

Bristol City Council

Minutes of the Development Control A Committee



13 December 2023 at 6.00 pm

Members Present:-

Councillors: Richard Eddy (Chair), Sarah Classick, John Geater, Fi Hance, Tom Hathway, Philippa Hulme, Chris Jackson and Ed Plowden (substitute for Paula O'Rourke)

Officers in Attendance:-

Philippa Howson and Simone Wilding, Philippa Howson and Jeremy Livitt

1 Welcome, Introductions and Safety Information

Councillor Richard Eddy welcomed all parties to the meeting and explained the emergency evacuation procedure.

2 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Farah Hussain, Councillor Paula O'Rourke (Councillor Ed Plowden substituting) and Councillor Andrew Varney (Councillor Ed Plowden substituting).

3 Declarations of Interest

There were no Declarations of Interest.

4 Minutes of the previous meeting held on Wednesday 15th November 2023

RESOLVED – that the minutes of the above meeting be confirmed as a correct record and signed by Councillor Richard Eddy subject to the addition of the following wording immediately prior to the Supplementary question asked by mark Ashdown under Public Forum:

“ Prior to asking a supplementary question, Mark Ashdown requested that the Committee consider a request to adjourn for breach of Section 100B of Local Government Act 1972 since 18 new documents had been published on the planning portal after the statutory deadline for the publication of the



agenda. He stated that the Committee should consider these additional documents prior to making a decision on the Planning Application under Agenda Item 9.

Councillor Eddy noted this comment which he had allowed Mark Ashdown to make prior to asking a supplementary question and indicated that he would ask the Chief Planner and Head of Planning to respond.

The Chief Planner pointed out that all the documents referred to are updates to documents already published within the required time period and are frequently received up to the date of the Committee.”

5 Action Sheet

The Committee noted that 15th November 2023 action related to appeals had now been completed.

6 Appeals

The Chief Planning Officer advised the committee that there was currently a backlog, including those for non-determination and that this would continue to be a major challenge for some time to come. She confirmed that non-determination appeals did not receive any specific priority. However, certain schemes received priority, such as the memorial stadium planning application due to the large public interest and any potential challenge by affected residents.

The Committee noted that the number of appeals was increasing since applicants hoped it would enable them to receive a more favourable decision.

7 Enforcement

The Committee noted that there were currently no enforcement decisions to be reported.

Some committee members expressed concern about the severe delay on a number of schemes. It was noted that this was due to the section being extremely under-resourced which required prioritisation and difficult decisions to be made.

Councillor Richard Eddy Councillor Richard Eddy requested that details of enforcement schemes be provided for the next meeting on 24th January 2024. He drew members’ attention to the concerns previously raised by Councillors at the Growth and Regeneration Scrutiny Commission



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.

9 Planning and Development

The Committee considered the following Planning Applications:

9a 23/01301/F - Land and Buildings on North Side of Gas Lane

The case officer introduced this report and made the following points:

- Details of the application were explained to the Committee. It was noted that the proposed student accommodation would be for 314 bed spaces
- The outline of the site was shown to Councillors
- There had not been much public interest, only one objection from the Conservation Advisory Panel with no other representations.
- There had been a statement of community involvement by the applicant concerning the previous scheme
- A letter had recently been submitted by the applicant's solicitors and a full response would be provided by Bristol City Councillor's solicitors in due course.
- The existing benefits from the previous scheme will be factored into the current assessment. The harm is considered that the harm is much greater under the current application and therefore the benefits of the existing scheme would not outweigh this harm with the proposed additional benefits not tipping the balance in its favour
- The outline of the site is a triangular parcel with an industrial area and was excepted to undergo significant change since it was in the Temple Quarter Development Framework Area and Silverthorn Lane Conservation Area with a number of listed buildings in the vicinity. Dings Park was beneath the underpass with the Dings community to the north. This area had been identified as an area of local park deficiency and was in close proximity to neighbouring sites
- There were currently applications on all neighbouring sites including the Temple Quarter scheme which was at the outline stage. The area formed part of the Development Network for Temple Quarter approved by Full Council in May 2023 with the aim of producing new community mixed developments
- A slide showed the courtyard including the entrance through the gate and the undercroft area with a focus on amenity per bed space and additional provision at roof level. However, the quality of the internal courtyard would be poor



- A slide indicated the Daylight and Sunlight assessment within the courtyard and was taken from 21st June 2024 when light levels were at the highest levels. However, there was no image from the Equinox when light levels were significantly lower
- The applicant's model shows the proximity of the neighbouring site and the impact that the screen has on it
- The current proposal increased the verticality and diminishes the status of the Grade 2 STAR Listed Building
- The National Planning Policy Framework refers to the need to weigh the harm caused by the scheme against the public benefits
- Whilst Historic England acknowledged that the proposed scheme only had a single storey, they believed oversteps the critical dimensions and height. In addition, officers believed that there were no other improvements in the public realm that could be offered to offset this
- Details of the proposed roof layout were shown
- Since the overall harm caused by the scheme would not be outweighed by the benefits, the assessment was that approval of this application would undermine aspirations for the area

In response to Councillors' questions, officers made the following points:

- The issue of student accommodation in the area was provided to give context to the situation. However, since this was an emerging policy, no weight should be given to it
- Students would spend a significant proportion of time in study bedrooms and therefore an analysis of lack of daylight and sunlight needed to take this into account. Extra sunlight would have a marginal impact since the accommodation needed to be flexible and adaptable. In addition, there would be other developments with possible high density student developments
- The detailed landscaping provision had not yet been made available but would need to be factored in at a later stage. The proposal resulted in a reduction in floor space
- Details of other planning applications were provided as part of a master planning exercise which was currently taking place
- Whilst officers had negotiated hard to find methods of limiting the impact of the number of storeys of the building on the site, they remained concerned about the impact on the public realm
- The Development Strategy Framework had been approved and the Joint Delivery Team were looking at the Park Strategy
- There had been amendment to the daylight and sunlight in the scheme other than set out by the applicant in their previous letter

Members made the following comments concerning this application:

- Having looked at the scheme and noted that 98% of students flats confirm to the required policy, this seemed a reasonable investment which would provide proper decent student



accommodation. The arguments against the scheme did not exceed the grounds for approval

- The quality of the accommodation seemed reasonable in terms of the requirements and would not be in occupation for much of the time. The differences from what was required did not tip the balance to refusal
- The accommodation seems suitable and therefore the application should be supported
- The officer recommendation to refuse should be supported as it did not meet the required level of quality in accommodation
- Bad quality accommodation should not be accepted because of an urgent need for development. Since the proposed changes will be detrimental, it should be refused
- The scheme did not seem significantly changed from the previous application and should therefore also be opposed
- Whilst officers had worked very hard to make the scheme acceptable, the scheme still remained unsuitable and should be refused

In accordance with the constitution, Councillor Richard Eddy moved, seconded by Councillor Chris Jackson that the application be refused in accordance with the officer recommendations.

Upon being put to the vote, this was LOST (4 for, 4 against, Councillor Eddy exercising his casting vote in the Chair to vote against).

Councillor Richard Eddy then moved, seconded by Councillor Chris Jackson and upon being put to the vote it was

RESOLVED: (4 for, 4 against, Councillor Richard Eddy exercising his casting vote in the Chair to vote in favour) that the application be approved subject to the drawing up of conditions being delegated to officers in consultation with Councillor Eddy in his capacity as Chair.

9b 23/02/18/F - Eastfield Road, Cotham

The case officer introduced this report and made the following points:

- Details of the proposed scheme were provided and the existing location from a range of different views. Aerial views were also provided
- It was noted that the scheme was within the Redland and Cotham Conservation Area
- The proposal included a change in the boundary to widen the pavement
- Different views of the proposed scheme was provided with layout indicating that ground floor flats would have separate entrances and that access to the property would be through a central staircase via Eastfield Road



- 20 people had written in support of the scheme, citing the need to renovate the building and to provide housing in the area with 5 objectors citing concerns about designs, parking and a lack of mix of development
- The Committee was shown a diagram comparing the appeal scheme dismissed by the Inspector with the proposed scheme
- Officers remained concerned about the impact of the development on the Conservation Area
- Sustainability – the applicants had agreed to provide heat pumps to address concerns raised by the Inspector about this issue on the previous scheme which was welcomed
- Due to officers' continuing concerns about the Conservation Area and the visual impact of openness, it was recommended that the application is refused since it has not overcome the previous reasons given by the Inspector as part of the original appeal

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

- Whilst the issue of bike storage on the site had been an objection, there would be no grounds to refuse the scheme on this basis since the location was in a sustainable area close to major routes in Gloucester Road and Cheltenham Road and also close to a railway station
- Any resident would need to apply for a parking permit. Since the proposed development was small and there were already parking restrictions in the area, the criteria for further restrictions would need to be severe. It was noted that the site of the development makes it hard for any transport objection to be upheld and it should not form the main part of any refusal
- Whilst the proposed units were smaller than the previous scheme, they still met the minimum space standards (between 40 to 47) for one person and would only need to be increased to 50 if they were to be used by two people. However, the applicant had indicated the units would only be for one person each

Councillors made the following points:

- There is a real housing crisis and a residential housing problem in the city. Since this was a viable application and not excessive with support from local residents, the local amenity society and the local Councillor, the application should be supported
- There was support for the scheme from the local community, support from Councillors, a wider pavement and additional trees. Whilst there were some concerns about parking, these were not strong enough to refuse the scheme. Therefore, the application should be approved
- The scheme would enhance the area and should be supported
- The scheme should be approved but should also include a requirement for a residents parking zone
- Whilst officers' concerns about visual amenity were noted, this scheme should be approved

In accordance with the constitution, Councillor Richard Eddy moved, seconded by Councillor Chris Jackson that the application be refused in accordance with the officer recommendations.



Upon being put to the vote, this was LOST (unanimously).

Councillor Richard Eddy then moved, seconded by Councillor Chris Jackson that the application be approved subject to the drawing up of conditions delegated to officers in consultation with Councillor Eddy in his capacity as Chair.

Councillor Ed Plowden moved an amendment, seconded by Councillor Fi Hance and upon being put to the vote, it was CARRIED (6 for, 2 against) “ that this development is not eligible for any residents’ parking”.

The Committee noted that any member of the public with a disabled driver permit would be automatically entitled to exemption following confirmation of their residence status.

Councillor Richard Eddy then moved, seconded by Councillor Chris Jackson and upon being put to the vote, it was

RESOLVED (unanimously) – that the application be approved subject to the drawing up of conditions delegated to officers in consultation with Councillor Richard Eddy in his capacity as Chair and that this development is not eligible for any residents’ parking.

1 Thanks to Officer for Service

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The Committee noted that Ken Reid, Senior Development Management Officer, would shortly be leaving Bristol City Council and thanked him for his service.

1 Request for Suspension of Standing Order

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Councillor Richard Eddy noted that Councillor Tom Hathway wished to request that the Committee suspend Standing Order Number 12.1 (set out below) to allow for consideration of the threat of Judicial Review in respect of the Committee’s decision to approve Planning Application Number 22/03924/P Broadwalk Shopping Centre Broad Walk Bristol BS4 2QU on Wednesday 5th July 2023.

CMR12.1

Motion to rescind a previous decision

A motion to rescind a decision (made at a meeting of a committee within the past six months) cannot be moved unless:

(a) written notice of the motion has been supplied to the proper officer before the rising of the meeting of the committee at which the original



**motion has been passed; and
(b) oral notice has been given to the chair during the meeting of the committee at which the original motion was passed (and then placed in writing to the proper officer within fifteen minutes of the end of the rising of that committee meeting).**

Notice required 15 minutes

Councillor Hathway drew members' attention to the discussion of this issue at the recent meeting of Full Council on Tuesday 12th December 2023 and requested that the standing order be suspended to allow discussion of what action to take on this matter.

Councillor Richard Eddy in his capacity as Chair indicated that he did not believe it was appropriate for this issue to be discussed at this meeting without a formal report and advance notice of the matter. He stated that a more appropriate course of action would be for it to be discussed at the future informal meeting of Development Control Lead Spokespersons.

Councillor Ed Plowden then moved, seconded by Councillor Fi Hance that "Standing Order 12.1 be suspended and the meeting adjourned to allow the Party Group Spokespersons to discuss this further".

Following further discussion, the Democratic Services Officer explained the rules which govern Standing Orders 12.1 concerning rescinding of previous decisions and Standing Order 18.1 which allows the committee to suspend Standing Orders.

The Democratic Services Manager pointed out to the Committee that it would be unprecedented to debate an item concerning a Planning Application which was not on the agenda and without a formal report. The Committee was advised that these types of matters would normally be raised through Spokespersons and discussed via an informal Development Control meeting (usually the Development Control Spokespersons Leads Meeting which existed to consider such issues).

The Committee was further advised that, if they wished to rescind a previous decision already made without a supporting report, this would not be considered sound governance and could be perceived as amounting to procedural impropriety and result in possible further challenge by Judicial Review.

Therefore, the advice of the Proper Officer was that this issue should be dealt with once the meeting has closed and discussed between Spokespersons and other relevant parties.

The Committee indicated that whether or not the motion to suspend Standing Orders was successful, this matter should be referred to the informal meeting of Development Control Lead Spokespersons.

Upon being put to the vote, Councillor Plowden's motion was LOST (1 for, 5 against, 3 abstentions – Councillor Plowden did not give a vote but in accordance with convention this is recorded as an abstention).



Therefore, the Committee noted that the matter should be referred to the informal meeting of Development Control Lead Spokespersons for further consideration. **ACTION: Chief Planning Officer to add to the agenda for a future meeting of the DC Lead Spokespersons.**

1 Date of Next Meeting

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The Committee noted that the next meeting is scheduled to be held at 2pm on Wednesday 24th January 2024 in the Council Chamber, College Green, Bristol.

Meeting ended at 7.50 pm

CHAIR _____

