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Agenda Item No: 3

**Bristol City Council
Minutes of Development Control Committee B
Wednesday 9th December 2015 at 2.00pm**

The Colston Hall, Colston Street, Bristol BS1 5AR

Councillors Present:-

Ani Stafford-Townsend (Chair), Fabian Breckels, Carla Denyer, Richard Eddy, Marmadur Khan (substitute) Olly Mead, Eileen Means, Glenise Morgan, Kevin Quartley, Afzal Shah (substitute) Chris Windows.

Officers in attendance:-

Gary Collins, Patricia Jones, Paul Chick, Laurence Fallon, Portia Banwell, Ken Reid, Anna Penn.

16. Apologies for absence

Apologies for absence were received from Councillors Hickman, Leaman and Payne. Councillors Khan and Shah attended as substitutes.

17. Declarations of Interest

None.

18. Minutes

Resolved – that the Minutes of Development Control B Committee held on the 28th October 2015 be confirmed as a correct record and signed by the Chair.

19. Appeals

Items 34/35 - 100 Redcatch Road Bristol BS4 2HQ

Following a Public Inquiry and subject to a range of conditions relating to noise management, the appeal was upheld and permission granted for a change of use to holiday accommodation.

Although permission was granted, costs were awarded in favour of BCC on the basis that BCC had incurred expense in defending grounds which were without merit and ultimately withdrawn by the applicant.

20. Enforcement

No new enforcement notices had been served.

21. Public Forum

Statements were heard before the respective application and taken into consideration by the Committee when reaching a decision. The Committee also received a petition containing 69 signatures from Mary Norman.

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

22. Planning and Development

[15/03801/E](#) 43 Langton Park - Conversion of house into two flats, associated external alterations and rear access and hard standing.

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

Councillor Breckels suggested that if granted, the scheme could set a harmful precedent for the area in terms of over-development. This aside, the scheme was generally well received by members of the committee.

Following a brief discussion, it was moved by the Chair, seconded by Councillor Eddy and on being put to the vote, 10 voting in favour and 1 abstention:-

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

23. [15/03062/F](#) Regal Garage, 74-82 Staple Hill Road Demolition of existing garage buildings and construction of 17 dwellings; 4 live/work dwellings and one commercial space.

The committee took a late statement from Mr Brewer, the resident whose end of terrace property would adjoin the scheme.

Mr Brewer addressed the committee, stating that he was not opposed to the development of the site but was gravely concerned by the applicant's lack of consultation and engagement with him as the adjoining neighbour. The committee noted that Mr Brewer's primary concern was how the scheme would affect the structural integrity of his property.

The applicant's agent was present and apologised to Mr Brewer for the lack of consultation.

With reference to the key issues set out in detail in the report and the Amendment Sheet detailing the changes to the scheme since the publication of the original report, the representative of the Service Director (Planning) provided a presentation of the application.

The committee heard that the plans had been revised in two main areas to address highway concerns and to mitigate concerns relating to the design of the scheme (by replicating the pattern of adjoining houses). It was reported that the height of the corner building has been reduced from four to three storeys, in line with the recommendation with comments from Urban Design, resulting in the loss of 1 of the affordable housing units.

The principle of residential development had also been assessed against the impact of loss of employment land/opportunities and this was considered acceptable on the basis that the site had remained empty for 18 months. The

application was therefore recommended for approval, subject to a legal agreement and conditions.

The Committee went on to discuss the issues raised by Mr Brewer and it was clarified by officers that the developer was required to enter into a Party Wall Agreement with the adjoining landowner under separate legislation. However, give this was a civil matter, members were advised that this was outside the committee's regulatory remit and should not form part of their deliberations today.

Noting the drawbacks of making a decision based on a private matter, members were still inclined to seek a verbal commitment to resolve the outstanding amenity issues. The applicant's agent indicated that he was willing to do this before works commenced. Officers also suggested that the advice notes set out at the bottom of page 16 could include a reference to the Party Wall Act spelling out the specific requirements to the applicant.

Members also noted that the scheme could not proceed without a formal Party Wall Agreement notwithstanding the decision reached today.

Officers confirmed that it was still the intention to secure 6 affordable housing units. It was also clarified that Condition 18 set out at page 14 of the report would be enforced if there was any reported abuse of parking levels on the site.

In conclusion, it was moved by Councillor Morgan, seconded by Councillor Khan and on being put to the vote, 9 voting in favour and 2 abstentions :-

RESOLVED - that permission be granted, subject to:-

- (1) A Legal Agreement and the conditions set out in the report; and**
- (2) An additional advice note referring to the requirements of the Party Wall Act.**

24. [15/01591/F](#) Land To Rear of 150 Redland Road Bristol BS6 6YD
New detached two storey dwelling with new access through existing boundary wall.

The Committee heard from Councillor Negus and agreed to take a late statement from Mr J. Vickers, who requested to speak on behalf of his mother, the owner of the property.

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

The application was well received by the majority of the Committee but reservations were expressed in relation to the permanent loss of garden space and the suitability of the scheme in the context of a Conservation Area.

The loss of the garden space was acknowledged but officers did not consider this impacted negatively on character or appearance of the conservation area. It was clarified that there was no requirement for a scheme to enhance the conservation area and consequently a neutral effect/impact complied with the legislation.

In conclusion, it was moved by Councillor Breckels, seconded by Councillor Eddy and on being put to the vote, 8 voting in favour, 2 against and 1 abstention :-

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

25. Land Adjacent to Scrapyard, Gatton Road - Proposed standby electricity generation plant in individual sound proof containers.

The representative of the Service Director (Planning) introduced the report and updated the committee on the status of the application. It was noted that the scope of recent changes proposed by the developer were too broad for inclusion in the application before the committee today. The option of withdrawing the application and resubmitting it to include the suggested revisions had not been pursued, and therefore the proposal before members today remained as set out in the committee report.

With reference to the key issues set out in detail in the report and illustrations of the site layout and surrounding area, the representative of the Service Director (Planning) provided a detailed presentation of the proposal.

In brief, the Committee heard there was no objection in principle to the application, which if granted, would provide essential infrastructure to support the National Grid in the form of a gas fuelled electricity generator.

However following consideration of the application, officers were satisfied that the proposed location would give rise to significant adverse effects in terms of air pollution which would be harmful to public health, and noise pollution which would be detrimental to residential amenity.

In identifying these issues as the most contentious in terms of the scheme's impact on the environment, officers had also concluded that the applicant's proposed mitigation measures would not offset the resulting harm that would be caused in both cases.

Officers also reported that the proposal, in particular the introduction of large industrial type flues, would have a negative visual effect on the existing area and outlook of the site. Again, following consideration, officers had determined that the mitigation proposed by the applicant was not sufficient to remedy this, relying as it would on a landscape scheme to provide a buffer around the site in the future.

In recommending the application for refusal for the reasons stated above, the Committee was reminded that the Local Planning Authority was acting in its narrow regulatory capacity, not in the context of the wider council. Accordingly, only material planning considerations could be relied upon in reaching a decision and any decision could be challenged on appeal.

Members of the committee commented as follows:-

- Officers were commended for the work carried out in producing the report.
- The need for more generating capacity in the city was acknowledged, but the proposed development was considered inappropriate for a residential area.
- Officers were requested to provide more detail on the acoustic report submitted by the applicant and its subsequent assessment. The committee

noted the relevance of low frequency noise in determining the impact of the proposal on acceptable noise levels.

- The arguments set out in the officer report were not considered sufficient to warrant refusal given the decline in energy capacity – a strategy was needed to top up the National Grid.
- Air quality was a material concern to surrounding residents and schools in close proximity.
- The proposal was not a long term approach to energy use.

In conclusion, it was moved by the Chair, seconded by Councillor Breckels and on being put to the vote, 8 voting in favour, 2 against and 1 abstention :-

RESOLVED - that planning permission be refused.

(the meeting ended at 5.30pm)

CHAIR