

# Bristol City Council

## Minutes of the Development Control B Committee

19 December 2018 at 2.00pm



### Members Present:-

**Councillors:** Sultan Khan (Chair), Richard Eddy (Vice-Chair), Donald Alexander (substitute for Tom Brook), Lesley Alexander, Carla Denyer, Mike Davies, Fi Hance, Margaret Hickman (substitute for Harriet Bradley), Olly Mead, Jo Sergeant, Mark Wright (substitute for Harriet Clough)

### Officers in Attendance:-

Gary Collins, Jeremy Livitt (Democratic Services Officer), Nigel Butler, Natalie Queffurus and David Macfadyen

## 1. Welcome, Introduction and Safety Information

Councillor Sultan Khan welcomed all parties to the meeting and explained arrangements for emergency access in the event of a fire.

## 2. Apologies for Absence

The following apologies and substitution were noted:

- Councillor Harriet Clough (Mark Wright substituting)
- Councillor Tom Brook (Donald Alexander substituting)
- Councillor Harriet Bradley (Margaret Hickman substituting)

## 3. Declarations of Interest

Councillor Fi Hance declared an interest in Agenda Item 8 (a) Planning Application Number 18/05206/A - Stoke Lodge Playing Field, Shirehampton as her daughter attended Cotham School.

## 4. Minutes of the previous meeting – 7<sup>th</sup> November 2018

The Committee noted Public Forum Statement Number 87 (Richard Walker) which requested that the following additional paragraph is added to the minutes of the above meeting:



“In response to suggestion that the application should be rejected, the advice given by Garry Collins (Head of Development Management) was that a planning policy reason would need to be given by Members of the Committee. Public safety was the reason then proposed by Cllr. Fabian Breckels. This prompted further advice from Garry Collins, that this (public safety) was not a valid planning policy reason for rejection of the application.”

The Committee agreed not to include this proposed additional comment.

Resolved: that the minutes of the meeting held on 7<sup>th</sup> November 2018 are approved as a correct record with the following additional amendments:

- The word “refuge” on Page 6 to be altered to read “refuse”
- The word “ally-gating” on Page 6 to be altered to read “alley-gating”
- The words “of parked” on Page 10 to be altered to read “of oncoming” and the word “expenses” to be altered to read “expensive”

## 5. Appeals

The Head of Development Management gave an overview of the appeals in progress drawing attention to:

- Item 35 – Land Adjacent to Karakal, Penpole Lane, Bristol – The Service Manager (Development Management) stated that he would confirm with the ward members whether or not this appeal had been withdrawn
- Items 60 and 61 (Mortimer House Nursing Home, Clifton Down, Bristol) – There had been an appeal against the Committee’s decision to refuse the application contrary to officers’ recommendations. This appeal had been allowed in November 2018 by the Inspector who had given weight to the issues of listed building status and the removal of parking at the front but felt that the parking at the rear would have a modest impact on the site. The Inspector did not agree with either reason for refusal as they felt it was unlikely that any additional parking would have a negative impact. However, costs were not awarded in this case

## 6. Enforcement

It was noted that there had been 4 Enforcement Notices served since the last Committee 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 planning committee considered the following Planning Applications

### a Planning Application 18/05206/A – Stoke Lodge Playing Field, Shirehampton

Following her previous Declaration of Interest (Minute Number 3 above), Councillor Fi Hance did not participate or vote on this item.

The Head of Development Management and his representative presented this item and made the following comments:

- There were a large number of historic issues that had affected this site. However, the scope of the Committee in respect of this application was limited
- He explained that the Committee could not consider the following issues in determining this application:
  - The nature of the lease
  - The use and access of the playing field
  - The designation of the site as open space
  - The impact on trees
  - The retrospective nature of the application
- Planning Guidance indicated that what the sign says is not material to this application
- This was a retrospective application
- Images of the sign were shown
- An aerial photo of the site was provided
- The location plan that was submitted with the application, was shown
- The report explained the outcome of the consultation exercise, as well as the issues of amenity and public safety
- The distance of the sign from the highway was indicated
- The report concluded that the application was acceptable and that, therefore, it was recommended for approval

In response to Councillors' questions, officers made the following points:

- The reference in the report to any refusal based on the application being detrimental to amenity related to the powers that the Local Planning Authority could exercise. These related to the control of the nature of the advert (for example, distracting traffic), as opposed to the wording of the sign



- The issue of the fencing was not relevant to the Planning Authority since the fence benefited from permitted development rights.
- The Committee noted the history of this site concerning the curtilage, namely that despite officers' original view that the field was within the curtilage of the listed Stoke Lodge, the matter had subsequently been referred to Counsel for advice and this advice was the playing field was not within the curtilage of the listed building
- Officers did not agree with the assertion that the wording of the sign affected the amenity of a site. Officers considered the size, scale, appearance and colouring of the sign, not the content or the form of words
- The third paragraph of the report set out the definition of an advertisement which officers believed fitted the application. Certain types of advert were classified as having deemed consent under the Regulations (ie. permission not required), assessed by different sizes, classes and functions and the three signs had been tested against these classifications. Since the deemed consent provisions in the regulations meant that two signs could be displayed in relation to schools, the school had made an application for the third sign. Despite the objections that were received, the application was considered to be acceptable.
- Councillors' concerns about the definition of an advert as defined in Planning Legislation were noted. However, whilst this was a technical assessment, officers had assessed that this was an advert since it was a sign defined wholly or partly for the purpose of making an announcement and was in line with the regulations.
- In relation to the curtilage, officers re-stated Counsel's opinion that the playing fields were not within the curtilage and that they needed to adhere to this
- Officers confirmed the published national planning practice guidance that, an application could not be refused regardless of how offensive, threatening or misleading it appeared to be. However, there were other laws that could be used to address this

Councillors made the following comments:

- Bristol City Council had been negligent as a landowner. If tenants were breaching their tenancy agreement, BCC's response should be robust. A legal reassessment of this situation was required. In the event that the application was approved, a condition should be added stating that Planning consent cannot be used to restrict or prevent free public access to the land
- The amenity was harmed by the content of the sign and should be reworded by Cotham School.
- The definition of a curtilage suggested that it should include the playing field
- All parties should be encouraged to meet to discuss this issue as soon as possible

Councillor Richard Eddy moved, seconded by Councillor Lesley Alexander and, upon being put to the vote, it was



**Resolved: (6 for, 3 against, 1 abstention) – that the sign, by virtue of its nature and the wording it contains, would be harmful to amenity and would also be harmful to the setting of the nearby listed Stoke Lodge, contrary to paragraph 132 of the NPPF and contrary to National Planning Practice Guidance.**

**b. Planning Application Number 18/04580/F – 225 Forest Road Bristol BS16 3QX**

The Head of Development Management and his representative presented this item and made the following comments:

- Members' attention was drawn to the revised plans in the amendment sheet. These showed the ground floor flat changing from a 1 bed 2 person dwelling to a 1 bed 1 person dwelling with a shower room, and also the first floor flat changing from a 1 bed 1 person dwelling with a bathroom to a 1 bed 1 person dwelling with a shower room.
- The application would create a sub-division of the existing garden
- There had been no objections from members of the public or consultees
- The principle of development was acceptable and was acceptable from the point of view of transport, but it would breach policies BCS15, BCS18 and BCS21 and was therefore unacceptable to the standard of amenity
- Therefore, the application was recommended for refusal

In response to Councillors' comments, officers made the following comments:

- Whilst officers understood Councillors' concerns about the need to balance compliance with policy with the need for affordable housing, there was a need to adhere to nationally prescribed space standards. Any change would require a change of policy
- There were very few houses that had been turned into flats in this area. However, the application was for a 1-bed space and needed to be considered on its merits. Since the Council had introduced space standards, which since been superseded by the Nationally Described Space Standards (NDSS), applications for 1 bed, 1 person had never been accepted, whilst 1 bed, 2 person applications could be deemed acceptable
- Officers noted the space standards set out in the the report. However, the proposal would need to be 50 square metres (gross internal floor areas and storage) for a 1bed 2 person dwelling over one storey to meet NDSS.

Councillors made the following comments:

- Whilst the concerns were understandable, this application did not seem to be too bad and should be supported
- In view of the housing crisis, expectations needed to be reduced to take account of need
- This was a well-designed scheme which was of an appropriate character for the area, met a housing need and had no objections. It should, therefore, be supported



- Some people preferred to live on their own and not to share a property with others. This application met this need and should be supported
- The application should not be supported since the Committee needed to be mindful of setting a precedent and of the required space standards
- The rooms were not that small and there was demand for them
- There were a many people who wanted such flats. The rooms were better than many flats in other parts of Bristol
- The proposed units were better than shared accommodation and the amount of amenity space being proposed was not of paramount importance
- The policy should be adhered to. If someone fell ill and needed a property with a space for a carer, properties such as this would not be able to meet this requirement. This application was different to the subsequent application 8(c) since the latter was built from scratch and not split in half

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

**Resolved: (9 for, 2 against) – that the application be approved with appropriate conditions to be drawn up by officers.**

**c. Planning Application Number 18/04579/F – 225 Forest Road Bristol BS16 3QX**

The Head of Development Management and his representative presented this item and made the following comments:

- Officers recognised that the existing policy needed to be reviewed in terms of the application of the current national space standards. A draft paper and technical note on modular units was being prepared for submission to the Cabinet Member, Councillor Nicola Beech, in January 2019
- Revised plans had been submitted on Monday 17<sup>th</sup> December 2019 which would increase the size of the building from 41 to 43 square metres. The proposed bedroom would be 8 square metres
- 20 letters of support had been received since the Committee report had been published
- The application was acceptable from the point of view of transport risk but did not meet the technical space standards
- Officers' view was that the dwelling would not provide sufficient space to meet every day activities and did not provide a high quality environment. In addition, it would harm the character and appearance of the area
- Officers were concerned that, if both applications were granted, this could have a cumulative impact on the site and cause harm to the amenity of residents contrary to policies ECS21 and DM2
- Officers were, therefore, recommending the application for refusal



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

- In the event that the application was removed, the existing boundary wall could be retained and kept in a timber style. Officers would also examine options for allowing light into the site
- Councillors needed to consider the application on its merits but taking into account the issue of precedent

Councillors made the following comments:

- This application should be supported. It had been designed from scratch and would let in natural light

Councillor Richard Eddy moved, seconded by Councillor Lesley Alexander and, upon being put to the vote, it was

**Resolved: (unanimously) – that the application be approved with appropriate conditions to be drawn up by officers.**

**d. Planning Application Number 18/05089/F – 15 Ashgrove Road, Redland**

Councillor Carla Denyer indicated that, whilst she had been e-mailed concerning this issue in her capacity as the local ward member, she had not been involved in any of the correspondence concerning it and would, therefore, participate and vote on this application.

The representative of the Service Manager – Development Services made the following comments:

- The application was outlined
- The existing property (15 Ashgrove Road) is an HMO. Permission for the demolition of the existing garage at the rear of the site and construction of a two storey house had been granted in 2014 and it was confirmed that work had started on this.
- The current application now proposed a substantially comparable dwelling to that previously approved above ground, however also now including a basement level below ground
- There had been 23 objections expressing concern to the health of the tree and harm to the amenity of neighbours. Concerns specifically related to construction method, noise and damage to neighbouring properties. The issue of the possibility of the house being used as an HMO was also raised, along with



concerns with regards to the amount of applications submitted at the site over recent years

- The key issue had been the placement of the proposed basement which would originally have been located too close to the tree. However, the developer had agreed to move the basement away from the tree.
- An arboricultural assessment had indicated that there were no tree roots in the area that the basement was now proposed to be located and that it would, therefore, cause no harm to it
- It was proposed that the construction method was secured by condition
- The issue of damage to the surrounding properties was a civil matter
- The application needed to be determined as submitted – this did not include proposals for use as a HMO but as a single family dwelling
- Officers believed that the application was in accordance with national and local policy, and therefore recommended permission was granted subject to conditions within the committee report

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

- The cycle storage area had been left off the original plan in error and had been included in the new plan
- The extant permission and conditions on the site needed to be adhered to
- Any requirement for regular tree maintenance and/or an arboricultural officer to be present on site would not be deemed reasonable since the assessment had already indicated that there would be no harm to the tree and there was already an extant permission for development of a house on the site
- Evidence showed that the tree would not die as the assessment had shown that there were not roots beneath the wall
- Any requirement for the site to be ineligible for resident's parking due to high demand in the area would not be considered reasonable since there is an existing permission already in place which did not include this

Committee members made the following comments:

- Neighbours' concerns were acknowledged about the possibility of damage to the pavement and future need for repairs with the demolition of the existing garage. However, the existing permission limited the Committee's scope in this area. The application would need to be approved
- Whilst this was not a good situation, the application could not be opposed. However, the officers in the Planning Enforcement Team were strongly requested to maintain a close eye on this site to ensure conditions were not breached
- Councillors had sympathy with the neighbours and indicated that they should not hesitate to report any breach of planning permission or conditions that occurred





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

**Resolved: (10 for, 1 against) – that the application be approved with the conditions set out on the report.**

#### **9. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for **6pm on Wednesday 30<sup>th</sup> January 2019** in the Council Chamber, City Hall, College Green, Bristol.

The meeting ended at 5.05pm

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

