

# Bristol City Council

## Minutes of the Development Control B Committee

18 January 2023 at 6.00 pm



### Members Present:-

**Councillors:** Ani Stafford-Townsend (Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Lorraine Francis, Katja Hornchen, Steve Pearce (substitute for Chris Jackson) and Guy Poultney

**Officers in Attendance:-** Gary Collins, Philippa Howson, Jeremy Livitt

### 27 Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting and explained the emergency evacuation procedure.

### 28 Apologies for Absence

Apologies for absence were received from Councillor Chris Windows and Councillor Chris Jackson (Steve Pearce substituting).

### 29 Declarations of Interest

Councillor Fabian Breckels declared an interest in Agenda Item 9(a) Planning Application Number 21/03536/FB – Land to Rear of Filwood Broadway as a member of the Cinema Theatre Association but confirmed that he retained an open mind in respect of this application.

### 30 Minutes of Previous Meetings for Approval

The Committee considered the following sets of minutes for approval as a correct record.

#### 30a 12th October 2022

**RESOLVED – that the minutes of the above meeting be approved as a correct record and signed by the Chair.**



## **30b 7th December 2022**

**RESOLVED – that the minutes of the above meeting be approved as a correct record and signed by the Chair subject to the alteration of the time of the next meeting in the “Date of Next Meeting” minute from 6.30pm to 6pm.**

### **31 Action Sheet**

There were no outstanding actions.

### **32 Appeals**

The Head of Development Management introduced this report and pointed out that Item Number 20: Land At Broom Hill/Brislington Meadows Broomhill Road Bristol BS4 4UD would be the subject of an inquiry starting on 31<sup>st</sup> January 2023 and lasting for 11 days. It was noted that there had been a change of inspector.

In response to members’ questions, he stated that:

- Number 17 – Land at Home Gardens, Redland Hill, Bristol BS6 6UR – Officers would advise the Committee when this application would be coming back to Committee
- Number 21 – Merchant Arms. Bell Hill, Bristol BS16 1BQ - Expert opinion was that the Council could not sustain an objection to this appeal. However, contrary advice had been received from CAMERA and therefore further discussions would be taking place concerning this issue

### **33 Enforcement**

The Committee noted this report.

### **34 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.

### **35 Planning and Development**

The Committee considered the following Planning Applications:



### 35a 21/03536/FB - Land to Rear of Filwood Broadway

Councillor Guy Poultney arrived after the start of this item. Therefore, in accordance with the Code of Conduct for Councillors on Planning Matters, he was unable to participate in the debate or vote on this item.

The Chair reminded the Committee that approval for demolition of the cinema had already been made in 2019 and so members were unable to consider the demolition itself but purely the method of demolition. It was noted that this was extremely unfortunate and that the Committee had a great deal of sympathy for members of the public in this situation.

The case officer for this Planning Application introduced this report and made the following comments during their presentation:

- Details of the site were shown as well as of the proposed development
- The current building was a 1930's style building which had used as a Bingo Hall in the 1930's. It had been empty since 1994 and has been classed as permitted development
- The building was suitable for modern commercial retail use
- The proposed development was for 30 residential dwellings with commercial floor space on the ground floor
- There had been 8 objections relating to the new access road and concerns relating to increased traffic
- The development was within the Knowle West Regeneration Framework
- The scale of the building was deemed acceptable
- Some initial highway concerns had been addressed and were now considered suitable
- Officers recommended approval of the application subject to conditions and a Memorandum of Understanding

In response to members' questions, officers made the following comments:

- F1 and F2 Classes would allow community use
- There was the potential to use the ground floor for community use
- There was a mix of retail development on the site ie a betting shop, charity shops etc
- Officers did not believe it would be appropriate to limit the development by condition to one particular ward since work was taking place across boundaries with a 10% requirement across the city by the end of 2023
- The proposal was policy compliant
- Once a site was allocated in the Development Plan, it was important to remain within what was required.
- A number of units were being retained and there were good pedestrian links



- There was a minor concern about the impact of loss of parking from residents' parking but it was noted that retail development could still be serviced from the main road
- Existing units would be lower to take into account the loss of parking. There would also be commercial and residential waste storage units
- There had been no objections received from Bristol Waste
- The number of dwellings was currently 20 but under the local land allocation would be uplifted to 30. There would be 62 dwellings per hectare on the site which was an increase from the minimum requirement of 50
- The reduction in parking space could be used for extra cycle space if requested by the residents but the criteria for cycling had already been met
- There was a net gain of six concerning trees – 8 trees would be removed, 14 new trees landscaped
- Whilst there would be some shadowing of gardens, this would be as a result of natural sun movement and would not be significant. No shadowing survey had been carried out

During discussion, Councillors made the following comments:

- There was a net uplift of 89 bed spaces, the scheme was policy compliant, servicing arrangements could be conditioned, there would be continued provision of services subject to the number who needed them and this would improve access for existing and future residents.
- There was a lot to recommend the scheme. Although there were reservations concerning the issues raised by Re-work in their Public Forum Statement relating to the loss of vehicular access for retail outlets, the scheme should be supported
- This was a good scheme with an impressive elevation. Whilst it was regrettable that a cinema building would be lost, it had been closed for 30 years. If an attempt had been made to save it some time ago, it might have been possible to find a solution. The style and mix of buildings was good and should be supported
- The lack of a shadowing survey was a concern. There was also a need for further information about the type of trees being removed. It would be good to retain part of the old cinema building in the new development as a memorial
- It was very unfortunate that the Committee was not able to consider the issue of demolition of the building since it was not given community asset status
- This scheme was a good one. Whilst the residents' anger was understandable, it was hoped that a similar situation could be avoided in future

Councillor Steve Pearce moved, seconded by Councillor Lesley Alexander and upon being put to the vote, it was

**RESOLVED (6 for, 0 against, 1 abstention, Councillor Guy Poultney unable to vote due to arriving after commencement of the item ) – that the application is granted subject to the conditions set out in the report.**



**35b 22/01550/F - 29 Hobhouse Close**

The Case Officer for this application introduced this report and made the following comments:

- As indicated on the amendment sheet, the applicant had exercised their right to refer the application directly to the Secretary of State for approval
- Deviations from the previous application had been approved
- Officers believed that the installation of the proposed pillars and the re-design of the bay windows should be included if the Inspector was minded to grant the appeal
- Legal advice had been obtained in relation to the condition proposed by the Committee at the last meeting relating to enforcement of noise. This had confirmed that it would not meet the required test
- Officers were, therefore, recommending that the Committee resolve that had it been able to determine this application, it would have approved it
- In the meantime, officers would continue to pursue rigorous enforcement of the building as a large use HMO

In response to members' questions, officers made the following comments:

- Officers had been advised that it was likely that the development would be used for long-term letting and C3/C4 retail use
- The HMO is currently licensed for small use lettings and it was therefore assumed that the development would meet space standards for this
- Whilst there was understandable concern amongst Committee members that there had been a breach of planning regulations in this case, the planning process did allow an application for retrospective approval. Any assessment of this application had to be made dispassionately and, in this case, involved purely the request for external alterations. If the application had requested a large term HMO and short lettings, it is likely that officers would be recommending refusal
- In the meantime, the previous breach was being investigated by the enforcement team subject to reassurances from the applicant that these activities would cease. This enforcement case would continue until any breach ceased
- Whilst the legal opinion set out in one of the Public Forum statements was noted, officers did not necessarily agree with this. Whilst this would be a consideration if the final decision did not rest with the Planning Inspector or if the applicants were applying to change permission in accordance with Section 73, it would not now be possible for DCB Committee to be challenged for its decision
- A change of use was by law a matter of fact and degree based on the evidence received. Whilst any approval could include an Advice Note, the legal advice they had received was that any condition would fail the required test. However, the Committee could choose to put forward a condition if it chose to do so and the Planning Inspector could put firmer controls on this



- Whilst the Committee was no longer determining this application, the Planning Inspector needed to know the view of the Committee on this issue
- Enforcement action could be pursued regardless of the Inspector's decision
- Internal changes are not controllable under planning regulations. Therefore, the main issue for the Committee to consider is whether or not the external arrangements are acceptable
- Whilst it may be frustrating for the Committee in dealing with situations where an individual has now followed the approved plan, they needed to consider the issue dispassionately on its own merits
- If the existing application was refused by the Inspector, further enforcement action would be required
- Past experience had shown that Inspectors did not tend to include Advice Notes in their decisions but were vigorous in challenging conditions
- Following some focused work after the recent discussion on enforcement at the Growth and Regeneration Scrutiny Commission, a number of enforcement actions had been served. There had been 50 complaints recently, most of which had now been resolved. The small number of outstanding cases were now being pursued with legal action
- The previous owners obtained planning permission on appeal and therefore there was no current planning application seeking this
- Officers believed that the appeal permission had been gained by another party but could not judge behaviour or motives on this basis
- Officers outlined the three main options open to the Committee – approval as per the requested application, approval but requiring short-term lettings (perhaps with an Advice Note) or refusal on the grounds that the physical changes to the building were deemed unacceptable

Committee members made the following comments:

- There had been repeated failures to comply with planning permission which undermined their purpose
- It was frustrating that the decision has been taken out of the Committee's hands
- It was of great concern that these were high turnover tenancies
- The Committee should only approve what had already been awarded on appeal or require a fresh application
- Under the circumstances, the Committee should vote against the application
- The changes proposed to the external building were radically different than those which previously been approved as they were highly symmetrical. The Committee would have sought to strengthen these if it had been able to
- The legal argument set out in one of the Public Forum submissions might be applicable in this situation and needed further investigation
- It was a great concern that there had been no change in the behaviour of the applicant in this case and that further enforcement appeared to be required



In accordance with convention, Councillor Ani Stafford-Townsend moved the officer recommendation to approve the application. This was not seconded.

Councillor Fabian Breckels moved, seconded by Councillor Lorraine Francis and upon being put to the vote, it was

**RESOLVED (unanimously) – that the Committee**

- (1) notes that, following the applicant’s appeal against non-determination to the Planning Inspectorate, it can no longer determine the application**
- (2) resolves that had it been able to do so, it would have refused the application on the grounds of poor design and the negative impact on the character of the local area**

### **36 Date of Next Meeting**

The next meeting is scheduled to be held at 2pm on Wednesday 8th March 2023 in the Council Chamber, City Hall, College Green, Bristol.

Meeting ended at 8.05 pm

**CHAIR** \_\_\_\_\_

