



Bristol City Council

Minutes of Development Control Committee A

Wednesday 5 November 2014 at 6 pm

Members:-

(A) Denotes absence (P) Denotes present

Labour	Liberal Democrat	Conservative	Green
Councillor Breckels (A)	Councillor Hance (A)	Councillor Eddy (P)	Councillor Telford (A)
Councillor Khan (P)	Councillor Woodman (P)	Councillor Lucas (A)	
Councillor Milestone (P)	Councillor Wright (P)	Councillor Quartley (P)	
Councillor Pearce (A)			
Councillor C Smith (P)			

1. Apologies for absence

Apologies were received from Councillors Breckels, Hance, Lucas, Pearce and Telford.

Councillor Fodor substituted for Councillor Telford, Councillor Mead substituted for Councillor Breckels.

2. Declarations of interest

Councillor Quartley declared an interest in relation to item 7 (2) on the agenda as he had at times used The Fleece music venue as a customer.

3. Minutes

Resolved - that the Minutes of the Development Control Committee meeting on the 10 September 2014 be approved as a correct record and signed by the Chair subject to it being recorded that Councillor Eddy had left the meeting prior to the discussion and did not take part or vote in respect of application 13/05241/F.

4. Appeals

The Committee considered a report of the Service Director, Planning and Place (agenda item no. 4) noting appeals lodged, imminent public inquiries and appeals awaiting decision.

An update was given in respect of item 42 (Ashton Park School erection of timber log cabin) explaining that the Planning Inspector had allowed the Appeal and awarded costs against the Council because it was considered that the reasons for refusal given by the Committee had not been substantiated.

It was anticipated that the awarded costs were likely to be under £10,000.

Resolved - that the report be noted.

5. Enforcement

The Committee considered a report of the Service Director, Planning and Place (agenda item no. 5) noting any enforcement notices.

Noted that items 5 & 7 related to items that had been on the previous agenda of Committee..

Resolved - that the report be noted.

6. Public forum

Questions

Questions were received in relation to Redland Church Parish Hall- Erection of new hall; ref.14/03628/F and Variation of condition no.9 attached to 93/00611/F- to allow extended opening hours of up to 23.00 weekdays and 24.00 weekends - ref.14/04064/X

1. Why has the Authority failed in its statutory responsibility to notify us of its decision within the 8 week time limit under section 29 of the Town and Country Planning (Development Management Procedure) (England) Order 2010?

Application no.14/03628/F was registered on the 14th July 2014 with an expiry date of the 19th September. No pre-application consultation had taken place though the applicant has stated verbally that the project had been two years in its development.

A total of nine comments were received, one from the Redland and Cotham Amenity Society in support, others from neighbours with concerns about the impact in respect of noise and light.

Officers had concerns regarding the proximity of the proposed hall to the existing – it is a significant scheme adjacent to a conservation area. There had been no opportunity to feed in before the application was submitted and a meeting took place to discuss this issue.

Draft amendments were subsequently submitted to address this concern on the 12th September but withdrawn due to the applicants concerns over the cost of the changes on the 30th September. A revised noise assessment report was submitted on the 30th September in an attempt to address the concerns about noise. This has now been commented on by officers from Pollution Control.

A delay in determination has therefore been a result of allowing additional time for further negotiations and assessment over key issues.

The application seeks opening hours up to 23.00 weekdays and 24.00 weekends and consequently progress has not been made on 14/04064/X while a decision on the application has been in abeyance as the two are intrinsically linked.

Additional delay has been a result of the officer having to prioritise work on a report on a super- major application.

2. What further information, if any, does the Authority need to make its decision?

Additional information has been sought recently on an informal basis. It is not believed that further is required.

3. What steps is the Authority taking to bring this matter to a speedy conclusion?

Following completion of the report on the super -major application, priority is being given to outstanding cases to include the two in question.

4. On what date is the Authority expecting to give its decision?

It is anticipated that a decision can be delegated and be issued before the 7th November.

5. If Officers are unable to make a delegated decision for whatever reason, will the Committee at this meeting make a formal decision on both applications?

See above reply to question 4.

Statements

Members of the Committee had 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. (*A copy of the public forum statements are held on public record in the Minute Book*).

7. Planning and development

The Committee considered a report of the Service Director, Planning and Place (agenda item no. 7) considering the following matters:-

**(1) 14/00639/F & 14/00640/LA – former Whiteladies Road Cinema 44
Whiteladies Road Bristol BS8 2NH**

Alterations and extension to allow partial conversion of existing building to form 5 No additional flats and alterations and improvements to existing flat and 3 screen cinema including a new disabled access door and lift for cinema

The Planning Case Officer gave a detailed presentation on the application and drew Members attention to the Amendment Sheet, circulated at the meeting, which detailed changes since publication of the original report (copies of which are contained in the Minute Book and are on the Council's web site).

The Planning Case Officer drew the Committee's attention to the fact that whilst the item had been before them in June, that decision had been quashed. Whilst the scheme remained the same the Committee must still consider the proposals afresh. The Planning Case Officer then set out how the consideration of the proposals was undertaken against section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Committee welcomed the progress that had been made and was satisfied that the development was DDA compliant and that partial disabled access to the site would be possible. The Committee also welcomed the additional conditions securing the use of the building as a cinema.

After further consideration it was moved and seconded that permission be granted for the reasons set out in the report.

On being put to the vote there were seven in favour, none against and one abstention.

(Councillor Fodor did not take part in the vote as he had arrived after the commencement of this item)

Resolved - that permission be granted for the reasons and advices listed in the report.

(2) 14/04628/X - 33 - 49 Victoria Street Bristol BS1 6AS

Application for variation of condition no. 7 attached to planning permission 14/01424/F (external alterations) - to remove the requirement for non-opening And fixed shut windows at first floor level of the Victoria Street elevation and all windows on the St Thomas Street elevation (i.e. only the windows at ground floor level of the Victoria Street elevation should be fixed shut and non opening)

The Case Planning Officer gave a detailed presentation on the application and drew Members attention to the Amendment Sheet, circulated at the meeting, which detailed changes since publication of the original report (copies of which are contained in the Minute Book and are on the Council's web site). An additional note was also circulated containing full details of the proposed advice notes that would be attached the to decision notice.

The Committee was reminded that permission for this development had been granted by committee decision on 30 July 2014 with the additional condition to require windows on St Thomas Street to be fixed shut to protect residents from air quality and noise considerations due to their proximity to The Fleece music venue.

Consideration of this application therefore centred on the key issues relating to air quality and noise pollution that might arise from varying Condition 7 which sought to remove the requirement for non-opening and fixed shut windows at first floor level on Victoria Street and at all levels on St Thomas Street.

The debate led Members to consider a compromise whereby permission to vary Condition 7 be limited to removing the requirement for the first floor windows on Victoria Street to be fixed shut but retaining the requirement for all windows on the St Thomas Street elevation to be fixed shut.

The Planning Officer advised that this option was feasible however the original condition did not seal the building entirely from noise impacts as it did not require the balcony doors to be fixed shut. In addition the developer had provided a robust mitigation strategy which would likely be permissible under building regulations and recent Planning Policy Guidance recommends that building regulation factors be considered alongside planning legislation. Both of these factors would significantly weaken the Council's case at an appeal.

It was then moved and seconded that variation be approved subject to the removal of the requirement for the first floor windows on Victoria Street to be fixed shut.

On being put to the vote there were seven in favour and two against.

Resolved - that permission be granted subject to the conditions and advices listed in the report and the amendment sheet and the removal of the requirement for the first floor windows on Victoria Street to be fixed shut.

(Councillor Khan left the meeting at this point)

**(3) 14/03210/F – Land eastern side of Chittening Trading Estate, Greensplott Road, Avonmouth Bristol
Erection of circa 11 MWe bioenergy facility and associated structures, landscaping and perimeter fencing and new access onto the A403 Chittening Road**

The Case Planning Officer gave a detailed presentation on the application and drew Members attention to the Amendment Sheet, circulated at the meeting, which detailed changes since publication of the original report (copies of which are contained in the Minute Book and are on the Council's web site).

The debate centred on the concerns raised by local residents and the new technology intended to be used by the applicants which was claimed to be very clean and would contain polluting emissions within the site. The concerns by residents were also seen in the context of previous incidents of air pollution in the Avonmouth area and the risk that any future development could bring.

The following points were also considered –

- Condition 29 sought to ensure that only sustainable supplies of fuel would be used and required the Operator to provide annual reports on the sustainability of all biomass used as fuel for electricity generation;
- Combined heat and power (CHP) was not thought to be viable at the present time but Condition 20 covered this to ensure that this could be available if and when there was demand in the future;
- Obtaining information from sites where this technology had been operating successfully would be helpful for determining planning applications. Members acknowledged that there were no sites currently operating in the UK but there were in Sweden and other countries;

The Committee was advised that the principle of a biomass plant in Avonmouth was supported by both national and local policy and the proposal had the potential to contribute to renewable energy. The scheme would not raise any significant impacts on air quality or the character and appearance of the industrial area. No significant transport issues had been raised and the scheme would mitigate the loss of trees.

The Committee was also advised of the implications of not approving the proposals regarding the link to Government funding for a renewable energy project ahead of Bristol becoming European Green Capital.

Having regard to both assurances given and potential implications of the proposed scheme some members felt a lack of clarity remained regarding the health concerns that might affect local residents. It was suggested that if approval was granted then the Mayor should be asked to consider siting a permanent air quality monitoring device in the Avonmouth area so that pollution could be accurately and consistently measured.

There was unanimous support for this.

It was then moved and seconded that permission be granted for the reasons and advices listed in the report.

On being put to the vote there were three in favour, four against and one abstention.

The motion was lost.

It was then moved and seconded that permission be refused due to the cumulative impact the development would have on air quality in the Avonmouth area.

On being put to the vote there were five in favour, two against and one abstention.

The motion was carried.

Resolved - that permission be refused due to the cumulative impact the development would have on air quality in the Avonmouth area.

(The meeting ended at 9 pm)

CHAIR