

Bristol City Council

Minutes of the Development Control A Committee



29 November 2017 at 2.00 pm

Members Present:-

Councillors: Tom Brook, Stephen Clarke, Mike Davies (Vice-Chair), Kye Dudd, Steve Jones, Olly Mead, Celia Phipps, Jo Sergeant, Clive Stevens, Chris Windows (Chair) and Mark Wright

Officers in Attendance:-

Gary Collins - Head of Planning and Development, Jim Cliffe - Planning Obligations Manager, Laurence Fallon - Transport Development Manager, Lewis Cook, Kate Cottrell, Thomas Wilkinson, Andrew Cross and Laurence Fallon – Planning Case Officers, Allison Taylor – Democratic Services

1. Apologies for Absence and Substitutions

There were none.

2. Declarations of Interest

Councillor Wright referred to the McArthur's Warehouse application, stating that he had initially submitted an objection to the Planning Department for this application. Since then, the plans and report had been revised and he therefore felt able to consider the application with an open mind.

3. Minutes of the previous meeting

The representative of the Service Director - Planning referred to Minute 11 – Land at Hengrove Park, Whitchurch Lane and reported that the Heads of Terms for the S106 agreement had been properly reflected in the officer presentation but had not been reflected in the Amendment Sheet or minutes. The minutes needed to reflect this in order to instruct Legal Services to draft the agreement. The following amendments were agreed:-



To add to end of first sentence –

‘and also gave a PowerPoint presentation that included clarity over the Heads of Terms of the proposed s106 agreement’

To add a 10th bullet point to read –

‘10. The proposed s106 heads of terms were confirmed as:

1. The provision of 30% affordable housing in the form of 77% Social Rent and 23% Intermediate- see dwg 32507 PL50
2. £35,235 for the implementation and monitoring of a Residential Travel Plan
3. £5,395 to cover the cost of a Traffic Regulation Order for a 20mph limit
4. £15,000 to cover the cost of 10 new fire hydrants.
5. £20,000 as a contribution towards the provision of i) a new set down bus stop on The Boulevard adjacent to the site, ii) Improved cycling facilities along Airport Road and iii) Improved crossing facilities on Airport Road
6. Authority to be given to legal services to act on the authority’s behalf in respect of the section 106 agreement.’

To add to the end of the resolution:-

‘and the clarified s106 Heads of Terms’

Subject to these changes, the minutes were agreed as a correct record.

Resolved – that the minutes be agreed as a correct record and signed by the Chair.

4. Appeals

These were noted.

5. Enforcement

These were noted.

6. 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 statements is held on public record in the Minute Book)

7. Planning and Development

The following were considered:-

a. Planning Application Number 17/03139/F - McArthur's Warehouse, Gas Ferry Road

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. This application was to provide a mixed commercial and residential development including 147 flats. Work space, a café and car parking;
2. The site was allocated for residential/office/workshop uses so the application is appropriate for the site;
3. Officers were content with the design of the building but there had been a significant level of concern regarding the scale and intensity of the building;
5. There were also concerns regarding visual impact. Historic England had assessed the building's visual impact on the SS Great Britain and found it not to be as bad as feared although there was impact. More concerning for them was the view from the south as the building obscured some of Brandon Hill and the monument. Officers view was that these impacts caused less than significant harm and the benefits outweighed the harm;
6. With respect to amenity, the dock and boatyard were important commercial facilities. A noise insulation scheme designed on the basis of an equivalent facility elsewhere would be provided by the applicant. Pollution control officers were satisfied with the scheme. It was not possible to protect balconies in the same way;
7. Wooden slatted windows would be incorporated into the elevation facing Steamship House. Officers were satisfied the building would have a reasonable relationship with its neighbours;
8. The Planning Obligations Manager reported that there has been considerable negotiation with respect to affordable housing. The main issue with respect to the viability of affordable housing was the site value put forward by the applicant of £5.8m. The District Valuer, who had been commissioned to advise the Council on the viability issue, had the view that this was too high and should be £2.5m which would result in the provision of 18% affordable housing (27 affordable units) being viable. The applicant did not agree with this valuation and made a formal offer of 12% affordable provision and 18 affordable units – 9 would be shared ownership and 9 would be social rented and a mixture of 1/2 bedrooms and on different floors of the building. The Council's Affordable Housing Manager believed this offer should be



accepted. If the the development had not started within 18 months the it was recommended that the viability should be reviewed;

10. In summary, officers recommended approval subject to a S106 agreement. The proposal was a good quality design and an appropriate scale given its position central to Spike Island. It would provide affordable housing, an improved walkway and commercial space. An addition to the Amendment Sheet was the deletion of the reference to 'guidance and regulations' in Condition 32 of the report;

The following points arose from debate:-

1. There were on-going discussions with the Homes and Communities Agency regarding topping up affordable housing numbers through grant funding, ie outside of the planning process;
2. There were two elements of harm. There was visual harm with respect to views and scale, the view was intermittent on Coronation Road. Some consultees stated the design was harmful, planning officers considered that the benefits outweighed the harm. The other harm was the potential harm to a working dock. It was not possible to state there would be no impact on the docks but all measures had been put in place to ensure that the docks could continue to operate and therefore it was officers' conclusion that there was no harm to this heritage asset in this regard;
3. Councillor Dudd asked what mitigation there was to protect industrial based businesses in the area. He was informed that this related to two businesses – Rolt's Boat Yard which was in operation and the Dry Dock to the west which was currently vacant. An acoustic engineer took readings from a similar facility at Sharpness Docks and that model was used for this noise mitigation scheme. The fabric of the building and windows were high grade materials, the windows would be mechanically ventilated and there would be an acoustic screen on the west elevation. The Sound Insulation condition listed as Condition 11 would have to be implemented before the building was occupied. Pollution Control officers advised that residents could make a statutory nuisance claim against the businesses but if they operated to reasonable standard this should not be a consideration;
4. Councillor Dudd questioned the robustness of negotiations as the independent District Valuer's report had recommended 27 units and 18 were now being offered. The Planning Obligations Manager replied that this was down to land value. The applicant had not accepted 27 units but then very late into the process offered 18 units. The District Valuer was asked to review the offer without a change to the land value. The District Valuer's view was that the developer had moved a long way with this offer. This was a balanced view for officers and was based on the following factors – there was not great evidence to support low land values, the site had been derelict for some time and the Affordable Housing Manager's view that this was a reasonable offer. The recommendation was not scientific but had involved a great deal of assessment. The Head of Development Management added that officers always negotiated on affordable housing and tried to strike an agreement in the interests of housing delivery. On this occasion, there was a counter offer which had moved more to the City Council's position than to the developer's own initial position. It was valid to request that officers negotiated 27 units but that might not be achieved. It was feasible that the current offer could be withdrawn if the Committee resolved that a higher number be provided;
5. Councillor Clarke asked whether there were any legal guarantees to protect surrounding businesses from noise complaints by residents and was informed that residents had the right to complain but it was



hoped that the reasonable noise mitigations as set out in Condition 11 would prevent them needing to. The mitigation attempted to strike a balance with dock side operations and residential development;

6. If Committee resolved to grant today, there would be a further period where the S106 agreement would need to be completed. Should a decision be deferred the applicant could appeal against non-determination;

6. Councillor Stevens believed the benefits of affordable housing outweighed the harm to heritage assets but asked why the developer was prepared to give away profit as the prices were 40 % of market value when they had previously been 55 %. The Planning Obligations Manager replied that the open market values were lower in the City Centre as competition was not there. 40% was the market value a Housing Association was prepared to pay in the City Centre. It was confirmed that viability did not take into account who the developer was and whether the site was bought or not made no difference to appropriate value. The applicant did not own the site but was obligated to purchase it if planning permission was secured by a certain date. Buyers took all the risk when trying to secure planning permission;

7. The Affordable Housing Manager had assessed all 3 types of affordable housing for the development. There was a real need for social rented accommodation in the City, the other types of affordable housing, including shared ownership, addressed lower priority aspects of the city's housing need;

8. Councillor Stevens struggled with the current level of affordable housing outweighing the harm caused to heritage assets;

9. Councillor Wright, as the local ward Councillor, highlighted 3 main issues –

i) The design and materials were not in keeping with the area but he had some sympathy with the industrial materials as the building looked industrial. He was content with the shape;

ii) As the local Councillor he was not supportive of residents when they had complained regarding noise from the boatyards. On balance he felt the design of the building would mitigate noise well;

iii) He had previously thought the building was too high but he had now mellowed on that view for the sake of achieving affordable housing as if a floor was removed it would eliminate 18 affordable housing units. The public benefit was getting rid of a derelict building and regenerating the area. He would not vote against but had not decided as yet whether to abstain;

10. Councillor Jones' main concern was noise and he asked whether the application could be conditioned to prevent complaints from residents about noise from the local businesses. The Head of Development Management replied that this issue had been considered at a recent application near the Thekla (and reference made to a recent appeal decision regarding a development close to the Ministry of Sound in London). The Mayor of London had determined that application and the same principles should be followed in this case. The S106 Agreement could flag-up potential noise sources to potential buyers. This struck the right balance as citizens could not be curtailed from complaining but businesses had to operate responsibly and thrive;

11. Councillor Brook stated that he liked the design and appreciated that the building had been derelict for 20 years but the level of affordable housing was unacceptable as the developer was paying too much for the site. The benefits did not therefore outweigh the harm;

12. Councillor Mead found the design acceptable but was disappointed that there was such a low level of affordable housing. This benefit did not therefore outweigh the harm to heritage assets and he was minded to vote against it;



13. Councillor Clarke was disappointed that the applicant, a Housing Association, was acting more like a 'normal' developer. He agreed with Councillor Dudd that affordable housing negotiations had not been robust and he had concerns regarding noise so would vote against approval;
14. Councillor Stevens believed that the viability price needed to be raised by £0.5m. The Planning Obligations Manager replied that the instruction to the District Valuer was from housing colleagues. He accepted the point that a higher figure would achieve an extra couple of units;
14. Councillor Davies asked whether all affordable housing could be lost if the application was refused and the applicant went to appeal and the Inspector found that the land value was a reasonable one. He was informed that this was feasible. The fact was that City Centre land could trade at more than £2m. It could go either way at appeal and was a risk. If granted today, 18 units were secured, if refused or deferred that offer might remain or the applicant could immediately withdraw it. The Elizabeth Shaw Chocolate Factory application set an example of what could happen when a decision was deferred and the offer of all affordable housing was withdrawn;
15. The Head of Development Management drew the Committee's attention to guidance on noise. The Central Area Plan – BCAP 8 – maritime industries, protects uses but this site was allocated for residential development. Officers had tried to address both factors by maximising the housing on site whilst securing the best noise mitigation possible as contained in Condition 11;
16. Councillor Mead believed the application was finely balanced but proposed that the officer recommendation to grant be overturned because of its potential impact on the boat yard and the adverse impact on businesses there. In summary the public benefit of the development did not outweigh the harm. This proposal was not seconded;
16. Councillor Davies moved the officer recommendation for approval and this was seconded by Councillor Wright. Councillor Stevens proposed an amendment to impose a pre-commencement condition setting affordable housing levels at 30/35 (20%/25%) including grant funded units. This was seconded by Councillor Dudd. The Head of Development Management advised that this was not lawful as it was not possible to confirm the level of affordable housing through planning conditions and the planning process could not secure grant funded affordable housing units. It was advised that the S106 was the mechanism to deliver the higher level of 27 units. In summary the Committee could approve subject to a S106 agreement on basis of 27 affordable housing units, 9 social rented, 9 shared ownership and 9 to be determined with the developer. Councillor Stevens accepted the wording of the amendment and this was seconded by Councillor Clarke. On being put to the vote, it was carried 10 for, 1 abstention.

The amended motion was then put to the vote and it was:-

Resolved – (6 for, 4 against, 1 abstention) That planning permission be granted subject to the planning agreement as set out in the report (as altered by the amendment sheet) except for Planning Agreement A i) to be amended to read:

The provision of 27 affordable housing units on site – 9 of which are social rented, 9 of which are shared ownership and 9 to be determined.

b. Planning Application Number 17/02916/FB and 17/02917/LA - Colston Hall



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:-

1. This application was the next phase (Phase 2) in the long-term comprehensive project to modernise and extend Bristol's largest venue hall into a modern and sustainable venue that could maximise cultural offer of the city and the income and revenue potential for the long term. It looked to address identified deficiencies including poor acoustics, uncomfortable seating, poor accessibility for the disabled users, and stage management the general poor condition of the building;
2. Committee was informed that the Grade II Listed with St Michaels Hill and Christmas Steps Conservation Area, surrounded by other numerous other Conservation Areas and Listed Buildings as set out in the report. Originally built in 1897 is had burnt down twice and as a result had been remodelled numerous times to reflect the changing periods and requirements as a music venue. The last main remodelling of the hall was in 1950's through the installation of the current Festival of Britain main auditorium;
3. The Committee was then taken through the main areas impacted by the proposals. The main auditorium (Hall 1) - existing Festival of Britain auditorium - element key to the special interest building of particular note were the attractively formed gallery fronts, with relief panels of cherubs, the wall and ceiling lighting, and the rhythmic waves of timber panels along the flank walls, culminating in the main stage area. However significant issues with the operation of a modern venue i.e. large gallery overhang hampers acoustics and the area below got very poor sound, poor accessibility for audience and performers and the stage was very cramped. The remodelling included the total loss of the Festival of Britain auditorium albeit elements such as the cherubs/lighting would be re-used. The proposed new auditorium space would meet modern expectations for a performance venue with a new interior and replacement roof, flexible accessible seating and stage area to enhance audience and performer experience and to aid hall /crew management and turnaround and a more open arrangement to enhance acoustic experience;
4. The backstage facilities- were outdated and would be enhanced; level access created to all performance areas and a complete change in access for staging away from the narrow restrictive access from Trenchard Street which has hampered the ability to accommodate some touring shows to a larger stage entrance on Colston Street;
5. The Lantern Building - Hall 2 retained a great deal of the original 1870s decorative scheme, but this had been impacted upon by later evolutions of the room. Proposals would open up infilled windows and decorative cornicing restored along with enhanced performance and audience facilities. The Lantern lobby would be opened up and made accessible to the Lantern Room and main auditorium all at one level for all users and a new staircase proposed down to the mezzanine level below replacing the existing staircase;



6. Rear Lower Cellar area was vaulted and atmospheric but completely underutilised. It was proposed for conversion to enhanced education facilities for the existing education programmes on site including studio rooms and another performance venue Hall 3. These areas would be heavily impacted by the proposed changes;
7. The front section of the lower cellar level was the former grand entrance to the Hall and was currently under-utilised and had been altered over time. Proposed works would open up the full length of the Loggia and the Colston Street façade would have a screen of glazing inserted behind the columns to discourage anti-social behaviour and increase the internal floor for the restaurant and provide an active frontage on to the street; a new entrance would be made onto the piazza;
7. The Committee was advised that viewed as a whole, there was both substantial harm and also significant public benefit in the scheme. The greatest harm being the total loss of the Festival of Britain auditorium and to a lesser extent the vaulted cellar and Lantern building and loggia. All these changes were extremely regrettable. Committee was also advised that as a result Officers had undertaken the assessment required under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF and have given special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest which it possesses and have given the identified harm caused considerable importance and weight. In accordance with the requirements of planning policy officers have then considered whether the identified substantial harm or loss was necessary to achieve substantial public benefits that outweighed that harm or loss. In balancing the substantial harm posed against demonstrable public benefits the committee was advised that the substantial public benefits identified were the delivery of performance venues for the city of national and even international standard; provision of new incomes streams to enable a sustainable future and continued use of the hall for its intended function, an expanded education role supported by new and improved facilities, delivery of performance venues in line with current requirements in terms of the experience of those using the venue including audience and performer experience and accessibility; underused areas of the heritage asset being brought back into active use; exemplary design quality of new elements particularly Hall 1; greatly improved environmental performance of the building; and benefits in the restoration of areas of higher significance in the 1873 entrance block and Hall 2;
9. The applicant had worked closely with consultees and officers to address concerns and where practicable and substantially revised the proposals during the determination period seeking to minimise the degree of harm posed. Whilst the harm remains of a substantial nature there were now heritage gains in the scheme which with further detailed design secured by the suite of conditions below would better reveal the most significant elements of the original design of the Hall.
10. Highway safety, amenity, noise, trees and nature conservation issues were all addressed in the report and were all considered acceptable by officers subject to conditions and financial obligations;
11. In summary, officers on balance supported the application and recommend approval as it was concluded that there were adequate and significant public benefits from the proposals that outweighed the substantial harm posed;
12. Objections were maintained by 20th Century Society, Victorian Society and concern maintained by Heritage England and therefore the Committee was asked to endorse the recommendation to approve and to refer the application to the Secretary of State for Communities and Local Government.



The following points arose from discussion:-

1. Transport Officers were happy with the location of the loading bay on Trenchard Street;
2. The new pedestrian crossings were uncontrolled and the surfaces would delineate their location so that they were sensitively incorporated into the area;
3. There were long term aspirations for the area around the Hatchet and Frogmore Street and the Colston Hall would undertake some of the works that related to that area but could not fund the whole of the area;
4. The current and proposed capacities were as follows:-
 - Main auditorium
 - current standing - 1932, proposed standing – 2176;
 - current seated – 2055, proposed seated – 1833.
 - Lantern Room
 - current standing – 350, proposed standing – 500;
 - current seated – 239, proposed seated – 296.
 - New Hall 3.
 - Standing – 250,
 - Seated – 100.
5. The Chair stated that he wished for a venue suitable for the 21st century and would therefore be voting for approval;
6. Due to recent events of terrorism, hostile vehicle mitigation measures have been worked up within the proposals the details measures will be secured by condition;
7. Enhanced refuse facilities were conditioned and loading would take place Trenchard Street;
8. Councillor Mead observed that much effort had gone into the application to reflect current needs. It was important to attract good performers to the venue and the enhanced backstage facilities were important for a large performance venue. He did not feel the harm was significant as the building was not defunct. It would struggle to be an acceptable building with asbestos. It was right to remove the asbestos and at the same time make it a suitable 21st century venue and secure its financial future. He would vote for approval;
9. Councillor Wright stated the works were long overdue. Regarding potential harms, he failed to see why the auditorium was listed as he found it unremarkable and therefore not a great loss. The square outside the foyer did not currently work so opening it up would help. The Cellar was fine but he did not care for the opened up staircase. He would vote for approval;
10. There were no conditions on operating hours. The new Hall could operate as a nightclub type venue but it was mid-building so would not cause spill out of noise. It was a City Centre location with late night venues and student accommodation nearby and it was therefore unreasonable to impose a restrictive condition;



11. Councillor Mead moved the recommendations and this was seconded by Councillor Davies.

On being put to the vote it was unanimously:-

Resolved -

1. That the application together with responses to the publicity and consultations, the Committee report and members' comments be referred to the Secretary of State for Communities and Local Government.

If the Secretary of State makes no comment within the 21 day period from receipt of notification, then planning permission be granted subject to conditions as set out in the report.

2. That the application together with responses to the publicity and consultations, the Committee report and members' comments be referred to the Secretary of State for Communities and Local Government.

If the Secretary of State makes no comment within the 21 day period from receipt of notification, then listed building consent be granted subject to conditions as set out in the report.

8. Planning Application Number 17/04986/F - 270 Church Road

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

1. The application had been referred to Committee by Councillor Craig, as local ward Councillor, on the basis that higher density development was an aspiration of the Council and the application would deliver housing on a site in a poor state of repair;
2. Two errors in the report were corrected. The external elevation was 4.6m in height and not 5m as set out in the report and the width was 0.8m and not 0.5m as set out in the report;
3. The application sought to construct 2 storeys on the existing 2 storey building with a rear extension to the second storey. The third and fourth storey would provide a new 2 bedroom dwelling. The third storey would match the design and materials of the existing building and the fourth storey would comprise a timber clad box like structure. The existing barber shop on the ground floor would be retained but would undergo minor alterations. The sole access to the new dwelling would be via an external staircase from the rear yard to the fourth storey;
4. Cycle and refuse storage were policy compliant;
5. There was no car parking provision which was considered acceptable to transport officers;
6. In assessing, the principal of the development in a sustainable location was supported, however officers objected to the design as it did not accord with key design policies Four storeys and timber cladding on the roof were contrary to policies DM26 and 27 and Policy BCS21 of the Bristol Core Strategy;
7. Officers did not support the materials proposed for the box like structure which was out of keeping with the area;



8. The additional two storeys were contrary to Policy DM30 which states that extensions should be visually subservient to the host building and not dominate by virtue of siting and scale. The additional two storeys would appear visually dominant with the existing building and the street scene;
9. Officers could accept a scheme of a smaller scale such as a single storey extension but did not accept the fourth storey and believed the existing staircase was unsafe and the new dwelling was not a quality living environment;
10. In summary, the principal of an additional residential dwelling in a sustainable location was supported but this was balanced against an unacceptable scheme. In the absence of a revised scheme, officers recommended refusal.

The following points arose from discussion:-

1. It was not possible to redesign the scheme to make it acceptable. The scale was not helped by the use of very different materials;
2. Councillor Wright accepted the 3rd floor extension and staircase but could not support the fourth storey which was very visible and of a strange appearance;
3. Councillor Davies accepted the proposal was not ideal but it was not within a Conservation Area. It was untidy but this was outweighed by the provision of additional housing so would, on balance, support approval;
4. Councillor Mead noted that the applicant had been given an opportunity to redesign a scheme. The proposal was contrary to Policy DM30 so he would not support approval;
5. Councillor Brook support additional housing. The proposal was not visually acceptable but he believed this was not grounds to refuse. He accepted the access arrangements were constrained by the building. On balance he would support approval;
6. The Chair stated the fourth storey was visually unacceptable and very apparent on the roof top. He would vote against approval;
7. Councillor Mead moved the recommendation to refuse and this was seconded by Councillor Wright. On being put to the vote it was:-

Resolved – (8 for, 2 against, 1 abstention) That planning permission be refused for the following reasons:-

- 1. The proposed development by virtue by its height, scale and design would fail to respect the character of the existing property and the surrounding street scene, most notably in the relationship of the corner plot with the two storey terraces on Sherbourne Street. As an extension to the existing building, it would appear visually dominant, while the proposed modern box design of the fourth storey would be an incongruous addition to a highly visible corner property. Consequently, the proposed development is contrary to Policy BCS21 (Quality Urban Design) of the Bristol Core Strategy (June 2011) and DM 26 (Local Character and Distinctiveness) DM 27 (Layout and Form) and DM 30 (Alterations to Existing Buildings) of the Site Allocations and Development Management Policies Local Plan (July 2014).**



2. The development proposes that the sole access to the new third and fourth floor storey dwelling would be a 4.6m high external staircase. This is not considered a safe and inclusive form of access for a new dwelling and it would limit potential occupants of the dwelling. The proposed development would subsequently fail to provide a high quality environment for future occupants. Consequently, the proposed development is contrary to Policy BCS18 (Housing Type) and Policy BCS21 (Quality Urban Design) of the Bristol Core Strategy (June 2011).

9. Planning Application Number 17/03021/F - Merchants Academy, Gatehouse Avenue

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

1. The application was for the proposed relocation and expansion of the school to create a combined two-form entry primary school with a nursery and Autistic Condition Spectrum School;
2. The existing St Johns Ambulance building would be demolished and would become a car park and drop off facility for the Autistic Condition Spectrum School;
3. Trees - 3 A grade trees would be removed, it wouldn't be possible to retain these trees without a fundamental redesign. 33 trees would be removed and replaced with 73 on site in accordance with the Bristol Tree Replacement Standard;
4. Scale – the building would consist of one and two storey masses, the materials would be white render and timber cladding. It was considered that the design and scale would cause no harm to the character and appearance of the area given the limited visibility from the street;
5. Amenity – this was a key issue. It was accepted that the site was not ideal for a school but the applicant had looked at alternative locations but this was considered the most suitable as the existing school site had been identified under the Priority Schools Building Programme as beyond its life and requiring rebuilding and it would be difficult to achieve the desired increase in capacity at the current site. Locating all elements of the school on the same site would improve cross phase working and sharing of resources. The proposed site was largely disused as car parking and a walled garden area. To expand in any other location would impact negatively on the designated Important Open Space and would compromise the playing and sporting facilities;
6. The site would be approximately 23m from the rear elevations of properties along Gatehouse Avenue. There would be some overshadowing of some sections of rear gardens at certain times of the day and of some sections of the properties in the Winter. The end terrace property – No 8, Smithmead would be 6m away from the new school building. As a consequence of officer concerns regarding overbearing the scheme was redesigned to reduce the impact. Officers were now satisfied following a balanced assessment that the overbearing impact on No.8 Smithmead would not be harmful enough to warrant refusal in this instance.
7. In conclusion, it was considered that the public benefits of providing an



important educational establishment outweighed the harm and was therefore recommended for approval.

The following points arose from discussion:-

1. There was no case law regarding the tipping point on overshadowing. It should be considered on a case by case basis and with the scheme as a whole. It was primarily gardens and only some properties in the Winter months that would be affected by overshadowing and it was therefore, on balance, considered not harmful enough to warrant refusal;
2. Officers were satisfied that BREEAM would achieve 'very good' and 'not excellent' for the reasons set out in the report;
3. Councillor Stevens referred to policy BCS9 which states that A grade trees should be retained wherever possible. He believed that the developer should have designed around these trees and applied this policy at the outset. In response, the Committee was informed that trees were A grade but not considered worthy of TPO protection. A fundamental redesign would be required to retain these trees. The 33 trees lost would be replaced with 73 as mitigation;
4. Councillor Sergeant remarked that it was important to provide good quality school buildings but this appeared unacceptably close to neighbouring gardens albeit the impact would not be as significant at all times of the year. She believed residents would be very disappointed if the Committee approved it;
5. Councillor Dudd stated that he was initially open-minded but now agreed with the previous comment – it was unacceptably close and was a loss of privacy for neighbouring properties. He believed this would not come forward had it been in Clifton;
6. Councillor Mead noted that the loss of a view was not a material planning consideration. The overshadowing was not a big issue for him but agreed with the previous comment regarding the area for such a proposal. He did not support the scheme design and was minded to reject on those grounds. He also noted that there was an existing primary school site nearby and questioned whether this could have been redeveloped;
7. Councillor Jones agreed with previous comments stating that the development was incongruous and overbearing. He appreciated the importance of education establishments but the nature of the building and its proximity to neighbouring properties meant he would vote against it;
8. Councillor Stevens would vote against for the reasons of loss of privacy, amenity and trees;
9. Councillor Clarke would vote for the proposal as it would provide a much needed autistic facility. He felt the BREEAM condition should be changed to 'excellent';
10. Councillor Brook noted the need for good quality schools and facilities for autistic disorders. Its design was outweighed by the need for a school;
11. The Head of Development Management in responding to comments regarding where the proposed development was, robustly defended officers protecting amenity in every area of Bristol. This decision could have been taken under delegated authority but was brought to Committee due to level of objections received. The decision was clearly a balanced one for the need for a school and amenity due to the proximity to nearby properties. He highlighted to the Committee paragraph 72 of National Planning Policy Framework which states that great weight should be given to the need for schools. He referred to



the shadow diagrams and stated that Committee needed to be satisfied of the impacts and balance these against the great weight to the need for schools;

12. Councillor Dudd moved that the application be rejected for the reasons of overshadowing, overlooking and the loss of A grade trees. This was seconded by Councillor Stevens. On being put to the vote, it was:-

Resolved – (6 for, 4 against, 1 abstention) That planning permission be refused for the following reasons:-

- i. Overlooking, overbearing and overshadowing of neighbouring dwellings;**
- ii. The loss of 3 A Grade trees.**

10 Planning Application Number 17/05307/F - 6 All Saints Lane

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

1. Councillor Paul Smith had referred this application to Committee for the reasons that it eroded employment uses in the City Centre and over intensive use of a listed building;
2. The application was for a change of use from A2 to C 3 student accommodation. Minor alterations were proposed within the building envelope;
3. In respect to consultation, there were no comments from nearby neighbours. Those comments received included over intensity of student accommodation in the City Centre, loss of employment space, over intensive use of the site;
4. Highway officers commented on the lack of out-door space which meant there was only space for 2 cycle storage stands but on balance they accepted the proposal;
5. The site had been marketed for office use but there had been no interest shown hence the owners application for change of use;
6. Residential amenity - The standard of accommodation was good and well exceeded space standard requirements. There was good communal living space and communal study room. All bedrooms had natural light;
7. Design – there was no changes to the external heritage assets. The inside had been designed in accordance with conservation officer advice;
8. Sustainability – there was no on-site renewable energy provision however other measures are proposed to improve performance;
10. In summary, the application for planning permission and listed building consent was recommended for approval subject to conditions.

The following points arose from discussion:-



1. Cycle storage was one for one provision which was well in excess of standards. There would be 8 cycles in the basement and 4 outside;
2. The applicant had classified the application as C3 but it was confirmed that larger scale HMO's were normally sui generis. It was not possible to change the description of the development unilaterally but officers had assessed the application as sui generis student accommodation;
3. Councillor Dudd referred to BCS18 regarding housing balance. He believed there was now a tipping point and there were no longer mixed communities and asked whether there were enforcement powers. He was informed that currently all policies were not aligned. BCAP4 - specialist student accommodation was acceptable unless there was a harmful concentration in any given area. Until a different policy was in place, applications were assessed on the current policy;
4. This was low density in student accommodation numbers and not a multi-flatted tower block;
5. Councillor Stevens asked whether the proposal was specialist student accommodation or an HMO so it could be judged against the correct policies and was informed that it was both HMO and specialist accommodation for students. It was confirmed that there was no difference between specialist student accommodation and an HMO;
6. Councillor Sergeant asked for the definition of student accommodation and whether there were any mitigation costs and was informed that in planning terms there was no real difference. The site could be marketed for students or a mix. It was not liable for affordable housing contributions but was for other planning provision mitigations;
7. Councillor Clarke was familiar with the site and noted that it was within the night time economy area and there were few nearby residents and he would therefore vote for approval;
8. Councillor Wright remarked that the preservation of a listed building by becoming an HMO was unacceptable and the site should be maintained as a commercial site. He would vote against approval;
9. Councillor Sergeant expressed concern regarding more HMOs in the city. Waste was poorly managed in HMOs. It was vital that owners of HMOs took responsibility for the management of their tenants. Councillor Davies observed that this could be dealt with through the Local Plan review and the planning officer added that grant was subject to adhering to a Management Plan which included waste arrangements which would be for the life time of the development;
10. Councillor Dudd noted that there were some residents further down the lane. He did not wish to lose employment space and shared concern on the future of the heritage of the building. He would vote against approval;
11. Councillor Davies moved the recommendation (to approve) which was seconded by Councillor Mead. On being put to the vote, it was lost (4 for, 7 against);
12. Councillor Wright therefore moved that the application be refused for the loss of employment space, the harm to the listed building by its use as an HMO and the over intensive use of the building. This was seconded by Councillor Dudd. On being put to the vote it was:-

Resolved – (8 for, 3 against) That planning permission be refused for the following reasons:-

- i. The loss of employment space;**
- ii. The harm to the listed building by its use as an HMO;**
- iii. The over intensive use of the building.**



11 Date of Next Meeting

10 January 2018 @ 6pm.

End: 6.40pm

Chair

