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Agenda Item No: 3

**Bristol City Council
Minutes of Development Control Committee B
Wednesday 3rd February 2016 at 6.00pm**

The Colston Hall, Colston Street, Bristol BS1 5AR

Councillors Present:-

Fabian Breckels, Carla Denyer, Richard Eddy, Martin Fodor (Chair) Charles Lucas (substitute) Olly Mead, Eileen Means, Glenise Morgan, Bill Payne, Chris Windows.

Officers in attendance:-

Gary Collins, Patricia Jones, ...

26. Election of Chair

Resolved – that Councillor Fodor be elected Chair for the remainder of the 15/16 Municipal Year.

27. Apologies for absence

Apologies for absence were received from Councillors Hickman, Leaman and Quartley. Councillors Lucas attended as substitute for Councillor Quartley.

28. Declarations of Interest

Item 2 (42-44 Caledonia Place) - Councillor Lucas stated that this application related to his ward and that he approached the decision making process with an open mind.

Item 3 (17 Downs Park West) – Councillor Morgan stated that she had made the referral to committee and would not participate in this item.

29. Minutes

Resolved – that the Minutes of Development Control B Committee held on the 9th December 2015 be confirmed as a correct record and signed by the Chair.

30. Appeals

The committee noted the report setting out appeals recently lodged, imminent public inquiries and appeals awaiting decision.

31. Enforcement

The committee noted the list of enforcement notices served.

32. Public Forum

Statements were heard before the respective application and taken into consideration by the Committee when reaching a decision.

Copies of the Public Forum submissions can be found in the Minute Book.

Planning and Development

**33. [15/05486/F](#) Railway Siding Head Shunt Wapping Railway Wharf Bristol BS1 6DS
Construction of an engine garaging shed to house two railway maintenance vehicles.**

With reference to the key issues set out in the officer report and an illustration of the site location plan, quayside and surrounding buildings, the representative of the Service Director (Planning) provided a detailed presentation of the application.

In brief, it was reported that the proposal would provide an essential storage building for the diesel locomotive and rail crane used for maintenance and secondary duties on the Bristol Harbour Railway. The scheme was considered

acceptable in design terms as it reflected the industrial style of the harbour railway and the heritage of the Harbourside, and therefore would not result in harm to the City Docks Conservation Area.

The proposal was located to the north and a reasonably distance away from the adjacent residential buildings. It was the view of officers that it would not result in overshadowing of the surrounding larger apartment buildings. It was accepted that some limited shading would result to the Bristol Packet Office (TBP). Overall the scheme was considered acceptable in amenity terms.

Attention was drawn to the addition of the following wording to the first line of Condition 2 set out in the Amendment Sheet circulated in advance of the meeting - 'before the building is brought into use'.

Below is a summary of the issues/questions raised by members of the committee:-

- Members noted that the committee was required to focus on the merits of the application in front of them and for this reason it was not possible to consider the viability of an alternative site. Notwithstanding this, officers clarified the reason why this site was the preferred choice for the applicant.
- It was suggested that CCTV could be introduced to address public concerns of increased crime and anti-social behaviour. It was confirmed that CCTV was already in place in the adjacent public car park. Members were not persuaded that the use of dark stained timber cladding for the walls would reduce tagging.
- To establish the extent of additional shading to the TBP, the committee asked for sight of the shadow drawings which were circulated.
- Officers were asked if a loss of light to working buildings was a material consideration. Officers confirmed that it was, but given their commercial nature, this could only be afforded minimal weight when compared to residential buildings. It was advised that the TBP were not directly affected by the proposal. It was clarified that there would be some additional shadowing

to the Quay but the point was made that shadowing was already being created by the existing residential buildings.

- Some members of the committee summarised the reasons why they would not be voting in favour of the application, including the negative impact on the TBP, the potential for increased anti social behaviour (ASB), the impact on amenity and the conservation area.

The committee was advised as follows:-

- If minded to rely on ASB as a ground for refusal, this was already a city-wide issue. The site was enclosed and surrounded by a high wall and already vulnerable to ASB – arguably the introduction of a new building would have a positive effect by filling in the existing gap between the TBP office and the car park wall.
- Refusal on the grounds of amenity would require the committee to demonstrate the harm that would be caused. It was confirmed that a loss of light to work space was something the committee could have regard to, but harm to residential amenity would carry more significance.
- Policy sought to retain the industrial character of the Harbourside and it was felt that the proposed design of the scheme was suitably functional and sympathetic to the area.
- The Harbourside railway was a valuable asset to the city and this proposal would support its continued operation.

Following further discussion, it was moved by Councillor Eddy, seconded by Councillor Windows and on being put to the vote (6 voting in favour, 1 against and 2 abstentions):-

RESOLVED - that consideration of this matter be deferred pending a site visit on the 16th March 2016.

(*Councillor Means did not participate in the debate or the vote having not heard the start of the Public Forum submissions)

34. 15/05302/F and 15/05303/LA 42-44 Caledonia Place Change of use from vacant bank (Use Class A2) and beer garden (Use Class A4) to restaurant (Use Class A3) with proposed orangery, reconfigured external fire escape and associated internal and external alterations.

With reference to the key issues set out in the officer report and an illustration of the site location plan and surrounding conservation area, the representative of the Service Director (Planning) provided a detailed presentation of the application.

Attention was drawn to the Amendment Sheet referencing proposed alterations to the outside seating area submitted on 1st February 2016.

In brief, it was noted that officers were supportive of both the proposed change of use to a restaurant and the application for listed building consent. The committee heard that the economic benefits of the scheme had been recognised and overall the proposal successfully addressed all matters relating to heritage, transport and sustainability (subject to condition).

However it was further reported that the element of the proposal involving the outdoor seating area could not be supported in principle. It was the view of officers that the potential for noise has not been adequately assessed by the applicant in the acoustic report which was based on 10 people speaking at the same time. It was noted that the proposed alternation to reduce the number of seats from 45 to 30 and to restrict the use of the garden area to 9.00pm did not address this concern.

Accordingly, the impact on the amenity of nearby residents, previously not exposed to these noise levels, was considered to outweigh the economic and heritage benefits. For this sole reason, the scheme was recommended for refusal. Officers had requested that the outdoor seating element be withdrawn in order that the application could be supported however the applicant had insisted that the outdoor seating was a key element of the proposals. The application had to be assessed on its merits in its entirety.

Discussion followed. Below is a summary of the principle issues discussed:-

- It was emphasised that all elements of the proposal were considered acceptable with the exception of plans relating to the garden area - which the applicant considered to be fundamental to the operation of the premises.

Whilst the officer recommendation was to refuse the application based on concerns around this, members were advised that it was open to the committee to make an alternative decision and:-

- Approve the application without consent for the outdoor space.
 - Approve the application based on the alterations recently submitted by the applicant contained in the Amendment Sheet.
 - Attach any conditions considered fit.
- Some members of the committee indicated they were wholly in support of the application. Attention was drawn to other establishments in the general area that operated with outside space and restricted hours. The point was made that this worked well in the heart of a thriving commercial area and that the alterations recently proposed by the applicant and set out in the Amendment Sheet were an acceptable compromise to the concerns heard by the committee.

It was also suggested that a building standing vacant for this length of time did not make economic sense – this was a first of its kind application outside London by a successful restaurant with a reputation to uphold.

- Other members of the committee were not in favour and indicated they were minded to refuse the application in line with the officer recommendation. It was suggested that the applicant had not evidenced how the proposed alterations set out in the Amendment Sheet would alleviate the noise/disturbance concerns of immediate neighbours.

The layout of the rear of the premises gave rise to concerns that it would act as an “echo chamber”.

It was confirmed that the reputation of the applicant was not relevant to the decisions that the committee was required to make as the decision related to the change of use (and associated physical works) and not the identity of the proposed occupier.

Continued debate indicated that members were in agreement that the applicant should be granted planning permission for all elements of the proposal excluding the outside space. In order to move the debate on it was decided to vote on this

aspect first. This was moved by the Chair, seconded by Councillor Lucas, and on being put to the vote, it was unanimously carried.

It was then moved by Councillor Lucas and seconded by Councillor Eddy that the officer recommendation be overturned and the applicant granted planning permission for all elements of the proposal subject to the following alterations set out in the Amendment Sheet:-

- a reduction in seating in the outdoor area from 45 to 30; and
- a restriction on the use of the garden area after 9.00pm

On being put to the vote, 5 members voted in favour and 5 against. The Chair then used his casting vote to vote against the proposal.

The original motion stands.

Resolved – that planning permission and listed building consent be granted for all elements of the proposal excluding the outside seating area with relevant conditions and subject to a Section 106 tree replacement contribution.

(The Chair announced a comfort break)

35. [15/05402/H](#) 17 Downs Park West - two storey extension to provide additional residential accommodation.

It was noted that Councillor Morgan had referred this application to committee and would therefore not take part in the debate or vote. With reference to the key issues set out in the officer report and an illustration of the site location plan and surrounding residential properties and conservation area, the representative of the Service Director (Planning) provided a detailed presentation of the application.

It was reported that 19 written responses to consultation objected to the proposal, primarily on design and residential amenity grounds. It was noted that the potential harm to the adjacent hedge caused by shading was also a key concern to the immediate neighbour at 19 Downs Park West.

The committee heard that officers had taken into account the overshadowing and overbearing impacts of the proposal raised by residents and that these were not sufficient to warrant refusal on residential amenity grounds.

It was reported that the existing variety of development in the Downs Park West, including some flat roofs, did not render this aspect of the proposal out of place.

In response to concerns in relation to the proposed cladding, it was accepted that more earthy/brown tones would be more in keeping with the context of the development. This has been agreed with the applicant should the committee be minded to approve.

The committee heard that the species of hedge at the adjacent property was already shaded and unlikely to be detrimentally affected by the proposal.

The attention of members was drawn to the comparable asymmetric design of no.5 Downs Park West and its much closer relationship to the adjoining property.

The application was recommended for approval with conditions as set out in the report.

Discussion followed. Limited concern was expressed in relation to design and the drawbacks of urban infill. Attention was also drawn to the impact on the residential amenity of neighbouring occupiers as set out in the Public Forum statements.

However, the proposal was generally well-received. Whilst the proposed design of the extension did not give rise to any undue concerns, the proposed compromise in relation to the cladding materials/external finishing was considered a necessary condition to the permission.

It was clarified that another outside wall could not be erected without an application to vary the planning consent.

In conclusion, it was moved by Councillor Means, seconded by Councillor Lucas and on being put to the vote, 7 voting in favour, 1 against and abstention :-

RESOLVED - that permission be granted, subject to the agreement of external finishes secured by condition.

36. 15/03418/F Imperial Park, Wills Way - Residential development of 82 dwellings with access from existing roundabout at Wills Way and associated works

With reference to the key issues set out in the officer report and an illustration of the site location plan and surrounding infrastructure, the representative of the Service Director (Planning) provided a presentation of the application.

There had been no objections from local residents in response to consultation. One objection from the Bristol Tree Forum was noted.

It was reported that the redevelopment of the site and the principle of new housing in this location had already been established (following the adoption of the Site Allocations and Development Management Policies Local Plan and on the basis of a previously granted permission).

The City Design Team was supportive of the proposal and recommendations to improve the proposed layout to the scheme had been taken on board by the applicant.

The committee noted that the proposal directly affected a wildlife corridor on land adjacent to the site. Officers drew attention to the most important elements of the site from this perspective.

In conclusion, it was noted that tree removal across the site primarily affected self-seeded, poor quality trees.

Below is a summary of the discussion that followed:-

- It was clarified that the application site was on the south tip of Brownfield land where the Imperial Tobacco Factory was previously located. 20 years ago, the trees referred to in the report were not there.
- 16 affordable housing units would be secured if the 20% level proposed by the developer was considered acceptable. It was confirmed that 30% as recommended by policy, would equate to 24 units and would cost the developer something in the region of £500K-£600K. A full viability assessment had been carried out.

- It was confirmed that a 25m wildlife corridor was the ideal width in nature conservation terms. However this had to be balanced against the viability of the development. 15m was therefore considered acceptable by the Council's Ecological Officer to maintain a meaningful corridor and ensure the viability of the site.
- It was noted that plans did not include segregation of the proposed footpath/cycle path.
- It was suggested that the Right to Buy Scheme would impact on the length of time the affordable housing remained available/affordable.

Councillor Denyer put forward a number of conditions for consideration:-

- A 20m wildlife corridor
- Clarification of the length of time that affordable housing would remain affordable.
- Actual (as opposed to passive) charging point provision for electric vehicles.
- A car club parking space.

In response, officers confirmed that the proposed charging point provision was policy compliant but this could be amended if the committee was inclined for officers to go beyond this.

The committee was advised to consider the application on its merits in relation to the proposed 15m wildlife corridor given extension of this area would impact detrimentally on the development. Alternatively, members could refuse the application.

It was clarified that a car club space was not being sought because car club providers tended to favour high density developments. The density/usage on this site was not considered worthwhile.

Some members were wholly in support of the scheme having decided it would add further rejuvenation to an area which had seen much needed economic growth over the last 30 years with the development of Imperial Park. It was also pointed out that planning consent today would act as the catalyst for essential new homes.

Some members of the committee expressed continued reservations about the proposed measures for the protection of the wildlife corridor. It was suggested that officers had not provided a satisfactory explanation to justify the proposed reduction. There was also further discussion around the feasibility of deferring a decision, the need to separate the footpath/cycle path and the need for continued discussions with the developer.

The officer recommendation was then moved and seconded. The clerk was required to provide procedural advice because it was unclear if a motion had been put forward for consideration. The clerk advised that the formal step of moving a proposal for consideration had not taken place. This advice was provided on the basis that:-

- A motion should be specific and unambiguous
- It generally requires recognition from the Chair plus a seconder to enable it to be debated/voted on. Neither of which happened in this case.

In conclusion, it was moved by Councillor Lucas, seconded by Councillor Eddy and on being put to the vote (6 voting in favour 3 against and 1 abstention):-

RESOLVED - that permission be granted subject to the conditions set out in the report.

37. [15/05778/F](#) [15/05779/F](#) Demolition of existing Redcliffe Quarter: Site At St Thomas Street, Three Queens Lane & Redcliffe Street, Bristol – demolition of existing buildings and proposed archaeological excavation

With reference to the key issues set out in the officer report and a series of images of the surrounding infrastructure, the representative of the Service Director (Planning) provided a presentation of the application.

Specific attention was drawn to the Amendment Sheet. Members were invited to:-

- Consider the applications on the basis of the amendments set out, relating to the demolition of the existing buildings and archaeology consent.
- Consider the applications on the basis that, should any of the supplementary reports submitted by the applicant (currently under consideration by officers) be considered acceptable prior to the issue of a

decision, the relevant condition can be amended to require compliance with the report.

Following brief discussion, it was moved by the Councillor Lucas, seconded by Councillor Means and on being put to the vote, unanimously:-

RESOLVED - that planning permission be granted subject to the conditions set out in the report and the Amendment Sheet.

(the meeting ended at 9.40pm)

CHAIR