

# Bristol City Council

## Minutes of the Development Control A Committee



21 June 2018 at 2.00 pm

### **Members Present:-**

**Councillors:** Donald Alexander, Clive Stevens, Chris Windows, Mark Wright, Fabian Breckels, Tony Carey, Stephen Clarke, Mike Davies, Olly Mead Celia Phipps and Tom Brook (Substitute)

### **Officers in Attendance:-**

Gary Collins - Head of Development Management, Jim Cliffe – Planning Obligations Manager, Paul Chick, Thomas Wilkinson, Susannah Pettit, Ken Reid – Development Management Officers, Allison Taylor – Democratic Services.

### **1. Election of Chair for 2018/19 Municipal Year**

Councillor Don Alexander was nominated and seconded. There were no further nominations and it was therefore:-

**Resolved – That Councillor Don Alexander be elected as Chair of Development Control Committee A for 2018/19.**

### **2. Election of Vice-Chair 2018/19**

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

**Resolved – that Councillor Chris Windows be elected as Vice Chair of Development Control Committee A for 2018/19.**

### **3. Terms of Reference for Development Control Committees**

The Terms of reference as determined by Annual Council on 22 May 2018 was noted.



#### **4. Dates of Future Meetings 2018/19**

**Resolved – that the meetings for DC A Committee for 2018/19 are agreed as follows:-**

2pm 25 July 2018;  
6pm 5 September 2018;  
10am 17 October 2018;  
2pm 28 November 2018;  
6pm 9 January 2019;  
10am 20 February 2019;  
6pm 3 April 2019.

#### **5. Welcome, Introductions and Safety Information**

The Chair welcomed everyone to the meeting and advised everyone of the fire evacuation arrangements.

#### **6. Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Hickman with Councillor Brook as substitute.

#### **7. Declarations of Interest**

Councillor Clarke referred to Sims Metal Management - Royal Edward Dock application and stated that he had been a Director of the Bristol Port Company but was open minded and able to make a decision on this application.

Councillor Carey referred to the St John Hall application. He would withdraw from the Committee when this application was considered as he had submitted a Public Forum statement on it.

Councillor Davies referred to the Stoke Lodge Playing Fields application stating that his employer, Thangam Debonnaire MP, had submitted a Public Forum Statement on it. He had no connection to the Statement and was open minded and able to make a decision on this application. He also referred to the YardArts application. He would withdraw from the Committee when this application was considered as he had submitted a Public Forum Statement on it.



The Chair declared that he was a member of the Public Rights of Way Committee which would be considering a report on the Stoke Lodge Town and Village Green application. The Stoke Lodge application on this agenda had no connection to that report. The Chair also declared that he was the Ward member for the Sims Metal Management - Royal Edward Dock application and had attended discussions on the application but remained open minded and able to make a decision on the application.

## **8. Minutes of the previous meeting**

**Resolved – that the minutes of the above meeting be approved as a correct record and signed by the Chair.**

## **9. Appeals**

The Appeals were noted.

## **10 Enforcement**

The Head of Development Management referred to the one notice in the papers. This matter had now been resolved as a new location had been agreed and planning permission had been granted. The notice would therefore be withdrawn.

## **11 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.

## **12 Planning and Development**

The Committee considered the following Planning Applications.

## **13 17/06665/F - Stoke Lodge Playing Fields Shirehampton Road Bristol BS9 1BN**

The representative of the Head of Development Management made the following points by way of introduction:-



1. The application was for the demolition of an existing changing room building and brick tower and construction of a larger replacement changing room building and associated works. The hours of operation would be Monday to Friday 8am to 10pm, Saturday to Sunday 9am to 8pm;
2. Due to the level of public interest and the nature of the development it was considered appropriate for the application to come before the Committee. The Planning Authority received 311 letters of objection from surrounding residential properties and 211 letters of support;
3. The established playing field open space was owned by Bristol City Council and used by Cotham School for playing facilities on a leasehold basis;
4. Stoke Lodge is a listed building. The existing pavilion, which is some distance from Stoke Lodge, gained planning permission in 1966 and was in a poor state of repair and no longer fit for purpose;
5. The height and the footprint of the proposal would be increased from the existing building. Although this was an increased scale of building, officers did not consider it harmful in terms of impacts on historic assets;
5. Officers considered that noise disturbance could be an outcome from this proposal but would not refuse it on that basis as this could be conditioned;
6. Four trees will be removed in order to facilitate the development and replacement trees would be conditioned;
7. The basis for the Planning Authority's objection was that the proposed enhanced and enlarged facilities would result in an increased intensity of use and thus number of users of the site. This would lead to a significant increase in coach and vehicle traffic which is unsuited to the local highway network. There were no turning facilities for coaches which would exacerbate the harm caused. The applicant was asked to provide data with respect to car parking but had not done so on the basis they believed there would be no material increase. Officers had suggested a possible solution of using the Stoke Lodge Car Park but the applicants did not wish to enter into discussions and wished the application as it stood to be considered;
8. In summary, officers recommended refusal as traffic impact was unacceptable and contrary to Policy DM23.

The following points arose from debate;

1. Councillor Breckels asked whether the Planning Authority could condition the use of the car park to mitigate the unacceptable traffic impact and was informed that this would be changing the nature of the application. The applicant had not wished to discuss this possible solution so such a condition would amount to a leap of faith and raise a question over whether it would be delivered;
2. It was noted that trip information on vehicle usage had been requested three times;
3. Councillor Mead referred to the historic asset of the site and questioned the officer's view that the proposal would not cause harm and was informed that the proposal was not of high quality but still presented an improvement to the current building;
4. Councillor Stevens questioned whether heavy vehicles would be allowed on fields as they would cause harm to trees and was informed that the Tree Officer was content that the Construction Management Plan would address that. The Officer recommendation to refuse also covered the reason of emergency vehicles not being able to access the site;
5. Officers could not definitely conclude that there would be more activity and more traffic but their reasoning was based on an assessment of the layout and increase in size;



6. Councillor Mead expressed his frustration that the school had chosen not to engage with officers as it was important that young people had good sports facilities but he supported the view of officers with respect to the unacceptable traffic impact;
7. Councillor Brook supported the principle of the development in improving facilities and did not believe this was commercialisation. He did not believe there would be an intensity of use but as the applicants had not made that clear, he assumed the worst and supported the officer recommendation. He was disappointed no mitigation had been considered;
8. Councillor Clarke felt this was a balanced decision. The current building was very run down so he questioned whether this factor outweighed the traffic impact. He was undecided at this stage;
9. Councillor Breckels noted the poor state of the current building but the traffic issues had to be addressed. He was frustrated that the applicant had not given reassurances or acted on the potential solutions. He would support the officer recommendation;
10. Councillor Windows felt it was a shame that the applicants had not received the best advice on how to proceed and wished to support sport but could not accept the traffic impact and would vote for the officer recommendation;
11. Councillor Mead moved the officer recommendation and this was seconded by Councillor Windows and on being put to the vote it was:-

**RESOLVED (7 for, 3 against, 1 abstention) - That the application be refused as the proposed enlarged and enhanced changing facilities would increase the intensity of usage of the facilities by Cotham School as well as community sports teams and that would in turn be associated with a significant increase in vehicle and coach traffic and parking demand unsuited to the local highway network surrounding the site. Therefore, based on the information provided, it is considered that the proposal would give rise to unacceptable traffic and highway safety conditions. The proposal is therefore in conflict with Policy BCS10 of the Bristol Core Strategy (2011) and Policy DM23 of the Site Allocations and Development Management Policies (2014) as well as guidance within the NPPF.**

#### **14 17/07003/F - Sims Metal Management Royal Edward Dock Bristol BS11 9BT**

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 Head of Development Management made the following points by way of introduction:-

1. The application related to an existing metal processing facility within the Avonmouth Principle Industrial and Warehousing Area as designated by the Bristol Local Plan. The existing facility was 30 years old and out of date;



2. The proposal was to expand the facility onto an adjacent piece of land, to add new plant and to upgrade and acoustically enclose existing plant. It proposed a 3.5m high fence to limit dust escape and a pre-shredder to reduce occurrence of explosions in the Fragmentiser;
3. The application attracted 18 objections concerning air quality and dust and noise pollution;
4. The applicant undertook robust community engagement and their responses to concerns were set out in the report;
5. In summary, there were no adverse design, sustainability or ecology impacts envisaged. The business would become more efficient if planning permission was granted and this was recommended.

The following points arose from debate:-

1. The only part of the development appropriate for renewable energy was the office. As the main part of the proposal was for recycling and the structures were acoustic houses and not buildings and the renewable energy was small for the office. However, the report set out other sustainability measures they had offered;
2. The Head of Development Management confirmed that no weight should currently be given to the emerging Local Plan as policies were not yet formulated;
3. Councillor Mead referred to St Andrews Church which had been there long before this development and there had been concerns about dust in Avonmouth for some time. In response, he was informed that the applicant had worked well with officers to balance the needs of the business with residential amenity and the application was now at the stage where this had been achieved;
4. Councillor Davies stated the acoustic barrier would improve the noise break out and noted that the a 6-8 db reduction was a significant reduction for residents;
5. The representative of the Head of Development Management confirmed that weight should be given to the fact that the site was already a recycling plant as if refused and appealed the Inspector would take this into account;
6. The Chair observed that the residents of Avonmouth had suffered from dust and noise pollution for some time and this would not happen in central Bristol. He commended Sims for the effort they had put into community engagement. He noted the assurances that things would not be made worse and noted there was a brand reputation to protect. He was therefore minded to support the officer recommendation;
7. Councillor Wright supported the officer recommendation;
8. Councillor Mead was minded to abstain as he could not be satisfied it would not be worse but equally he did not want to refuse the application in light of an appeal;
9. Councillor Breckels stated his support for the officer recommendation as he believed there would be sound reduction improvements and an established use would be difficult to defend at appeal. He therefore moved the officer recommendation and this was seconded by Councillor Windows. On being put to the vote it was:

**RESOLVED (10 for, 1 abstention) – That planning permission be granted subject to a Planning Agreement as set out in the report and amendments as set out in the Amendment Sheet.**



## 15 17/06519/F - St John Hall 107 Wick Road Bristol, BS4 4HE

Councillor Carey stood down for this application. Councillor Windows noted that he knew the agent of the application and therefore chose to stand down. This left 9 Committee members to vote on this item.

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 Head of Development Management made the following points by way of introduction:-

1. This application was referred to the Committee by both local ward Councillors – Carey and Langley and was also before the Committee due to level of public interest for the proposal and concerns expressed regarding the developer and their past issues;
2. The application was to demolish the former St John Hall and garage building and replace it with 8 single dwelling houses with the front pedestrianised and a communal cycle store;
3. The proposal had initially attracted 29 objections then on revision, 16 objections concerning overlooking, noise and parking;
4. Key issues concerned loss of community facility as the building was in a poor state, overshadowing of properties in Manworthy Road, City Reach and the Brislington and St Annes Conservative Club, a loss of privacy to properties in Manworthy Road and intensity of development;
5. There were no design objections. Eight units did comply with policy in terms of efficient use of land and this proposal was less intensive than the outline permission granted in 2009;
6. Transport colleagues were content subject to a TRO on the junction to improve visibility;
7. In Summary, officers recommended approval subject to conditions and a TRO.

The following points arose from debate:-

1. Councillor Davies asked whether an enforcement monitoring inspections could be undertaken as an exception in this case and was informed that the applicant was not material to decision making though this was a case when it would be prudent to closely watch the site being built;
2. Transport colleagues were content that emergency vehicles could access the lane. A standard vehicle was used to assess this. Approved vehicles would have to be arranged for private waste collection;
3. Councillor Stevens noted that this proposal did not meet the policy of mixed housing and asked how approval was justified when flats were not proposed. In response, he was informed that policy also included more housing and officers' focus had been on smaller units that impacted less on the residential area and the nature of the immediate area was family houses;
4. Councillor Wright felt it was a reasonable proposal for family housing and not over developed so he would vote in support of the officer recommendation;
5. Councillor Breckels stated there was a need for more housing and would support the officer recommendation. He hoped enforcement officers would monitor the site;



6. Councillor Brook stated that it was sad to lose a community building but it was old and more housing was needed. He would support the officer recommendation;
7. Councillor Mead moved the officer recommendation and it was seconded by Councillor Davies. It was therefore:-

**RESOLVED (unanimously) - That planning permission be granted subject to conditions as set out in the report.**

#### **16 17/01898/F - YardArts 17 - 29 Lower Ashley, Road St Pauls Bristol BS2 9QA**

Councillor Davies stood down. This left 10 Committee members to vote on this item.

The representative of the Head of Development Management made the following points by way of introduction:-

1. The application was for a four-storey block of 37 residential apartments alongside car parking, refuse storage and amenity space to the rear;
2. 7 of the 37 apartments would be affordable thus meeting the Council's 20% affordable housing requirement;
3. The Planning Authority supported the principle of redevelopment for housing but had a number of issues with this application hence the recommendation to refuse;
4. 38% (14 of 37) of the apartments were single aspect and north facing and would not get sunlight most of the day. This was in excess of what officers could support. Policy DM29 applies. The applicant was advised to reconfigure but chose not to do so;
2. Air quality was a serious issue in the area which suffered high concentrations of pollution given its proximity to the M32 and the development would create a street canyon which would exacerbate pollution along Lower Ashley Road;
3. The development would have a harmful overshadowing impact on the neighbouring residential property above the ground floor takeaway. A shadow analysis undertaken showed that at times of this year this would be worse;
4. The development was poorly designed and over intensive by virtue of its height, bulk, massing and overall design;
5. Two trees on site were a rare species and provided sufficient amenity to warrant a TPO in view of the Tree Officer;
6. In summary, the provision of affordable housing was supported but for the reasons above officers recommended refusal.

The following points arose from debate:-

1. Officers had suggested some solutions to the applicant but the applicant had not wished to pursue these;





2. The Head of Development Management stated that it had been recommended for refusal on affordable housing grounds also even though it met the 20% requirement on type and level in order to protect the Council's position on this matter at appeal. The Inspector would need to know the full case and the applicant could subsequently state that no affordable housing was offered. That reason for refusal would go away if the applicant confirmed the provision of affordable housing at the appeal stage;
3. The resident and takeaway owner had not objected but there was some doubt if they were occupying the premises at the moment;
4. A well designed, high quality development could have mitigated against the loss of the trees. This scheme did not. It was a balanced position;
5. It was confirmed that there was scope for a higher quality scheme whilst retaining the trees;
6. Councillor Breckels disagreed with the officer recommendation as he had seen far less well-designed schemes and the whole row of buildings on that road were north facing. He added that he would vote for grant subject to not all the affordable units being located at the rear of the development. The Head of Development Management responded that the issue was both north facing and single aspect that officers concluded was not acceptable. There were options for significant improvement;
7. Councillor Wright felt that the impact on amenity was the more important issue. The proposal should be scaled down so that the neighbouring properties were not permanently in shade and the two trees saved. He would vote for the officer recommendation to refuse;
8. Councillor Stevens would vote for the officer recommendation to refuse for the over intensity of the proposal and for the loss of the trees;
9. Councillor Clarke was less concerned with the over intensity but was for the loss of the trees though noted that they could be mitigated off site. He would therefore vote against the officer recommendation to refuse;
10. Councillor Windows would vote against the officer recommendation to refuse;
11. Councillor Wright moved the officer recommendation to refuse for the reasons set out in the report and this was seconded by Councillor Breckels. On being put to the vote it was :-

**RESOLVED (4 for, 3 against and 3 abstentions) – That the application be refused for the following reasons:-**

1. **The proposed development by virtue of the scale, bulk, form, massing, siting, layout, design and overall over intensive form of development in close proximity to existing neighbouring property No.15 Lower Ashely Road will result in harm to neighbouring residential amenity by means of overbearing and overshadowing. The application is therefore considered contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2011), Policies DM27 and DM29 of the Site Allocations and Development Management Policies (2014) as well as guidance contained within the NPPF (2012).**
2. **The proposed development as a whole is considered to represent a poorly designed and detrimentally over intensive form of development by virtue of the creation of sub-standard living accommodation for future occupants given the significant proportion of single aspect north facing units, offering poor outlook and insufficient levels of natural daylight/sunlight**



and cross ventilation as well the lack of an active ground floor frontage which is harmful to the appearance of the development, the overall street scene as well as natural surveillance levels. The application is therefore considered contrary to Policies BCS18, BCS20 and BCS21 of the Bristol Development Framework Core Strategy (2011), Policies DM26, DM27 and DM29 of the Site Allocations and Development Management Policies (2014) as well as guidance contained within the NPPF (2012).

3. The development would result in the loss of two locally important, prominent and mature Category B trees (*paulownia tomentosa*) which due to their un-common nature, appearance and position contribute positively towards the character and appearance of the area and hold high visual amenity value. Insufficient mitigation (either on site replacement planting or financial contribution) in accordance with the Bristol Tree Replacement Standard has been agreed to justify and/or mitigate the loss of this existing important green infrastructure. The development is therefore contrary to Policies BCS9, BCS11 and BCS21 of the Bristol Development Framework Core Strategy (2011), Policies DM15, DM17, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies (2014) as well as guidance contained within the NPPF (2012) and within the Planning Obligations SP (Adopted 2012).
4. In the absence of an appropriate agreement under s106 of the Town and Country Planning Act 1990, the proposed development fails to provision adequate affordable housing to meet the city wide need for affordable housing, contrary to Policies BCS11 and BCS17 of the Bristol Core Strategy (2011), the Planning Obligations SPD (Adopted 2012) and guidance within the NPPF.

#### 17 18/00634/P - Eastgate Centre Eastgate Road, Bristol

At this point Councillor Windows left the meeting. This left 10 Committee members to vote on this item.

1. The Head of Development Management introduced this item. This was the second time it was before Committee and since then the Committee membership had changed. On 16 May 2018 the Committee had made no decision and asked that it be brought back with conditions that could form part of an approval, which, in effect, was a deferral and the application remained undetermined. The report before this Committee provided those conditions and included the previous Committee report for information. The sequential test was a key issue and the Committee's clear views in May were shown in the minutes. As individual members, it was important to have regard to these views but no decision was made so members were not bound by the comments. In order to make a fully informed decision legal colleagues recommended that the previous public forum be circulated to the Committee and this was done;
2. Councillor Davies asked whether the content of the previous minutes would be used at appeal if the application was refused today for the sequential test reason and was informed that the previous meeting's discussion would be raised in any appeal as the minutes were a public record but this should not fetter the ability of members to make a decision on that basis;



3. The report now before the Committee also provided an additional assessment regarding trees and highway safety. The Committee was advised to give the appropriate weight to the previous discussion and reach a decision on that basis;
4. The Committee was informed that this was an application for an extension to an existing row of retail units comprising two fast food outlets and one retail unit, with service access at the rear. This would require the moving of a zebra crossing west along Eastgate Road. The existing drive-thru restaurant would also be moved further forward from its current position.
5. Objections regarding the removal of the Oak tree near Burger King were received when the first application to extend the retail park was submitted last year. As a result, this tree would be retained. A number of trees along Eastgate Road would be felled with the exception of one Poplar and one Ash tree;
6. The classification of Eastgate as a Local District Centre was not supported when the Bristol Core Strategy was drafted as retail centres should be truly accessible for all modes of transport as well as principal locations for shopping, community facilities, local entertainment, art and cultural facilities. . The Eastgate Centre is essentially just shops designed to be accessible for carborne shoppers and was therefore different in nature from Gloucester Road or the City Centre. The site had been restricted to the sell of 50% bulky goods and white goods, however, open, unrestricted A1 sales across the whole of Eastgate centre was granted by a Committee in September 2016 despite the officer recommendation to refuse.
7. This application had attracted 15 objections concerning traffic, air quality and loss of trees; no comments in support were received.
8. The key issue was whether the principle of retail development passed the sequential test as set out in the NPPF. This would require no alternative sites to be suitable and available in existing centres and the officer's view was that this test had not been met as there were sites available in the City Centre and Fishponds. This was a similar argument to the one officers had used in objecting to the expansion of Cribbs Causeway.
9. Off-site contributions had been offered for the loss of woodland but there were no policy reasons to allow this loss of important green infrastructure;
10. The moving of the zebra crossing presented a risk of pedestrian / cycle / vehicle collisions . A rail was proposed but pedestrians might hop over it to cross and this was a clear safety issue that officers could not support;
11. In summary, there was a clear case for the scheme to be refused for the following reasons:-
  - Unacceptable in principle as it is not in a designated retail centre and fails the 'sequential test';
  - Highway safety;
  - Loss of trees.
12. Councillor Stevens noted the restrictions of certain goods offered by the applicant but stated that local residents wanted a community facility that sold these items;
13. Councillor Clarke noted the applicant's QC's view on the Sequential test which stated that all the proposed development had to be able to be accommodated on one site. He was informed that the LPA's QC stated that it depended on the circumstances of the case and referred to paragraph 24 of the NPPF which talks about the need to demonstrate flexibility on issues such as format and scale.. Officers were confident it was up to the LPA to interpret the policy and it had been correctly done;



14. The Head of Development Management stated that should the Cribbs Causeway argument fall at appeal it could have an effect on this retail argument but the Committee should not determine this application on that basis;
15. Councillor Brook was satisfied with the officers' reasons for refusal;
16. Councillor Carey stated that the site was designed for car access and this application would reduce car parking spaces whilst attracting more cars;
17. Councillor Mead was concerned for the loss of green infrastructure and bird habitats and the moving of the zebra crossing which was a safety hazard;
18. Councillor Davies supported the officers' reasons for refusal and to take the opportunity to uphold the Council's own policies;
19. Councillor Stevens highlighted the need to protect the City Centre and provide amenities but this was not acceptable. He shared the concern for the moving of the zebra crossing and would support the officer recommendation;
20. Councillor Breckels was concerned about undermining the Council's policy at Cribbs Causeway, wished to protect Broadmead and was against the loss of the trees so would vote for the officer recommendation;
21. Councillor Davies moved the officer recommendation and this was seconded by Councillor Stevens. On being put to the vote it was:-

**RESOLVED (Unanimously) – That the application be refused for the following reasons:-**

1. **The Planning, Retail and Economic Assessment submitted with the application fails to satisfy the requirements of the sequential test as set out in the National Planning Policy Framework and DM7 of the Bristol Local Plan, as there are sequentially preferable, suitable and available alternatives within Bristol City Centre and Fishponds Town Centre.**
2. **The proposal would result in the unjustified loss of green infrastructure and as such is contrary to the provisions of policies BCS9 and DM17 of the Bristol Local Plan.**
3. **The proposed re-location of the zebra crossing on Eastgate Road would result in adverse impacts on the risk of vehicle/pedestrian/cycle collisions and is considered unacceptable. As such the proposal is contrary to policies BCS10 and DM23 of the Bristol Local Plan.**

- a. **17/04673/F - Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street Bristol BS2 0ZZ**



At this point Councillor Wright left. This left 9 Committee members to vote on this item.

The Head of Development Management made the following points by way of introduction:-

1. The application sought full planning permission for the erection of 6-11 storey building comprised 120 Private Rented Sector residential units and 524 sqm flexible commercial floor space at ground floor level within the Enterprise Zone;
2. Officers were content with the design though it was at the limits of what was acceptable;
3. The Planning Obligations Manager stated that the key issue for this application was viability for affordable housing. He stated that the affordable housing process had been protracted as the applicant had changed their viability consultant following assessment of the original viability appraisal submitted with the application, and had been changing key inputs such as Operating Costs and Profit Margins, which would have been expected to be set at an early point in the viability process.
4. He reported the receipt of a letter overnight which confirmed that the applicant would commit to a wholly private rental scheme for at least 15 years. This period was not unreasonable and would be secured in the Section 106 agreement. Affordable Housing would be secured for 125 years as was the case for ND7.
5. The Planning Obligations Manager confirmed that it was not appropriate for the viability appraisal to take account of long term growth, as the District Valuer was very clear that this must be dealt with in the yield, which was low for this scheme reflecting that rental growth was likely. It was not possible to know future rental growth and if there was another recession there could be no growth.
6. RICS had recently consulted on the issue of how to value property purpose built for the rental sector, and this had indicated that stamp duty land tax should be included in viability assessments for Private Rental Sector Schemes. The consultation was now closed but there was no report yet to provide clarity on the matter and no timescale regarding publication of the full guidance. However, at a meeting the previous day the applicant had stated that the draft guidance was now full guidance, despite this not being the case. The District Valuer considered that she should have regard to the guidance even if only draft, and despite her not being aware of any Private Rental Sector schemes that were not being held as long term investments.
7. On this basis, the District Valuer concluded that with stamp duty land tax factored in, the development could provide 4 affordable dwellings with rents set no higher than Local Housing Allowance levels.
8. The viability assessment assumed the commercial element of the development would be sold when completed therefore stamp duty land tax would be included for this element. In this case the applicant maintained that the viability figure should include stamp duty land tax for the whole scheme despite them accepting that the residential element of scheme would not be sold but kept long term for income generation. Should the applicant dispose of the development the worth would not be known. The viability was based on a 'normal' hypothetical developer who would sell quickly. Officers sought advice from the District Valuer who advised that their experience was that developers of Private Rental Sector schemes did not normally build speculatively.
9. The Planning Obligations Manager informed committee that the Council had previously dealt with two Private Rental Sector applications. One of which was the neighbouring site (ND7) which was by the same applicant as ND6 and which did not include stamp duty land tax. The other site (the former ambulance station) only included stamp duty land tax at a minimal rate.



10. The Committee needed to determine how much weight they gave to the draft RICS guidance which was not yet published as full guidance, and the fact that the same applicant had not included stamp duty land tax in their viability assessment to support their neighbouring ND7 Private Rental Sector scheme. . If limited weight was given to the draft RICS guidance, the consideration could be given to whether stamp duty land tax was included. Removing stamp duty land tax significantly changed the viability. The Planning Obligations Manager was not able to clearly advise either way on the issue of the weight to give the draft RICS guidance as this was a matter for the committee as decision maker;
11. If stamp duty land tax was not included 23 units (19.1% affordable housing) could be provided, 2 studios, 5 two-bed dwellings and 16 one-bedroom dwellings;
12. Councillor Stevens observed that the private rental scheme would not be sold for at least 15 years yet there would be a £1.7m deduction when sold but the price and stamp duty would not be known. He argued that lower weight should be given to the draft guidance as the outcome was not known. He also asked whether the emerging local plan could be similarly taken into account and was informed that the RICS guidance could not be compared to this as the RIC Guidance was not subject to public examination prior to being adopted. It should be viewed more in terms of a Supplementary Planning Document, which is produced, consulted on, amended and then adopted by the Council;
13. Councillor Breckels liked the scheme as it fitted in well to a mostly modern area and felt that the extra 19 units should be pursued;
14. Councillor Clarke approved of the scheme but was disappointed that the reduction in CO2 emissions did not achieve the policy requirement of 20%;
15. Councillor Brook approved of the scheme and believed that an investor would stay there for some time and therefore the stamp duty land tax should be discounted from consideration;
16. Councillor Carey asked where the policy of rental stood if L&G were taken over and asset stripped and was informed that planning permission ran with the land. Whoever purchased it would be bound by the terms of the S106 Agreement including affordable housing and private remaining for 15 years. A planning application could be submitted but this would be determined on its merits;
17. Councillor Stevens approved of the scheme and believed it should be approved with 2 conditions – that the private rental stays for 15 years or more and that the S106 agreement is based on 23 units;
18. Councillor Davies supported this and moved it formally. The Head of Development Management stressed the importance of a clear steer from the Committee as if the motion was successful the applicant could agree to sign a Section 106 Agreement or appeal non-determination. Councillor Davies confirmed the motion and it was seconded by Councillor Stevens. On being put to the vote it was:-

**Resolved (Unanimously) That planning permission be granted to include the conditions set out in the report, and subject to a Planning Agreement to secure the following:**

- i. The provision of 23 affordable dwellings rented at no more than LHA maximum rents which is to include service charges.**
- ii. The requirement for a viability review undertaken on completion of the development using the same principles as that agreed for the neighbouring plot (ND7).**
- iii. Public transport contributions of £32,214 to upgrade bus stops on New Kingsley Road and Avon Street plus a commuted sum of £500 per annum for the next three years for their on-going maintenance.**



**iv. A contribution of £10,000 for the installation of 12 line Real Time Information displays.**

**v. A Travel Plan Management and Audit Fee in the sum of £3,500 or Bristol City Council to undertake the implementation of the Travel Plan on the applicant's behalf for an Implementation Fee of £16,200 (£135 per dwelling).**

**vi. Traffic Regulation Order fees of £5,395 for proposed loading bay and temporary parking restrictions on Old Bread Street.**

The meeting ended at 6.30pm.

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

