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Agenda Item No: 3

Bristol City Council

Minutes of Development Control Committee B

Wednesday 16 March 2016 at 2.00pm

Colston Hall, Bristol.

Councillors Present:-

Martin Fodor (Chair), Fabian Breckels, Margaret Hickman, Olly Mead, Carla Denyer, Eileen Means, Jason Budd, Bill Payne, Chris Windows, Richard Eddy, Tim Leaman

Officers in attendance:-

Gary Collins, Allison Taylor.

1. Apologies for absence

Apologies for absence were received from Councillors Quarterly and Morgan. Councillor Budd attended as substitute for Councillor Quarterly.

2. Declarations of Interest

Item 4 – 61, Arbutus Drive – Councillor Leaman had referred this item to the Committee and made a statement and would therefore not participate in this item.

Item 3 – 43, Nevil Road.

Councillor Mead declared that he was a patient at the surgery seeking planning consent but he was unbiased and had an open mind.

Councillor Breckels declared his partner was a patient at the surgery but he was unbiased and had an open mind.

Item 4 – 61, Arbutus Drive – Councillor Budd declared that, as Ward Councillor, he had received communications from residents on this application. He remained unbiased and had an open mind.

Item 7 – Digital advertising boards – the Chair declared that he had previously called in a Cabinet decision regarding the use of digital advertising boards in Bristol but he remained open minded with respect to this particular application.

3. Minutes

Resolved – that the Minutes of Development Control B Committee held on the 3 February 2016 be confirmed as a correct record and signed by the Chair.

4. Appeals

The representative of the Service Director (Planning) reported that the Public Inquiry for the proposed McDonalds on Fishponds Road had now been fixed for 8 November 2016 and would last for four days.

The application refused by this Committee on 23 June 2015 at Bramble Drive, Sneyd Park had been allowed on appeal. The Inspector noted that the site was not allocated in the Local Plan but was a Greenfield Site but this of itself did not make the application unacceptable. He referred to Policy DM19 which referenced a permissive approach to development and highlighted the following key factors in reaching his decision:-

- The development would preserve the integrity and connectivity of the wildlife network;
- The development would not cause unacceptable harm and would preserve the character of Sneyd Park Conservation Area;
- The dwellings would have little if any impact on sunlight and permission granted for an extension next door had not been built so would not be given regard to.

The applicant had appealed for costs on the basis of unreasonable behaviour but the Inspector disagreed. He believed that the Committee had considered the advice given and it had been a balanced decision.

Councillor Eddy noted that he had voted to approve the scheme and suspected that the decision would be overturned at appeal and that the Council were fortunate that costs were not awarded.

Councillor Breckels noted that 8 delegated decisions had been overturned on appeal Inspector and asked whether the balance was right. He was informed that performance was regularly monitored and outcomes of key appeals regularly discussed. An internal report was being prepared regarding recent advertisement appeals where the Planning Authority had successfully defended large digital hoardings but had lost appeals regarding smaller ones.

5. Enforcement

This was noted.

6. 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.

7. Planning and Development

The Chair informed the Committee that Item 9 – [15/04997/X](#) – Imperial Park, Wills Way had been withdrawn from the agenda by officers. The Service Director (Planning) reported Counsel's opinion regarding the applicant's argument had been received only the day before and it was important to have time to reflect on the advice and bear in mind the potential for the Committee's decision to go to appeal and be exposed for a claim for costs. It was therefore decided to move the application to the next DC B Committee on 27 April. He apologised to the applicants for the inconvenience caused, but explained that there had realistically been no option in the circumstances .

[15/05486/F](#) – Railway Sidings head Shunt, Wapping Wharf Railway, Gas Ferry Road – Construction of an engine garaging shed to house two railway maintenance vehicles.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

It was noted that this application had been the subject of a site visit. Councillor Budd had not been able to attend the site visit and would therefore not participate in the debate or vote on the application.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- There was a risk of overshadowing but not a significant one. The site was situated to the north of the nearest residential buildings and would therefore not cast shadows and impact on their sunlight;
- With respect to outlook, there was a reasonable distance between the proposed shed and the adjacent residential block and there would therefore be no obstruction;
- The views from the flats with windows facing the car park would be partially affected but views were not a planning consideration or protected in policy;
- The roof of the proposed shed would be pitched and would therefore not have an overbearing impact.

The following comments were made by the Committee:-

- Councillor Mead referred to the hand-out showing the proposed shed with 'modelled' shadowing. He expressed surprise at the length of the shadow and questioned the accuracy of the images. He believed the proposed shed would cast a shadow on the adjacent business and understood the concerns of the Bristol Packet. The site visit confirmed for him that the proposed shed would cast a shadow and the building would dominate the quayside. The representative of the Service Director (Planning) replied that he had spoken to the architect and the shadow modelling had been done correctly. The modelling package was frequently used for such purposes and had not presented a problem in the past;
- Councillor Breckels asked why the current arrangements could not be left if things worked well. He believed the proposed shed would have a detrimental effect on the flats behind and that it was the wrong location being 'on top' of another business. He would not support the recommendation to grant;
- Councillor Means stated that she was minded to accept the officer recommendation to grant. She added that tourism was vital in the area and

the railway was an asset to the Harbourside. The case against the application had, she believed, been exaggerated and she would therefore vote for grant.

In conclusion, it was moved by Councillor Mead and seconded by Councillor Breckels and on being put to the vote, it was:-

Resolved (7 for, 3 against) that the application be refused on the grounds of impact on the neighbouring business, the Harbourside and the City Docks Conservation Area and the harm to outlook.

15/05169/F – Land to the rear of Honiton Road and Abingdon Road – School with associated access, parking and school grounds on former recreation ground of Mayfield Park.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- The application was for the construction of a new junior school on a recreation area to the east of the city and was allocated in the Bristol Local Plan for a school;
- There had been considerable concerns from residents regarding the highway works that were necessary to achieve highway safety;
- Concerns had also been made on loss of privacy, light pollution, outlook and impact on the community centre;
- Highway officers were working with colleagues in Education to provide a safe scheme and to encourage alternative, safer transport use. This would include a one-way system and a shared surface at the frontage;
- It was hoped to improve the front entrance under the public art initiative;
- In summary, the officer recommendation was to grant subject to conditions as set out in the report and with the addition of a memo of understanding regarding the highway works.

The following comments were made by Committee :-

- Councillor Mead referred to the contra flow cycle lane and asked where this would go so that cars could be parked and was informed that this could be a formal red surface or a symbol on the road, although pavement parking could scupper markings on the road. He also asked if there would be longer car journeys with a one-way system and was informed that this would be the case and was a necessary impact of properly addressing the issues of additional traffic. Councillor Mead referred to a possible alternative reference near the rugby club and was informed that officers could only consider the scheme as presented;
- Councillor Payne asked what provision there would be for disabled drop off and was informed that this was likely to take place in the enhanced shared space entrance arrangements
- Councillor Denyer noted that the Tree Forum had proposed more trees than the current design and supported this. With respect to the BREEAM rating, she questioned the argument used in the report that it was not possible to get a high rating and therefore it was best not to try. She was informed that a further 14 new trees were proposed across the site in line with Policy DM17. With respect to BREEAM, things were being considered such as allowing the grass at the edge of the sports pitches to grow longer and costings and design were being considered for a green roof;
- Councillor Eddy expressed concern that the application was being redesigned by the Committee. He appreciated the concerns regarding traffic but there had been detailed consultation.

In conclusion, it was moved by Councillor Eddy, seconded by Councillor Windows and, upon being put to the vote, it was

Resolved: (unanimously) that planning permission be granted subject to conditions

15/06068/F – 43, Nevil Road – to install 1 no two storey Portakabin building to the rear of the site and 1 no single storey temporary Portakabin building to the front of the existing building. To be used as a medical treatment room and a staff office and hired from Portakabin Ltd for a period of 5 years.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- Following discussions with the applicant, a 3 year period for the temporary buildings was proposed;
- The applicant acknowledged the impact on the area but there was urgent need for temporary accommodation as two GP practices had merged and were due to relocate to the former Bristol North baths building but had been unable to do so due to the delay in the project;
- There was scope for cycle parking and the applicants had agreed to lease 12 car parking spaces from Gloucestershire County Cricket Club to assist with parking requirements;
- To address the negative visual impact, the applicant has proposed vinyl wrapping to hide the appearance of the cabins.

The following comments were made by the Committee:-

- The Chair noted that the additional parking was not part of the proposal. He suggested that the period for the temporary buildings could be reduced to 2 years;
- Councillor Denyer proposed a 3 year period with a clause barring renewal and was informed that it was not possible to pre-determine future applications – this could simply be noted in the minutes;
- Councillor Eddy stated that the practice was in this position through no fault of their own and he wanted the practice to prosper, giving them 3 years would provide the necessary time to find an alternative site;
- Councillor Mead stated that patients would not relish the prospect of treatment in a Portakabin and suggested that 3 years should be a maximum and a condition be imposed requiring the practice to evidence their ongoing search for a suitable site. He was content with the inclusion of 12 spaces at the cricket ground and from personal knowledge knew that most staff and patients walked to the site. The representative of the Service Director (Planning) responded that such a condition was possible but would need a trigger and suggested a wording could be ‘within 18 months of permission, the applicant provide evidence of finding a new site’;

- Councillor Hickman suggested that a 2 year temporary permission was preferable so that there was a focus on finding a new site;
- Councillor Breckels suggested that the applicants report back after 12 months and 24 months evidencing their search for a site and that the Council proactively support the applicants in finding a site. The representative of the Service Director (Planning) stated that assisting in finding a site was not the role of the Planning Authority and could therefore not be conditioned. Councillors could however proactively support the practice.

In conclusion, it was moved by Councillor Mead, seconded by Councillor Eddy and on being put to the vote, it was

Resolved: (unanimously) that planning permission be granted subject to conditions and to an additional condition requiring submission of site search evidence after 12 and 24 months.

15/05435/F - 61 Arbutus Drive – proposed four storey building (including basement) to accommodate 4 no. flats.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

It was noted that Councillor Leaman had referred this application to the Committee and had made a Public Forum submission and would therefore take no part in the decision

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- The proposal was the construction of a four-storey building to form four self-contained flats;
- The building was of a similar scale, form and appearance to the previously approved house on the site;
- The provision of four flats would add to the mix of accommodation in the area and would not lead to an unacceptable housing imbalance and as such the amenity and character of the area would be safeguarded;
- The proposal was considered acceptable in terms of movement, transport, highway issues and issues relating to sustainability and flood risk.

The following comments were made by the Committee:-

- Councillor Breckels questioned why each flat was not given a car parking space and observed that he would not want to live in the basement flat so questioned whether he would want to grant it. With respect to parking, he was informed that this was due to the layout of the development. This was considered acceptable as the Council's policy sought to minimise levels of off-street parking;
- Councillor Mead noted this but stated that people still used cars and this would therefore add to the parking on-street. He added that in this area bus provision was not good. The representative of the Service Director (Planning) reported there was a bus service every 20 minutes in to the city centre;
- Councillor Means believed this application was over-development in a residential road and would therefore vote against this application;
- Councillor Budd observed that there was parking capacity for this development as congestion was not as severe as in other roads. He supported the mix of development in the area and it was important not to permanently preserve an area's mix but to move with economic realities and provide affordable housing. On balance, he supported the development but would have preferred it to not be quite as intensive and hoped that it did not become part of a growing trend for the area.

In conclusion, it was moved by Councillor Budd, seconded by Councillor Eddy, and on being put to the vote, it was

Resolved: (5 for, 4 against, 1 abstention) that the application be granted subject to conditions.

15/05706/F – 9 High Street, Shirehampton – Bank/Building Society to café/hot food takeaway. Installation of flue to rear and associated alterations and replacement shop front/signage.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- The unit was located within a primary shopping frontage and was within the Shirehampton Conservation Area;
- The proposal was acceptable in principle, on design grounds, movement, transport and highway safety and residential amenity;
- The pollution control officer had proposed a set of conditions to mitigate any impacts;
- The Police were satisfied with the proposal but requested that CCTV be installed on the premises.

The following comments were made by the Committee:-

- Councillor Means enquired about the opening hours of the nearby George Inn and was informed that it was likely to be 11am – 11pm which were standard hours and in line with the hours of the proposed take-away;
- Councillor Mead asked whether there were traffic concerns regarding the proposal and was informed that there was parking directly in front of the outlet. It was a busy high street and there were therefore risks regarding parking availability, particularly during the daytime. There was public transport provision and customers could cycle. It was not possible to look beyond those facts;
- Councillor Eddy stated that the key issues of residential amenity had been addressed as well as parking and pollution control issues. The unit had been vacant for some time so it would be beneficial to bring back the frontage. Objectors had referred to anti-social behaviour but the Police did not evidence this as an issue. With these facts in mind, he believed the proposal to be an acceptable use;
- Councillor Mead agreed. He stated that CCTV was a positive condition and would allow monitoring of any anti-social behaviour;
- Councillor Denyer observed that there were other take-aways in a relatively small area and although the risk was finely balanced she was minded to refuse for the reasons of taking over the character of the high street, amenity and health issues;
- It was noted that there were already 3 take-aways nearby and this proposal would be the 10th food and drink premises in the area.

In conclusion, it was moved by the Chair, seconded by Councillor Eddy to grant the application subject to conditions, and on being put to the vote, it was lost (4 for, 7 against)

It was then moved by Councillor Denyer, seconded by Leaman, and on being put to the vote, it was

Resolved: (7 for, 3 against and 1 abstention) to refuse the application on the grounds of the detrimental impact on the vitality and viability of the town centre and from harm from potential anti-social behaviour and on the amenity of the town centre.

At this point, Councillor Eddy left the meeting.

15/05894/F – Prince House, 43-51 Prince Street – installation of 5 refrigerant plant to flat roof area. Removal of existing canopy/renewal of pedestrian doors.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- The site lies within the City and Queen Square Conservation Area;
- Prince House was a 6-storey building fronting onto Prince Street. To the rear, the building backs onto nos. 48 – 51 Queen Square all of which are listed buildings, in use as offices;
- The proposal would preserve the character and appearance of this part of the conservation area and the pollution control officer has confirmed that the operation of the units would have minimal impact on local noise pollution.

The following comments were made by the Committee:-

- Councillor Payne asked whether the developer had considered installing the plant inside the building and was informed that no further options had been considered as the visual assessment of this proposal had been considered acceptable. There would be a noise issue if located in the car park;

- Councillor Denyer observed that vent systems would not work inside a building;
- Councillor Means asked how the noise levels were measured and heard that the pollution control officer measured over 24 hours and the measures had to meet British Standards;
- Councillor Breckels expressed concern regarding the noise impacts and was assured that the levels had been measured by technical specialists and the conditions were very restrictive – any development that was not compliant would face enforcement action ;
- Reference was made to a Queen Square event where residents had considered noise levels unacceptable. The representative of the Service Director (Planning) stated that pollution control officers advised on many applications across the city and conditions were governed by British Standards and the Committee could have confidence in the process;
- Councillor Mead stated that he would be confident subject to being clear where monitoring would be measured from and was informed that the monitoring condition could be amended to read ‘from the nearest residential property’;
- Councillor Denyer referred to the report which stated ‘noise levels were likely to be below...’ but this was balanced out by the monitoring conditions. She acknowledged that the Queen Square event had been managed poorly but that was not the basis for a planning decision;
- Councillor Windows asked whether there was resource to enforce in the future should the plant become noisy and was informed that enforcement were able to take action and condition 3 enforced noise levels in perpetuity;
- Councillor Hickman was sympathetic to the proposal, noting that there was bound to be some noise if living in the city centre. This proposal had mitigated noise impact as much as possible.

In conclusion, it was moved by Councillor Mead, seconded by Councillor Payne, and on being put to the vote, it was

Resolved: (unanimously) that planning permission be granted subject to conditions and an advice note referring to monitoring of conditions.

[15/04849047/A](#) - 420 Stapleton Road, Easton – removal of existing advertising and replacement with one free standing and one wall mounted digital advertising boards.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report. It was reported that there had been a further objection from an amenity group since the Amendment Sheet was produced.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- Advertising signs were designed to attract attention. Both signs were located at points on the M32 where merging and lane changes took place. The advert inbound was in the eye line so would be less distracting to those travelling in that direction. Sign B facing outbound was likely to draw the attention of drivers away from the highway;
- There was no objection to the application on visual amenity grounds for either site;
- Officers had recommended a split decision - refusal to sign B on highway safety grounds and approval to sign A.

The following comments were made by the Committee:-

- Councillor Hickman observed that it could be chaotic at those points on the M32 with lane changing and she was concerned regarding the distraction of the signs and therefore believed that both signs should be refused on highway safety grounds;
- The representative of the Service Director (Planning) reported that the Council's highway authority and Highways England who was responsible for the M32 had assessed the application and both authorities were content with sign A and therefore advised that a potential argument put forward by the applicant at appeal might be unreasonableness. It was noted that Highways England were also content with sign B;
- Councillor Mead expressed concern as there were regular accidents at this point on the M32 but was content to approve sign A as both highway authorities were satisfied;
- Councillor Payne reminded the Committee that there was already digital advertising on the Spine Road;
- Councillor Windows was satisfied with both highway authorities advice with respect to sign A;

In conclusion, it was moved by Councillor Denyer that sign A be refused on visual amenity grounds and sign B be refused on visual amenity and highway safety grounds. This was seconded by Councillor Hickman, and on being put to the vote, it was lost (3 for, 6 against, 1 abstention)

It was then moved by Councillor Breckels, seconded by Councillor Means, and on being put to the vote, it was

Resolved: (6 for, 3 against, 1 abstention) to grant sign A (inbound) and refuse sign B (outbound) on highway safety grounds.

15/06359/F – 1 – 16 Merrick Court – replacing the existing aluminium double glazed windows/doors and timber frames with new uPVC windows and doors.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- The application site is a prominent and substantial five storey waterside development comprising 16 flats located directly on the Quayside Walkway and is in the City Docks Conservation Area;
- The application was considered, by virtue of their bulkier and flatter frame profiles, would result in an unsympathetic alteration causing significant harm to the architectural integrity of the host character building, the character and appearance of the City Docks Conservation Area and the setting of nearby heritage assets;
- The economic and energy benefits of uPVC was acknowledged but these do not outweigh the harm caused by the proposals;
- The applicant was offered the opportunity to amend the scheme to incorporate a more sensitive proposal but this was declined.

The following comments were made by the Committee:-

- Councillor Windows expressed concern as to the reason for recommending refusal and questioned such a policy. He was clear that he would vote to grant the application;

- Councillor Denyer had been initially split on this decision but could now see that that the design and materials were of good quality and the applicant should not be unduly punished. The increase of windows from 2 to 11 % would not have a material impact;
- Councillor Breckels observed that the building was 30 years old and the windows were dated. The proposals were in keeping with the look of the building.

In conclusion, it was moved by Councillor Hickman, seconded by Councillor Mead, and on being put to the vote, it was

Resolved: (unanimously) that the application be granted subject to suitable and proportionate conditions regarding the details of the replacement windows .

(The meeting ended at 7pm)

CHAIR