

Bristol City Council

Minutes of the Development Control A Committee



14 June 2017 at 2.00 pm

Members Present:-

Councillors: Donald Alexander, Tom Brook, Stephen Clarke, Mike Davies, Kye Dudd, Steve Jones, Olly Mead, Jo Sergeant, Clive Stevens, Chris Windows and Mark Wright

Officers in Attendance:- Gary Collins - Head of Development Management, Katy Dryden – Principal Development Management Officer, Allison Taylor – Democratic Services.

1. Election of Chair

Councillor Windows was nominated by Councillor Jones and seconded by Councillor Stevens. There were no further nominations and it was therefore:-

Resolved – that Councillor Windows be elected as Chair of Development Control Committee A for 2017/18.

2. Election of Chair

Councillor Windows was nominated by Councillor Jones and seconded by Councillor Stevens. There were no further nominations and it was therefore:-

Resolved – that Councillor Windows be elected as Chair of Development Control Committee A for 2017/18.

3. Election of Vice-Chair

Councillor Mike Davies was nominated by Councillor Sergeant and seconded by Councillor Jones. There were no further nominations and it was therefore:-

Resolved – that Councillor Mike Davies be elected as Vice Chair of Development Control Committee A for 2017/18.



4. Terms of Reference

The Terms of Reference as determined by Annual Council on 23 May 2017 was noted.

5. Dates of Meetings 2017/18

It was proposed that two of the meetings take place at 10am. This was seconded. On being put to the vote, this was carried (10 for, 1 against).

Resolved – that the meetings for DC A Committee for 2017/18 are agreed as follows:-

6pm on 26 July 2017;
2pm on 6 September 2017;
10am on 18 October 2017;
2pm on 29 November 2017;
6pm on 10 January 2018;
10am on 21 February 2018;
6pm on 4 April 2018.

6. Apologies for Absence and Substitutions

Apologies were received from Councillor Phipps with Councillor Donald Alexander present as substitute.

7. Declarations of Interest

Councillor Stevens referred to 223, Newfoundland Road, an application on this agenda and declared that he was the Secretary of the Bristol Tree Forum which had commented on an application relating to the neighbouring site (car park) but he had no involvement with the current application site and was able to determine it freely.

8. Minutes of the Previous Meeting held on Wednesday 17th May 2017

The Minutes of the Development Control Committee A meeting on the 17 May 2017 were approved as a correct record and signed by the Chair.

Resolved – that the minutes of 17 May 2017 be agreed 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.

Particular attention was drawn to the following:-

1. No. 35 – Somerset House. Officers had recommended this for approval at the meeting on 19th October 2016 but the Committee had deferred a decision for officers to look at the impact of the development on the Conservation Area and the loss of trees adjacent to the development. At the meeting on 22nd February 2017 officers advised Committee that an appeal against non-determination had been made and, whilst officers supported the proposals, it was possible for the Committee to resolve that it would have refused permission on the grounds that the application had been deferred on. The Committee however had taken the decision not to defend the appeal and, thereby, would have granted planning permission if it still had the power to do so. Following an appeal hearing the Inspector produced a comprehensive report and found that the principle of the development was acceptable, the design of the scheme was acceptable on balance and the loss of the trees, whilst significant would be mitigated by replacement planting. On assessing the impact on residential amenity, in particular on properties in Canynge Square which typically had small windows and gardens, he found the impact unacceptable and dismissed the appeal and refused planning permission. The applicant applied for costs and this was dismissed. The Inspector considered that the Committee had not acted unreasonably so there was no award of costs against the Council. The Council was not formally represented at the hearing. Residents and Stakeholders had been well organised and the Inspector had made a well-argued conclusion and a very measured decision.

10 Enforcement

These were noted.

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).*

12 Planning Applications



These were as follows:-

a. 17/00177/F - 31 Charlton Lane

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

The representative of the Service Director – Planning and Development made the following points by way of introduction:-

1. The application had been referred to the Committee by the ward Councillor, Mark Weston;
2. The plans in the supplementary documents were not to scale and were indicative only;
3. The application had been amended from its original submission to reduce the number of houses and parking spaces and to increase the amount of garden space and landscaping;
4. The proposal was for five, two-storey, three bedroom houses. Three within a row at the rear of the site and two on the site of the former bungalow;
5. It was not a conservation area so no consent was required for tree removals;
6. The original proposal was for 6 houses but officers felt this was over-developed and therefore unacceptable and worked with the applicant to address the issues in light of the extreme housing need in the city;
7. Twenty trees were being replaced on the site and a contribution for off-site planting had been agreed and signed. A large hedgerow was proposed which was a positive gain in terms of biodiversity. Tree officers were content with the proposals;
8. In terms of urban design there was a mix of housing styles in the area including estate terrace housing and bungalow;
9. The houses were coach house style so the mass was less severe and therefore was reduced in scale. They were not highly visible from the road;
10. Residential amenity issues were considered to be acceptable;
11. Highway officers had no objections to the proposals as there was adequate capacity on the local road network;
12. In summary, the density was quite low and was considered an appropriate size development with parking. Officers were therefore satisfied with the proposal believing it to be a good scheme that contributed to the housing needs in the city and recommended it be granted.

The following points arose from discussion:-

1. Neighbours had been notified of the revisions and there had been two rounds of consultation;
2. The removal of trees before a survey was permitted in conservation areas. Officers could then apply a standard replacement scheme. The Head of Development Management added that a firm stance had been taken from the outset with the introduction of the tree replacement standard



policy. All felling that occurred prior to submission of the application was taken into account with replacement planting;

3. There were set requirements regarding Tree Preservation Orders (TPO) in relation to scale and amenity. These did not apply for this development;

4. Councillor Mead acknowledged that there was infill all around the city and this would continue. He added that the area was quite low density and the development was sympathetic in relation to the height of the semi-detached dwellings. There would not be a great deal of difference to traffic levels with five dwellings. He suggested two further conditions – to protect the Yew tree and the implementation of the arboricultural recommendations on tree species;

5. Councillor Wright stated that it had always been previously argued that sensitive infill sites were a critical part of meeting the city's housing needs. 50m gardens were a luxury in a 21st century city. He added that this was a sensitive infill and impacts had been mitigated. He supported the additional conditions proposed;

6. Councillor Sergeant expressed concern regarding the knock on effect and that granting the development would set a precedent for future applications and was informed that there was no strict precedent in planning. There would be similar schemes which could be highlighted for future applications in order to provide a steer for decision making. The cumulative impact was difficult to assess as there would never be a scheme that mitigated every impact. The use of CIL as a contribution from each development mitigated developments on a citywide basis. The Core Strategy was committed to delivering 30,600 new homes by 2026. BCS5 broke this down into areas. Small unidentified sites were to deliver 4200 homes through infill development. In addition the Corporate Strategy set out that 2000 homes a year were to be built by 2020, 800 of those being affordable. It was important to see this application in that context;

7. Councillor Stevens asked whether a Local Development Plan would assist and was informed that this would help but the setting up of a Neighbourhood Development Forum was time consuming and relatively onerous;

8. The Chair stated that he was familiar with the area. Charlton Lane was narrow and a difficult junction and Ardenton Walk was a difficult corner as there were no parking restrictions so people parked on the corner. Tranmere Avenue was also a problem. More development meant more vehicles. He believed five dwellings was too many and they were too close to No. 33. He would vote against based on the number of houses proposed;

9. Councillor Wright proposed that officer recommendation to grant be accepted, in addition to the two additional conditions proposed by Councillor Mead. This was seconded by Councillor Mead.

On being put to the vote it was:-

Resolved – (9 for, 2 against) that planning permission be granted subject to conditions as set out in the report and with two additional conditions as follows:-

- 1. The Yew Tree shall be retained at the front of the site**
- 2. The recommendations of the arboricultural report be implemented in full.**



b. 15/05673/F and 15/05674/LA - Empire Sports 223 Newfoundland Road

The representative of the Service Director – Planning and Development made the following points by way of introduction:-

1. The building, incorporating the gym, had ceased operation in 2014 and fallen into disrepair. The previous owners were unable to afford repairs and so the building was now quite dilapidated;
2. The same applicant had successfully gained planning permission for 10 houses on the adjacent car park site;
3. The application had been submitted in 2015 and had gone through a number of amendments in order to produce the best scheme;
4. The number of units had been revised to 22. There were one, two and three bedroom units. As it was a listed building, conversions were more difficult;
5. There were no external changes other than the inclusion of roof lights and cycle parking/ refuse facilities;
6. The Conservation Team, in response to consultation, concluded that given the number of internal changes the proposal would cause significant harm. English Heritage objected on the same basis, with a direction that the application be referred to the Planning Casework Unit (PCU) should the Local Authority be minded to grant consent for the proposal. Planning Officers accepted these expert views but were required to consider Paragraphs 131 and 133 of the National Planning Policy Framework (NPPF) to assess if the public benefits of bringing the site back into use outweighed the significant harm caused to the heritage site and additional criteria set out in Paragraph 133 of the NPPF. The conclusions were as follows:-

- No other proposals had come forward following marketing and community involvement of the site;
- The heritage site was unsuitable for any other use other than housing;
- The proposal was not viable in isolation but the development in the car park would help to provide the necessary cost subsidy;
- Conservation grant funding had been explored by the applicant who had demonstrated that there was no grant funding or some form of charitable or public ownership available to conserve the heritage asset;
- There were structural and public safety concerns due to the deterioration of the building. Bringing the site back into use would mitigate these concerns;
- That the proposal satisfied all of the relevant criteria in Paragraph 133 of the NPPF following a detailed officer assessment.
- The site triggered the application of Vacant Building Credit and was therefore exempt from an affordable housing requirement.;



7. In summary, considerable weight was given to the significant harm of this proposal but in accordance with the requirements of Paragraph 133 of the NPPF, this harm was outweighed by the importance of bring the site back into use as much needed housing in a sustainable location and Officers therefore recommended approval. This is subject to a referral process to the Planning Casework Unit (PCU) whereby there is a period of 21 days for the PCU to consider whether to call in the application for determination.

The following points arose from discussion:-

1. Councillor Dudd asked about parking and expressed concern that the developer was using two separate applications to avoid affordable housing obligations and was informed that the car park site was under the threshold for small site affordable housing. If the applications had been submitted as one it would still be under the requirements for affordable housing. The planning officer explained that this had been explored but the adjoining site was below the threshold for Affordable Housing and as the Empire Sports application site has the benefit of Vacant Building Credit (and is therefore exempt from Affordable Housing requirements) there would be no benefit of reviewing the two sites together as opposed to one application with regard to gaining Affordable Housing on the site. With respect to parking, the applicant had advised that residents would not be able to apply for a permit, with a standard informative added setting out this process;
3. The application had been submitted in November 2015 but Historic England had not been informed of the application until April 2017 as this was the point all amendments to the application were completed and the Conservation Team had requested that Historic England be consulted. The Service Manager explained that arrangements for consulting Heritage England on Grade II listed buildings were currently being reviewed to avoid similar delays in the future.
4. Councillor Stevens had been informed that advice note 1 regarding resident's parking was unenforceable. The representative of the Service Director – Planning expressed surprise with this information as the informative was regularly used and currently recommended by Transport Development Management for inclusion. He would investigate this further with Transport colleagues and provide an update to Members;
5. A 6 month marketing exercise had taken place alongside a community consultation exercise inviting comments for other uses for the site. Given the costs it was very difficult to bring forward other uses other than residential but the marketing exercise had been out in the public domain for all to comment;
6. Councillor Sergeant expressed concern about proceeding with a decision until the arrangements regarding parking and enforcement were clear and was informed that if the Committee was minded to support the application the planning permission would not be immediately issued as it would be referred to the Secretary of State for determination and would hence have a delay. The Head of Development Management confirmed that it would therefore be possible to update Lead members at the next DC A Committee agenda meeting. If this could not be confirmed at that stage the application would come back to Committee;



7. Councillor Alexander expressed the view that damage would be caused whether the permission was granted or refused. It was important that every effort had been made to access conservation grants and that all appropriate voluntary sectors and charities had been consulted;
8. Councillor Wright gave weight to Historic England's response and noted the similarity with the Whiteladies Road Cinema restoration where Historic England had also objected but the objections of residents had been a big factor. He could not see any other use where funds would be available to restore the site. Its future, if refused, was a derelict site or the Committee could accept that this was the best proposal for the site and saved the fabric of the building. He would therefore support the application on balance;
9. Councillor Davies, as ward Councillor, stated that a lot of work had taken place to ensure a sensitive scheme for the site. In the worst case, the building would deteriorate further. He would therefore support the proposal;
10. The Chair commended the preservation of the building, noting that there were no beneficiaries if the building fell down and would therefore vote for grant of the application;
11. Councillor Mead supported the application but proposed caution regarding listed buildings in the future. He expressed the view that he would have benefited from a site visit and was minded to abstain;
12. The Chair summarised that if the Committee was minded to approve it would be subject to restricting future residents' eligibility to the Residents' Parking Scheme being clarified at the next DC A Committee agenda meeting (and coming back to Committee if required);
13. Councillor Davies moved the recommendation subject to Residents' Parking being clarified at the next DC A Committee agenda meeting. This was seconded by Councillor Sergeant.

On being put to the vote it was :-

Resolved – (8 for, 3 abstentions) that:-

- 1. Planning permission be granted subject to conditions as set out in the report and subject to clarity regarding future residents' eligibility to the Residents' Parking Scheme being reported back to the next DC A Committee agenda meeting (and back to a Committee meeting if required);**
- 2. That the Planning Permission be referred to the Planning Casework Unit (Secretary of State).**

13 Date of Next Meeting

This was noted as 26 July at 6pm.

The Meeting finished at 4pm



CHAIR _____

