

# Bristol City Council

## Minutes of the Development Control A Committee



**24 August 2022 at 2.00 pm**

### **Members Present:-**

**Councillors:** Richard Eddy (Chair), John Geater, Fi Hance, Tom Hathway, Philippa Hulme, Farah Hussain, Ed Plowden, Andrew Varney and Chris Jackson

### **Officers in Attendance:-**

Gary Collins

## **1 Welcome, Introductions and Safety Information**

All parties were welcomed to the meeting.

## **2 Apologies for Absence and Substitutions**

Apologies received from Councillor Goggin with Councillor Jackson as substitute.

## **3 Declarations of Interest**

There were none.

## **4 Minutes of the previous meeting**



Matters Arising.

Councillor Eddy informed the committee that the growth and regeneration scrutiny commission would consider planning enforcement on 29 september at 5pm. Members' public forum statements would be welcomed. He would write to members to remind them of the invitation.

The committee then heard the public forum statement on planning enforcement in windmill hill submitted by councillor plowden. The matters in the statement had also been raised directly with the head of development management.

Councillor Eddy moved the minutes as a correct record and this was seconded and it was:-

**Resolved – That the minutes of 20 July be agreed as a correct record and signed by the Chair.**

## **5 Action Sheet**

It was noted that there were no actions arising from the 20 July Committee.

## **6 Appeals**

The Head of Development Management highlighted the following appeals:-

1. Items 49 – 52 – Wyevale Garden Centre, Bath Road, Brislington – all these appeals had been quashed by the Planning Inspectorate due to procedural issues in the handling of the appeals. There was a period of time before compliance was required and the owners also had a right of appeal. It was unusual to quash an appeal but the Planning Inspector had chosen to do that as the appeal had not been fully heard. Importantly the Planning Authority was back where it needed to be.

## **7 Enforcement**

The Head of Development Management reported that he would be keeping a close eye on future notices.



## 8 Public Forum

Members of the Committee 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.

The Committee noted the Public Forum Statement submitted by Hayden Shackell which did not relate to applications on the agenda.

## 9 Planning and Development

The Committee considered the following applications below.

### 1 21/06878/F - Land At Corner Of York Road And St Lukes Road Bedminster Bristol 0

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

The Officer summarized the report as follows:-

1. The application was for Mixed-use redevelopment including 221 residential (C3) units and 651 sq.m. of commercial floorspace (Class E) on ground floor, together with a new vehicular access off Mead Street, cycle and car parking provision, private amenity space, servicing arrangements, landscaping, public realm, and associated works;
2. The site lies within the Temple Quarter Enterprise Zone as well as the area covered by the Mead Street Development Brief, which was recently approved by Cabinet and sets out a vision for the regeneration of Mead Street to deliver a new neighbourhood with a mix of new homes and workspaces, green space and sustainable travel options;
  1. There was significant opposition locally with over 300 objections and a 4000 signature petition objecting to the addition of height in the Mead Street area;
  2. It was recognised that the application would make a significant contribution towards the city's housing delivery targets and included affordable housing;
  3. The scheme complied with policy on the provision of affordable housing, agreed



connection to the District Heat Network, biodiversity and tree replacements;

4. Officers had been working on this proposal with the applicant for over a year and during the process had raised a number of concerns relating to the overall design of the scheme. Revisions had been made to the application however it was not considered that a good quality scheme was proposed that would successfully deliver on the overall aspirations for the area. In addition, it was not considered that the quality of the scheme itself justified the high density, level of harm that would arise, and the weight required to be placed on emerging policy for it to be supported;
5. Attention was drawn to the Amendment Sheet which detailed late comments received from HSE on the design of the basement. Officers had not yet had time to discuss this with the applicant;
6. Officers recommended the application for refusal.

The following points arose from questions and debate:-

1. Councillor Eddy expressed concern that the application was recommended for refusal by officers when no such concerns were expressed at a member briefing last month and after key stakeholders, including ward members, had worked with the applicant to bring the scheme forward. The Committee was informed that the Mead Street Development Brief had been approved on 2 August and officers had continued to work with the developers to bring a scheme that could be recommended for approval. However, the issues had not been addressed in time for bringing the application to this Committee date;
2. The comments from the HSE had been received yesterday and were therefore contained in the Amendment Sheet and as a result there had not been time to discuss the comments with the applicant. It was not possible to condition as it would affect the scheme overall. It was for members to determine if the scheme was safe;
3. Officers had not requested a viability exercise in relation to the height of the development;
4. Councillor Hathway was concerned about the HSE comments and Transport Development Management issues and questioned whether the application should be deferred. The Head of Development Management replied that the application had come late to the agenda setting meeting and therefore it had not been possible to address the issues of concern in time. Technically the Committee could consider the application as set out in the report but there would need to be revisions regarding the HSE comments. If approved the building control process would deal with HSE concerns;
5. The Head of Development Management, in response to a question about allowing more time to work through issues concerning the application, stated that the Planning Authority did not like recommending applications for refusal and sought to work with applicants to resolve issues so that the scheme could be supported. Unfortunately, this had not been possible for this application;
6. 62% of units were single aspect and 38% dual aspect;
7. In response to a comment regarding the potential for an expensive appeal process if refused, the Head of Development Management replied that he shared those concerns. He appreciated there



were many positives in the scheme but fully supported the officer recommendation which was defensible at appeal;

8. It was confirmed that discounted market rent aspect to the development was not recognized as an affordable housing product by LA's and it was therefore for the Committee to determine its weight. It was acknowledged that an application offering 30% affordable housing in the City Centre was extremely rare;
9. The Transport Development Manager confirmed that highway safety was a concern but did not meet the level where there could be a road safety objection. It was considered that the alleyway was not wide enough for the amount of movement and was open to ASB;
10. It exceeded the density in the Development Brief but this should be considered alongside design excellence. The Development Brief had specific requirements as there were lots of services planned and this would impact on footpaths;
11. Councillor Eddy acknowledged that decisions on many applications which came before Committee were on balance after weighing up many elements. This was a rare development where key stakeholders had been consulted effectively and responded positively to comments. This was a well-designed scheme which met the strategic needs of the city and it was almost a miracle to secure 30% affordable housing in the City Centre from a private developer. It regenerated a brownfield site and was in a location where housing was needed. It improved road safety and its scale and height did not concern him. High standard schemes were important but officers recommendation for refusal was disappointing. He would be voting for approval;
12. Councillor Varney liked the architecture and the location was highly sustainable but he agreed with officers findings regarding some aspects of design, height, single aspect units numbers, limited light and windows being bolted shut and he would not support approval;
13. Councillor Hance welcomed the affordable housing but disputed that this was the only scheme on this site which could provide it. She objected to massing and felt it was a scar on the landscape;
14. Councillor Jackson believed that the positives outweighed the negatives and hoped that the developer would work with officers to improve aspects of the scheme. He would support approval;
15. Councillor Geater stated that the affordable housing offer was key to the scheme and if refused the application might return with reduced height and much less affordable housing. He would vote for approval;
16. Councillor Hulme would vote for it on balance. There was a desperate need for affordable housing and she approved of the design and colour of the scheme;
17. Councillor Hathway would vote for it on balance because of the urgency of the housing crisis but challenged the developer to do better;
18. Councillor Plowden felt the design was not aspirational and was concerned about the hyper density, quality of accommodation and safety in relation to HSE comments. He would vote against approval;
19. Councillor Hussain would vote for approval because of the desperate need for affordable housing;
20. As per convention Councillor Eddy moved the officer recommendation and this was seconded and on being put to the vote it was lost – 3 for, 6 against. Councillor Eddy then moved that the application be granted subject to a S106 Agreement and officer recommendations including HSE comments. This was seconded and on being put to the vote it was:-



RESOLVED - (6 for, 3 against) That the application be granted subject to a s106 agreement, conditions and officer recommendations including the HSE comments set out in the amendment sheet.

## **1 21/04338/F - Trinity Road Police Station Trinity Road Bristol**

**1**

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

The Officer summarized the report as follows:-

1. The application was for the demolition of existing police station and redevelopment of mixed-use scheme comprising 104 no.one, two and three bed apartments, a police facility and a commercial unit (flexible use class), together with open space, landscaping, parking and associated and ancillary development;
2. It was before Committee due to the significant objections including the Trinity Centre's objection regarding noise;
3. As the Agent of Change, the development had demonstrated an appropriate scheme of noise mitigation to ensure adequate levels of amenity for future occupiers of the proposal. The development had therefore offered sufficient evidence to suggest that, provided these measures were implemented and maintained thereafter, the proposal would not threaten the ongoing viability of the Trinity Centre through the imposition of undue operational constraints;
4. Acknowledgement of the development's shortcomings.
5. On balance, the application was recommended for approval subject to conditions and a Planning Agreement.
6. Acknowledgement that the recommendation included in the Committee Report was amended in accordance with the Amendment Sheet.

The following points arose from questions and debate:-

1. To achieve some of the suggested amendments put forward by the Old Market Community Association, additional the accommodation would have to moved closer to the Trinity Centre. It was necessary to determine the scheme before Committee;
2. The Pollution Control Officer reported that he had worked with the applicant to improve the scheme development on site. The low frequency noise from the Trinity Centre was taken into account in the noise assessment and through conditions. It was confirmed that sound readings had been taken on a Friday and Saturday night;



3. The landscaping was one of the most comprehensive officers had seen for the City Centre and the Arboricultural Officer was confident that it would mitigate for the loss of existing trees;
4. The mechanical ventilation would keep residents cool and comfortable when the windows were shut;
5. Councillor Eddy was supportive of the scheme as it was on a brownfield, sustainable site in the City Centre with 100% affordable housing and was car free. The key issue had been the impact on the Trinity Centre's operation because of noise but he had been reassured that the scheme would not affect the Trinity Centre and he would therefore vote for approval;
6. Councillor Jackson echoed those comments and supported the scheme and would vote for approval;
7. Members were asked if they wished the Deed of Easement to be included in the Recommendation and 3 out of 9 members supported this. It was not therefore put forward as part of the motion and Councillor Eddy moved the officer recommendation which was seconded and on being put to the vote it was:-

**RESOLVED – (Unanimous) That the application be granted subject to a Planning Agreement and Conditions.**

**1 21/04946/F - Pavement Opposite TSB 36-38 Merchant Street Bristol**

**2**

The Officer summarized the report as follows:-

1. The application was for the installation of 1 BT Street Hub incorporating 2 LCD advert screens and associated BT phone kiosk removal;
  2. It was before the Committee as it had been called in by a local ward Councillor on the grounds of visual impact, street clutter and accessibility impact;
  3. It was recommended for approval with conditions.

The following points arose from questions and debate:-

1. Councillor Eddy stated that these applications were never popular with the public but digital advertising was policy compliant and had a member not referred the application to Committee it would have been delegated for officer decision. He reminded the Committee that if it was refused it could be lost at appeal so any objection needed to be sustainable;
2. A Grampian permission or negative condition meant that work on site could not be commenced until something off site had taken place;
3. There was no application for additional power supply;



4. Transport Development Management had removed their objection regarding service access as this would be undertaken when the shops were closed;
5. There was nothing in the BID late statement that had not already been covered in the report;
6. Reference was made to DM27 – something that contributes positively to the local character. The Committee was informed that there was minimal difference to the phone box it would replace but its benefits were that it would provide high speed Wi-Fi to the area, access to maps and technical tools for public use. The LED screens were also more energy efficient than the telephone box;
7. Officers had discharged the public sector equalities duties and the hub would be placed in a location to allow good site lines for those with visual impairment. Autism had not been considered as officers were not qualified to assess that impact. There were already a range of visual distractions within the public realm;
8. If the hub was granted, the advertising consent would be for 5 years;
9. Public surveillance was not a planning consideration and could not therefore be applied;
10. Councillor Eddy stated there were no sustainable grounds to refuse so he would vote for approval;
11. Councillor Varney suggested that the removal of the phone box was being used as a bargaining tool to approve the hub. He noted that the hub would not be in the same location as the phone box and that permission for them had been given elsewhere so he would vote for approval;
12. Councillor Hathway observed that there seemed to be different interpretations on the policies of crime and fear of crime and easy access to the public realm and would vote against approval;
13. Councillor Jackson would vote for approval;
14. There were no further comments and Councillor Eddy moved the officer recommendation and it was seconded and on being put to the vote it was:-

**RESOLVED – (6 for, 2 abstentions and 1 against) – That the application be granted subject to Conditions.**

## **1 Date of Next Meeting**

**3**

5 October 2022 at 6pm

Meeting ended at 4.00 pm





CHAIR \_\_\_\_\_

