

# Bristol City Council

## Minutes of the Development Control B Committee

26 June 2024 at 2.00 pm



### **Members Present:-**

**Councillors:** Donald Alexander (Chair), Guy Poultney (Vice-Chair), Fabian Breckels, Lisa Durston, Richard Eddy, Caroline Gooch, Paula O'Rourke, Mohamed Makawi and Lisa Stone

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

Philippa Howson, Jonathan Dymond, Simone Wilding, Jane Woodhouse, Jack Allan and Jeremy Livitt

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

The Chair welcomed all parties to the meeting and reminded everyone present of the emergency evacuation procedure.

## **2 Confirmation of Chair**

The Committee noted the appointment by Annual Full Council on Tuesday 21<sup>st</sup> May 2024 of Councillor Don Alexander as Chair of Development Control Committee B for the 2024/25 Municipal Year.

## **3 Confirmation of Vice-Chair**

The Committee noted the appointment at Annual Full Council on Tuesday 21<sup>st</sup> May 2024 of Councillor Guy Poultney as Vice-Chair of Development Control B Committee for 2024/25 Municipal Year.

## **4 Membership of the Committee**

The membership of the Development Control B Committee for 2024/25 Municipal Year is noted as set out below:

Councillor Don Alexander (Chair)  
Councillor Guy Poultney (Vice-Chair)  
Councillor Fabian Breckels  
Councillor Lisa Durston  
Councillor Richard Eddy  
Councillor Caroline Gooch



Councillor Mohamed Makawi  
Councillor Paula O'Rourke  
Councillor Lisa Stone

## **5 Terms of Reference**

The Committee noted the Terms of Reference for Development Control Committee meetings which were included in the agenda paperwork and had been formally approved at Full Council on Tuesday 21<sup>st</sup> May 2024.

## **6 Proposed Dates of Future Meetings**

The following dates were proposed for future meetings of Development Control B Committee for the 2024/25 Municipal Year:

(all on Wednesdays – alternating between 2pm and 6pm)

6pm 7th August 2024  
2pm 18th September 2024  
6pm 30th October 2024  
2pm 11th December 2024  
6pm 29th January 2025  
2pm 12th March 2025  
6pm 30th April 2025

## **7 Apologies for Absence and Substitutions**

There were no apologies for absence or substitutions.

## **8 Declarations of Interest**

There were no Declarations of Interest.

## **9 Minutes of the previous meeting held on Wednesday 10th April 2024**

RESOLVED – that the minutes of the meeting held on 10<sup>th</sup> April 2024 be confirmed as a correct record and signed by the Chair.

## **10 Action Sheet**



The Committee noted the action sheet for the meeting. It was noted that an enforcement report had now been provided to members within the supplementary dispatch.

Councillor Richard Eddy thanked officers for the enforcement report which provided detailed information as well as appropriate context for enforcement cases.

## **11 Appeals**

The Committee noted this report.

## **12 Enforcement**

The Committee noted details of two enforcement cases, together with the report on enforcement previously mentioned when discussing the Action Sheet.

In response to a members' question, officers confirmed that there had been difficulties with resources but that work was now taking place to close outstanding cases and deal with the backlog of work.

Officers explained that where a trigger point of harm was identified, action was being taken as appropriate.

## **13 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.

## **14 Planning and Development**

The Committee considered the following Planning Applications:

### **14 23/04886/F - Premier Business Park, Sussex Street**

**a**

Officers presented this report and made the following points during this presentation:

- Details of the reason for the call-in were provided
- There were 565 objections, 8 letters of support and 10 neutral comments



- The site is located in the PIWA (Principal Industrial and Warehousing Area) surrounded by low rise industrial buildings to the north-east and south, to the west is the Dings residential area characterised by 2-storey residential housing
- The PIWA is retained in the local plan and the emerging local plan due to the de-designation of Temple Philips and to allow the designation of Temple Quarter in order to promote the increased importance of retaining employment in the city
- The site is currently in use by multiple operators which are consistent with the PIWA such as Invisible Circus and the Music Studios
- Details of site photos were shown of various locations
- Key issues included land use, design and heritage, amenity and transport
- Land Use – (a) it was noted that the site is within an a PIWA/IDA and should be safeguarded for industrial/distribution use (b) the ground floor community use and retail functions compete with the Old Market town centre uses (c) the addition of residential use would harm the viability of the PIWA/IDA (d) it was acknowledged in the Old Market Neighbourhood Area as having the potential for a long-term development site subject to three criteria – that it should be on the periphery of the PIWA (which it is), that it should be predominantly commercial and suitable use (which it is not since it is 93.5% residential) and that it should be suitable for standard amenity for future occupants (which officers did not believe it would)
- Design and Heritage – The proposed development was too large and was an over development of the site
- Amenity – The proposed development would harm the amenity for existing residents on Kingsland Road and would provide poor amenity for future occupants for future accommodation
- Transport – the site was considered unsafe in terms of highway safety and impact on parking. There was insufficient evidence that these can be resolved at the site and this was not considered a sustainable location for development on this scale
- There were a number of key strong objections related to urban design, transport development management and economic development
- Urban Design – there were concerns relating to scale and massing, arrangements for amenity spaces, industrial and commercial spaces, liveability and amenity for future occupants
- Highway Safety – Access would be onto and across the highway for vehicles, pedestrians and cyclists. There was an impact on excessive parking in the area and the safety of proposed loading bays. There was a suggestion of using double yellow lines in surrounding streets which was considered would harm the viability of neighbouring businesses. The site also fails to demonstrate alternative provision for sustainable transport such as sufficient cycle storage
- Sustainability – since the submission of the report, the applicant has submitted additional information on sustainability concerning overheating and the site's ability to achieve BREEAM (Building Research Establishment Environmental Assessment Method) excellence status. Whilst sustainability officers had provided an initial assessment, the information had been provided too late for full comments to be presented. There remained concern relating to overheating, cooling mechanisms and contradictions concerning mechanical ventilations between energy reports and noise impact mitigation. However, there had been positive movement in this area



- The proposed site layout was indicated on the unit located at the southwest corner opposite the residential properties in Kingsland Road and with community space in the northwest corner, providing little active frontage behind the stonewall rubble of the bridge
- The remainder of the Kingsland Road frontage would be a mix of two small commercial spaces and three bin stores
- The proposed new pedestrian crossing had been removed due to safety concerns. The remaining crossing would be on a forced raised table opposite the existing residential units and would be extensively raised. The community transport team were not satisfied that this site would be safe
- Users for the bike store at the back of the development would have to come around the entire development and turn left to access it, which was not considered safe. It was also poorly located with a link to the cycle path since there was stepped access for cyclists which would require them to dismount and carry bikes up and down the stairs to access the cycle route. The transport team had objected to this and had advised that a level access was provided to the cycle path but this had not been made
- The remaining frontage for Sussex Street and Alfred Street included proposed flexible spaces with light industrial use. There remained concern from design officers concerning the provision of the active frontage and whether businesses will want this.
- In addition, there remained concerns amongst the transport team regarding issues concerning parking for visitors and potential customers. There was also concern amongst officers about the distance of between the proposed maker spaces unit inside the development and the proposed vehicular space
- Access to development for students – there were concerns about how far these spaces were from existing street vehicles and that this presents difficulties for the mobility impaired. In particular, it was noted that access to cluster flats was indicated as being through student amenity space and that the layout required students to walk an excessive distance particularly at the extremities of the site
- The Committee noted views from different directions of the site including some TVIA imagery

In conclusion, whilst officers felt that the scheme offered some benefits such as maker spaces, peppercorn rent, 20% of student accommodation at a reduced rent albeit still not affordable in policy terms, there remained serious concerns. It was noted that the proposal for 705 student rooms equated to 282 dwellings which are considered in relation to the tilted balance requirement in the city. There also remained issues of competition with the introduction of a supermarket and maker spaces given the recently opened supermarket in Old Market Town Centre and the loss of existing community and cultural spaces, as well as employment land which were not considered benefits.

The Committee's attention was drawn to the officers recommendation for refusal based on a careful weighing up of the benefits and officer concerns about the scheme.

With the agreement of the Chair, Councillor Guy Poultney explained that he had been contacted by the developer for this application and that other members of the Committee had already received briefings on this application. He stated that he had been asked in his capacity as a



Spokesperson to raise the possibility of the Committee receiving a private briefing from the developer but that, when this issue had been raised at the Agenda Briefing, the collective decision of Spokespersons was that no such briefing should be held despite his personal view.

Following concerns he had raised with the Head of Planning Services on this issue, all the documentation provided to them at these briefings had subsequently been sent out to the Committee members. He advised the Committee that he still retained an open mind concerning this Planning Application.

In response to a question concerning the decision-making process, the Democratic Services Officer confirmed that the flow chart attached to the back of the agenda sheet for the meeting set this out for the committee. He outlined the expectation in the convention that the Chair would automatically move a deferral of an application in the event that the officers' recommendation was lost. However, he confirmed that, as clearly indicated in the flow chart, this convention did not apply where officers recommended refusal and only applied where the recommendation in the report was for refusal.

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

- Officers had given full regard to the status of Old Market Neighbourhood Plan in the assessment and acknowledged the difference in the view expressed and the comments received. The key area of focus was Policy B5 which deals with the PIWA (Principal Industrial and Warehousing Areas)
- Officers re-iterated the three criteria previously mentioned during the presentation for an assessment of residential and non-industrial uses of the PIWA
- In relation to climate change and sustainability, officers re-iterated that they had received a late submission with revised energy statements for an overheating assessment. Whilst these had not yet been fully assessed, the BREEAM pre-assessment report had satisfied one of the officers' concerns and that, as a result, officers were recommending that the recommendation for refusal removed Policy BCS15 as one of the reasons for refusal since this could now be dealt with by a condition
- Whilst it remained possible that sustainability could be dealt with by condition, officers view was that, given the other concerns that remained, they continued to recommend refusal on the grounds of design, transport and land use issues
- The most recent Design west review was based on an earlier iteration of the scheme that had been withdrawn. Since the new application had the southwest corner reduced by one storey to reduce the impact of properties on Kingsland Road and consequently was taller on the other side of New Henry Street, the overall scheme was taller than the one about which concerns had previously been expressed. Since the applicant had wanted the scheme to go forward for consideration in its current without renegotiation of its height and scale, officers' recommendation remained unchanged
- The road safety audit had identified a number of issues including the crossing and had recommended that it should be taken out which has now been done. As a result, the traffic calming measures proposed for Kingsland Road would be a dropped kerb with parked cars away



from the crossing point and different coloured surfacing at the junction. There also remained other safety concerns from the road safety audit which had not yet been addressed and whilst some of these could be addressed through detailed design, there were still a large number of trips per day identified with also significant issues to be considered for pedestrian and cycling use

- In terms of the three tests set out by officers which would be required to enable the neighbourhood development plan to take precedence over the local plan in the PIWA, officers confirmed that the proposed scheme is not predominantly commercial and does not satisfy the amenity requirements for future occupants
- One of the reasons for the concerns over amenity was that there was unlikely to be sufficient daylight and sunlight for the majority of the time that the students were in residence
- There is an overall loss of employment space as well as additional student accommodation above so either way there was a reduction in amenity caused by the uses being offered in view of the size of the development
- The proposal would see the existing site demolished and some light industrial uses on the ground floor which would result in a significant reduction in employment space. In addition, the resulting residential and taller elements within the PIWA would be likely to prejudice its future function and vitality. Any buildings for industrial use on either side would create additional concerns about noise, air pollution and odour and would harm the PIWA's vitality
- Since the Planning Authority cannot demonstrate that the 5 year housing land supply is matched with its current targets, the tilted balance is engaged and the presumption is therefore in favour of sustainable development – student accommodation is relevant as it can equate to an equivalent provision of dwelling houses for having completion purposes
- Officers acknowledged Councillor's concerns that the current negative assessment of the safety risk for students did not take into account the fact that this assessment might change following the introduction of development on the site, as well as the fact that Section 106 issues could be resolved following the approval of the development
- Whilst there was only one entrance, there were additional fire escapes identified in the event of an emergency. The Health and Safety Executive Fire Team had reviewed the application and confirmed that there was no objection to it in planning terms although there may be issues under building representations to resolve
- Officers indicated those areas in the development which would be permanently too cold, too hot or in the shade. The sustainability team had indicated that rooms on the higher floors and south facing would receive lots of sunlight and that windows would need to be closed at weekends and night due to the noise of the Dare To nightclub next week
- In order to protect them, residents will need to be informed prior to taking out a room that there will be noise issues and that they would be unable to make a complaint if they opened their windows at these times. This was an additional amenity concern
- Those rooms on the inside and north of the courtyard would not receive any natural sunlight. There were also concerns about heating. Whilst there had not been a full assessment of a recent overheating report, the modelling that had been carried out related to one floor but the floor had not been identified – this may have overstated the overheating requirement and understated the colling requirement on one of the lower floors or vice versa for the upper floors. In view of the other concerns about the scheme, this was not considered a reason to delay the decision





- Members' attention was drawn to the daylight/sunlight analysis on file. The main concerns were that the development would only meet the BRE requirement during the summer period when students were not in residence. He confirmed that the amenity space does not receive enough natural light and would remain cold for much of the year
- National space standards apply to dwellings and not to student accommodation with the minimum being 37 square metres which is for a single person 1 bedroom apartment and does not apply to student accommodation. Officers needed to ensure that the scheme was liveable but was of a scale that would be deemed acceptable.
- Most of the rooms would include en suite bathrooms, a desk, a bedroom and communal space and would be of a density of 849 beds per hectare. Whilst some beds in the Temple Quarter have exceeded this, higher densities would be expected there than in the Old Market Area which was in the regeneration area. As a comparison, the recent development at Unity Street had 647 beds per hectare – therefore, this proposed development was significantly higher
- There were 4 wheelchair accessible rooms, 7 adaptable rooms and 3 rooms adaptable for assisted use – this was 1% adaptable and 0.6% wheelchair accessible
- Following discussions with the air quality officer about potential noxious fumes affecting the maker space and for other uses in the PIWA area, they had advised that this could be conditioned and managed due to the noise issues and the requirements previously mentioned. No further mitigation was required for air quality purposes due to mechanical ventilation
- Whilst the use of maker spaces could be limited by condition concerning output and emissions, this would not help in addressing any future issues with neighbouring sites which could be impacted by this
- In view of the distances within the PIWA, it was unlikely that any further residential development could be accepted due to the overlooking of bedrooms. Any future application could be impacted by industrial development and enhanced development and could impact on the desirability and attractiveness of the site – within the PIWA is the coach station, bus station and garage
- Since the developers had requested that the site was car free as was the normal requirement for students, all machinery required for the maker units would need to be brought in by hand
- In view of the road safety concerns by the transport team given the presumptions about kerbside use, concerns about the development had been identified in this area. The development is 600 metres from the bus stop
- Officers had not indicated that the site cannot accommodate residential use only that the scheme is not acceptable for the reasons outlined. However, in order to make it satisfactory, the scheme could be redesigned to reduce the height and massing to reduce the impact on neighbouring properties, it could have provided level access to cycle paths or it could have been moved further away from the PIWA. In its current form, the scheme could not be approved.

Members made the following comments:

- Local communities should shape developments not developers or planners and Neighbourhood Plans were a particularly important element of this. The Committee should be sympathetic to the views of the Old Market community Association and the Dings Community Association. Both groups and the Ward Councillor have indicated their support in a model of consultation. The





proposal would provide much needed student accommodation in a short distance from the new University Campus at affordable housing rents and with the applicant also supplying much needed community facilities and employment space at a peppercorn rent for local communities. The officers' recommendation to refuse should be opposed and the application supported

- A lot of the officer recommendations should be supported. The lack of natural light was a concern, together with the issue of the rooms being either too hot or cold and needing to have rooms closed due to noise regardless of how hot the weather was. There was also the impact on the cultural side of the city if the offered accommodation was not appropriate. Further concerns were the fact that there were no loading bays, the issue of the viability of industrial space and the start up space on the ground floor. It would not be appropriate to approve the scheme in its current form. Since there was less industrial land around the city, the PIWA land was precious. Finally, there remained a concern about the safety of access to the university campus and the impracticality of carrying a bike to the cycle path
- It was important to consider whether or not this application was an improvement of the existing objectives and scheme. This scheme seemed to provide a relatively small drop off in commercial viability with a loss of either 828 or 714 Square feet which was not that significant which explained why there was support for it within the community. It provided something more suited to the needs of the local community with flexible opportunities for employment land. However, there remained concerns about the residential amenity for occupiers and the issues raised by transport officers. It remained unclear whether the agent of change was the key factor in preventing students opening their windows at night or whether it was just undesirable for residents. It also was unclear whether Invisible Circus currently met the criteria for this use of employment land. One possible option would be to bring the cycle storage to ground level

The Committee should consider whether they should not support the officer recommendations and accept in principle subject to a deferral to allow officers to work with developers to deal with the specific concerns about the amenity of residents and transport issues and also to ensure there was no loss of employment land. In view of the strength of local feeling in the community and how finely balanced it was, every effort should be made to give the scheme the best chance of success

- There remained a problem with the principle of compromising industrial designated land in the planning documents. The role of the Committee was not to look for an improvement but to consider the application against our own planning documents that Bristol City Council has previously voted for. The transition to sustainable transport particularly active travel was important. In the case of student accommodation at Bedminster Green, this was designed with cycle paths with walking infrastructure to the campus and with bus lanes. Since this was designed from the beginning, students would not need a car. If applications were approved that did not encourage this, it would not be possible to retrofit them. The narrow unsafe pavements on the bridge would not encourage pedestrian or cycle use and likely to result in increased car use and taxis. Therefore, the officers' recommendation to refuse the application should be supported
- Whilst it would be nice to support local residents who wanted this scheme, the application undermined the principle of building regulations to put their views at the forefront of this development. It was noted that 37% of students would not receive sunlight and the overall design



increased densification. There also remained a concern about the sort of uses for industrial development that there would be on the site. There were additional concerns raised by Active England concerning the cycling infrastructure being not properly developed and there remained no indication that it would reach BREEAM Excellence Status. Whilst student accommodation in the city was required, this needed to be done in such a way that students could live there

- Whilst there were many features about this scheme that were good such as the modest massing as well as the mixture of commercial and residential accommodation, there remained serious concerns about liveability, particularly in relation to sustainability and light. The NZCZ hierarchy was noted concerning cooling and heating. It was likely that the orientation of the building was wrong and needed to be changed to address these concerns. There also remained concerns about future use – whilst amenity standards might be lowered for transient students, if the accommodation was used by families in the future, the concerns of loss of light and dampness needed to be given even more weight. In addition, since 282 units would be removed from BCC's housing list, this could jeopardise the local plan. The scheme should either be rejected or deferred pending provision of more detail
- It was important for Invisible Circus to remain at this site if possible although the current site will not allow them to do trapeze work. It was disappointing that the northeast block could not have been retained with the accommodation above. There also remained the issue of access for town houses to the street and back to the rest of the student accommodation. In addition, there was concern about transport issues already identified. Since there was an 11 minute walk to the dental hospital, this could be a good site for dental students but changes were needed. Some bedrooms do not meet the minimum university design requirements which will not provide mitigation for students in smaller rooms. A scheme with 6 storeys instead of 8 storeys would improve the scheme and might help the liveability issues previously mentioned
- There was a difficult balance to make in assessing this application. This scheme needed the right design and right accommodation to support and would need these issues to be resolved before it should be approved.
- The only logical option was to refuse this application in view of the significant difficulties with this application which even extensive conditioning would not resolve
- Based on the number of objections from BCC officers, too much would need to change to enable the scheme to be acceptable. It would not be appropriate to accept a lesser quality of life for students than for other residents and therefore the scheme should be refused
- Whatever the community benefits are, the committee needed to consider the welfare of the people living in accommodation and it would not be conducive for them to live in this
- It was important to acknowledge that students are part of the community although it was certainly important to ensure that they should not be exploited and subject to lower standards and its impact on rents in the city. There were a significant number of bed spaces close to urban centres close to the shopping district and Temple Meads. Aside from the PIWA designation, it is an ideal place to put accommodation of this sort subject to extra work to improve the application.

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



**RESOLVED (7 for, 2 against) – that the application is refused on the grounds set out in the report and in the amendment sheet included in the supplementary agenda pack.**

**15 Date of Next Meeting**

Following the Committee's previous decision to approve all proposed dates for 2024/25 Municipal Year, it was noted that the next meeting of the committee is scheduled to be held at 2pm on Wednesday 7<sup>th</sup> August 2025 in the Council Chamber, City Hall, Bristol.

**16 Amendment Sheet**

Meeting ended at 3.50 pm

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

