



Bristol City Council
Minutes of Development Control Committee B
 Wednesday 12 November 2014 at 2 pm

Members:-

(A) Denotes absence (P) Denotes present

Labour	Liberal Democrat	Conservative	Green
Councillor Smith – Vice-Chair (P) Councillor Holland (P) Councillor Payne (P) Councillor Breckels (Substitute for Mead) Councillor Hickman	Councillor Martin (A) Councillor Woodman (A) Councillor Leaman (P)	Councillor Abraham – Chair (P) Councillor Lucas (P) Councillor Windows (P)	Councillor Fodor (P)

19. Apologies for absence

Apologies were received from Councillor Mead (Breckels substituting).

20. Declarations of interest

None declared.

21. Minutes of the Development Control (B) Committees held on 27th August 2014 and 1st October 2014

Resolved - that the Minutes of the Development Control Committee B Meetings held on the 27th August 2014 and 1st October 2014 be approved as a correct record and signed by the Chair.

22. Appeals

The Committee considered a report of the Service Director (Planning) (Agenda Item No. 4) noting appeals lodged, imminent public inquiries and appeals awaiting decision. It was noted that Appeal Decision Number 43 (Ashton Park School Blackmoors Lane, Bristol BS3 2JL) had been originally recommended for approval but refused by the Committee due to concerns about impact on the amenity and highway safety, Following an appeal against

this decision, the Inspector had allowed the appeal and granted planning permission, also awarding costs against the Council on the grounds that the Committee decision was unreasonable.

In response to a question by Councillor Fodor, the Service Director's representative agreed that he would provide him with an update in relation to Appeal Decision Number 29 (18 Gloucester Road, Bishopston, Bristol BS7 8AE).

23. Enforcement

The Committee considered a report of the Service Director (Planning) (Agenda Item No. 5) noting any enforcement notices. It was noted that this list had now been updated. A copy of this updated list would be e-mailed to all Councillors.

Resolved - that the report be noted.

24. Public Forum

Members of the Committee had received public forum questions and statements in advance of the meeting.

Question 1 – Agenda Item 7(1) – Application Number 14/04174/X – The Memorial Stadium, Bristol Rovers Football Club, Filton Avenue, Bristol BS7 0BF – David Willingham

The Service Director's (Planning) representative referred to the following question for which he had not been able to provide a statement within the required timescale due to time constraints:

Could the Chair please ask officers to confirm that TRL report 397 indicates that the noise levels from HGV traffic using a mini-roundabout with speed cushions can cause an increase in noise by up to 6.2db L_{Amax}?

The officer answered as follows: Whilst TRL 397 does show on page 31 that there was an increase in up to 6.2 dB of the L_{Amax} levels for HGVs. However this was at a site that had other traffic calming measures (speed cushions) as well as a mini roundabout on a raised table. TRL 397 also states regarding heavy vehicles that 'the number of vehicles travelling along Middle Park Way (without speed cushions) at each site during the surveys was too low to obtain a meaningful estimate of the change in noise level as a result of the calming scheme.' Page 34 of the TRL report shows noise levels for site N3 which is a raised table at a junction. No specific levels of noise from HGVs is given for this location but L_{max} levels are shown to have decreased with the raised table. It should be noted that speed cushions are not proposed on Filton Avenue as part of the highway works.

David Willingham also asked supplementary questions as follows:

Could the Chair please ask officers to explain why in light of their acceptance (by virtue of the inclusion of the statement from Keystones) that there are local residents with protected characteristics (pursuant to the Equality Act), they have failed to perform and publish an equalities impact assessment of these proposals on those individuals why may, because of their protected characteristics, suffer a substantially greater loss of amenity should this proposal be given permission?

Supplementary question: Until the issue of the Equalities Impact Assessment (EQIA) had been raised, will officers confirm that the Council had no intention of addressing this issue and had deliberately prevented scrutiny of the impact of this development in accordance with the Equalities legislation?

A: The Service Director's (Planning) representative confirmed that this application had been assessed in accordance with Equalities legislation.

Could the Chair please ask officers to confirm that the site access drawing S1-10013-SK121220 dated December 2012 (and 11 January 2013 on the council's planning portal) from application 12/02090/F is the approved drawing for the site access?

Supplementary Question: Since the application has been brought forward in a confused state, do officers accept they are guilty of either gross incompetence or malfeasance?

A: The Service Director's (Planning) representative indicated that he would address the issue of the approved drawings as part of his presentation.

In light of the failure to assess the impact of vibration on residential amenity, and the confusion caused by the use of the wrong drawings (meaning either a failure to consult and assess highway safety, or the invalidity of the noise model and thus the noise report), is it not the case that the Chair should ask officers to withdraw this application until the glaring errors have been corrected, as to proceed would appear to be negligent, reckless, contrary to the public interest, and possibly unlawful?

Supplementary Question: In view of the last minute amendment to the speed table and the level of vibration had not been adequately assessed, why have officers not assessed the impact of vibration on long-term residents?

A: The assessment had been made as part of the approved plans and the presentation would cover the issue of the proposed changes to the speed table.

Question 2: Agenda Item 7(1) – Application Number 14/04174/X – The Memorial Stadium, Bristol Rovers Football Club, Filton Avenue, Bristol BS7 0BF - Tom Kennedy

2. Could the Noise Officer State Whether The Addition of 6.2dB, the level of noise TRL397 actually attributes to the addition of vertical traffic calming on a mini roundabout, to the LMax noise levels for 27 Filton Avenue and 33 Filton Avenue would be likely to cause 45dBLMax noise level to be exceeded?

The Service Director's (Planning) representative explained that he had been unable to answer this question until now due to time constraints. He stated that his answer was as follows:

TRL 397 does show an increase in up to 6.2 dB of the LMax levels for HGVs at a site with a raised table on a mini roundabout with traffic calming measures (speed cushions). There are no speed cushions or other traffic calming measures proposed at this site. TRL 397 also details noise levels at a junction with a raised table and no traffic calming measures at this site LMax levels were shown to have decreased with the raised table.

Supplementary: Were the officers asserting that a lorry with 6.2db would be travelling the same speed as a lorry with a smaller load over a flat road?

A: The TRL assessment showed a raised table but did not set out specific levels.

4. Could the noise officer explain why my home is modelled in the 24Acoustics assessment to have an external LMax of 54.9dBLMax which meets the guidance limits and yet the WYG report from 6 months earlier modelled the noise level to be 60.1dBLMax which does not meet the same limits and caused that application to be refused? (Please note in the response table 11 of the 24Acoustics report that the mitigation options reduce the LMax noise level by just 0.2dBLMax for 33 Filton Avenue. That is indiscernible and is therefore not the cause of the reduction).

Supplementary Question: Why is the model 5DB quieter than the previous assessment which would affect the outcome relating to my dwelling?

A: The level of LMax had been queried by officers but had been confirmed.

No supplementary questions were asked in relation to Question Number 3 – Hilary Long – Application Number 13/05887/FB – Tennis Courts Canford Park Canford Lane Bristol.

Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision. (*A copy of the public forum statements are held on public record in the Minute Book*).

25. Planning and Development

The Committee considered a report of the Service Director (Planning) (Agenda Item no. 7) considering the following matters, together with an

Amendment Sheet which had been circulated and setting out changes to each of the original reports as appropriate (copies of which are contained in the Minute Book):-

(1) Application Number 14/04174/X – The Memorial Stadium, Bristol Rovers Football Club, Filton Avenue, Bristol BS7 0BF – Variation of Conditions 11 and 36 attached to planning permission 12/02090/F, which Approved the redevelopment of the site to provide a food store with undercroft car parking, 65 residential units and community/commercial floor space, to amend the proposed food store delivery hours to the service yard between 0500 and 00:01 (Major application)

The Service Manager and other officers made the following points in respect of the above application:

- The application was proposing changes to conditions 11 and 36 relating to hours of delivery as follows: change from between 6am to 11pm Monday to Saturday and 9am to 8pm on Sundays and Bank Holidays to 5am to Midnight all days of the week;
- In relation to concerns raised during Public Forum concerning conflicts between the plans, it was clarified that the approved plans referred to in the planning permission showed 2 exit lanes. The accompanying legal agreement showed a layout with 1 exit lane which is referred to as “highway works...indicatively shown...with such alterations as may be agreed between the Developer and the Council”. The plan as indicated confirms the use of the raised table
- The plans submitted for this application illustrated enhanced noise mitigation boundary treatments along the access, to the rear of properties on Filton Avenue, and on the boundary with Trubshaw Close. The submitted plans also illustrated that the proposed descent from the speed table into the site was now a gradual descent rather than a sudden drop. The height of the speed table could also be reduced from 75mm to 50mm in order to reduce noise impacts whilst also meeting highway standards.
- The assessment of noise levels indicated that, under this application, all levels would remain under 60DB. A condition was, therefore, proposed to ensure this noise limit was not breached;

Councillors made the following comments:

- The delivery hours proposed by the original permission appeared to be generous enough for a foodstore to operate on the site. The proposed extension of these were going too far.

- The applicant appeared to have made considerable efforts to address the concerns previously raised;
- In practice, it was unlikely that the additional hours would result in substantial change to the number of additional deliveries at the site;
- The proposed changes should not cause any problems;
- It was important to focus on what was being requested rather than discussing the previous applications. It was encouraging to see that there had been measures proposed for improved mitigation;
- It is a normal part of the application process to request to vary conditions;
- The greater impact of noise carrying at night needed to be considered;

Upon being moved by Councillor Abraham and seconded by Councillor Lucas, it was

Resolved (7 For, 2 Against) – that the application be approved as set out in the amendment sheet and subject to conditions and advice notes set out in the report.

(2) Application Number 13/05887/FB – Tennis Courts Canford Park Canford Lane, Bristol – Erection of Flood Lighting Within Four of the Eight Tennis Courts on 10 Metre High Posts

Councillors made the following comments on this application:

- A deferral pending a Site Inspection to see a demonstration of the lighting was required;
- Comments were required from the Nature Conservation Officer and consultation required with amenities and parks groups;
- The inadequate consultation was of considerable concern;

Councillor Smith moved, seconded by Councillor Breckels and, upon being put to the vote, it was

Resolved (unanimously) that the application be deferred pending a Site Inspection Committee to provide a demonstration of the proposed lighting at an appropriate time of day.

(3) Application Number 14/03076/F – Air Balloon Tavern, 11 Air Balloon Road, Bristol BS5 8LB – Application for Planning Permission for Change of Use From Public House (Class A4) to Provide 9 No. One and Two Bedroom Residential Dwellings (Class C3); including rear extension, following demolition of existing side extension; 7 no. car parking spaces; refuse/recycling and cycle parking spaces

The Case Officer made the following points during a presentation on this application:

- Details of the site were provided
- 10 minutes was considered a reasonable walking distance in terms of analysis of the distance of other pubs to the site – there were other pubs within the surrounding area which was considered a balanced alternative

Councillors made the following comments:

- It was disappointing that a pub was being removed from the area;
- A worse alternative to the proposals would be a change of use to a shop, which would not require planning permission
- Whilst there was sympathy for the concerns expressed about this development, it was noted that the viability and loss of amenity would be mitigated by alternative establishments.

Councillor Abraham moved, seconded by Councillor Breckels and, upon being input to the vote, it was:

Resolved – (6 for, 1 against, 3 abstentions) that the application be approved in accordance with the amendments set out in the Amendment Sheet and subject to the conditions and advice notes set out in the report.

- (4) **Application Number 14/02640/F & 14/12671/LA
St Matthias Campus (UWE) Oldbury Court Road/College Road,
Fishponds, Bristol BS16 2JP – Alterations to listed buildings, demolition of later additions to the listed structures and non-listed buildings, including Elsa Nunn Block, Monk Bishop Block, Canon Kitson Block, Library, Woodward Block and Assembly Hall, Erection of a sports hall, 215 no. new build residential units. Conversion of “The Conifers” to 2 No. Residential Units, With Associated Infrastructure, Car Parking, Landscaping and Open Space**

The Case Officer made the following comments during the presentation:

- Details of the site were provided
- There were 3 key elements to the site:
 - (1) Loss of Playing Fields. Sport England would continue to object until alternative provision was found. Although a possible solution was being considered as part of a South Gloucestershire planning application, Sport England had indicated they would continue to object until alternative provision was confirmed. In view of this, any decision to approve would be subject to the matter being referred to the Secretary of State;
 - (2) Impact on the Historic Landscape. Whilst the development would result in the loss of part of the Registered Park and Garden and the

removal of a boundary hedge, the proposed development would provide an attractive edge to the park by positively addressing this boundary. Officers believed there would be less than substantial harm to the heritage asset;

(3) Highways Impact – Although it was acknowledged there would be increased traffic, a package of works would be put in place to the local highway network and the immediate vicinity. Funding arising out of the site will be used to make improvements to the the Blackberry Hill Roundabout through a Section 106 agreement

Councillors made the following comments:

- Although there were lots of positive developments on this site, it was disappointing that Barratts had not subjected the proposals to a BREEAM for Communities assessment;
- This was a development with a lot of positives, particularly in view of the housing crisis which the city faced. Questions about the loss of parkland had been satisfactorily answered in the report.

Councillor Abraham moved, seconded by Councillor Smith and, upon being put to the vote, it was

Resolved – (unanimously) that the application be approved for referral to the Secretary of State in accordance with the recommendations set out in the amendment sheet and updated verbally, and also subject to the appropriate conditions and advice notes set out in the report.

- (5) **Application Number 14/01593/F – 13 to 17 Dean Street, St Paul’s, Bristol – Demolition of Existing Buildings and Construction of 37 Cluster Flats and 1 Studio Flat (245 Bedrooms) With Ancillary Accommodation and Provision of 1 No. Class A1 Unit (1000 sq ft) gross; and 2 No. Class B1 Units (850 sq ft and 550 sq ft gross) at ground floor**

The Case Officer indicated that the original application had shown 44 cluster flats and 285 buildings but that, following objections, there had been negotiations and the application had been amended to the current proposal. On balance, officers felt that the building preserved the character of the Conservation Area.

In addition, it was felt that, since this type of site was not common in the area, it would not have as significant impact on amenity as it could have. Officers believed that any issues relating to impact on privacy and sunlight had been addressed by the applicant.

Officers drew members' attention to issues relating to student accommodation – in particular, that there were only 21 households in the area with students, which was far less than the city average.

Councillors made the following comments:

- The application will add to the diversity of such provision within the area. Although there were issues relating to the increasing numbers of students in the area, this was in general a scheme that should be supported;
- Whilst there could be no objection to the increased housing on the site, it was of concern that there was yet more student accommodation;
- This was a very large and underutilised site which would be put to good use. There were 2 thriving universities within the city which required accommodation for students;
- It was important to weigh up issues relating to the increased numbers of students to the advantages of the development;
- This was a good site for this scheme – it is close to Bristol University and M32.

Councillor Abraham moved, seconded by Councillor Lucas and, upon being put to the vote, it was

Resolved (8 for, 0 against, 1 abstention) - that the application permission be approved subject to the conditions and advice notes listed in the report.

(6) Application Number 14/01593/F – Land On North Side Of Belgrave Hill, Bristol – Proposed Development of No. Use Class C3 Dwellings With Associated With Associated External Works

The Case Officer gave a detailed presentation on the application and drew Members' attention to the Amendment Sheet circulated at the meeting setting out changes since the publication of the original report (copies of which are contained in the Minute Book and on the Council's website) and an additional supporting document setting out the list of proposed Advice Notes.

The Case Officer's presentation included the following points:

- The application was within the boundary of the Clifton Conservation Area and on the boundary of the Whiteladies Road Conservation Area;
- There are several listed buildings within the vicinity of the site;
- Various views of the site were shown;
- A previous application had been refused on the grounds of insufficient detail regarding ground stability and impact on the residential amenity of neighbouring properties;
- Details of the publicity and consultation process were provided – there had been 33 objectors, although 1 objection had recently been withdrawn;
- It was the view of officers that the issues relating to impact on residential amenity had been fully addressed;
- The issues relating to land stability were addressed on Page 10 of the Officer's report – the Local Authority had sought the advice of a Chartered Engineer in examining these reports;
- Amendments were proposed to Condition 2 and an additional condition was proposed relating to the drainage strategy. Members' attention was drawn to the proposed advice notes presented in the supporting documents, in particular Advice Note 12. The proposals had been considered against the relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990, as set out in the Officer's report to Committee.
- Officers believed that this application, together with the proposed conditions and advice notes, was acceptable and would be policy compliant in all respects.

Councillors made the following comments:

- This was a unique part of the city. If this application was approved for what seemed inadequate housing, a unique part of the city's industrial heritage would be lost. There was a risk that, if work was carried out on these properties, they might collapse. Furthermore, the houses in question would be cramped and in persistent shadow;
- The application was not ideal but would be difficult to refuse as currently proposed;
- There were no planning reasons for objection;
- This was an interesting development – small in scale and with opportunities for the use of solar power – it was a creative solution in the context of the situation;
- A number of quarry sites had been developed along these lines in Bristol

Councillor Smith moved, seconded by Councillor Windows and, upon being put to the vote, it was

Resolved (7 for, 1 against) that the application be approved subject to the conditions and advice notes listed in the

report and including the following alterations verbally proposed by officers:

Condition 2 (Amendment) –

The Case Officer proposed an amendment to the wording of condition 2 to include an additional sentence as set out in their presentation as follows (amendment shown in bold):

Full-time supervision by a structural engineer during enabling works

No development shall take place on site until details have been submitted to and agreed in writing by the Local Planning Authority of the (suitably qualified) structural engineer/ geologist who will undertake the full-time supervision of all enabling works (including all site investigation, stabilisation works, clearance of base rock/ walls and foundation works). Thereafter the enabling works shall only take place under the full-time supervision of the agreed structural engineer/ geologist for the duration of these works and in accordance with the approach set out within the approved Integrale 'Proposed method statement and sequence of working' and Integrale 'Outline Methodology for Combining Geotechnical Investigation with Stability Works' reports, the final detail of which shall be submitted to and approved in writing by and within a timescale to be agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper supervision during works in the interest of land stability.

Additional Condition –

The Case Officer also proposed an additional condition relating to drainage as set out in their presentation as follows:

Drainage strategy

Prior to the commencement of the development a drainage strategy, including an assessment of the existing run-off and drainage from the retaining wall and the site itself and details of how this would be dealt with through the proposed drainage strategy for the site, shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. The development hereby approved shall be carried out only in accordance with the approved drainage strategy and shall be maintained in accordance with that approval thereafter.

Reason: To ensure that drainage considerations have been satisfactorily addressed.

Advice Notes –

The Case Officer proposed a list of advice notes, presented to Members via a separate supporting document.

(7) Application Number 14/03133/F – Plot ND7 Temple Quay North Avon Street, Bristol – Erection of a 7/8 Storey Building Comprising 168 No. Residential Units, 1114 Sqm of Flexible Commercial Floor Space (Use Classes A1, A2, A3, A4, B1a, D1 or D2) At Ground Floor Level, Basement Car Park and Associated Development, Including Access, Landscaping, Bin Storage and Cycle Parking (Major Application)

The Case Officer and Service Manager made the following points:

- The amendment sheet drew attention to a number of proposed changes to the Heads of Terms of Conditions;
- 15% affordable housing would be provided as part of the scheme – the original scheme had lacked sustainability, affordable housing and highways works but had been revisited by the applicant. As a result of these discussions, a proposed development had been put forward which officers believed could be approved;
- The provision of a Car Club space as part of the development was a requirement of the proposed s106 agreement;
- In response to a Member's question, it was confirmed that the scheme had been independently viability tested. This had shown that the proposals could only deliver a certain amount of affordable housing, even when this was prioritised over issues such as on-site renewables
- Details of the site were shown.

Councillors made the following comments:

- This scheme was a win/win for the Council;
- Whilst it was disappointing the scheme did not include sustainable energy (on-site renewables), it should be supported;
- The Old Market Neighbourhood Group had an aspiration to transform the site as part of a family friendly area;

- This was a good development but it was important to highlight the need for more family friendly accommodation on site;
- There was a compromise required as part of this application. However, it was disappointing to see the lack of contribution to options for solar energy;
- In future, officers should bear in mind the need to consult the Old Market Neighbourhood Group with such developments. It was encouraging to see residential development in Temple Quay.

Councillor Abraham moved, seconded by Councillor Smith and, upon being put to the vote, it was

Resolved (unanimously) – that the application, as altered in accordance with the amendment sheet, be approved subject to the conditions and advice notes listed in the report.

26. DCLG Technical Consultation In Planning

The Committee received for information the above report (Agenda Item 8) which summarised the Government's latest proposed legislative and regulatory changes as part of the Government's ongoing reform of the planning system and the Council's response to the consultation, which was made in consultation with the Assistant Mayor.

(The meeting ended at 6.45pm)

CHAIR