

# Bristol City Council

## Minutes of the Development Control B Committee

26 September 2018 at 2.00 pm



### **Members Present:-**

**Councillors:** Sultan Khan (Chair), Richard Eddy (Vice-Chair), Donald Alexander, Lesley Alexander, Tom Brook, Harriet Clough, Carla Denyer, Fi Hance, Olly Mead and Celia Phipps

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

Gary Collins, Peter Westbury, David MacFadyen, Tom Watson, Jon Fellingham and Jeremy Livitt

## **1. Welcome, Introduction and Safety Information**

All parties were welcomed to the meeting.

## **2. Apologies for Absence**

Apologies for absence were received from Councillor Harriet Bradley (Celia Phipps substituting) and from Councillor Jo Sergeant (Don Alexander substituting). In addition, it was noted that Councillor Mike Davies was travelling back from the Labour Party Conference and was unlikely to be back in time for the meeting.

## **3. Declarations of Interest**

There were none.

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

These were agreed as a correct record subject to the inclusion of Councillor Eddy in the attendance list acting as Chair in Councillor Khan's absence and subject to the removal of the duplicate text relating to the Minute for the Mortimer House Application.

In response to a question from Councillor Eddy, the Head of Development Management stated that, in addition to the verbal update that he would be providing under Agenda Item 5 (Appeals), a more detailed report could be provided at the next meeting on 7th November 2018 if Members wished.



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

## **5. Appeals**

The Head of Development Management made the following comments:

8. Hamilton House – The hearing for this appeal would be held on Tuesday 2nd October 2018.

10. Old BRI – This appeal was held in abeyance. Whilst the developers UNITE had challenged the listing of the chapel, Bristol City Council had recently extended the Conservation Area to cover the appeal site which provided additional protection for the Old BRI building. Officers would update the Committee at the next meeting with regard to the status of the appeal as the current period of abeyance was about expire.

66 and 67 - 131 Bridgwater Road

66. This had been allowed and granted. The reasons for refusal were for a failure to provide a commuted sum towards off-site affordable housing. The decision letter set out in detail how the Inspector had considered the viability issues. Regrettably, the Inspector had accepted the appellant's view on key inputs into the viability issue and had concluded that the development could not provide any affordable housing, which was a cause for frustration for officers. The Committee indicated that they were satisfied with the detail provided in the verbal update and so a further written report was not required.

67. The Planning Inspector had dismissed this appeal and refused the application.

## **6. Enforcement**

The Service Manager – Development Management made the following comments:

1. Belvoir Road – A Section 215 Notice had been issued in respect of this site. It was noted that such notices are issued as a means of requiring the landowner to clear up the site if land was in poor condition and harmful to amenity.

## **7. Public forum**

Members of the Committee received Public Forum Questions (including written answers) and Statements in advance of the meeting.

The following verbal supplementary question was asked and response given by officers:



Q. If the application is approved, will homeless people be allowed to bring dogs with them to the hostel/

A: Yes. There was a maximum of 3 dogs allowed per person on the site.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision.

## 8. Planning and Development

The Committee considered the following Planning Applications:-

### 9. Planning Application Number 18/03879/F - St Annes House, St Annes Road, Bristol BS4 4AB

The representative of the Service Manager – Development Management made the following comments:

- The application was for temporary facilities and services from October 2018 to March 2019 and then for October 2019 to March 2020
- Local residents had been consulted on the proposal over a 3 week period
- The officers' report reflected the fact that the site had been designated as a principal industrial and warehousing area. However, there were other material considerations since it is for temporary use and, therefore, will return to employment use once this period had expired
- The proposal was for emergency accommodation in an existing commercial building. Therefore, there were very limited internal alterations and no external alterations
- The surrounding area was situated in Flood Zone 3 and, therefore, a Flood Evacuation Plan needed to be in place
- There was access to the upper floor but no alterations would be made there
- There were no proposed alterations to the fabric of the building
- The existing showers would be retained
- The council's ecologist had assessed the wooded area to the rear of the site and concluded that there would be no adverse impact

Officers responded to questions raised by Councillors as follows:

- There was a mixture of employment and residential properties near the site. All parties with a shared boundary with the site had been consulted as required and in addition some slightly further away
- Councillors' frustration was noted concerning the lack of proactivity concerning consultation on housing matters. However, whilst planning officers were aware of many aspects of this part of the consultation (such as leaflet drops), this was an entirely separate process to the planning consultation
- Planning officers had assumed that at least two members of staff would be on site at all times



- Since the application was for temporary accommodation, there were minimum proposed internal alterations including ventilation for showers, the kitchen and toilets. This planning application was the first stage of the process – a dialogue would take place with the developers concerning building regulations in the event that the application was approved
- Councillors' concerns were noted about the distance between the City Centre and the application site (2.6 Miles), as well as the fact that service users might try to get to the site on the off chance that a space is available and then find it difficult to travel back to the City Centre. Whilst Councillors might be minded to consider approving permission for 1 year and then revisiting the application, this would not be appropriate as the project was based on a 2 year period. The application needed to be considered on its own merits for a 2 year trial. The operation of the arrangements would be very largely dependent on the Management Plan which will allow the developer to address any lessons that are learnt and the interim report required by condition to reflect on the experience of the operation of the site. Ward Members would also be contacted on any feedback that they had received.
- In relation to pre-application consultation, with a major Planning application consultation with the community would be expected. However, since this falls well below the 1000 square metre requirement for this, the Planning Authority was not required to take any action in respect of this. However, some consultation had taken place. The National Planning Policy Framework required good consultation and needed this to be taken into account. It was up to the Committee to decide what weight to give this requirement in respect of this application
- Any difficulties which were raised in a Health and Safety survey would be the responsibility of the Health and Safety Executive to resolve.
- There is a separate entrance into the mixed dormitory area
- Whilst members' concerns were noted in relation to conflict with building users, this was not a planning issue and needed to be set to one side by Councillors in making their decision
- Councillors' concerns were noted about fencing on site. Officers proposed that, in the event that the application was approved, the Committee gives officers delegated authority to discuss this issue with the developers
- The development was a considerable way from requiring an Environmental Impact Assessment. The advice of Bristol City Council's ecologist had been sought on this issue
- The reference on page 38 stating that "The Planning quality requests" was indicating a suggestion from residents
- It was acknowledged that the reference to the ground floor in the material considerations on Page 42 could be misconstrued. Officers confirmed that the application was for partial use at St Annes House and would require no alterations at 1st Floor level
- The reference to Fire Escape Phase 2 on the plans was nothing to do with the hostel and not part of the application
- Officers noted a Councillor's concern about the properties near Woodside Road being very close to the site. However, it was confirmed that these were fenced off and were outside the application site
- Officers noted Councillors' concerns about housing issues on planning applications not being properly dealt with. However, officers were confident that the site management arrangements would work. Officers did propose that, in the event that the application was approved, condition 3



was strengthened to require production of the post occupation management report by 31st May 2019 rather than some time before October 2019. This would allow sufficient time for a full analysis prior to the re-opening of the hostel for 2019/20 period and effective engagement with the operators and Ward Members prior to this

- Officers noted Councillors' concerns about the need for CCTV on site. Whilst this was a management issue, officers understood that the site was already covered by CCTV.
- Housing licensing issues were not the responsibility of the Planning Authority in respect of this application

Councillors made the following comments in respect of this application:

- Whilst it was clear that there was a homeless problem in Bristol and a need for a hostel of this kind, this site was not appropriate for this. The quality of consultation with neighbours by the developer was disappointing. Whilst there was a Management Plan in place, it required a great deal of hope in the operator to ensure it was properly implemented. In addition, the site was a considerable distance from the City Centre (2.6 Miles) which was not appropriate. The application should be opposed
- Public transport remained a concern in respect of this application. The location was badly connected with the rest of the city. However, it was easy to become homeless and it was unfair to perceive those in this situation as always dangerous. In addition, the pre-application consultation had been unsatisfactory.
- In the case of a previous application for a hostel in the city, residents had been very concerned but a lot of the anticipated problems did not materialise. Since this was not a permanent application, it should be supported
- Many of the concerns about this site had been allayed since it was for temporary and emergency purposes subject to officers looking at the issue of the fence with delegated authority by the Committee
- The location was a cause for concern. It was almost impossible to reach it through public transport and there was no reference as to how this would be dealt with
- Whilst transport was the major concern for this application, it was not sufficient to outweigh the need for it
- Residential properties were too close to the site. This had been a problem in a similar application for a hostel within the Frome Vale constituency. In addition, whilst many service users were homeless people who had fallen on hard times, some were drug addicts and there was a risk that they would continue to fund their habit on the site
- The Cabinet Member had recently visited the site. Whilst the transport concerns were noted, there was an urgent need for a hostel. This was a temporary application and badly needed

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

**RESOLVED (Voting: 7 for, 2 against, 1 abstention): that the application be approved subject to the conditions set out in the report and also including the following:**



- (1) An additional condition requiring a Flood Evacuation Plan. Prior to the first occupation of the proposed use, the Applicants (or their successors) shall submit to and have approved in writing by the Local Planning Authority a Flood Evacuation Plan to confirm the means by which occupiers of the application site will evacuate in the event of a flood event.**

**Reason: To safeguard future residents from the impact of a future flood event.**

- (2) An alteration to Condition 3 as follows:**

**By 31st May 2019, the Applicants (or their successors) shall present a report to the Local Planning Authority setting out how the use has operated between 1st October 2018 and 31st March 2019. It shall include details of how many people have occupied the use, how much management has been in place and shall indicate whether there have been any complaints and how they have been addressed.**

**Reason: In order to determine whether any lessons need to be learnt for the second opening period (1st October 2019 to 31st March 2020).concerning the time of an assessment report for the first winter period that the temporary hostel is open to extend it until the end of May 2018**

- (3) Delegated authority to be given to officers to discuss the issue of fencing with the applicants**

#### **10 Planning Application Number 18/03500/F - Ground Floor Flat, 7 Belvedere Road, Westbury Park**

The representative of the Service Manager – Development Management made the following comments:

- A brief explanation of the site was provided. It was noted that it would involve the enlargement of the basement and proposed construction work using either diamond drill or hand held drill
- Objectors had expressed concerns about noise and disturbance during construction, the potential for damage to neighbouring properties and impact on highways. There had also been objections to the previous construction by the developer
- Since this was a designated conservation area, the impact on the neighbouring amenity needed to be considered
- The extension was proposed for residential use. Since this was at ground level, there would be no impact on neighbouring properties
- Noise during construction – whilst officers sympathised with residents concerning this issue, they had little control over contractors in this area. Conditions had been proposed to minimise impact. It was a requirement that the construction was carried out in accordance with the structural engineer’s report. However, any damage to neighbouring properties during construction was a civil matter

The representative of the Service Manager – Development Management made the following comments in response to Councillors’ comments:



- The application could not be refused on the basis of noise made during the construction process nor could it be made on the basis of hearsay of what the applicant may want to do in future at the property. Any change of use to a care home would require a new planning application that would be consulted on and considered on its merits. A previous application for a care home at the site had been withdrawn after various concerns had been raised by officers.
- Legislation was in existence concerning construction noise in relation to environmental health and pollution control. Residents were free to report issues relating to excessive noise which would then be investigated. Similarly, there could be no requirement to restrict noise levels during construction to a certain decibel level. In addition, the equipment in the previous construction involving the developer was JCB excavators which would not be the case with the current proposal
- Unfortunately, it was no longer possible for proactive monitoring of enforcement to take place. However, officers would respond to any complaints that they received. If the applicant breached the hours and/or method of construction, they could be subject to a breach of condition notice which in the event of a failure to comply would result in the matter being referred directly to the magistrate's court. The magistrates' court would consider evidence that the offence had occurred and failure to comply with the breach of condition notice in making its decision
- Alleged ownership of the property was not a relevant planning consideration
- The Committee could not take into account any possible future applications that might be submitted by this applicant. Each application needed to be considered on its own merit
- There was no indication as to whether or not the road would be closed during construction. The Highways Section would examine the acceptability of it

Councillors made the following comments:

- It was disappointing to see that there was no requirement for pre-application consultation for this scale of development under Planning Regulations. The developers should be encouraged to consult with neighbours. However, there was no good reason to refuse this application. If any unreasonable disturbance did take place, residents should be encouraged to pursue any complaints through recognised channels
- There seemed to be no legal reason that this application could be refused
- This application put the Committee in a difficult position. There had been problems with a road closure in the Eastville ward. In view of the situation, the application should reluctantly be supported

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

**Resolved (10 for – unanimously by those present) that the application contained in the report be approved subject to the conditions set out in the report.**

**11 Planning Application Number 18/02968/X - Avon Crescent, Bristol BS1 6XQ**



It was noted that this planning application had been withdrawn at the request of officers and with the agreement of the Spokespersons of the Committee and would be reconsidered at the next meeting to be held at 6pm on Wednesday 7th November 2018.

## **12 Date of Next Meeting**

It was noted that the next meeting was scheduled to be held at 6pm on Wednesday 7th November 2018 in the Council Chamber, City Hall, College Green, Bristol.

The meeting ended at 4.05pm

CHAIR

Meeting ended at Time Not Specified

CHAIR \_\_\_\_\_

