

# Bristol City Council

## Minutes of the Development Control B Committee

15 August 2018 at 6.00 pm



### **Members Present:-**

**Councillors:** Harriet Clough, Lesley Alexander, Tom Brook, Harriet Bradley, Mike Davies, Fi Hance, Olly Mead, Jo Sergeant and Clive Stevens

### **Officers in Attendance:-**

Peter Westbury – Team Manager, Development Management, Alex Hawtin, Tamsin Sealy, David MacFadyen – Development Management Officers, Allison Taylor – Democratic Services

### **1. Welcome, Introduction and Safety Information**

These were done.

### **2. Apologies for Absence**

Apologies for absence were received from Councillors Khan and Denyer with Councillor Stevens substituting for Councillor Denyer.

### **3. Declarations of Interest**

There were none.

### **4. Minutes of the previous meeting**

These were agreed as a correct record.

**Resolved – that the minutes of the above meeting be approved as a correct record and signed by the Chair.**



## 5. Appeals

These were noted.

The Committee also noted the Public Forum submission received in respect of Appeal Number 4 – land adjacent 131 Bridgewater Road.

## 6. Enforcement

The list of Enforcement Notices served since the last Committee Meeting was noted.

## 7. 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.

## 8. Planning and Development

The Committee considered the following Planning Applications:-

### 9. Planning Applications Number 18/01374/F and 18/01375/LA - Mortimer House Nursing Home, Clifton Down Road, Bristol BS8 4AE

The Chair took the opportunity to thank the applicant and neighbours for their co-operation during the Committee's site visit.

The representative of the Head of Development Management made the following points by way of introduction:-

1. Mortimer House was a Grade II listed building located in the Clifton Conservation Area;
2. The application sought permission for landscaping and the conversion of the front garden to its original layout with car parking facilities to the rear accessed through a side wall controlled by a gate;
3. In 2016 planning permission was given for a change of use of the care home to an office with six car parking spaces to the front;
4. This application was referred to Committee by Councillor O'Rourke;
5. In January 2018 DC B Committee voted against the officer recommendation to grant and refused planning permission for landscaping and a car park to the rear of the building and for Listed Building



- consent for the harm it would cause to the historic appearance of the Listed Building and the level of car parking was unjustified given the highly sustainable location of the building;
6. The revised application before the Committee sought to address the reasons for refusal by reducing the level of car parking to eight spaces and adding two additional areas of planting at the eastern end of the garden;
  7. This application attracted 30 objections, 7 in support of the scheme and a 98-signature petition objecting to the scheme;
  8. The reinstatement of the historic landscaped frontage was supported by English Heritage and the Council's Conservation Officer;
  9. The transport arrangements were acceptable to Transport Officers and it was noted that the level of car parking was less than the maximum quantum allowed under the Parking Standards Schedule and that there was sufficient visibility for access. The Tree Officer was satisfied with the proposal noting that 9 trees would be planted to mitigate the loss of the Cherry tree, which was in excess of the agreed standard;
  10. In summary, Officers recommended the application for approval subject to conditions.

The following points arose from questions and debate:-

1. It was confirmed that there would be no commercial use vehicles as this was purely an office. Deliveries of office supplies would use the drop off point at the front of the building. This was clearly set out on the site plan so would be enforceable without conditioning. It was emphasised that there would be no parking at the front at any time;
2. With respect to noise concerns from the rear of the site, Pollution Control officers were satisfied that there was not a significant impact on air quality, noise or vibration given the level of parking;
3. It was noted that in April 2018 the applicant submitted an appeal to the Planning Inspectorate against the January decision. Officers did not know whether this appeal would be withdrawn if the current application was granted;
4. Officers considered the use viable as there was already a change of use consent in place. The front of the historical landscape would be retained and this benefited a Conservation Area;
5. Vehicle movements would be in line with office hours ie. 8/9am to 5/5.30pm. It was estimated there would be 16 car movements per day. It was possible to condition so that there were no car movements at night;
6. Councillor Mead asked why the rear was considered more acceptable than the front for car parking when it meant the loss of the garden and was informed that Clifton Down Road was a prominent location in the Conservation Area and the rear had already lost much of its heritage value with the loss of the garden house and the construction of the new buildings to the south and was therefore considered less important than the frontage;
7. It was confirmed that 8 car parking spaces only would be secured through landscape conditions which were enforceable if breached;
8. It was not possible to condition the type of vehicles using the car park as this was unenforceable;
9. Councillor Stevens believed the key issue was whether the improvements to the Historic Asset to the front outweighed the loss to the Historic Asset at the rear and was that improvement better than the loss



of amenity to residents. He noted that the frontage would not be visible from the street as there would be large trees in the way and therefore the value of that Heritage Asset was not as high as it could be;

10. The Chair stated that he had considered the application carefully and believed it to be a positive use of a Heritage Asset and enhanced the Conservation Area. It was crucial that care homes were properly resourced and this use was therefore welcomed. He understood the concerns of residents but stated that the reduction in the amount of parking and a condition to prevent overnight parking should reassure them. He was minded to support the application;

11. Councillor Hance was concerned that this application was for an additional 2 car parking spaces to the consent from 2016 and was not sure whether this was worth the distress to residents. She was also concerned that the impacts of noise and vibration had not been properly assessed and was minded to vote against officer recommendation;

12. Councillor Sergeant was concerned that the impacts of traffic and pollution had not been properly assessed and was not convinced enforcement would work;

13. Councillor Bradley believed there was harm to the front and back and was not impressed with the design. It was too close to residents and she would not support the officer recommendation;

14. Councillor Mead supported the business aims of the applicant and felt the improved access to the rear was a positive change but questioned the proposals to the frontage. He was undecided how to vote;

15. Councillor Davies believed that the applicant had addressed the reasons for the previous refusal. He acknowledged that the proposals were not ideal but were a substantial heritage gain and he would support the officer recommendation;

16. Councillor Brook believed the revised frontage was an improvement but there was still harm to the building and the amenity of neighbours from noise and traffic pollution. He was not convinced that the gain at the front outweighed the loss at the rear. He preferred the car park at the front as per the original consent and would vote against the officer recommendation;

17. Councillor Clough supported the reduction in car parking spaces and the improved accessibility for disabled users at the rear car park. She questioned whether the Heritage Asset at the rear should be preserved if the damage had been done by previous development;

18. Regarding a condition to limit the car park use, the Committee was advised this could be between the hours of 8.30am and 6.30pm;

19. The Chair moved the officer recommendation and an additional condition regarding hours of use for the car park and this was seconded by Councillor Davies. On being put to the vote it was lost 4 for, 6 against;

20. Discussion ensued regarding the appropriate wording for a refusal motion. Members referenced the loss of the rear garden not outweighing the restoration of the heritage asset of the front garden, a loss of visual and residential amenity, an unjustified level of car parking given the sustainable location and the relevant planning policies for these reasons. These reasons were moved by Councillor Stevens and seconded by Councillor Bradley. On being put to the vote it was:-

**Resolved (7 for, 3 against) – That planning permission be refused for the following reasons:-**

- 1. The proposed car park to the rear of Mortimer House would cause unacceptable harm to historic appearance of the rear of the Listed Building through a loss of visual and residential**



amenity and the garden's verdant character. The loss of the rear garden to car parking, and the potential affects upon air and noise pollution this would have, is not outweighed by the benefits to this heritage asset resulting from the restoration of the front garden. As such, the proposed development would be contrary to the section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, Bristol Core Strategy Policies BCS21 (Quality Urban Design), BCS22 (Conservation and the Historic Environment) and BCS23 (Pollution), and Policies DM26 (Local Character & Distinctiveness), DM31 (Heritage Assets) and DM33 (Pollution Control, Air Quality and Water Quality) of the Site Allocations and Development Management Policies.

- 2. The proposed level of car parking is unjustified given the highly sustainable location of Mortimer House, and the proposed development would encourage car use to the contrary to the transport user priorities set out within Bristol Core Strategy Policy BCS10 (Transport and Access Improvements).**

The Chair took the opportunity to thank the applicant and neighbours for their co-operation during the Committee's site visit.

The representative of the Head of Development Management made the following points by way of introduction:-

1. Mortimer House was a Grade II listed building located in the Clifton Conservation Area;
2. The application sought permission for landscaping and the conversion of the front garden to its original layout with car parking facilities to the rear accessed through a side wall controlled by a gate;
3. In 2016 planning permission was given for a change of use of the care home to an office with six car parking spaces to the front;
4. This application was referred to Committee by Councillor O'Rourke;
5. In January 2018 DC B Committee voted against the officer recommendation to grant and refused planning permission for landscaping and a car park to the rear of the building and for Listed Building consent for the harm it would cause to the historic appearance of the Listed Building and the level of car parking was unjustified given the highly sustainable location of the building;
6. The revised application before the Committee sought to address the reasons for refusal by reducing the level of car parking to eight spaces and adding two additional areas of planting at the eastern end of the garden;
7. This application attracted 30 objections, 7 in support of the scheme and a 98-signature petition objecting to the scheme;
8. The reinstatement of the historic landscaped frontage was supported by English Heritage and the Council's Conservation Officer;
9. The transport arrangements were acceptable to Transport Officers and it was noted that the level of car parking was less than the maximum quantum allowed under the Parking Standards Schedule and that there was sufficient visibility for access. The Tree Officer was satisfied with the proposal noting that 9 trees would be planted to mitigate the loss of the Cherry tree, which was in excess of the agreed standard;



10. In summary, Officers recommended the application for approval subject to conditions.

The following points arose from questions and debate:-

1. It was confirmed that there would be no commercial use vehicles as this was purely an office. Deliveries of office supplies would use the drop off point at the front of the building. This was clearly set out on the site plan so would be enforceable without conditioning. It was emphasised that there would be no parking at the front at any time;
2. With respect to noise concerns from the rear of the site, Pollution Control officers were satisfied that there was not a significant impact on air quality, noise or vibration given the level of parking;
3. It was noted that in April 2018 the applicant submitted an appeal to the Planning Inspectorate against the January decision. Officers did not know whether this appeal would be withdrawn if the current application was granted;
4. Officers considered the use viable as there was already a change of use consent in place. The front of the historical landscape would be retained and this benefited a Conservation Area;
5. Vehicle movements would be in line with office hours ie. 8/9am to 5/5.30pm. It was estimated there would be 16 car movements per day. It was possible to condition so that there were no car movements at night;
6. Councillor Mead asked why the rear was considered more acceptable than the front for car parking when it meant the loss of the garden and was informed that Clifton Down Road was a prominent location in the Conservation Area and the rear had already lost much of its heritage value with the loss of the garden house and the construction of the new buildings to the south and was therefore considered less important than the frontage;
7. It was confirmed that 8 car parking spaces only would be secured through landscape conditions which were enforceable if breached;
8. It was not possible to condition the type of vehicles using the car park as this was unenforceable;
9. Councillor Stevens believed the key issue was whether the improvements to the Historic Asset to the front outweighed the loss to the Historic Asset at the rear and was that improvement better than the loss of amenity to residents. He noted that the frontage was not visible from the street as there was a large tree in the way and therefore the value of that Heritage Asset was not as high as it could be;
10. The Chair stated that he had considered the application carefully and believed it to be a positive use of a Heritage Asset and enhanced the Conservation Area. It was crucial that care homes were properly resourced and this use was therefore welcomed. He understood the concerns of residents but stated that the reduction in the amount of parking and a condition to prevent overnight parking should reassure them. He was minded to support the application;
11. Councillor Hance was concerned that this application was for an additional 2 car parking spaces to the consent from 2016 and was not sure whether this was worth the distress to residents. She was also concerned that that the impacts of noise and vibration had not been properly assessed and was minded to vote against officer recommendation;
12. Councillor Sergeant was concerned that the impacts of traffic and pollution had not been properly assessed and was not convinced enforcement would work;
13. Councillor Bradley believed there was harm to the front and back and was not impressed with the design. It was too close to residents and she would not support the officer recommendation;



14. Councillor Mead supported the business aims of the applicant and felt the improved access to the rear was a positive change but questioned the proposals to the frontage. He was undecided how to vote;
15. Councillor Davies believed that the applicant had addressed the reasons for the previous refusal. He acknowledged that the proposals were not ideal but were a substantial heritage gain and he would support the officer recommendation;
16. Councillor Brook believed the revised frontage was an improvement but there was still harm to the building and the amenity of neighbours from noise and traffic pollution. He was not convinced that the gain at the front outweighed the loss at the rear. He preferred the car park at the front as per the original consent and would vote against the officer recommendation;
17. Councillor Clough supported the reduction in car parking spaces and the improved accessibility for disabled users at the rear car park. She questioned whether the Heritage Asset at the rear should be preserved if the damage had been done by previous development;
18. Regarding a condition to limit the car park use, the Committee was advised this could be between the hours of 8.30am and 6.30pm;
19. The Chair moved the officer recommendation and an additional condition regarding hours of use for the car park and this was seconded by Councillor Davies. On being put to the vote it was lost 4 for, 6 against;
20. Discussion ensued regarding the appropriate wording for a refusal motion. Members referenced the loss of the rear garden not outweighing the restoration of the heritage asset of the front garden, a loss of visual and residential amenity, an unjustified level of car parking given the sustainable location and the relevant planning policies for these reasons. These reasons were moved by Councillor Stevens and seconded by Councillor Bradley. On being put to the vote it was:-

**Resolved (7 for, 3 against) – That planning permission be refused for the following reasons:-**

- 1. The proposed car park to the rear of Mortimer House would cause unacceptable harm to historic appearance of the rear of the Listed Building through a loss of visual and residential amenity and the garden's verdant character. The loss of the rear garden to car parking, and the potential affects upon air and noise pollution this would have, is not outweighed by the benefits to this heritage asset resulting from the restoration of the front garden. As such, the proposed development would be contrary to the section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, Bristol Core Strategy Policies BCS21 (Quality Urban Design), BCS22 (Conservation and the Historic Environment) and BCS23 (Pollution), and Policies DM26 (Local Character & Distinctiveness), DM31 (Heritage Assets) and DM33 (Pollution Control, Air Quality and Water Quality) of the Site Allocations and Development Management Policies.**
- 2. The proposed level of car parking is unjustified given the highly sustainable location of Mortimer House, and the proposed development would encourage car use to the contrary to the transport user priorities set out within Bristol Core Strategy Policy BCS10 (Transport and Access Improvements).**



## 10 Planning Application Number 17/06582/F - 22A Islington Road, Bristol BS3 1QB

The representative of the Head of Development Management made the following points by way of introduction:-

1. The application had been referred to Committee by Councillor Bolton;
2. The application had previously been considered at the DC B Committee on 25 April where it had been deferred for officers to seek further amendments to the roof scheme due to concerns that it would result in unacceptable loss of light and amenity to neighbouring gardens;
3. In response, the applicant had submitted a revised application which included a hipped roof form at the eastern side of the building and the boundary fence being reduced to 1.8m height at the rear and redesigned to a stepped design to increase privacy for occupants and neighbours. There was also a revised sunlight assessment study;
4. Officers had reassessed the application and found that there was not unacceptable harm. The applicant had readdressed the roof impact and officers deemed the application acceptable and recommended grant subject to conditions.

The following points arose from questions and debate:-

1. It was confirmed that the full application was before the Committee for approval based on its merits. However the minutes for the previous application were a public document and the Committee should give great weight to them in their deliberations;
2. It was noted that the application fell within the Conservation Area for Bedminster and the building was listed which were material planning considerations. However, officers found the design not so harmful as to warrant refusal and the loss could be justified;
3. The applicant had considered amending the other side of the roof but this would not impact on light and would alter the internal layout;
4. Councillor Brook stated the design was of a high quality and sympathetic within a Conservation Area. This proposal was a great improvement on the existing building;
5. Councillor Clough believed the amendments to the roof design did not address the previous Committee's reasons to defer the application and was minded to vote against the officer recommendation;
6. Councillor Hance expressed concern that the massing had not been addressed and questioned whether the design was an improvement on the current building. She was minded to vote against the officer recommendation;
7. Councillor Bradley questioned whether the applicant had sufficiently addressed the overshadowing and felt the internal design layout was not a valid argument;
8. Councillor Davies was content with the application and moved the officer recommendation and this was seconded by Councillor Brook. On being put to the vote it was lost – 2 for, 7 against, 1 abstention. The Chair then proposed that the application be refused due to unacceptable overshadowing of surrounding residential properties and loss of light caused by the design of the roof, the impact on





residential amenity and that the application was within a Conservation Area. This was seconded by Councillor Clough. On being put to the vote, it was:-

**Resolved (7 for, 2 against, 1 abstention) – that planning permission be refused for the following reasons:-**

**The design of the roof as proposed would lead to unacceptable overshadowing of surrounding residential properties and would therefore have a detrimental impact on residential amenity, contrary to Core Strategy Policy BCS21 (Quality Urban Design) and Policies DM26 (Local Character & Distinctiveness) and DM27 (Layout and Form) of the Site Allocations and Development Management Policies (Adopted July 2014). For this reason, the design would also lead to harm to this part of the Bedminster Conservation Area contrary to Core Strategy Policy BCS22 (Conservation and the Historic Environment) and Policy DM31 (Heritage Assets) of the Site Allocations and Development Management Policies (Adopted July 2014).**

### **11 Planning Application Number 18/00447/F - 6 Cotham Lawn Road, Cotham, Bristol BS6 6DU**

The representative of the Head of Development Management made the following points by way of introduction:-

The following points arose from questions and debate:-

1. The application was before the Committee due to the high level of local objection to the proposal. It was noted that many of the objections followed the same template and related to the loss of the stone boundary wall and the harm to street trees;
2. The proposal was for a two-storey detached, 3-bedroom house on land to the rear of the site fronting Trelawney Road;
3. The proposal was in a highly sustainable location with access to public transport and shops;
4. The design was acceptable and the materials used were in keeping with a Conservation Area;
5. Officers recommended approval subject to conditions.

The following points arose from questions and debate:-

1. Councillor Mead noted that the use of residential gardens for new housing proposals was already evident in nearby properties. The use of materials was sympathetic and the trees were protected. He would support the officer recommendation;
2. There were no other comments so Councillor Bradley moved the officer recommendation and this was seconded by Councillor Brook. On being put to the vote, it was:-

**Resolved (Unanimous) – That planning permission be granted subject to conditions set out in the report.**



## **12 Planning Application Numbers 17/06957/X and 17/06959/X - 39-40 Berkeley Square, Bristol BS8 1HP**

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

The representative of the Head of Development Management made the following points by way of introduction:-

1. It was noted that application 17/06957/X had been withdrawn by the applicant;
2. It was noted that the published report contained some errors and the corrections were set out in the Amendment Sheet. In particular it was reported that the carbon offset contribution would be £13, 534 and not the figure as set out in the report;
3. This was a section 73 application which sought changes and revisions to an extant planning permission granted in 2016. The changes were as follows:-

- To change the appearance of the additional storey from a mansard style roof to a more modern flat-roofed storey;
- The approved renewable energy of Air Source Heat Pumps had proved problematical and the applicant therefore wished an array of PV panels to the roof of no. 40. Officers have assessed that a full array would cause harm to heritage assets so a reduction had been negotiated to cover one quarter of the roof. As this reduction would result in only a 5.5% reduction in carbon emissions and not the full 20% a carbon off-set contribution of £13, 534 had been secured with the applicant;
- The air conditioning plant was to be relocated from the basement to the front part of the roof facing Berkeley Square.

4. The application had attracted 22 objections mainly from residents of Berkeley House;
5. There was a close relationship between this building and its neighbour with a gap of only 9m at its closest. This was an existing situation and could not be changed;
6. Officers were satisfied with the appearance of the extension and that it would not cause harm within a Conservation Area;
6. A noise and daylight assessment had been carried out and officers were satisfied that the scheme met requirements. It was noted that properties 19-36 of Berkeley House would be affected but the impact was not sufficient to warrant refusal;
7. In summary, Officers recommended approval subject to a Planning Agreement.

The following points arose from questions and debate:-

1. It was the view of the Conservation Officer that PV panels presented a cluttered roof;
2. The Carbon off-set contribution would be spent on Council owned assets to achieve an overall reduction in CO2;



3. The gap between the buildings was already impacting residents but could not be addressed by this application;
4. The applicants had declined the installation of soundproofed glass around the roof terrace. Officers could not insist on this as Pollution Control Officers had advised that the noise would not create additional harm. A condition limiting the use of the roof terrace from 9am to 6pm weekdays and not at all on weekends and Bank Holidays provided some protection to residential amenity;
5. Officers perceived the reason for the roof terrace to be for small businesses occupying the building to interact within an amenity area;
6. Officers believed this application was better than the previous one as it provided greater control with the Management Statement making it clear how the roof was to be controlled. Residents' recourse should noise be unacceptable was through enforcement action as this would amount to a breach of the Management Condition as well as statutory nuisance legislation;
7. There was a degree of harm with the PV panels being visible from afar within a Conservation Area but it was felt that this harm was outweighed by the benefit in CO2 reductions. The Committee was cautioned against imposing a planted screen as this changed the application and required maintenance and presented difficulties to ensure it was kept long term;
8. An acoustic barrier presented an impact on conservation grounds. Besides, a noise assessment had been carried out and found that a screen was not necessary;

At this point, Councillor Clough left the meeting. This left 9 Committee members to vote on this item.

9. The Chair welcomed the employment use of this development. The changes did not address all previous concerns but were nonetheless positive and provided greater control. He would support the officer recommendation;
10. Councillor Bradley supported the usage but wanted some protection for residents from overlooking and noise. She also believed the full array of PV panels should be restored in line with the sustainability policy. The representative of the Head of Development Management advised that the Committee could give delegated authority to officers to explore with the applicant an increase in the number of PV panels and that meant that there would be no carbon off-set contribution. Officers could also explore a man-made screen for the roof terrace. No matters which were at the fundamental core of the application could be revisited as the principle had already been established;
11. Councillor Sergeant advised against a hedge as it would be an unfair burden on the applicant and supported a glass screen;
12. Councillor Mead stated that a lack of screening was not sufficient reason to refuse the application. He was pleased the development would be to the benefit of city and its economy. He moved that officers be given delegated authority to explore an increase in the number of PV panels and a form of man-made screen for the roof terrace and this was seconded by Councillor Davies. On being put to the vote it was:-

**Resolved (Unanimous) - That delegated authority be given to Officers to grant planning permission subject to:**

1. **The provision of an increase in the amount of PV panels negating the requirement for an unilateral undertaking for provision elsewhere in the city.**



2. **Consideration of provision of an alternate man made screen (designed to provide additional protection to neighbouring amenity) to the proposed roof terrace.**

### **13 Date of Next Meeting**

26 September 2018 at 2pm.

Meeting ended at 9.10 pm

**CHAIR** \_\_\_\_\_

