

Bristol City Council

Minutes of the Development Control B Committee

26 April 2017 at 6.00 pm



Members Present:-

Councillors: Donald Alexander, Harriet Clough, Mike Davies, Carla Denyer, Richard Eddy, Martin Fodor, Sultan Khan, Olly Mead, Kevin Quartley and Afzal Shah

Officers in Attendance:-

Gary Collins, Jon Fellingham and Allison Taylor (Democratic Services Officer)

1. Welcome, Introduction and Safety Information

These were done.

2. Apologies for Absence

Apologies were received from Councillor Phipps with Councillor Alexander as substitute and from Councillor Hickman.

3. Declarations of Interest

There were none.

4. Minutes of the previous meeting

These were agreed as a correct record.

Resolved – that the Minutes of the Meeting held on 15 March 2017 be agreed as a correct record of the Meeting and signed by the Chair.

5. Appeals

The Representative of the Service Director – Planning introduced the report, summarised it for everyone and drew the Committee's attention to:-



1. Item 3 – 541 – 551, Fishponds Road. A Public Inquiry had started last week and was due to conclude on 28 April 2017. The Planning Inspector would give no more than an indicator regarding the decision timescale. Officers would communicate the decision to members as soon as it was made available;
2. Item 4 – Old BRI Building, Marlborough Street. This Committee refused an application on 28 September. The applicants have requested a Public Inquiry which is yet to be decided. At the same time, the applicants were engaging with officers in a pre-application process and with the local community before submitting a fresh application;
3. Item 8 – Shal Jalal Jame Mosque 468 – 470 Stapleton Road, Eastville. The Planning Inspector had taken the same view as the Committee ie. the digital screen coming in was acceptable but the outbound screen was not supported as it was considered a distraction;
4. Item 15 – Avonbank, Feeder Road. Committee refused this application on 28 September and the Planning Inspectorate had agreed to consider the appeal through the written representations process. Officers did not object to this process as it was less costly. Campaign groups would submit evidence to the Inspector;
5. Item 29 – 1, Eaton Close, Fishponds. This was an 8 bedroom HMO refused under delegated decision. The Inspector did not like the standard of accommodation which fell short of the minimum standard. With respect to 3 parking spaces for 8 bedrooms, the Inspector noted there were parking restrictions in the locality and as it was in an accessible location, access to a car was not needed so on street parking was acceptable. The Inspector, however, dismissed the appeal on the grounds of unacceptable standards of accommodation.

Councillor Davies asked whether Officers would have to defend the BRI appeal even though there was a new application in the process and was informed that Officers would be expected to defend a Committee's decision. The new application would be assessed on its merits and both processes would run side by side. The Chair gave an example where this had recently happened and reiterated that there was an expectation that Officers would defend Committee's decisions.

6. Enforcement

The Representative of the Service Director – Planning reported that there had been 4 notices since the last Committee. In response to a question regarding Item 2 – 310 – 312, Fishponds Road, he agreed to report back to Councillor Khan outside of the Committee.

7. 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. (A copy of the public forum list and statements are held on public record by Democratic Services).

At this point, Councillor Shah arrived.

8. Planning and Development

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

9. 16/06074/F - 9 Ebenezer Street Bristol BS5 8EF

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The Chair noted that Councillor Shah had arrived after the start of Public Forum so would not be able to participate in the debate or vote on the application.

The following points were made in the Officer presentation:-

1. The application had been referred to Committee by the Ward Councillor, Asher Craig;
2. The building was last used as a film studio and is now empty;
3. This application is in response to a previously refused application for the division of the building in to four houses in multiple occupation;
4. This application proposes three cluster flats – defined as dwellings with shared accommodation and including one, one bedroom self-contained flat;
5. This application included a condition requiring a Premises Management Plan with a Manager on site between 8pm and 8am in order to manage any potential noise or disturbance from the tenants;
6. The issue of parking had been the biggest concern from objectors. A survey had been undertaken by the applicant, Highway Officers and the Planning Officer. The Planning Officer reported a minimum of 8 spaces with a maximum 300m from the site. The side streets were constrained with the majority of parking around Beaufort Road;
7. The application was in a sustainable location as it was close to a main bus route;
8. The Highway Officer added that he had undertaken a survey in December 2016 and found 18 parking spaces on nearby streets and in March 2017 when 11 spaces were found. Five spaces were found just outside the 200m recommended walking distance. On this basis, Highways Development Management had withdrawn their objection as it was considered



that the surrounding streets have the capacity to accommodate any additional parking from the development;

9. The Planning Officer recommended the application be granted with conditions.

The following points arose during discussion:-

1. The flats were not affordable housing in terms of the planning definition but were at the lower cost end for such housing. It was for the Committee to determine what part of the housing needs this application meets and weigh it against issues relating to the application;
2. This development did not easily fall into Government space standards for new dwellings as the development proposed shared kitchens. The double bedrooms were 14 sqm and the minimum standard was 11 sqm. Overall, the 3 cluster flats were under minimum standards for a one bedroom two person flat but this did not include a kitchen. The development did however meet HMO licence standards;
3. It was noted there was an error in the report regarding the level of CIL which said £1517.72. The correct figure was £15,717.72;
4. 'Cluster flats' were another term for shared accommodation. The kitchen space was communal;
5. The bike storage number of 20 was based on the number of bedrooms with one space provided per bedroom unit and this met the current standards of the Local Plan;
6. Condition 5 – the Premises Management Plan included a Manager on the site between 8pm and 8am. Included with the application was a draft management plan that proposed a clause stating '2 strikes and you are out' arrangement. The Committee was at liberty to impose other matters it felt was important to condition. The Plan would need to be drafted and approved by condition before any development could take place;
7. It was noted that building regulations would need to be met for conversion of the building and a separate HMO Standards approval would be required. The HMO licence would specify how many people could use a shared kitchen;
8. One unit on the ground floor was on one level. All others included a mezzanine arrangement. The Representative of the Service Director advised that the development was below the threshold for requiring wheelchair accessible housing. Policy DM4 required developments of 50 dwellings or more to provide 2% of new housing to be wheelchair accessible. It was hoped to increase this figure in the next Local Plan review;
9. It was noted that the proposed level of on-site supervision was beyond that of most HMO's. Councillor Denyer asked if the Supervisor could only take action as a result of a complaint from a neighbour and was informed that the Supervisor's powers would be specified in the Management Plan. She therefore proposed that a form of wording as follows 'The Premises Management Manager shall be empowered to approach residents of the flats without prior request from the public';
10. Councillor Eddy understood that the building needed redevelopment but a key matter was whether the proposal would overall improve the area or cause harm. The density of the building with 20 bedrooms and 40 residents was high. He would vote against approval on



the basis of over intensive development and the negative impact on parking. He suggested that the reasons used could be as per the previous proposal refused with amendments concerning 'cluster flats' and 'on site supervision';

10. Councillor Mead supported the onsite Manager subject to them being monitored and doing their job properly. He believed 20 cycle spaces was a sustainable number. He noted there had been no new build in the area since 2011 and believed that if this application was refused, the applicant would be able to develop with less controls than the current submission because of new powers given to them when the national "prior approval" arrangements to change between Class B1 and Class C3 without full planning permission came into effect. He asked whether it was possible to condition tenants not owning a car and was informed that this should be possible to control as done for student accommodation. Finally, he noted the development was in a sustainable location with a main bus route nearby;

11. Councillor Denyer suggested that the control could be part of the tenancy agreement if it was not possible to condition. She stated that she was less concerned regarding the parking as she believed the accommodation was aimed at young transient people who sought temporary places to live and were unlikely to have cars;
12. Councillor Davies asked whether the no car ownership could be enforced. The Representative of the Service Director – Planning replied that there was no reason why there could not be a restriction on car ownership. The applicant could either accept the condition, apply for the removal of the condition or appeal the condition. If appealed the evidence regarding limited parking would come into play;
13. Councillor Alexander added that he believed such tenants were often builders with a van or car and often brought their rubbish back with them;
14. The Chair proposed that the application to discharge the condition requiring approval of the Premises Management Plan (including the restriction on car ownership) could come before a Committee for consideration. He noted that tenants may have different modes of transport and so fears might be unfounded;
15. Councillor Mead proposed three further conditions for the Premises Management Plan as follows –
 - The roof terrace not to be used after 11pm;
 - No music after 11pm;
 - Waste bins to be promptly managed.
17. Councillor Alexander believed that enforcement officers did not have the capacity to ensure these conditions were being upheld. He was assured that the enforcement team were able to maintain their reactive service and take action where necessary;
18. Councillor Davies did not support imposing conditions to improve a proposal as the development should be acceptable or not. He envisaged problems with the development;
19. Councillor Khan shared this view, stating he would vote against approval;
20. The Representative of the Service Director – Planning advised the Committee that there was a desperate need for housing in the City and this fulfilled some of that need. The building would be redeveloped at some point. He understood that it was an intensive use but it was not possible to prescribe what the Council wanted but instead had react to applications. There



was evidence over two applications that the proposal was not intense enough to refuse and defend at appeal. There were a number of controls that could be applied and the enforcement team could enforce them which would be the test at appeal;

21. The Chair emphasised that the Housing department would also need to be satisfied with the proposal as an HMO through the separate licencing process. The proposal had more controls than most HMO's in the City. The grounds to refuse needed to be secure in order to defend at appeal;

22. Councillor Denyer had been undecided but would now vote for approval subject to the new conditions proposed for the Premises Management Plan.

Councillor Mead moved the officer recommendations along with the additional Premises Management Plan conditions and subject to the Premises Management Plan condition being discharged at a future Committee. This was seconded by Councillor Denyer.

On being put to the vote, there were 4 for, 4 against and 1 abstention. The Chair exercised his casting vote for approval.

RESOLVED –

1. That the application be granted subject to conditions and including the following amendments to the Premises Management Plan:-

- i) There shall be no car ownership for tenants;**
- ii) The Premises Manager shall be empowered to approach residents of the flats regarding issues arising without prior request from the public;**
- iii) Tenants shall not use the roof terrace after 23:00 hours;**
- iv) There shall be no music after 23:00 hours;**
- v) Waste bins shall be promptly managed.**

2. That the discharge of the Premises Management Plan condition be brought before a future Committee.

The meeting ended at 7.35pm.

Chair _____



