

Bristol City Council

Minutes of the Development Control B Committee



25 April 2018 at 6.00 pm

Members Present:-

Councillors: Martin Fodor (Chair), Richard Eddy (Vice-Chair), Donald Alexander, Harriet Bradley, Fabian Breckels, Harriet Clough, Mike Davies, Carla Denyer and Afzal Shah

Officers in Attendance:-

Gary Collins, Jon Fellingham, Tamsin Sealy, Angelo Calabrese, Susannah Pettit and Jeremy Livitt

1. Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence

Apologies for Absence were received from Councillor Olly Mead and Councillor Kevin Quartley. It was also noted that Councillor Afzal Shah indicated that he would be arriving late (approximately 7pm).

3. Declarations of Interest

Both Councillor Martin Fodor and Councillor Carla Denyer declared an interest in Agenda Item 8(d) Planning Application Numbers 18/00472/F and 18/00473/LA – Ground Floor Flat, 19 Royal York Crescent as the applicant was a fellow Green Councillor.

However, they indicated that they would consider the applications on their own merits in the usual way.

4. Minutes of the previous meeting

Resolved – that the minutes of the meeting held on 14th March 2018 be approved as a correct record subject to correcting the spelling of Councillors listed as follows:

Fabien Breckels to be altered to Fabian Breckels

Azal Shah to be altered to read Afzal Shah



5. Appeals

Items 3 and 4 - Land Adjacent 131 Bridgwater Road Bristol BS13 8AE

The Committee noted that this had now been validated as an appeal which would be considered as an informal hearing on 11th July 2018.

Item 5 - Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU

The Committee noted that this appeal had been held in abeyance while the decision to list the chapel was being challenged by the applicant and that the Planning Inspectorate had agreed to extend the period of abeyance until the end of June 2018.

6. Enforcement

The Committee noted details of enforcement notices which had been served.

7. Public Forum

Members of the Committee received Public Forum statements in advance of the meeting. The statements 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**).

The Committee also received Public Forum questions for which answers were provided 1 hour before the meeting. In respect of Question Number 2, the Head of Development Management apologised for an error in the written statement where it had stated that a topographic surveys had been submitted whereas one hadn't been submitted. He added that the remainder of the written answer would have revealed that was a typographical error. In response to this the following verbal supplementary question was asked and an answer provided by officers as follows:

Q (Teri Bramah): Since a survey was not carried out, how does this reflect on the development?

A: (Gary Collins): Officers would not normally expect a topographical survey to be carried out on an urban site that was already covered by development (they are more usual when looking at open land) but would instead rely on the existing building and floor plans. In addition, a day light survey had been made and assessed. In officers' view, there was sufficient information provided to enable a recommendation to be made and to allow Councillors to make a decision but individual Councillors needed to satisfy themselves that this was the case.



8. Planning and Development

The following Planning Applications were considered

9. 17/07088/F - St Marys Hospital, Upper Byron Place

The representative of the Head of Development Management made the following points during her presentation:

- Details of images and photos showing the site and proposed development were shown
- There was a lengthy planning history on the site, details of which were provided
- The site currently has parking spaces for 25 cars with 2 vehicular access points. The proposal would have one vehicular access and 6 car parking spaces to be used solely by management and maintenance staff
- A Premises Management Plan would operate on site which would allocate days on which students could move into and out of the development
- Details of the landscaping replanting scheme were set out but condition 28 needed to be amended in order to fully cover this issue
- The main concerns amongst objectors were the integrity of the retaining wall (that was primarily a civil issue to be resolved between the parties); daylight and sunlight and parking which would be limited by means of a tenancy agreement
- The scheme was designed so that noise would be kept away from sensitive boundaries
- Student housing is acceptable in policy terms in this part of the city
- No category A trees would be lost. 22 trees were proposed to replace those trees which would be lost on site
- Additional conditions were proposed for the development (as included in the amendment sheet)
- It was believed that the proposed location of the development would outweigh disadvantages.

In response to Councillors' questions, officers made the following points:

- A hydrology structural report had examined the structural integrity of the walls in respect of concerns about the impact of water courses in the basement of neighbouring properties. This survey had assessed the wall and concluded that it was stable and not in imminent danger.
- There was a lot of information contained in the report on the maintenance of the wall and conditions.
- With the exception of a requirement for a Construction Management Plan, the wall was not a planning issue and therefore not within the remit of the Committee

Councillors made the following points:

- This site was an interesting and historic asset which had deteriorated and was the subject of a well-constructed plan by the applicant to bring it into use



- This was a good site for the development with minimal parking
- The plans to reinstate the gardens and encourage wildlife should be supported
- It was encouraging to see that after previous unsuccessful attempts there was a good proposal for the site
- This would be a big improvement on the current situation and was a good site for student accommodation
- A number of Councillors commented that they had initially had some concerns about the development but were reassured by the informal site visit. Whilst the distance of the pavilion block to residents was closer than ideal, this was acceptable
- It was noted that, whilst most of the bins at the gatehouse lodge were adjacent to the wall, some at the Pavilion were. Since the applicant had agreed at the site visit to move these bins way from the wall, this should be included as a condition if the application was approved.

Councillor Richard Eddy moved, seconded by Mike Davies and, upon being put to the vote, it was

Resolved (unanimously with all present voting – 8 for): that the recommendations contained in the report be approved together with amendments to conditions set out in the amendment sheet, an amendment to condition 28 (Landscaping Scheme) and an additional condition to move the refuse store currently proposed next to the boundary wall.

10 17/06260/F - Land At Junction of Goolden Street and Bathwell Road

Councillor Afzal Shah arrived after the start of the Public Forum statements for this item. Therefore, in accordance with Bristol City Council's Code of Practice for Councillors in respect of planning matters, did not participate in or vote on this planning application.

The representative of the Head of Development Management presented this report and made the following points:-

- Details of the previous history of the site were set out. Permission was granted by Committee in 2005 for a 10 unit scheme of 3 storeys. Members attention was also drawn to the neighbouring Scout Hut scheme which was granted permission by members in 2016 (which was also 3 storeys)
- Views of the proposed development were shown
- The development had been reduced from a 3 storey scheme (previous application withdrawn in 2017) to a mix of 3 and 2 storeys. The numbers of units had been reduced from 9 to 7
- There would be a condition concerning the rear boundary treatment with properties along Wells Road

In response to Councillors' questions, officers made the following points:

- In respect of the 2016 Scout Hut Planning permission, this permission lasts for 3 years. It was expected that work would start on the site before the expiry date of the permission



- The application would be the subject of a TRO for highway safety improvements (yellow lines, 2m pavement and uncontrolled pedestrian crossing points).
- Whilst this was a small scheme, approval of a number of such schemes would help BCC to deliver its targets in the Local Plan by making the best use of urban land in an acceptable way
- There was a Planning history on site. Whilst planning permission (for 10 units) had expired and emerging policy was not yet adopted (Urban Living draft SPD), the Inspector would need to have regard for in any appeal decision

Councillors made the following comments:

- There were a number of aspects of the development that were not satisfactory. For example, there seemed a desire to cram as much footage as possible into the development site – placing it close to the pavement was not a good idea. In addition, the corner building would clash with other buildings
- Some members raised concerns that the pavement facing corner of the scheme was not in keeping with the area as the opposite have front gardens
- More room was needed for this development
- Councillors needed to bear in mind the previous history on the site and the fact that a developer was about to build houses on the neighbouring site which has a similar 3 storey development
- The application was policy compliant and meets the relevant standards for the development. There were a large number of houses in the Totterdown area with small gardens and some directly abut the pavement
- This was a very modest application which should be supported

Councillor Richard Eddy moved, seconded by Mike Davies and, upon being put to the vote, it was

Resolved: (6 for, 2 against – all present voting) that the recommendations contained in the report be approved subject to the completion of a legal agreement set out in the report, together with the amendments contained in the amendment sheet.

a. **17/06582/F - 22a Islington Road**

The representative of the Head of Development Management introduced the report and made the following points:-

- Details of the proposed development were outlined
- The development would result in increased massing but this would not result in an overbearing effect or harm. There was already some overshadowing due to the topography
- In relation to the loss of existing B2 use, the applicant had provided sufficient evidence that the site had been sufficiently marketed
- The proposal was in a contemporary industrial design and was of appropriate use
- The impact on the conservation area was less than substantial



- The new dwelling does not exceed the existing height
- It was officers' view that there would not be a significant loss of privacy
- Any harm would be outweighed by the benefit of the development

In response to Councillors' questions, officers made the following points:

- The property had been marketed in 2016 and 2017 for sale and lease. Whilst it was acknowledged that it was at these times in a poor state of repair, the application should not be pre-judged on this basis
- Whilst there would be some shadowing from this proposed development, it would not be so harmful as to warrant refusal of the application given that the existing building at the site already overshadows neighbouring rear gardens and also the adjacent building is taller than the proposed development
- Councillors' frustration concerning the lack of protection provided by Local Listing Status was noted..

Councillors made the following comments:

- There were a number of concerns about whether this site is properly protected by its Local List status. Whilst a contemporary development should not be opposed in principle and could be appropriate in some parts of the city, this scheme was not appropriate for this site
- There was no reason why the site could not in future be converted to residential use. It did real harm to a Conservation Area and should be opposed on the grounds of heritage and design
- There were serious concerns about how the site had been marketed
- Whilst the limitations of the building's status were acknowledged, it was noted that Heritage Officers had advised that it was acceptable
- The over shadowing was significant. When additional overshadowing resulted in losing all remaining light from what was already a significant loss from existing buildings, this had a more serious impact. The amenity of the neighbours was a key issue
- A good compromise to the proposal would be for the developer to adapt the roof to reduce over shadowing
- Residential amenity was significantly affected by the lack of sunlight and over shadowing and the design did not enhance or preserve the character of the Conservation Area

Officers noted the serious concerns raised by Councillors about the impact on amenity of the over shadowing but indicated that it was such a significant change it would not be appropriate to add a condition to any potential approval. In their view, the application should either be determined on its merits or the Committee could defer a decision for specific changes to the design ie the roof form. If the Committee wanted to defer, it would be useful if they also gave officers delegated authority to refuse permission if the applicant did not wish to change the design as requested. If the roof design was amended, local residents would be re-consulted and the application would be brought back to Committee.



Councillor Richard Eddy moved, seconded by Councillor Carla Denyer and, upon being put to the vote, it was

Resolved – (8 for, 1 against, all present voting) that the item be deferred for officers to establish with the applicant if the roof can be re-designed to address amenity concerns about increased shading of the rear gardens and that, in the event that the applicant is unwilling to do this, officers be given delegated authority to refuse the application on these grounds.

11 18/00472/F and 18/00473/LA - Ground Floor Flat, 19 Royal York Crescent

Councillor Mike Davies left the meeting prior to consideration of this item.

The Head of Development Management introduced this report and showed aerial views and photos of the proposed development.

The Committee noted that the application was completely in compliance with Bristol City Council policy and was only being considered at Committee for transparency reasons since the applicant was a Councillor.

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

Resolved: (8 for, 0 against, all present voting) – that the applications are approved in accordance with the recommendations set out in the report.

12 Date of Next Meeting

The Committee noted that there were no further scheduled meetings of this Committee for 2017/18 Municipal Year.

Meeting ended at 8.35pm

CHAIR _____

