

# Bristol City Council

## Minutes of the Development Control B Committee

14 October 2020 at 6.00 pm



### **Members Present:-**

**Councillors:** Richard Eddy (Vice-Chair), Tom Brook (Chair), Mike Davies, Fi Hance, Chris Jackson, Olly Mead, Clive Stevens, Nicola Bowden-Jones and Sultan Khan

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

Gary Collins and Jeremy Livitt

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

The chair welcomed all parties to the meeting.

## **2. Apologies for Absence**

Apologies for absence were received from Councillor Lesley Alexander.

## **3. Declarations of Interest**

Declarations of Interest were received from:

Councillor Richard Eddy in respect of Planning Application Number 20/01930/F - Police Dog & Horse Training Centre Clange Road Bristol BS3 2JY – as a former member of Destination Bristol who have a stake in this application. However, he indicated that his views were not influenced by them.

Councillor Chris Jackson in respect of Planning Application Number 20/01930/F - Police Dog & Horse Training Centre Clange Road Bristol BS3 2JY – as a member of the Caravan and Motoring Club. However, he retained an open mind concerning this application.

Councillor Clive Stevens indicated that he had written a book about Local Democracy and was a member of the Bristol Tree Forum until 2016. However, neither of these impeded his ability to consider both planning applications at today's meeting with an open mind.



Councillor Fi Hance who used to have a child at Cotham School. However, this did not affect her ability to consider Planning Application Number 20/03288/VP Stoke Lodge Sports Ground Shirehampton Road Sea Mills Bristol on its merits.

#### **4. Minutes of the previous meeting held on 16th September 2020**

Councillor Tom Brook moved, seconded by Councillor Richard Eddy and it was

**RESOLVED - that the minutes of the above meeting be confirmed as a correct record.**

#### **5. Appeals**

Officers made the following comments concerning this report:

**Number 11 - Ground Floor Hamilton House 80 Stokes Croft Bristol BS1 3QY – Notification for Prior Approval for a proposed change of use of a building from use class B1 (Office) to a Dwelling House (Class C3). Block C, Ground Floor - 1 Unit.**

Confirmation was awaited concerning the virtual hearing and this would then be followed by an exchange of written representations.

**Number 60 - Plot Of Land Fronting Former 164 - 188 Bath Road Totterdown Bristol BS4 3EF - Removal of the 3 no. existing hoarding advertisement signs, and installation of 2no. illuminated digital advertisements on support legs**

The Committee had approved one application and refused the other. However, this appeal had been allowed. The Inspector felt that on balance the digital advert would not be a distraction for drivers. However, no costs had been applied for.

Officers confirmed that the applicant could not re-apply with their application, which had been considered on its own merits. They would continue to argue that any potential distraction from hoarding advertisement signs needed to be taken into account in any decision but would always feed back to the Committee the implications of any appeal decision in such cases.

#### **6. Enforcement**

Officers drew attention to the two enforcement notices that had been served since the last meeting.

#### **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 set out below:

### 9. 20/03288/VP - Stoke Lodge Sports Ground, Shirehampton Road

Officers introduced this report and made the following comments:

- The Ash Tree in question was shown on a diagram displayed to the meeting, including an aerial photograph from 2016.
- A photograph showed the footpath, as well as the ash tree, tower and fence
- A rough drawing of the position of the tree highlighted its form
- A wound on the branch of the tree was causing decay. Other branches were growing around the pavilion.
- The benefit of pruning the tree is that it would only subsequently require a single further occurrence of pruning to recover. If the branches around were not removed, it would touch the branch due to future growth and cause damage
- Regular pruning requires significant resources and will ensure the building does not damage the tree for several years. This would allow recovery over a 10 year period
- Tree Management Policy (TMP) – Bristol City Council’s TMP did not authorise the removal of nuisance trees subject to proof that they were overhanging. However, the resident has a right in common law to prune the tree back to the boundary. In addition, it reduced the financial burden to Bristol City Council not to prune all the branches
- The tree needed careful management

Officers made the following responses to Councillors’ questions:

- There would be a very small proportion of the tree that needed to be pruned. Pruning back the trunk would allow the trees’ natural defences to seal over and for it to recover. This was urgently needed and would create a worse situation if the pruning did not take place
- The Local Planning Authority received 3 to 4,000 applications under the Planning Act. In each case, an assessment had to be made and a judgement taken by officers under delegated authority. The Local Member, Councillor Goulandris, had exercised his right to refer this matter to Committee under the ward member referral system. Since the constitution uses the word application for Development Control Committees, it had been deemed that this does cover Tree Preservation Orders
- In assessing whether or not a tree needed pruning, officers assessed the proportion of canopy that would need to be removed and the impact on the trees’ ability to photosynthesise. It was only a small amount in this case and in the professional opinion of the Tree Arboricultural Officer it would not be dangerous to the tree. However, when a branch was pruned, it took a



lot of stored energy to callous over a wound and so reducing the amount of times that pruning took place was important

- The Committee needed to consider the application in front of it and could not therefore request the one branch hitting the tree to be removed
- Whilst there would not be any short term difficulty in just removing the one branch, the other branches would interact with the building and cause problems in five to ten years' time
- The assessment of each individual tree was done according to British Standard 399A and to prevent any further damage to the tree. The use of pruning was a means of carrying this out. There were no plans to change the status of this tree's status operating under a Tree Preservation Order. If a tree needed to be felled, a replacement tree would be planted
- There might be a marginal risk to the tree of ash die back as this did happen to trees that were already weak.
- Although some of the Public Forum Statements had acknowledged that the policy only required works to a tree with a TPO if there was an actual nuisance, the TPM did nevertheless give a common law right to make an application to prune a tree back to the building line
- The land was tenanted to the school which therefore had the common law right to carry out the works
- If carried out, the works would take place in mid-winter (ie January 2021)
- If the application was refused, the school could either apply for a fresh application or appeal the decision
- There were approximately two to three branches that needed pruning on the pavilion side and two to three over the path. The largest branch was approximately 10 to 15 cm and the remaining branch was 7 to 8 cm

Committee members made the following comments:

- The two comments from Councillor Goulondris should be noted. The works amounted to butchery if they went ahead and would make the trees look like a lollipop. They were very severe. The views of the Tree Forum and Tree Champion should also be considered. The Committee should vote against the application
- The proposal was to cut a number of small branches and would not be butchery. Whilst the views of residents should be noted, the wellbeing of the pavilion and students needed to be taken account of. Therefore, the application should be supported
- It was disappointing to see that the Committee was being caught again in the ongoing dispute between Cotham School and nearby residents. The proposed works were not butchery. It was good that the tree only needed to be pruned once and tree surgeons should not be asked to keep pruning it back. It was also important that children should have access to sports facilities. The tree will not die and will grow back.
- The objection seemed to be mainly due to the ongoing legal dispute between the school and residents. The application should be supported
- The Arboricultural Officer comments were persuasive. It was important that this had come to Committee to ensure that the democratic process was followed and to allow members to have their say.



- It would be good if a compromise could be found to this situation

Councillor Mike Davies moved, seconded by Councillor Olly Mead and upon being put to the vote it was

**RESOLVED (7 for, 1 against, 1 abstention) – that the application be approved as set out in the report.**

## 10 20/01930/F - Police Dog and Horse Training Centre, Clanage Road

Officers introduced this report and made the following comments:

- The site location was a disused railway line
- The plan was to bring it back into use on the eastern side. On the western side was Ashton Gate, to the south is Bedminster Cricket Club and other open areas, to the east is the city and Brunel overpass with the River Avon running along the eastern side of the site
- A Public Right of Way surrounded the site but the site itself had been disused for some time and was previously occupied by Avon and Somerset Police. A footbridge allows access to the city
- The southern part of the site was undeveloped – various images were shown of the buildings inside the site
- The caravan club operates an alternative site at Baltic Wharf including 62 pitches (58 were all weather), 4 grass pitches and a proposal for the erection of 3 buildings. There was one single access area to the central part of the site lowering the boundary wall
- The site was in the green belt and in Flood Zone 3 adjacent to the Ashton Court Estate which was a Grade 2 listed building
- The application was similar to the 2016 application that had been refused on the grounds of the Green Belt, Impact on the Conservation Area, Highways Land and Flood Risk. Officers' view was that there had been little change in the proposal apart from the highways situation
- Since the area of land was in the Green Belt, an exception could be made if it was a brown field site. However, the policy was to keep the area of land open for use. Whilst part of the site was brown field, the southern part of the site including the Caravan Site was not included in any of the exceptions and any exception would be noticeable. The policy stated that an application could therefore only be approved in very limited circumstances
- Whilst it was noted that there were no other sites available and that there were economic and tourism benefits to the site since the caravan club was popular, none of these factors overrode the issue of the impact on the Green Belt
- The Conservation Area and City Docks were noted. The purpose of this area was to retain a buffer between the city and Ashton Court Estate
- An image of the proposed 58 pitches was shown. These would be materially different to the rest of the site and would be prominent
- Officer's view was that the caravans were not discrete and would operate almost to full occupancy all year round which would conflict with the Conservation Area and Green Belt



- Whilst officers acknowledged the comment from the applicant that the parcel of land could be used for the Bristol to Portishead Railway Line, it was noted that this had not yet been approved.
- The proposed 57 lights would create an illuminance from the caravans themselves. Therefore, officers were recommending refusal on heritage grounds
- There was a high probability of flooding on the site. The Flood Risk Assessment from the applicants was noted
- The other test was an exception test. Criteria A considered the wider sustainability and benefits ie economic and tourism, whilst Criteria B considered the assessment of the Government Agency and BCC's Flood Risk Team assessing a risk to life and property. The Flood Map extended to the south and since Clange Road had a steep hill, it would be difficult to evacuate 62 caravans. Therefore, refusal was recommended on these grounds
- There were 9 individual trees on the northern and western side of the site. Officers objected to the loss of two trees (T9 Sycamore and T19 Silver Birch). The advice from the Tree Officer was that neither the tree canopy nor the tree itself should be removed
- Whilst the previous application had been refused on highway safety grounds, following the applicant's submission of details of access and turning areas, officers considered that this was now acceptable provided this was widened and the wall reduced in height
- Ecology – there was no objection from the Ecology officer or from Natural England
- Sustainability – the proposal was policy compliant
- Officers therefore recommended refusal of the application on the grounds of the Green Belt, Heritage Assets, Flood Risk and removal of category B trees

In response to members' questions, officers made the following comments:

- Whilst BCC was not obliged to treat the concerns of the Environment Agency as a veto of the application, they should be given greater weight as they held greater powers than the Local Planning Authority. If Councillors were minded to approve the application, it would need to be referred to the Secretary of State on the grounds of their objection and as a departure from Green Belt Policy
- The application needed to be assessed on its merits. The role of the green belt was to create an area where there was no development and had to be assessed against an increased harm to openness
- The Avon Green Belt was designated in 1957. Whilst the Environment Agency did not record when this area was last flooded, it was recorded in the planning database as an area of high risk. Officers' view was that it was not appropriate for it to be considered an exception. The date of designation was unimportant since it was a key material consideration. Since it was designated in Flood Zone 3, this was the highest level of flood risk and was likely to increase
- Whilst the rationale of support as being of benefit to the city was noted from organisations such as Destination Bristol and Business West, the Committee needed to balance this against the impact on the site
- No objection had been received to the proposal on a heritage basis or from Natural England



- The site was approximately 1 mile from Baltic Wharf which was also in Flood Zone 3. Officers assessed the site according to policy for each site. It was noted that there were different flood defences around Spike Island. In addition, the application being determined was a live application, not a historic one like Spike Island. The existing flood risk remained a problem for the Spike Island site
- Even if the application was refused, there remained potential at the site since the Green Belt policy does allow exceptions

Committee Members made the following comments:

- Whilst officers recommendations concerning the site were noted, it was needed for development due to the existing situation at the Baltic Wharf site. It was not oppressive and should be allowed with officers being delegated authority to negotiate conditions including the retention of the two trees identified by officers
- A study had shown the significant impact the 70-pitch caravan site made to the economy. Since the Caravan Club had managed the risk despite a Flood 3 risk on the site, this site should be acceptable even within the Green Belt area. There had been no damage to Ashton Court or Heritage Assets and therefore should be supported
- The compromise made by the applicant in respect of the original highway concerns should be noted. Whilst there were flood risks, these were unlikely to impact enormously on the development. It was important to support businesses such as this. The application should therefore be supported
- Whilst there was an economic benefit to the city, the application should not be supported in view of the flood risk and the Environment Agency's objection
- The business community were likely to support this application in all circumstances. In view of the flood risk at the Spike Island site, members should consider whether they would support an application there if it was made now. Whilst the site could be evacuated promptly, it should not be supported if any housing was proposed for the site. Officers needed to provide an assurance that the issues of ecological damage to the site and the reduction of ASB could be addressed. However, the report was very thorough
- The issue of flood risk and green belt could be addressed through the referral to the Secretary of State in the event of the application being approved. However, the issues of the retention of the two trees identified by the officers and the disturbance from the lights at the caravan site needed to be addressed
- Whilst this application was in a historic site, there were other instances elsewhere in the country where this worked. It would be short-sighted not to approve this application that would help the economy of the city. However, the issue of the loss of the two trees identified by the officers needed to be addressed
- The issues of the Green Belt and Flood Risk could be dealt with by reference to the Secretary of State. However, the two trees needed to be safeguarded.



Councillor Tom Brook moved and it was seconded by Councillor Fi Hance that the recommendations contained in the report to refuse this application be approved. Upon being put to the vote, this was LOST (2 for, 7 against).

It was then moved by Councillor Mike Davies, seconded by Councillor Richard Eddy and upon being put to the vote, it was

**RESOLVED (8 for, 1 abstention) – that the Committee is minded to approve the application and officers are requested to refer it to the Secretary of State due to the fact that it is a departure from the Development Plan and due to the Environment Agency’s objection on flood risk and that officers be delegated to prepare appropriate conditions subject to a condition to ensure trees T9 (Sycamore) and T19 (Silver Birch) are retained and also that there is a mitigation strategy for the lighting from the caravans on the site.**

### **11 Date of Next Meeting**

It was noted that the next meeting is scheduled to be held as a remote zoom meeting at 2pm on Wednesday 11<sup>th</sup> November 2020.

Meeting ended at 8.50 pm

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

