

Bristol City Council

Minutes of the Development Control A Committee



24 January 2024 at 2.00 pm

Members Present:-

Councillors: Amal Ali, Fabian Breckels, Richard Eddy (Chair), John Geater, Tom Hathway, Chris Jackson, Paula O'Rourke, Ani Stafford-Townsend and Andrew Varney

Officers in Attendance:-

Philippa Howson and Jonathan Dymond

1 Welcome, Introductions and Safety Information

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The Chair welcomed everyone to the meeting and issued the safety information.

1 Apologies for Absence and Substitutions

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Apologies were received from Cllrs Philippa Hulme (Vice Chair) and Farah Hussain, substitutes Amal Ali and Fabian Breckels; and Fi Hance, substitute Ani Stafford-Townsend.

1 Declarations of Interest

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The following was received:

Cllr Jackson – Agenda Item No. 9b, the site is in his Ward.

1 Minutes of the previous meeting

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Resolved - that the Minutes be confirmed as a correct record of the Meeting.

1 Action Sheet

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It was noted that Action No. 2 had been completed in December 2023.

1 Appeals

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The Deputy Head of Planning, Development Management introduced the report.

He noted that as they clear the backlog of applications and issue decision notices, some of which will be refusals, an increase in the number of Appeals lodged is likely to occur.

He drew Members attention to Item 36 – 6 Sussex Place where the Appeal was upheld and costs awarded against BCC as a result of the delay in determining the application. He also drew Members attention to Appeals relating to Enforcement Notices – Items 37, 45 and 57; 2 were upheld and 1 was dismissed.

It was noted that applications which can be easily approved receive priority in terms of determination.

CLlr Eddy requested a copy of the decision relating to Item 39. (A copy of the decision was subsequently sent to CLlr Eddy.)

1 Enforcement

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The Deputy Head of Planning, Development Management introduced the report.

It was noted that the third Meeting running there were no items to report. It was also noted that there would be a report on Enforcement the following month.

2 Public Forum

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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.

2 Planning and Development

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2 22/01583/F - Rhubarb Tavern 30 Queen Ann Road Bristol BS5 9TX

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The Presenting Officer introduced the report, summarised it for everyone and gave a presentation.

The application is for a change of use of upper floors to residential use at the Rhubarb Tavern and construction of 6 flats on the land to the rear. 8 dwellings in total.

The following answers were provided to questions:

- It would not make sense for the applicant to build the flats but leave the pub vacant and open to squatting and vandalism; conditions could be added to ensure that the fabric of the pub building is preserved as it is a locally listed building
- Although a condition relating to the pub landlord occupying the upper floor dwellings may not be enforceable, the applicants have indicated that they would be happy with such an arrangement; although the upstairs accommodation would no longer be ancillary to the pub it may be possible to add an advice note relating to the occupation of the upstairs accommodation
- It was noted that a report from CAMRA and a marketing report from the applicant's agent had differing views on the viability of the pub; BCC therefore commissioned an independent viability study which concluded that the pub is not viable at present but the proposed development would make it viable, including an arrangement where the landlord occupies the upstairs accommodation
- The proposed development would result in a much smaller garden area and part of which would be a communal garden for the occupiers of the proposed flats
- There is not a condition requiring the renovation of the pub to be carried out prior to the occupation of the proposed flats but if the Members wanted such a condition it could be considered; it was noted that it would not be an attractive proposition to rent out the proposed flats if the pub was still being renovated
- The Practice Note concerning the viability of pubs relates to proposed closures, however this application relates to the renovation and re-opening of the pub; the pub has been closed for some time and has been vandalised, and is in a poor state of repair; the pub is not viable at present
- It was noted that this application was submitted prior to the Practice Note being adopted; the information that Officers have relating to the viability of the pub enables them to recommend approval of the application



- Financing of the development is not a material planning consideration; should the owner not redevelop the site and offer the site for sale the pub could be considered a community asset
- The inclusion of the phasing plan governing the development is a possibility but it would have to be discussed with the applicant
- The applicant is willing to link the upstairs accommodation to the pub if this helps secure approval of the application; this would require a revised plan to be submitted
- The renovation cost for the pub was a figure calculate by the viability assessors using standard industry methodology as well as the cost of renovating the bar, kitchen, etc.
- The garden is now overgrown and there are no trees in the garden
- The application has to be considered as a whole and it includes restoring the pub, and street enhancements; there would be partial loss of the garden to facilitate the construction of the flats in the garden area, but this adds to the housing stock of Bristol
- The upstairs and the garden area are at present ancillary to the pub, although the upstairs has been used as residential accommodation for many years
- The biodiversity net gain legislation came in after the submission of the application; the application is policy compliant; noise issues would be dealt with by conditions attached to the premises licence for the pub
- The garden would still receive a significant amount of sunlight after the proposed development has been completed

Debate

- Pubs are often at the heart of the community and can enhance a community
- This application is different from a number of applications considered over the last few years as it proposes the re-opening of a pub
- The pub would be viable with the associated development
- The site is not being used for anything at present and has fallen badly into disrepair
- The application is a positive proposal; it keeps a pub in the Barton Hill area and provides much needed housing
- Officers may be able to address the concerns raised by Members by way of suitable conditions
- The garden area would be really squeezed as the proposed flats are very close to the pub
- The pub is the last one in Barton Hill and is greatly valued as is the open space on the site
- CAMRA opposes the application and there have been two offers to buy the pub indicating that it would be viable
- The pub is not viable and it is unlikely that it will remain open
- A condition requiring the renovation of the pub prior to the occupation of the proposed flats should be included
- The pub is important to the community but has now been closed for sometime and is deteriorating all the time; the application is a compromise as the garden will be partially lost but the building will be saved and the pub re-opened as well as additional housing being provided
- Over the past 5 years there has been a significant change in how people live their lives and there has been talk of the value of the pub and garden as a community asset; it is an area of the city



without another pub and few gardens; there will be an influx of people into the area in the coming years

- The community want to see the pub brought back into use
- Conditions relating to a phasing plan and letting the upstairs flats to the pub landlord should be included
- All the pubs in Barton Hill have been lost except this one and it should be kept as it is an historical building; this application will not save the pub and there will be a loss of green space

Cllr Eddy moved that a decision be deferred pending Officer having discussions with the applicant concerning additional conditions relating to the phasing of the development, the letting of the upstairs accommodation, etc.; with a further report to be presented at the next Meeting of the Committee.

Cllr Varney seconded this motion.

The Deputy Head of Planning, Development Management advised that as these proposed conditions had not been previously discussed with the applicant, it may result in changes to the application.

Members raised concerns about this motion and whether it was an appropriate motion to be voted on given the concerns raised by Members during the debate.

Cllr Eddy then moved that the application be granted subject to the conditions already proposed along with any other relevant conditions that Officers can negotiate with applicant.

Cllr Varney seconded this motion.

On being put to the Vote it was LOST.

(Voting 3 for Cllrs Eddy, Varney and Geater; 6 against Cllrs Ali, Breckels, Hathway, Jackson, O'Rourke and Stafford-Townsend.)

Cllr Eddy stated that as the Committee appears minded to refuse the application, this item would be deferred until the next appropriate Meeting of the Committee to allow Officers to propose relevant reasons for refusal of the application for consideration by Members of the Committee.

It was made clear to everyone that this still left the options to Grant or Refuse the application open to the Members of the Committee when the item is considered again.

Cllr Stafford-Townsend summarised the grounds for refusal expressed by the Members of the Committee in relation to this application – does not meet the requirements of DM6 and Planning Practice Note in relation to public houses and their viability, etc.

Cllr O'Rourke added that it should be refused on DM5.



Cllr Breckels noted that the garden space would be so small and the proposed flats would be very close.

It was therefore

Resolved – that this item would be deferred until the next appropriate Meeting of the Committee to allow Officers to propose relevant reasons for refusal of the application for consideration by Members of the Committee.

(It should be noted that this still leaves the options to Grant or Refuse the application open to the Members of the Committee when the item is considered at a future Meeting of the Committee.)

2 23/03423/FB - Filwood Park Playing Fields Creswicke Road Bristol BS4 1UA

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The Presenting Officer introduced the report, summarised it for everyone and gave a presentation. The application is for a proposal to construct a new Multi Use Games Area (MUGA) at Filwood Playing Fields including floodlighting, fencing, seating areas, fitness equipment, pedestrian and vehicle maintenance routes and landscaping.

The following answers were provided to questions:

- The entrance from Manning Road has been removed
- The issue of crime and disorder, and anti-social behaviour has been taken into account in relation to the application, this includes the Management Statement having been updated
- The application meets the guidance relating to the distance between the facility and the nearest houses
- The CCTV will be monitored by BCC

Debate

- Filwood will benefit from the scheme
- The impact on neighbours and residents has to be taken into account by way of the Management Plan
- Pleased that CCTV will be provided
- This should reduce anti-social behaviour as it provides a facility for young people

Cllr Eddy moved the Officer Recommendation to Grant the application.

Cllr Jackson seconded this motion.



On being put to the Vote it was

Resolved – (Voting 9 for, 0 against) that the application be Granted subject to Conditions.

2 Date of Next Meeting

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The next
Meeting of
the
Committee
is on
Wednesday
6th March
2024 at
6.00 pm.

2 Amendment Sheet

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Meeting ended at 4.05 pm

CHAIR _____

