

# Bristol City Council

## Minutes of the Development Control B Committee

13 July 2016 at 2.00 pm



### Members Present:-

**Councillors:** Harriet Clough, Asher Craig, Mike Davies, Carla Denyer, Richard Eddy, Martin Fodor, Olly Mead, Celia Phipps and Lesley Alexander

#### 1. Election of Chair 2016/17

Nomination(s) received - Councillor Fodor

**Councillor Fodor was elected as Chair of Development Control Committee (B) for 2016/17.**

#### 2. Election of Vice-Chair 2016/17

Nomination(s) received - Councillor Eddy

**Councillor Eddy was elected as Vice Chair of Development Control Committee (B) for 2016/17**

#### 3. Declarations of Interest

In respect of agenda item 12 (1) Councillor Denyer said she was a member of Bristol Energy Coop but confirmed that her opinion in respect of the Application remained open;

In respect of agenda items 12 (1) & 12(2) Councillor Fodor said he was a member of Bristol Energy Coop and a member of the Downs Committee but confirmed that his opinion in respect of the Applications remained open;

In respect of agenda item 12 (1) Councillor Davies said that he worked for Thangam Debbonaire (MP) but confirmed that his opinion on the Application remained open.

#### 4. Membership of the Committee 2016/17

The membership for the 2016/17 Municipal Year as detailed above was noted.



## **5. Terms of Reference.**

The Terms of reference as determined by Annual Council on 31 May 2016 were noted.

## **6. Dates and times of meetings of the Committee 2016/17.**

23rd August 6pm;  
28th September 2pm;  
9th November 6pm;  
21st December 2pm;  
1st February 6pm;  
15th March 2pm;  
26th April 6pm;

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

Apologies were received from Councillor Khan, Councillor Quartley (substituted by Councillor Lesley Alexander who gave apologies for arriving late at the meeting) and Councillor Shah.

## **8. Minutes of the previous meeting**

The Minutes of the Development Control Committee B meeting on the 27 April 2016 were approved as a correct record and signed by the Chair.

## **9. Appeals**

The Committee considered a report of the Service Director, Planning noting appeals lodged, imminent public inquiries and appeals awaiting decision.

Item no. 20: 420 Stapleton Road, digital advertising appeal against refusal - the Committee was advised that a decision on this was currently pending.

## **10 Enforcement**

The Committee was advised there were no updates for this meeting.

## **11 Public Forum**



## Statements

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. *(A copy of the public forum statements are held on public record in the Minute Book).*

## Questions

The Commission received and noted questions and officer responses in relation to agenda item 12 (1) 16/00719/F – Avonbank Feeder Road, Bristol BS2 0TH *(A copy of the questions and answers are held on public record in the Minute Book).*

### **Supplementary questions**

1. Asked for clarification of 'significant' in respect of Air Quality assessments?

Response – key to the assessment was that air pollutants did not exceed the recognised pollution objectives.

2. Asked if Condition relating to hours of operation could be changed?

Response – Amended Condition restricted hours from 7.30 am to 2.30 pm and no more than 200 hours a year. Any extension to these hours would require a further planning application to extend and a further air quality assessment.

3. Asked if air quality decision could be reviewed as stated evidence was deemed poor and could be challenged in the light of new information?

Response – the current report provided adequate information for the Committee to make a decision on the Application before it. It was considered that officers could not respond to the new information at this time.

## **12 Planning and Development**

The Committee considered the following reports of the Service Director, Planning -

1. **16/00719/F – Avonbank Feeder Road, Bristol BS2 0TH; proposed installation of low carbon, bio-diesel powered generators; Lawrence Hill Ward**  
*(Councillor Alexander took no part in the debate or decision on this item)*



The Committee noted that planning consent had been sought for the installation of 48 bio diesel powered generators and associated infrastructure to link into the National Grid at times of high demand, participating in the National Grid's Short Term Operating Reserve (STOR) programme, to assist in energy supply during unexpected period of high demand for electricity or where there were constraints on electricity available in England and Wales.

Comments on the Application had come from across the city and in summary were as follows –

1. The emissions from the generators would worsen air quality in the area to the detriment of public health, with particular concern for St Phillip's Nursery and residential areas such as Barton Hill and the Paintworks;
2. The development was within the Air Quality Management Area where pollutant limits were already exceeded;
3. The development would result in noise pollution to the detriment of amenity and in particular St Phillip's Nursery which the application had not taken into account;
4. The proposal was not a sustainable energy solution and undermined the city's Green Capital status;
5. The use of bio fuel had a large environmental impact and concerns had been expressed about how it would be resourced. Some felt that the environmental credentials of the applicants as a result were a cause for concern;
6. There was a risk that the development would set a precedent for similar development in future if approved.

Having regard to the comments made during the public forum session and the information presented by the case planning officer's report, and amendment sheet, the Committee debated the application and arising from this the following points were made/clarified –

1. An Air Quality Assessment had been made regarding the impact to air quality caused by the development proposal noting in particular the limited hours of operation of no more than 200 hours per annum;
2. Pollution filters had been considered but were deemed unnecessary because anticipated pollution levels would not breach the air quality short term health based objectives;
3. Pollution levels would be monitored for two years and reviewed if any breaches had occurred;
4. The issue of whether the sourcing of bio fuel was a planning consideration had been defined by the Secretary of State in relation to the W4B public inquiry and focussed only on the type of fuel used and not geographical origin, this meant that the planning permission could not include a Condition seeking to define the geographical sources of bio fuel;
5. An Environmental Impact Assessment had not been done as the development proposals fell below the threshold set by the Town and Country Planning (Environmental Impact



Assessment) Regulations 2011 (as amended). In addition the site did not comprise a "sensitive area" as defined in the Regulations.

Having regard to the information before them opinion on the merits of the Application was divided. Some Members felt that expert opinion was sometimes contradictory and with the new information referred to in the public forum session, in respect of a second air quality assessment, suggested that a decision on the Application be deferred.

A motion was put, and seconded, to defer the Application on the grounds that the following aspects had not been sufficiently assessed:

- Noise assessment – the Committee understood that adjustments of several dB were usually made in noise assessments to account for the intermittency (stop-start) and any tonality (hum, whine or ringing) of the noise, as those factors were more noticeable and annoying to the human ear than a constant white noise. This had not been done in the assessment provided, so the Committee asked to receive an updated assessment with those factors included;
- A response to the air quality report, written by Air Quality Consultants Ltd and commissioned by residents, opposing the application;
- Health considerations relating to the use of cerium oxide as a catalyst in green diesel.

Members also requested a medical opinion on the impact of the proposal on the health of children, however the Head of Development Management explained that such an opinion would not be possible to obtain and that this issue was not relevant to the consideration of the application beyond the normal considerations of the impact on air quality. The Head of Development Management also advised the Committee that a deferral could put the Council at risk of an appeal against the non-determination of the application.

On being put to the vote there were four in favour of the motion and four against. The Chair exercised his right to use a casting vote and voted in favour of the motion. The motion was therefore carried.

**Resolved – that Application 16/00719/F be deferred pending further information about the noise pitch of the generators, air pollution when starting up and shutting down the generators, and further information relating to a second air quality assessment.**

**2. 16/01266/F – Land between Ladies Mile and Clifton Down, Bridge Valley Road, Bristol BS8; Stoke Bishop Ward**

The Committee considered the Application proposal which was for the installation of a combined pedestrian and cycle stone bridge with associated access for pedestrian and cycle access crossing Bridge Valley with ancillary



paths and ramps to enable access to the bridge.

The Committee discussed various aspects of the Application regarding design, safety and appropriateness of the development in a Conservation Area. Concern however focussed mostly on the loss of trees that would be necessary as part of the overall development.

Seeking appropriate mitigation it was moved and seconded that the Application be approved subject to delegated authority being given to the Planning Authority to secure a legally binding financial contribution towards tree mitigation planting.

On being put to the vote there were five in favour, two against and two abstentions.

**Resolved – that permission be granted subject to conditions and subject to a legal agreement to secure a financial contribution towards tree mitigation planting.**

**3. 16/01311/F – Scout Hut, Goolden Street, Bristol BS4 3BB; Windmill Hill Ward**

The Committee considered an application on a former scout hut site seeking to demolish the existing building and construct a terrace of 6 houses as part of an affordable housing scheme. The properties would be three storeys and built into the site so that they would be two storeys at the rear.

Members welcomed the Application proposal citing the much needed affordable housing for the City.

On being put to the vote it was unanimously -

**Resolved – that permission be granted subject to the Conditions and Advice(s) in the report and the Amendment sheet.**

**4. 16/00013/F – 127-131 Raleigh Road, Bristol BS3 1QU; Southville Ward**

The Committee considered an application seeking to convert the existing second floor of the building to form 9 apartments. This would include an extension to the roof and further external alterations, which would also include the addition of window louvres to the windows on the rear elevation, demotion of part of a single storey projection to the building and new windows and doors.

Some members of the Committee expressed concern about the lack of affordable housing provision and felt that if permission was granted that this should not set a precedent for other similar development proposals. Officers explained that the circumstances here were complicated



and involved part of the building already having permission to be converted to residential use through the prior approval process. Concern was also expressed about possible disruption caused by noise and dust during the development phase. The Committee was informed that Condition 4 would control aspects of the development such as hours of operation and that this would be taken into account at that stage. This condition could be strengthened by adding specific requirements for shrouding the scaffolding and requiring details of dust suppression measures. Other issues around parking were considered but control of this would be difficult due to a Residents Parking Zone and that any changes now might require a new and separate planning application.

It was moved and seconded to approve the Application and on being put to the vote it was unanimously -

**Resolved – that permission be granted subject to the Conditions and Advice(s) in the report and the Amendment sheet.**

**5. 15/06483/F – Land on west side of 95 Jacob Street; Bristol Lawrence Hill Ward**

The Committee considered an application seeking to develop a student accommodation within a 4, 5 and 6 storey building, and a mix of new residential dwellings, including family sized homes and a policy compliant level of affordable housing.

Having regard to the public forum session members concerns centred on the safety aspects of shared space between road users (including HGVs serving the nearby employment units) and pedestrians. It was acknowledged that all users had been taken into consideration in respect of access and safety but a request was made to add a condition to safely segregate non-motorised users from HGVs through use of kerbed separation to minimise conflict.

It was moved and seconded to approve the Application subject to an additional condition to provide kerbed segregation to reduce conflict between users.

On being put to the vote there were seven in favour, one against and one abstention.

**Resolved – that permission be granted subject to the Conditions and Advice(s) in the report and the Amendment sheet, and with an additional condition to provide kerbed segregation to reduce conflict between users.**

**6. 16/00665/F – Land adjacent to 81 Hallen Road, Bristol BS10 7RA; Henbury and Brentry Ward**

It was moved and seconded to approve the Application and on being put to the vote it was unanimously -



**Resolved – that permission be granted subject to the Conditions and Advice(s) in the report and the Amendment sheet.**

Meeting ended at 6.40 pm

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

