

# Bristol City Council

## Minutes of the Development Control B Committee

12 July 2017 at 2.00 pm



### **Members Present:-**

**Councillors:** Harriet Bradley, Fabian Breckels, Mike Davies, Carla Denyer, Richard Eddy, Martin Fodor, Kevin Quartley and Afzal Shah

**Officers in Attendance:-** Gary Collins – Head of Development Management, Peter Westbury – Team Manager Development Management, Allison Taylor – Democratic Services.

### **1. Election of Chair for Municipal Year 2017/18**

**Resolved – that Councillor Fodor be elected as Chair of Development Control Committee B for 2017/18.**

### **2. Election of Vice Chair Municipal Year 2017/18.**

**Resolved – that Councillor Eddy be elected as Vice Chair of Development Control Committee B for 2017/18.**

### **3. Terms of Reference.**

The Terms of reference as determined by Annual Council on 23 May 2017 were noted.

### **4. Dates of Future Meetings.**

**Resolved – that the meetings for DC B Committee for 2017/18 were agreed as follows:-**

6pm on 30 August 2017;  
2pm on 27 September 2017;  
6 pm on 8 November 2017;  
2pm on 20 December 2017;



6pm on 31 January 2018;  
2 pm on 14 March 2018;  
6pm on 25 April 2018.

## 5. Welcome, Introduction and Safety Information

These were made.

## 6. Apologies for Absence

Apologies were received from Councillor Alexander, with Councillor Mead as substitute and Councillors Clough and Hickman.

## 7. Declarations of Interest

None declared.

## 8. Minutes of the previous meeting

The Minutes of the Development Control Committee B meeting on the 26 April 2017 were approved as a correct record and signed by the Chair.

**Resolved – that the Minutes of 26 April 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. The following appeals were highlighted:-

1. Item 3 – Old BRI Building – A 12-day Public Inquiry would start on 21 November 2017;
2. Item 10 – IT Center Digital Display. This was refused under delegated powers. The Planning Inspector dismissed the appeal solely on visual amenity grounds;
3. Item 19 – Filton Road Digital Display – This was refused under delegated powers. The Planning Inspector dismissed the appeal solely on visual amenity grounds;
4. Item 33 – Mosque – Stapleton Road, Eastville – DC A Committee had refused this on highway safety and visual amenity grounds. The Planning Inspector had agreed with the Committee's view and dismissed the appeal;
5. Item 29 – 541 – 551, Fishponds Road – DC A Committee refused this on highway safety grounds. The Planning Inspector took a different view and granted planning permission



6. Item 39 – Avonbank, Feeder Road. This application had been before the Committee twice. It was refused for air quality and noise pollution grounds. The Planning Inspector had dismissed the appeal for the reason of air quality;

7. Item 40 – Former Chocolate Factory, Greenbank Road – This application was deferred by DC A Committee and was appealed against due to non-determination. The Committee decided not to defend the appeal and the appeal was allowed despite no affordable housing being provided. More detailed feedback would be provided to DC A Committee who had considered this application.

The following points arose from discussion:-

1. The Chair referred to the Avonbank Appeal – and noted that Cllr Stevens, who had not been able to attend the meeting, had submitted a Public Forum Statement on this matter and in particular to the development of a new Local Plan. The Chair hoped that the issues raised in the statement would be taken into account in the new Local Plan;
2. Councillor Eddy referred to the Chocolate Factory Appeal and asked if there were any lessons learned and for an amount for costs and was informed that costs would be determined after the appellant had submitted a claim for them. The Inspector had found that the Council had acted unreasonably in delaying approval of the development. A lesson would be that if there was clear evidence that affordable housing was not possible a Committee should accept that evidence however unpalatable it was.

## 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 and Development

The following items were considered :-

### 13 17/01836/F - 125 Raleigh Road Bristol BS3 1QU



This item was removed from the agenda.

**a. 17/01789/F - Former Mercedes Garage Winterstoke Road Bristol BS3 2LG**

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 for determination by the Ward Councillor, Mark Bradshaw;
2. The application sought planning permission for the erection of a 3-storey use class B8 self-storage unit on the site along with some office floor space to support the function of the self-storage unit;
3. The form of self-storage would be an 'L shape' that followed the western and northern boundaries of the site with a central parking and circulation space and vehicular access from two points on the southern boundary. This reflected the extant planning permission on the site;
4. There was a mixed use of development surrounding the site and Bower Ashton Terrace, a traditional, Victorian terraced Road faced the building's North elevation;
5. A contemporary tower was proposed on the North Western corner of the building of the same height and massing of the former Art Deco tower on the site;
6. The site was not allocated in the Development Plan for any particular use however BCS1 of the Core Strategy was the relevant policy for this application as it outlined the priority for South Bristol to deliver development and in particular industrial and warehousing and office floor space;
7. A report demonstrated that Bristol was under supplied for storage in comparison to other Core Cities;
8. The widening of Marsh Road would provide additional capacity for pedestrians on match days;
9. This application had a much stronger landscape buffer than the previous permission;
10. Officers had negotiated a greater separation distance from Bower Ashton Terrace than the previous permission. The closest building was now 20.38m away. A distance of 12m was the minimum separation distance and therefore officers considered this acceptable;
11. A daylight assessment had found that there was no detriment to daylight and sunlight;
12. The site would be supervised during all days of the week and there would be 24 hour access for customers.

The following points arose from discussion:-

1. Housing developers had shown no interest in the site. There was a clear demand for storage sites;



2. The windows in the elevation facing Bower Ashton Terrace served two storage units;
3. The permissive footpath was in the ownership of the applicant so a larger pavement was proposed;
4. The shading assessment had been taken from each individual front garden of the Terrace and had not been assessed on the basis of an average for the whole terrace;
5. Councillor Shah noted the stress for housing in the City and asked whether this could have been incorporated in to the scheme. The representative of the Service Director – Planning and Development replied that the Bristol Local Plan set out a requirement for a level of housing until 2026. There were a number of sites allocated for housing and there were assumptions built in for windfall sites. The review of the Plan was about to start. The current Development Plan showed this site as completely unallocated. There were therefore no grounds to revisit the status of the site in the consideration of this application. Each proposal had to be assessed on its merits. As part of the review, a call for sites process takes place to landowners, developers and local communities. This feeds into the overall process and the sites are assessed for suitability, consulted on and examined by the Planning Inspector for deliverability. They would subsequently be adopted into the Local Plan;
6. Councillor Bradley questioned the height of the office space in terms of its impact on the terrace and was informed that it was necessary to determine what was before Committee and not possible to redesign the scheme. There were commercial reasons for the design and officers had had many discussions with the applicants which had resulted in improvements and mitigated the impacts. There was always a balance between commercial imperatives and mitigation of impacts;
7. Councillor Eddy acknowledged the concerns of residents but the key issue was the land use. This site had not been sought for housing and the need for housing in the area should be taken up by the two ward Councillors and the BS3 Planning Group. This application must be determined on its own merits. Its design was appropriate and there was no evidence of overshadowing or pollution control concerns. It was a disgrace that a site in a key location had been an eyesore for a decade and the sooner it was redeveloped the better;
8. Councillor Denyer noted there had been incidents of anti-social behaviour in an area out of sight due to the hoardings and asked whether this would remain out of sight when developed. She was informed that this would continue to exist but would be opened up with landscaping and CCTV would be in place. She also requested an amendment to Condition 12 so that it read 'pedestrians and cyclists' and not 'pedestrians and/or cyclists'. She would have preferred housing on the site but would vote for approval of the application as there were no material grounds to refuse it;
9. Councillor Mead stated that this was not the best use for the site but would vote for approval;
10. Councillor Bradley agreed with Councillor Eddy's comments. She asked that it be recorded that she felt sympathy for the residents and wouldn't want to live there and hoped mature trees were planted. She would vote for approval.
11. Councillor Mead moved the recommendations along with the minor amendment to Condition 12. This was seconded by Councillor Eddy.

On being put to the vote it was:-



**Resolved – (8 for, 1 abstention) that planning permission be granted subject to conditions as set out in the report and the Amendment Sheet with an amendment to Condition 12 as follows:-**

**Line 2 – delete ‘pedestrians and/or cyclists’ and replace with ‘pedestrians and cyclists’.**

**b. 16/05376/F & 16/05398/LA - Blackberry Hill Hospital Manor Road Fishponds Bristol BS16  
2EW**

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. There were two applications before members – one for planning permission for redevelopment of the hospital to provide predominantly residential development and for Listed Building Consent as a number of the buildings were Grade II listed;
2. The key issue of affordable housing has been the subject of intense negotiations. The Council’s independent viability consultant has advised the site could deliver 37 units. After originally proposing zero affordable housing, the applicant maintained for some time they could only deliver 17, recently this has been increased to 20 units;
3. Officers had liaised with Housing Delivery colleagues and the Homes and Communities Agency (HCA) and have found that, with grant support, the development was likely to deliver 100 units. The Affordable Housing Development Manager was present to respond to questions;
4. It was necessary to draw a distinction between the 20 guaranteed units which could be secured through the planning process and the 80 additional units which were outside the planning process and could not be secured by a s106 agreement;
5. This scheme had been four years in development and officers now felt it was worthy of support.

The following points arose from discussion:-

1. A Car Club Condition had been omitted from the report;
2. Councillor Denyer understood that it was not possible to secure the 100 units through the planning process but asked whether the 41 units that could be secured through a Section 106 Agreement could be conditioned, thus leaving 59 to be secured outside of the planning process. She was informed that this was technically possible thus leaving the shortfall from grant funded to a negotiated one. The key issue was whether agreement would ever be reached on that point as negotiations with the applicant had already been carried out over a long period. The Affordable Housing Development Manager added that grant funded affordable housing was a major step. The HCA and Council shared ownership but it was funded by the HCA;



3. Some of the affordable units were flats but there was a mix of dwelling types and were spread throughout the development in order to ensure tenure blindness. Some of these would be first to be delivered on site too so affordable units were spread across the site and the build programme;
4. Councillor Breckels expressed concern that insisting on more units through S106 would jeopardise the current agreement and asked how secure the grant funding was. The Affordable Housing Development Manager replied that the HCA had already made available funding for Galliford Try to draw down. 12 units had been secured through the HCA as shared ownership for rental. Subject to planning permission today, Sovereign would apply to the Council for funding for a further 60 affordable units. The Strategic Director for Neighbourhoods in liaison with the Cabinet Member for housing could approve a decision by August. The representative of the Service Director – Planning and Development added that the correspondence with the HCA was detailed in the Amendment Sheet. He confirmed that 72 units were HCA funded, Galliford Try would apply for the extra 8. It was necessary for the Committee to determine what weight it gave to the grant funding and the likeliness of it coming forward. The 72 units were more probable than the 8;
5. The Chair noted that the 12 month permission condition which had been negotiated and demonstrated the applicant's commitment delivery utilising grant funding;
6. It was noted that no final agreement had been reached with the Council and applicants regarding viability. The Planning Obligations Manager replied this was a failure to reach agreement on the sales values and build costs of houses on the Laundry Fields. The applicant believed these were BCIS medium quartile and the Council's consultant believed they were at the lower quartile. This difference was £1.5m and could have provided 41 units at the lower cost. This was not resolved despite much negotiation. HCA funded schemes could not be the subject of a viability review;
7. Councillor Eddy observed that this was an unusual affordable housing solution. He was reassured by the 1 year permission and sought confirmation that it was not possible to attach a higher planning condition to secure the affordable units and was informed that this was not possible. It was not easy to persuade developers to agree to sell units to housing associations so where there was an opportunity it should be taken;
8. Councillor Mead asked if reference could be made to mitigation for Bee populations and was informed that this could be added to Condition 21 – Landscape and Nature Conservation Management Plan;
9. Councillor Denyer was reassured that there would be 100 affordable units and that there was a strong chance of success of delivering these. She was minded to accept the recommendations but remained unsure of whether the 100 units would be provided through grant funding or whether to propose a condition to secure 41 units through a S106 agreement. The representative of the Service Director – Planning and Development replied that to seek to impose a number was unlikely to be successful. The viability had been in discussion for some time now without agreement. Galliford Try, the Council, Sovereign and the HCA would work in partnership to provide the grant funded 80 units;
10. Councillor Breckels, having heard the discussion and noting that government policy was stacked against affordable housing, believed the grant funding should be supported. If successful it



offered a new method of enabling affordable housing. He asked that the Committee be kept informed of progress;

11. Councillor Eddy supported the officer recommendations, stating that it was a great scheme providing 350 homes and promising 100 of affordable units. It was a difficult site and had been imaginatively designed;

12. Councillor Bradley endorsed the previous comments. She was pleased there was a one-year permission so that quick progress could be made;

13. Councillor Davies believed that the public purse should not have to fund the units and that the 41 units considered viable should be funded through a S106 agreement;

14. Councillor Mead moved the officer recommendations along with the amendments as set out in the Amendment Sheet, a Car Club Condition and a reference to Bees to Condition 21. This was seconded by Councillor Eddy.

15. The Chair asked that a progress report come to a Committee in one year along with a site visit.

On being put to the vote it was:-

**Resolved – (8 for, 1 abstention) That Planning Permission be granted subject to a Planning Agreement and subject to the following:-**

**i) an additional Highway condition as set out in the Amendment Sheet;**

**ii) a condition requiring the implementation of a Car Club;**

**iii) an amendment to Condition 21 so that Bees are referenced.**

**Resolved - (8 for, 1 abstention) That Listed Building consent be granted subject to conditions as set out in the report.**

#### **14 17/02240/F - Accolade Park Kings Weston Lane Avonmouth Bristol BS11 9FG**

This item was removed from the agenda.

#### **15 17/02598/H - 3 Haverstock Road Bristol BS4 2DA**

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

1. This was a retrospective application and was before the Committee as the applicant was an employee of the Council;
2. The applicant had believed the development in the roof was permitted development and did not require planning permission. Following a planning enforcement investigation, the applicant was informed



that planning permission was required. A retrospective application was subsequently submitted and this was refused under delegated authority and an appeal against refusal was dismissed;

3. A further application was submitted that modified the impact of the development with the introduction of false eaves and rendering of the dormer to match the host property. The false eaves gave the appearance that it fitted into the existing roof slope by introducing the appearance of the roof slope continuing below the dormer. Officers believed this balance was acceptable and mitigated the impact of the development.

The following points arose from discussion:-

1. Councillor Breckels asked whether there were other dormers in the area of a similar size. He questioned why a senior employee of the Council would not consult his colleagues before proceeding. The proposed changes allowed the development to be as close to permitted development as possible. He was informed that the dormer was standard in design, size, scale and form and was now acceptable in planning terms;
2. Councillor Bradley asked if it was legal to rest a dormer on coping stones and was informed that this was a party wall and this was a civil matter and outside the jurisdiction of the Committee;
3. Councillor Mead stated that this proposal did not address the reasons the original proposal was rejected. It overlooked gardens and did not improve the appearance. He proposed that the retrospective application should be refused for the same grounds as the first application and the Planning Inspector's reasons for dismissal. This would also send out a clear message regarding retrospective applications. In response, he was informed that the key point now was that the proposal more clearly resembled permitted development, which had not been the case previously. A refusal would be difficult to defend through the appeals process. Councillor Mead maintained his view on the matter;
4. This was seconded by Councillor Eddy;
5. Councillor Denyer shared Councillor Mead's concerns regarding the false roof but did not agree that the application as a whole was unacceptable. It was acceptable as an extension but not as a dormer. It was slightly oversized but not so much to knock down. It was finely balanced but the changes went some way to remedying the situation.
6. The representative of the Service Director – Planning and Development advised the Committee that the reasons for refusal should focus on the previous reasons given for refusal and not privacy. If the applicant was successful at appeal, it was unlikely that costs would be awarded against the Council;

On being put to the vote it was:-

**Resolved – (5 for, 1 against, 1 abstention) That Planning Permission be refused for the following reason:**

**The proposed modified rear roof extension would, by virtue of its scale, siting and overall design be a discordant feature which would have a detrimental impact on the host building and character and appearance of the surrounding area. This is contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (June 2011); Policies DM26 and DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies (July 2014), as well as guidance contained with**



**Supplementary Planning Guidance Document 2: A Guide for Designing House Alterations and Extensions (October 2005) and the National Planning Policy Framework.**

Meeting ended at 4.55 pm

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

