
Title:Roof Floor	SIZE A4	FSCM NO.	DWG NO. 004	REV A
Project: 30 HOBHOUSE CLOSE BS9 4LZ		SCALE 1/50	Drawn: HASSAN KHALEGHI	



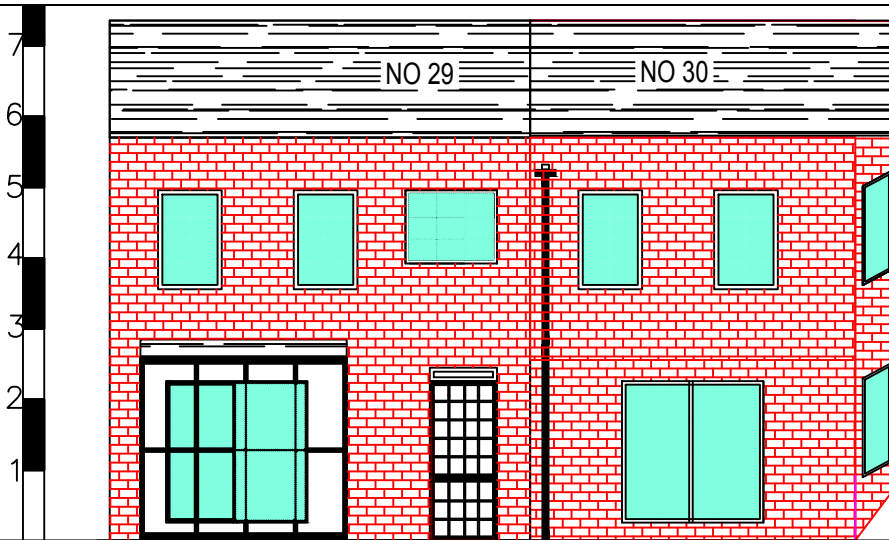
SIDE ELEVATION.



Title:Side Elevation	SIZE A4	FSCM NO.	DWG NO. 007	REV A
Project: 30 HOBHOUSE CLOSE BS9 4LZ		SCALE 1/50	Drawn: HASSAN KHALEGHI	



Title: Front Elevation	SIZE A4	FSCM NO.	DWG NO. 005	REV D
Project: 30 HOBHOUSE CLOSE BS9 4LZ	SCALE 1:100 1:50	Drawn: HASSAN KHALEGHI		



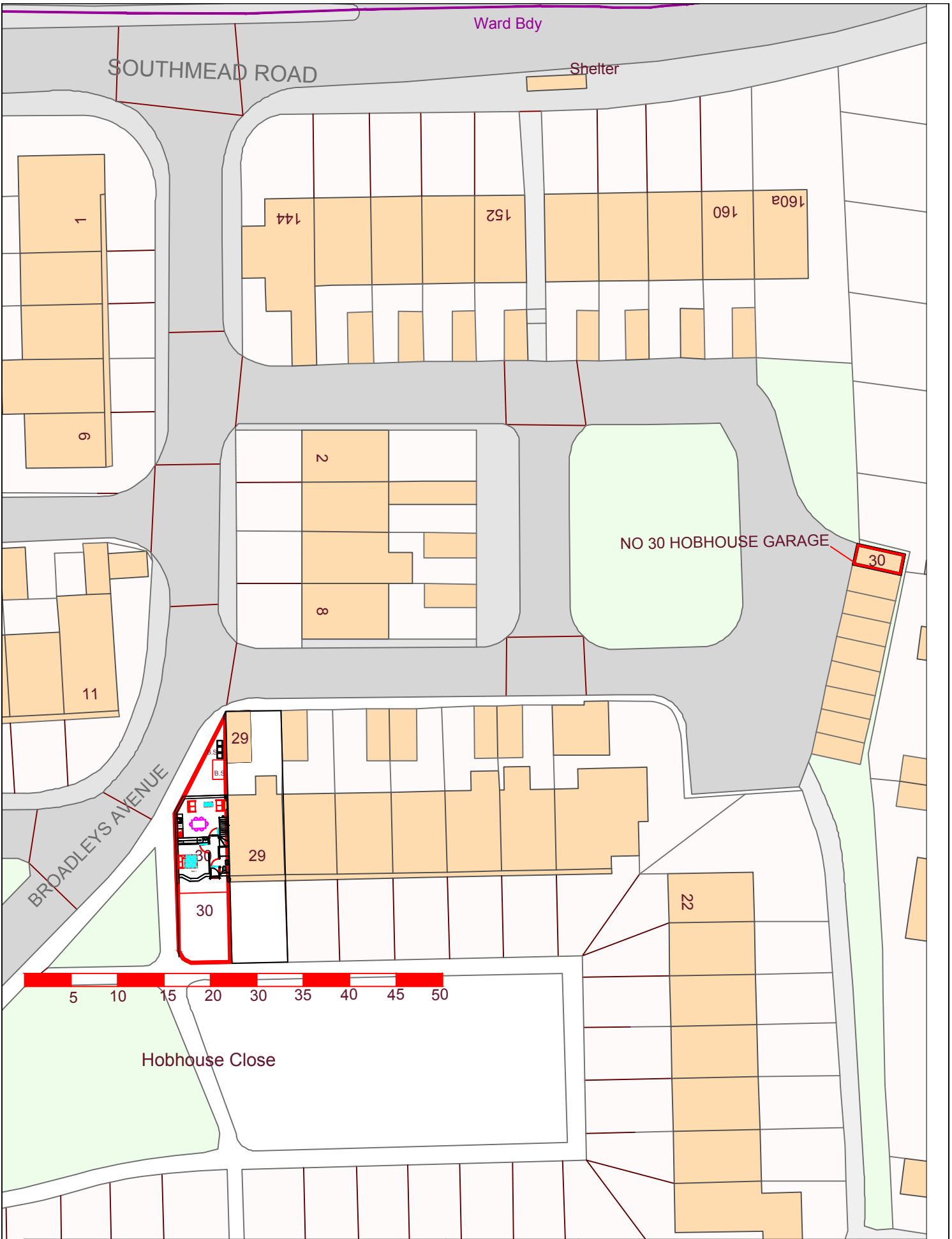
REAR ELEVATION.

1 2 3 4 5

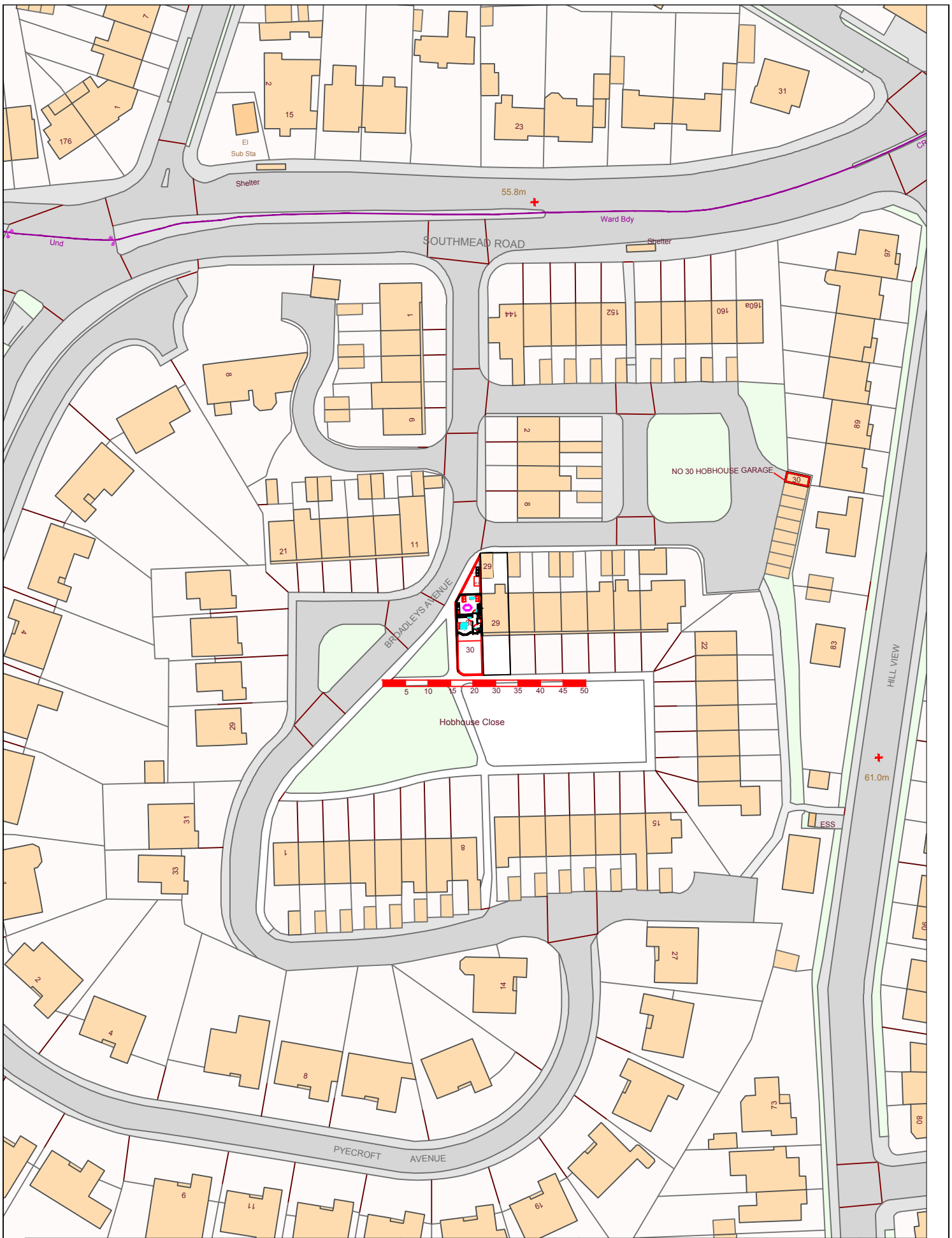


REAR ELEVATION.

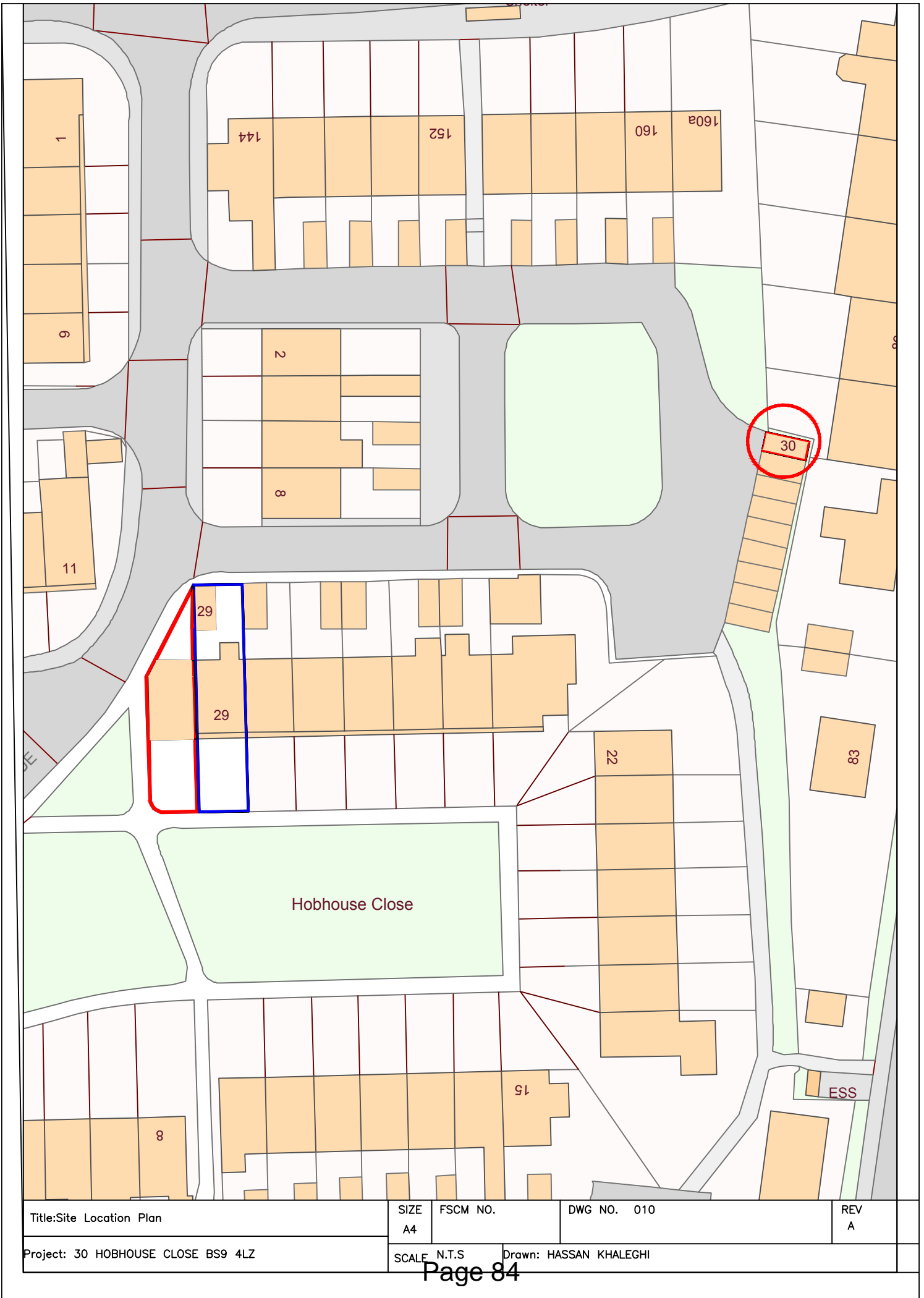
Title:Rear Elevation	SIZE	FSCM NO.	DWG NO. 006	REV
	A4			B
Project: 30 HOBHOUSE CLOSE BS9 4LZ	SCALE	Drawn: HASSAN KHALEGHI		
	1:50	1:100		



Title: Site Location Plan	SIZE A4	FSCM NO.	DWG NO. 008	REV B
Project: 30 HOBHOUSE CLOSE BS9 4LZ	SCALE 1/500		Drawn: HASSAN KHALEGHI	



Title: Site Location Plan	SIZE A4	FSCM NO.	DWG NO. 009	REV B
Project: 30 HOBHOUSE CLOSE BS9 4LZ	SCALE 1/1000		Drawn: HASSAN KHALEGHI	





NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Decision :	REFUSED
Application no:	18/06126/F
Type of application:	Full Planning
Site address:	29 Hobhouse Close, Bristol, BS9 4LZ.
Description of development:	Erection of new 2 storey dwelling attached to side of 29 Hobhouse Close and associated structures.
Applicant:	Mr G Eskell
Agent:	M B Grieve Chartered Architect
Committee/Delegation Date:	29.01.19
Date of notice:	29.01.19

The reason(s) for refusal associated with this decision are attached

DECISION: REFUSED

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. As a result of the physical constraints of the site and the overall design approach the proposal would appear as an unsympathetic and incongruous addition to the host terrace owing to its siting scale, form, proportions and detailed design (including roof form). The proposal fails to sympathetically reflect the locally characteristic uniform architectural styles, rhythms, patterns, features and themes of the buildings and the surrounding character including open plan gardens and fluid, curved layouts of streets to the detriment of the street scene and local distinctiveness of this part of the Broadleys Avenue character area. The proposal fails to comply with guidance contained within the National Planning Policy Framework 2012 (as amended), Policy BCS21 of the Core Strategy and policies DM26, DM27, DM29 and DM30 of the Site Allocations and Development Management Policies as well as guidance within the adopted Henleaze Character Appraisal (2016).

Advice(s)

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

Residential supplementary information template, received 4 December 2018

Design statement, received 4 December 2018

Energy strategy for a proposed new dwelling, received 4 December 2018

157P/01 - Existing north and south elevation, location and block plan, received 4 December 2018

157P/02 - Proposed ground, first floor plans and rear elevations and street view, received 4 December 2018

Cover letter, received 4 December 2018

Tree Survey, received 4 December 2018

Article 35 Statement

The council always wants to work with the applicant in a positive and proactive manner. Unfortunately the proposed development is contrary to the policies of the Development Plan as set out in the officer report. Clear reasons have been given to help the applicant understand why planning permission has not been granted.

The right to appeal

You have the right to appeal against this decision. Any such appeal should be made on a form obtainable from The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by contacting them on 0303 444 5000. Further information can also be obtained from the Planning Inspectorate's web-site, and it is possible to download copies of appeal forms and questionnaires and booklets giving guidance about the appeal process. The address is www.gov.uk/appeal-planning-inspectorate

You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Negotiations

Before making an appeal, you may wish to contact the case officer who dealt with your application, who may be able to advise you, how the council's objections to your proposal might be overcome if you amend your scheme. Please note that if negotiations are successful, you will need to submit a new planning application, which may, of course, be refused by committee.

Lodging an appeal will not prejudice your negotiations but you may need to agree with the council to postpone the appeal, to allow negotiations to take place.

Complaints

Only planning matters can be considered at an appeal. If you think that the council did not properly consider your application, you can make a complaint under the council's complaints procedures, details can be found on the website www.bristol.gov.uk/complaints-and-feedback or by calling 0117 9223000.



Appeal Decision

Site visit made on 5 May 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/Z0116/W/19/3222132
29 Hobhouse Close Henleaze Bristol BS9 4LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G. Eskell against the decision of Bristol City Council.
 - The application Ref 18/06126/F, dated 21 November 2018, was refused by notice dated 29 January 2019.
 - The development proposed is the erection of one 2-storey dwelling and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of one 2-storey dwelling and associated works at 29 Hobhouse Close Henleaze Bristol BS9 4LZ in accordance with the terms of the application, Ref:18/06126/F, dated 21 November 2018, subject to the 7 conditions appearing on the schedule appended.

Preliminary Matters

2. The appellant did not enter a description on the application form. I have used that appearing on the decision notice, with appropriate adjustments.
3. The appellant has indicated that the roof of No.29 could be extended as a hipped roof over the proposed dwelling as shown on a drawing included at section 3 of the statement of case. This change would address objections to the submitted roof design and given the limited extent of the change my acceptance of this amendment would not affect the rights of any party.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the Broadleys Avenue character area.

Reasons

Character and Appearance

5. The proposal extends an existing terrace block forming part of a neo-georgian housing development identified as the Broadleys Avenue estate. This is identified as a character area within the Council's supplementary planning document (SPD) the Henleaze Character Assessment. Hobhouse Close is an open-ended quadrangle of 4 terrace blocks overlooking a large semi-formal open space in the middle of this estate. The appeal site is a side-garden to the end of the terrace block adjacent to Broadleys Avenue.

6. The character of the area largely derives from the spacious estate layout and homogeneous architectural treatment ('neo-georgian'), characterised by a very limited range of house types in terrace blocks and larger detached properties.
7. Although each terrace block incorporates a repetitive-design of dwelling, the architectural form and appearance of the development is discerned at the scale of the terrace blocks rather than the individual dwellings therein. So although the width of the dwelling proposed would differ from the other properties, to my mind this would not be obtrusive where the architectural approach and detailing is wholly consistent, as the development intends.
8. The proposed roof form is, however, discordant, and although it would be seen only in certain viewpoints, as proposed it would unacceptably disrupt the visual integrity of the terrace block. The appellant has suggested an amendment to the roof design which does not materially change the nature or scale of the development, the detailing of which could be required by condition.
9. The character of the area rests not only in the fluid layout, but also in the semi-formality of the open space formed by the dwellings of Hobhouse Close. The proposal would be located on a side garden at the end of a terrace block and would not intrude or disrupt the sense of enclosure of the central space created by the terrace blocks of housing. Although the flank wall of the dwelling would directly abut the pavement, the positioning and proximity of other terrace blocks similarly 'squeeze' views and vistas along Broadleys Avenue. To my mind the proposal would not diminish the distinctive sense of place or the contribution to high quality urban design found in the form and layout of the existing development.
10. I conclude that the proposal would accord with the principles set out in Policy BCS21 of the Bristol Core Strategy (2011) (BCS) for positive contributions to urban design, and with Policies DM26, DM27, DM29 and DM30 of the Site Allocations and Development Management Policies Local Plan (2014)(SADM) which, taken together (amongst other things) require development to respect the local pattern and grain of development, reflect local characteristics and architectural styles, and also safeguard the amenity of the host property. The proposal would, therefore, accord with the development plan taken as a whole.

Other Matters

11. A number of interested parties raise concerns about parking. The proposal includes one off-road space and the area is not subject to a controlled parking scheme. Although my observations are necessarily a 'snapshot', and noting the information provided by the appellant, I am not persuaded from what I saw that the addition of one two-bedroom dwelling would cause 'parking stress' from a shortage of on-street parking in this relatively low-density suburban environment.

Conditions

12. The Council have suggested a number of conditions which I have considered and adjusted to meet the tests required by Planning Practice Guidance and the Framework. Conditions are necessary to ensure the development proceeds only on the basis approved which includes details of a variation to the roof design and other related architectural matters together with materials approval. To ensure the necessary visual integration I consider these materials

and details should be expressly approved rather than 'to match' as the Council suggest. Details of energy-saving measures/emission reduction are necessary as set out in BCS13 of the BCS; also of arrangements for bins and recycling to ensure proper management thereof and of sustainable drainage in order to deal with flood risk from climate change. Cycle storage is necessary to contribute to sustainable transport objectives. As the site is garden land, noting what has stated in section 6 of the planning application form, in the absence of evidence to the contrary a condition relating to ground contamination would not be necessary or appropriate.

Conclusion

13. The appeal is allowed.

Andrew Boughton

INSPECTOR

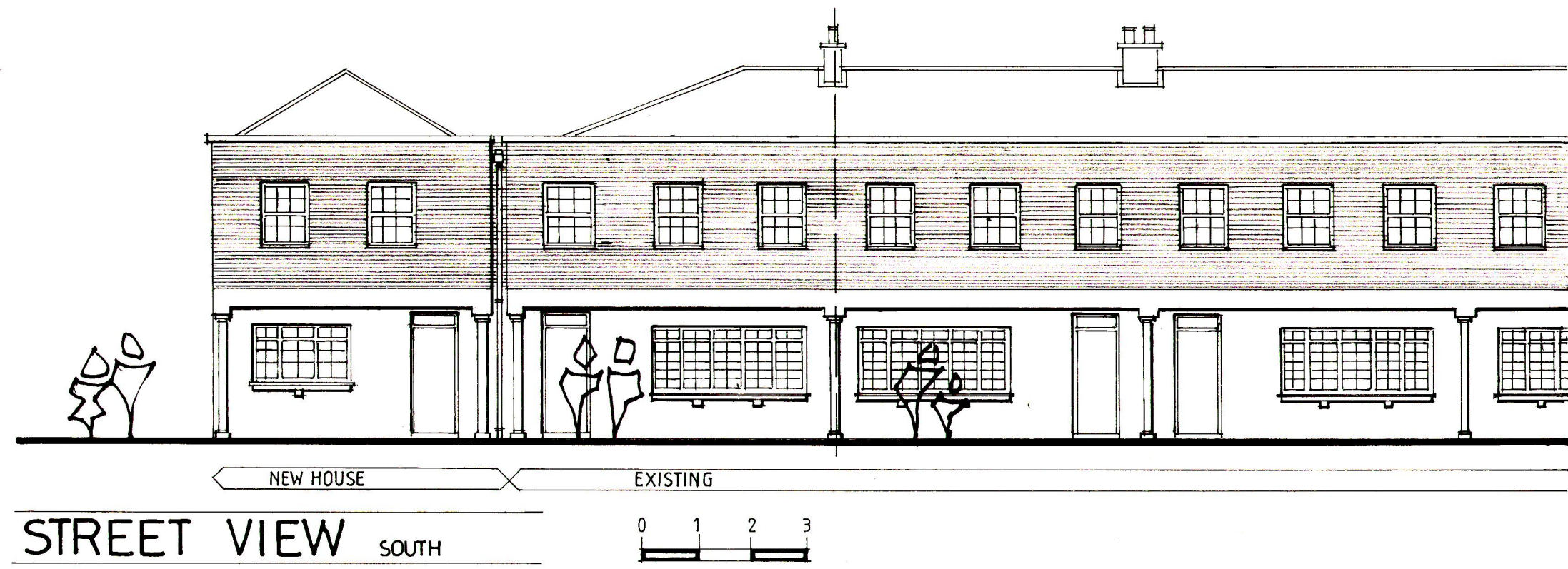
Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 157P/02 except in respect of the roof design there appearing.
- 3) Notwithstanding condition 2, no construction above ground level shall take place until details of all matters listed below have been submitted to and approved in writing by the local planning authority:
 - (i) design and detailing of roof construction as an extension of the existing roof of the host dwelling, including eaves/parapets,
 - (ii) external facing materials, architectural features and windows/doors,
 - (iii) photo-voltaic panel installation in accordance with the submitted energy strategy.

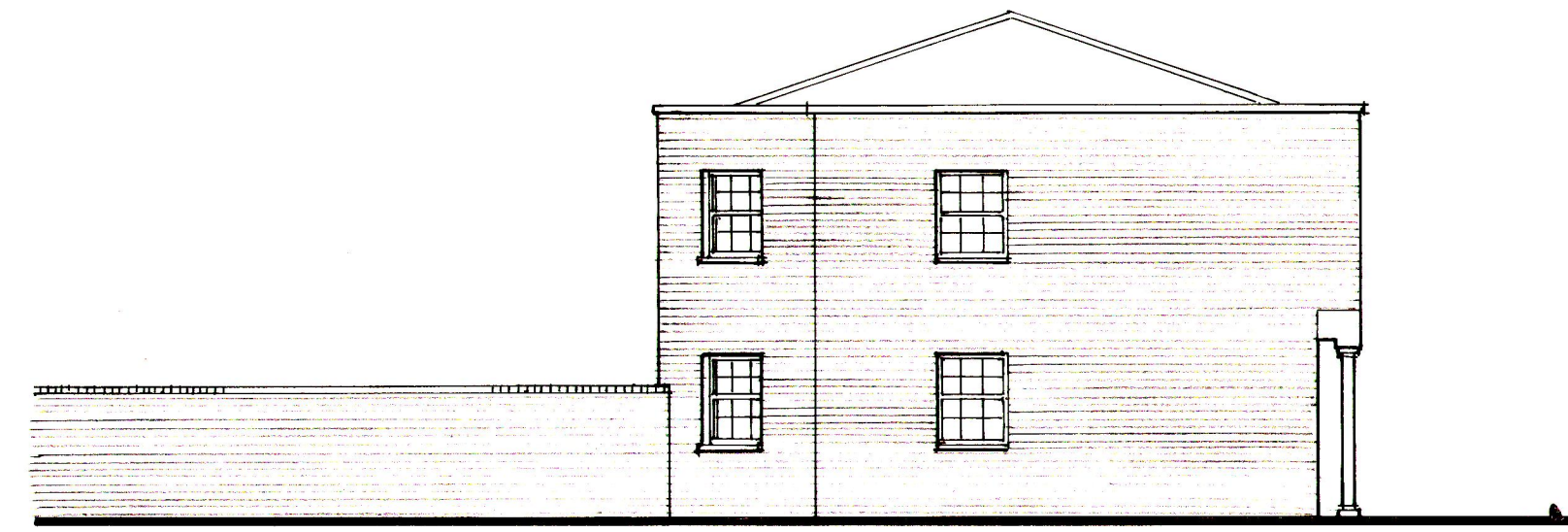
Development shall be carried out in accordance with the approved details.

- 4) The development shall be carried out in complete accordance with the Energy Strategy prepared by A&H Energy Rating Ltd. dated 10 August 2018 (ref. 020718 V3) and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 5) The development hereby approved shall not be occupied until the cycle parking provision shown on the approved plans has been completed, and thereafter, shall be kept free of obstruction and available for the parking of cycles only.
- 6) The development hereby approved shall not be occupied until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

7) No construction above ground level shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



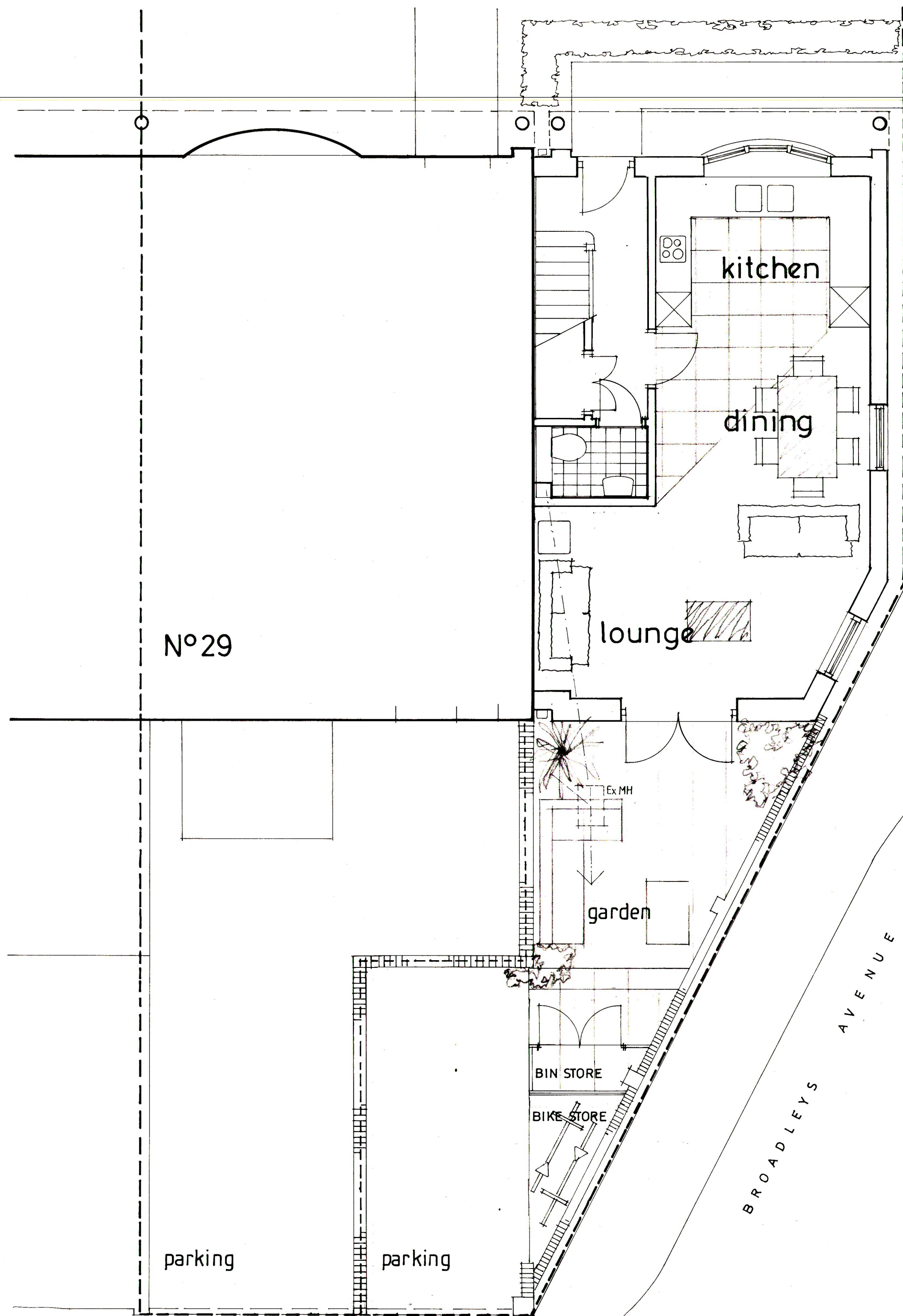
STREET VIEW SOUTH



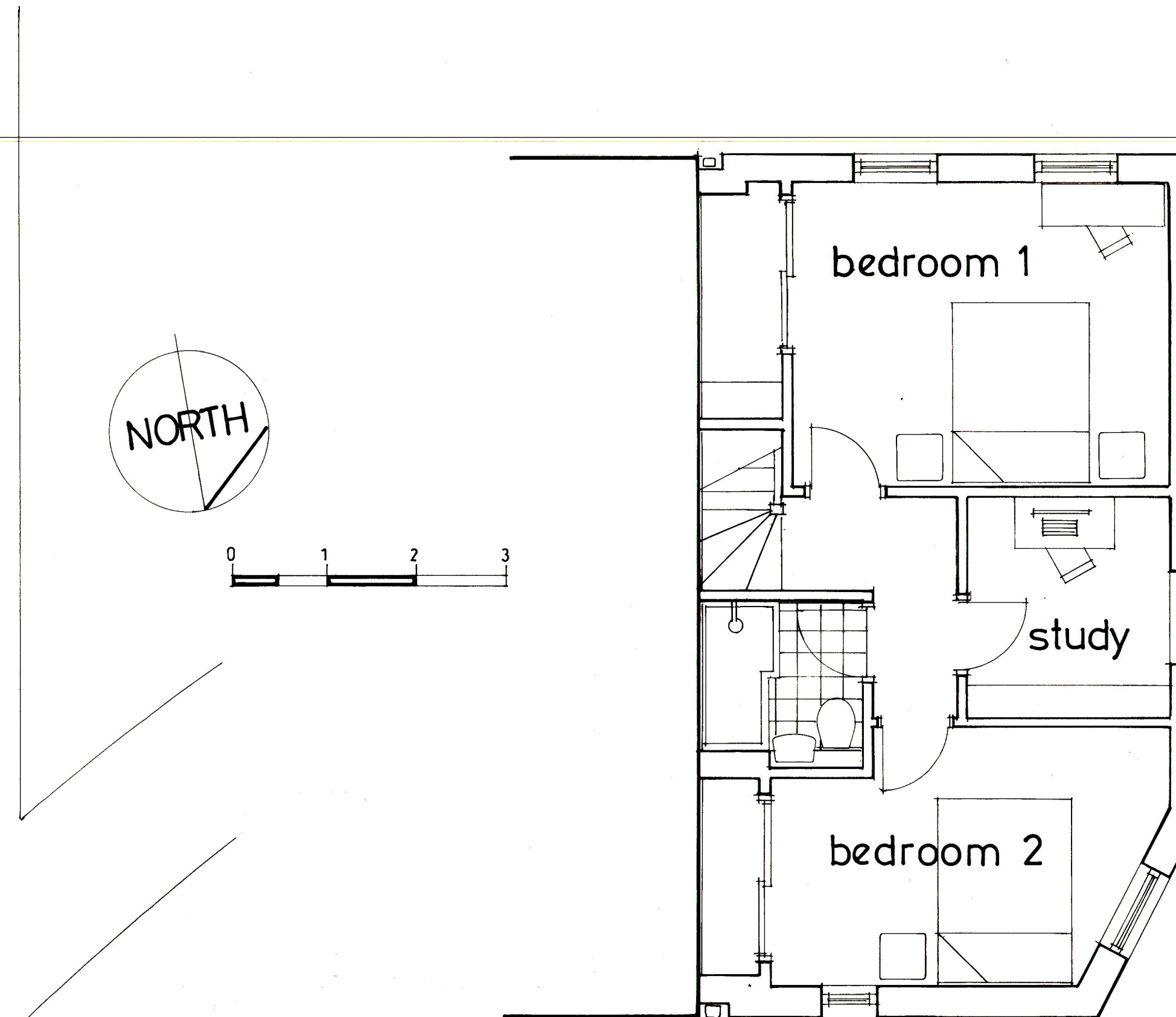
END ELEVATION WEST



REAR ELEVATION NORTH



GROUND FLOOR



FIRST FLOOR



SOUTH ELEVATION

Revisions	

Project
29 HOBHOUSE CLOSE
HENLEAZE

Description
PROPOSED PLANS and ELEVATIONS

Date July 2008 Drg. No.
Scale 1:50 & 1:100 157P/02
Drawn V.F.P.

Max Grieve RIBA
Chartered Architect
The Old Yard, 1a Downs Park East
Westbury Park, Bristol BS6 7QF
Tel No. 0117 9730881. E-mail - maxgrieve

Memo - proposed condition on short term lets

To: Nigel Butler and Sam Brown

From: Dawn Bodill, solicitor, Legal

Date: 15 December 2022

Dear Nigel and Sam,

You have sought the following legal advice:

“We would like legal to review the potential condition we have drafted below. The planning committee is likely to wish to attach such a condition to any planning permission – can we impose such a condition or would it be better for the planning authority to consider any breaches under a planning enforcement process?”

The proposed condition wording is as follows:

- **The property, hereby approved, shall not be used solely for short-term letting (defined as lettings for less than 14 continuous days).**
- **Reason: this would constitute a material change of use and requires consideration to protect the amenity of neighbouring properties.**

If I understand it correctly, the reason for suggesting a condition is to control the amount of short term lets at the proposed property so that the use remains as a dwelling house (C3) and isn't changed to a *sui generis* use. This is following neighbour complaints (and website information) suggesting/confirming that the property is being used for short term lets which is impacting amenity.

As you will know, it is possible to use a dwelling house as a residence whilst also allowing a number of short term lets without there being a material change in use. This change of use only becomes material when the character of the use changes. As confirmed in the Court of Appeal decision in Moore v Secretary of State for Communities and Local Government [2012]¹, whether the change is material is a matter of fact and degree in each case.

The Moore judgement also concerned the use of a dwelling house for short term holiday lets. There have also been recent planning enforcement appeal decisions² considering the same issue. They also concluded that material change is a matter of fact and degree in each case.

The key issue here, it seems, is to ensure the character of the use isn't materially changed so as to impact residential amenity. If it does materially change however, that changed use wouldn't be permitted by the current permission and a new permission would be needed.

I mention the relevant law here as this does seem to be more an enforcement matter rather than a planning control matter, and it is difficult to see how a condition could be drafted to

¹ [2012] EWCA Civ 1202

² Cambridge City Council (APP/Q0505/C/18/3193261); and Oxford City Council (APP/G3110/C/19/3239740)

adequately address this issue whilst also comply with the '6 tests' for conditions. The 6 tests are that the condition is:

1. necessary
2. Relevant to planning
3. Relevant to the development being permitted
4. Enforceable
5. Precise; and
6. Reasonable in all other respects

Considering the 6 tests as against the draft condition:

- It is not clear what 'not be used solely for short-term letting' means in this context. You could argue it means that a person can use the property as a dwellinghouse for one weekend per year, with the remainder time being used as short term let. Or it could mean someone can use it for short term lets under 14 days but also for slightly longer term lets (of 14+ days); just as long as the short term let is not the sole use. This wording therefore fails the test of '**precision**'. In addition, such a restriction wouldn't necessarily stop the character of the use materially changing as that will depend on the fact and degree of the change.
- It is not clear why the time period of 'less than 14 continuous days' is the key time period proposed to ensure no material changes. Short term lets of 14 day+ could still amount to a material change of use depending on the facts and degree of the changed use. It would also be extremely difficult for the Council to monitor this restriction. This wording would therefore arguably fail the test of **reasonableness** and **enforceability**.
- It is also not clear why a condition is necessary here to stop a material change of use (as mentioned above, this seems more like an enforcement issue). For instance, you wouldn't impose a similar condition restricting material change of use to an office, as that use is also not approved by the permission. Usually, you would just enforce against the planning breach as and when it occurs. Arguably, therefore this wording is **not necessary** and/or **relevant to the development being permitted**.

Whilst I believe the condition would fail several of the 6 tests for the reasons set out above, I don't think imposing a condition will actually assist the Council. On the contrary, imposing seemingly arbitrary restrictions could mean that you aren't allowing yourself the flexibility to enforce against a change of use which, although satisfying the condition requirements, actually results in a material change in the character of the use and so is a breach of planning control. The key point is that it is a **matter of fact and degree** in each case as to whether there has been a material change of use, and you want to retain that flexibility.

I am also not aware that there is currently any local plan policy support for this type of condition. Unlike in London, where there is now the '90 nights' limit for short term lets, we don't have a similar policy/law to validate this type of restriction by condition (yet).

Ultimately, until similar legislation or policy is published by the Government (or Council), it would be more beneficial for the Council to regulate this use by planning enforcement if necessary. Additionally, there are other statutory means available if needed, such as:

- environmental health intervention if there is a public nuisance, such as noise;
- HMO licencing (if applicable); and
- Building control re: fire safety etc

I hope the above is of assistance. As you suggest in your request for legal advice, and for the reasons set out above, for now this issue is best left to enforcement as and when a planning breach is understood to have arisen.

Kind regards

Dawn

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SUMMARY AND BACKGROUND

This application has been brought to the Development Control Committee following a Member referral made on 9 June 2022.

The application the subject of this report is recommended for approval; i.e. that a new planning permission is issued to regularise the breach of planning control identified as part of a planning enforcement case registered on 15 February 2022 (22/30064/NAP refers).

The planning permission in question was issued on Appeal by Decision Letter dated 11/07/2019 (the appeal decision is included as a supporting document to this report). The appeal was following the City council refusal on 29/01/2019 of application 18/06126/F (and the Notice of Decision is also included as supporting document this report).

The planning permission granted on appeal was for a two storey dwelling. It was granted subject to 7 planning conditions.

The planning enforcement case established that the building was not built in accordance with the approved plans and that conditions had not been satisfied or adhered to. The investigation also considered how the building was being used.

On 28 March 2022 the planning application the subject of the report was submitted to seek to regularise the breach of planning control. Revised plans have been submitted during the period of assessment and re-consultation exercise undertaken. The results of these consultation exercises are recorded below.

Whilst it is always regrettable when approved plans are not followed after a planning permission is granted (particularly when it is an Appeal decision), it is unfortunately too often the case that breaches of planning control do occur, i.e. that things are built differently to what is approved. This happens nationally and is not limited to development in Bristol. The Government is clear on how planning authorities should deal with such scenarios. In paragraph 59 of the National Planning Policy Framework it states that "Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate". This approach (acting proportionately) to planning enforcement is echoed in our own published procedures.

National guidance for Local Planning Authorities (Planning Enforcement Handbook 2020) states that planning enforcement action is intended to be remedial rather than punitive and should always be commensurate with the breach of planning control. This is further reflected within the Council's own Local Enforcement Plan (April 2017).

The report below assesses the differences between the consented scheme and the scheme as built and having regard to the planning enforcement provisions referenced above, the Local Plan referenced below and the commentary on this matter from the public and ward councillors it concludes that it is entirely acceptable in planning terms for a new planning permission to be granted.

The dwelling in question has been completed and a number of recommended planning conditions below secure some adaptations and the delivery of facilities like cycle and refuse storage and parking. The report below also assesses the use of the building and explains what planning controls are in place by virtue of primary legislation to control the occupation in the future. The site address for

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planning purposes remains as previously - but it is understood that the new property has a postal address which it is now known by.

Overall, and whilst not condoning deviating from approved plans the recommendation being made to Committee is very clear; that a new planning permission should be granted.

RELEVANT PLANNING HISTORY

18/06126/F - Erection of new 2 storey dwelling attached to side of 29 Hobhouse Close and associated structures.

Refused - 29 January 2019

Appeal allowed - 11 July 2019

22/30064/NAP (registered 15 February 2022) - Development not completed in accordance with details approved at Appeal ref W/19/3222132 (which consented a new dwelling) and use of building as small hmo (Use Class C4) and or for short term letting.

Case being held In abeyance pending the outcome of this application.

22/30232/TPO (registered 22/06/22) - Development of site impacted on adjacent tree the subject of TPO - 1167/R

Case being held In abeyance pending the outcome of this application.

RESPONSE TO PUBLICITY AND CONSULTATION

38 neighbouring properties were consulted on the original proposal, and a further re-consultation was carried out on the revised proposal with the same properties and any properties that had commented on the application being consulted.

In total, 91 number of comments have been received on this application. All received comments have been objecting to the proposal and set out the following concerns:-

- o The property is being used an Airbnb which is having a detrimental impact on the amenity of surrounding properties.
- o The property was previously approved as 2 bed and is now 5 bed.
- o The property is being used as a small HMO.
- o The front elevation of the property, as built, is incongruous with the character of the area.
- o The black downpipe on the front elevation has a detrimental impact on the character of the area.
- o The previous permission was only granted on appeal.
- o The property is resulting in a detrimental impact to the parking situation due to the use and occupancy.
- o The exterior alterations are not sufficient to address the harm.
- o The internal arrangements do not match the approved scheme and is not adequate for the intended purposes.
- o The development has resulted in unauthorised works to the nearby TPO tree. [This matter is being considered by the planning enforcement team separately]
- o There is a restrictive covenant on the wider development which stops the dwellings being used for commercial purposes. [Restrictive covenants on deeds are not a material planning consideration]

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RELEVANT POLICIES

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

A) IS THE USE OF THE LAND AND BUILDING ACCEPTABLE?

PRINCIPLE OF CREATING A NEW DWELLING

The principle of erecting a new dwelling in this location has previously been considered acceptable by the allowed appeal. No material changes to adopted policies has occurred since the previous decision, and therefore the principle of creating a new dwelling in this location remains acceptable.

ARE THE INCREASED NUMBER OF BEDROOMS ACCEPTABLE?

Significant public contention to the application revolves around the increased number of bedrooms within the building. 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.

USE AS A SMALL HMO (USE CLASS C4)

There are allegations that the property is being used in manner that constitutes a small HMO (Use Class C4), and the property was granted a Mandatory HMO License for 5 occupants in June 2022, which corroborates these allegations, and also restricts the property to an occupancy level that constitutes a C4 use.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants land and properties permitted development rights which enables development to be carried out without planning permission being granted from the Local Authority.

Schedule 2, Part 3 (changes of use), Class L permits the change of use of a single dwelling or flat from Use Class C3 (dwellinghouses) to Use Class C4 (small HMO) and vice versa. Local Planning Authorities can impose Article 4 Directions to revoke any Permitted Development Right for an area where it is considered expedient to remove these Rights for a specified reason, such as preserving the character of an area, and therefore making this change of use require planning permission in the area specified by the Direction. Bristol City Council has imposed several Article 4 Directions revoking the previously discussed Permitted Development Right, however, none of these Article 4 Directions cover the property which is the subject of this application.

Therefore, under Schedule 2, Part 3 (changes of use), Class L of the Town and Country Planning

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(General Permitted Development) (England) Order 2015 (as amended), the change of use of this property between Use Class C3 (dwellinghouse) and C4 (small HMO) does 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 use of the property as a small HMO under Use Class C4 does not form part of this application and cannot have any weight on the decision making.

USE FOR SHORT-TERM LETTING

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.

B) IS THE DESIGN AND SCALE/CONTEXT ACCEPTABLE?

Policy DM26 Local Character & Distinctiveness of the Site Allocations and Development Management Policies of the Local Plan outlines that development proposals should contribute to local character and distinctiveness by means of design. This will be achieved by responding to local patterns and the grain of historic development within the area. Policy DM27 'Layout and Form' provides consideration to factors such as layout, form, pattern and arrangement of streets, open spaces, development blocks, buildings and landscapes and how they contribute toward achieving high quality urban design. Policy DM29 'Design of New Buildings' states that new buildings should be designed to a high standard of quality, responding appropriately to their importance and reflecting their function and role in relation to the public realm. As detailed in Policy DM30: Alterations to Existing Buildings of the Site Allocations and Development Management Policies of the Local Plan, the proposed side extension should respect siting, scale, form, proportions, materials, design and character of the host building.

The Henleaze Character Appraisal (2016) identifies Broadleys Avenue as a character area and makes specific reference to the enclosed area of Hobhouse Close as a contributor to the positive context of the area, in addition to the strong residential character, open plan gardens and fluid, curved layouts of streets.

There have been several public comments expressing that the black downpipe on the front elevation is out of keeping with the character of the area and should be removed. Under Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the installation of chimneys, flues and soil and vent pipes on the front elevation of dwellings outside of Conservation Areas does not require planning permission. Therefore, the installation of the downpipe on the front elevation of this property is not considered to require planning permission. However for completeness the down pipes have been included in the submitted plans.

It is acknowledged that the dwelling, as built, has deviated from the previously approved plans, and the resultant building displays some differences to the other properties forming the terrace and character of the surrounding area. During the lifetime of this application, officers have agreed alterations to the dwelling with the property owner and received an undertaking that they will be implemented within an agreed and reasonable timescale. The alterations are as follows:

- o Pillars
- o Bay window

These alterations bring the appearance of the front elevation more in-line with the previously approved scheme, however, it is acknowledged that this would not resolve all of the deviations. The

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alterations secured to the elevation are considered sufficient to minimise the impacts on the character of the area without being overly punitive. To bring the front elevation of the building back entirely in-line with the previously approved scheme would result in substantial works to the building and require the building to be supported. Whilst it is unfortunate that further deviations would remain, the currently proposed alterations are considered to sufficiently overcome the harm such that, on balance, the resulting development would have an acceptable impact on the character of the locality.

On the above basis, it is considered that the proposed alterations to the front elevation of the dwelling are sufficient to overcome the majority of the harm presented by the deviations to the previously approved scheme. Therefore, on balance, it is considered that the proposed alterations are sufficient to preserve the character and visual amenity of the locality, and to ensure the detailed design of the dwelling sufficiently reflects the prevailing design characteristics of the surrounding properties

It should be noted that the Appeal Inspector considered that a roof redesign should be agreed pursuant to a planning condition but this was never followed by the developer. The roof form as now built does follow the form envisaged by the Appeal Inspector. The roof form would be approved as part of this planning permission and is an acceptable form and design so as to suitably form the end to the terrace at roof level.

C. WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO RESIDENTIAL AMENITY OF FUTURE OR ADJACENT OCCUPIERS?

Policy BCS21 states that new development should safeguard the amenity of existing development. Policy DM30 states that proposals should not prejudice the existing and future development potential of adjoining sites.

The proposed development has no material differences to the development previously in terms of the impact on the amenity of neighbouring properties through overbearing, overshadowing or overlooking.

On this basis, it is considered that the proposed development would not result in a detrimental impact to the amenity of surrounding properties, and therefore the proposal conforms to the objectives of Policies BCS21 and DM30.

D. DAMAGE TO TREE COVERED BY TREE PRESEVATION ORDER (TPO)

It has been noted above that the development of the dwelling has resulted in several branches to be lopped off a nearby tree which is covered by a TPO, which was unauthorised.

The planning enforcement team have investigated this matter separately to this application, and it appears that the works were carried out at the instruction of the management company of the wider development. The unauthorised works to the tree are not considered to have resulted in fatal damage to the tree, and therefore the longevity and public amenity of the tree will not be impacted.

On this basis, the damage is not considered to be a barrier to issuing a new planning permission, the tree is not positioned within the application site but is adjacent to it on communal amenity land; the planning enforcement team will follow this matter up with warnings to the involved parties following the determination of this application.

E) HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES

- Refuse and Recycling Storage and Collection

The Waste and Recycling guidance for developers, owners and occupiers (2010) sets out guidance on how new development could provide accommodation for refuse and recycling storage following the principle that bins should be housed within a storage solution which avoids harm to the visual amenity

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of the area as well as a location which avoids prejudice to neighbouring amenity and that the storage location should have easy access to the highway for collection.

The refuse storage is located to the rear of the dwelling and is of an adequate scale. It would be separated from cycle storage and would not impede access to the house via the rear driveway. Although it is commonly recommended that refuse storage be situated to the front of dwellings, in this instance refuse collection occurs to the rear of houses along the terrace, and so there is no concern in this regard.

- Cycle Parking

Policy DM23 sets standards for the level of cycle parking within new houses. Cycle parking should be secure, weather tight and have easy and direct access to the public highway. Generally Sheffield stands are preferred as bikes can be individually secured and easily accessed.

The location and scale of the cycle storage is found to be acceptable. Likewise and as described above cycle storage is easily accessible from the rear of the dwelling and bikes would not need to be wheeled through the house.

- Off-street parking

There is no minimum provision within adopted policy for off-street parking, however previously a single off- street space had been proposed in the existing garage at number 29.

That no longer forms part of the proposal although the applicant has advised that he has obtained ownership and use of a sperate garage in the vicinity.

Whilst it is acknowledged that there is substantial concern and opposition to the scheme amongst local residents in relation to a general increase in parking congestion in the area the non-provision of a dedicated parking space should not form the basis for resisting the development. The nearby garage mentioned by the applicant cannot realistically be controlled by this planning permission but its use in association with the application property would be a positive feature.

It is noted that the area is not protected by a resident's parking zone, so controlling where road users choose to park is not possible and does not form a relevant consideration in assessment of this scheme.

F) SUSTAINABILITY, CLIMATE CHANGE AND FLOOD RISK

Since the adoption of the Bristol Development Framework Core Strategy (2011) and with it Policies BCS13-16 applications are required to demonstrate how the proposed development would secure a saving in CO2 emissions from energy use through efficiency measures and incorporate of renewable forms of energy as well as protecting and ensuring against flooding.

The energy strategy submitted in support of the application (the same as previously submitted) states that it proposed a minimum of 0.24 kWp of roof mounted photo-voltaic cells located on the south facing roof slope and 0.48 kWp of roof mounted photo-voltaic cells located on the west facing roof slope to give a reduction in carbon dioxide emissions of 20.83 % as compared to the "residual" emissions.

This is found to be acceptable and any forthcoming approval would be accompanied by a condition requiring confirmation that the terms of the energy statement have been met. Officers note that pv panels are in situ. A condition that confirms that sustainable urban drainage principles have been followed is required.

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G) RECOMMENDED PLANNING CONDITIONS

It is noted that the Planning Appeal Inspector attached 7 conditions as detailed below.

1. commencement condition.

Not required as this is now retrospective.

2. listed approved plans

An approved plans condition is required.

3. Required future approval of certain design features including; i) detailing of roof construction as an extension of the existing roof of the host dwelling, including eaves/parapets, (ii) external facing materials, architectural features and windows/doors, (iii) photo-voltaic panel installation in accordance with the submitted energy strategy.

The roof and materials would be approved as part of this planning permission as would the pv panels as installed.

4. Required the development to accord with the Energy Strategy prepared by A&H Energy Rating Ltd. Dated 10 August 2018 (ref. 020718 V3)

A condition requiring confirmation of adherence needs to be imposed.

5. Dealt with cycle parking provision.

Such a condition needs to be reimposed.

6. Dealt with refuse storage.

Such a condition needs to be reimposed.

7. Required a Sustainable Drainage Strategy.

A condition requiring confirmation of adherence needs to be imposed.

Having commented above on which conditions are and are not required the recommended conditions are set out below.

CONCLUSION

On the basis of this report, it is considered that the proposed development is of an appropriate design, scale and material palette as to respect the overall design of the application property and the character of the locality. Additionally, the proposed development would not result in a detrimental impact to the residential amenity of future or adjacent occupiers by means of overlooking, overshadowing or overbearing impacts. As set out above it is always regrettable that a developer does not follow the provisions of planning permissions. In this case if a new planning permission is granted and following verification of new condition detail compliance the planning enforcement case can be closed.

The application is therefore recommended for approval, subject to the conditions listed.

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COMMUNITY INFRASTRUCTURE LEVY

It is understood that CIL provisions were met previously.

EQUALITY ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

RECOMMENDED GRANTED subject to condition(s)

Pre occupation condition(s)

1. Within 60 days of the date of this permission the revisions to the front ground floor bay window and pillars as shown on the approved plans shall have been completed in strict accordance with the approved plans.

Reason: To improve the appearance of the building.

2. Within 60 days of the date of this permission confirmation that the development has been completed in accordance with the Energy Strategy prepared by A&H Energy Rating Ltd. dated 10 August 2018 (ref. 020718 V3) shall have been submitted to and agreed in writing by the LPA.

Reason: To support sustainability initiatives.

3. Within 60 days of the date of this permission the cycle parking provision shown on the approved plans shall have been completed, and thereafter, shall be kept free of obstruction and available for the parking of cycles only.

Reason: To encourage cycling.

4. Within 60 days of the date of this permission the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans, shall have been completed. The refuse store and area/facilities allocated for storing of recyclable materials shall be retained thereafter in perpetuity and kept free from of obstruction.

Reason: in the interests of amenity.

5. Within 60 days of the date of this permission confirmation that the development has been completed with a Sustainable Drainage Strategy shall have been submitted to and agreed in writing by the LPA.

Reason: To support sustainability initiatives.

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List of approved plans

6. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

001A Ground floor plan, received 16 May 2022
002A First floor plan, received 16 May 2022
003A Second floor plan, received 16 May 2022
004A Roof plan, received 16 May 2022
005D Front elevation, received 31 August 2022
006B Rear elevation, received 31 August 2022
007A Side elevation, received 16 May 2022
008B Location plan, received 16 September 2022
009B Block plan, received 16 September 2022
010A Block plan, received 13 September 2022
Sustainability Statement, received 16 May 2022

Reason: For the avoidance of doubt.

Advices

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