

# Bristol City Council

## Minutes of the Development Control A Committee



4 September 2019 at 2.00 pm

### **Members Present:-**

**Councillors:** Donald Alexander (Chair), Chris Windows (Vice-Chair), Clive Stevens, Mark Wright, Fabian Breckels, Stephen Clarke, Mike Davies, Margaret Hickman, Olly Mead, Afzal Shah, Tony Carey and Lesley Alexander

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

Gary Collins, Laurence Fallon and Claudette Campbell (Democratic Services Officer)

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

The Chair welcomed those present and explained the process to be followed on hearing of each application.

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

Apologies received from:

Cllr S Smith – substituted by Cllr L Alexander

Cllr P Goggin – substituted by Cllr A Shah

## **3. Declarations of Interest**

Cllr Mark Wright in relation to agenda item 8a - Lived locally to the development and therefore withdrew from the debate and decision making on this application.

Cllr Breckels and Cllr Clarke agenda item 8a with others attended the briefing on the Bedminster Green Framework but had an open mind on the proposed development.



Cllr Windows in relation to agenda item 8e - he was unaware that an agent involved with the application was related to his family. He confirmed that he has had no discussion with them about the application and therefore remained open minded to the application.

Cllr Breckels advised that the application at item 8e was on the edge of his ward but that he not had any involvement with the application.

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

Resolved that the minutes of the 24<sup>th</sup> July be approved as a correct record and signed by the Chair.

#### **5. Appeals**

The Head of Development Management introduced the report providing an overview of the appeals process. He highlighted the revised report shared with the public forum statements and amendment sheet drawing member's attention to the revision that related to item 29 62 Beech Road that was duplicated in the published document. The appeal was allowed but costs were not awarded against the Council because the Inspector did not view the Council's decision as unreasonable.

#### **6. Enforcement**

There were none.

#### **7. 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.

#### **8. Planning and Development**

##### **a. 19/00267/F - Former Pring And St Hill Ltd Malago Road Bristol BS3 4JH**

Cllr Mark Wright as local resident removed himself from committee; Cllr Shah emergency substitution for Cllr Goggin who was taken ill, arrived after the commencement of public forum therefore unable to take part in debate and the decision.

The Head of Development Management and his representative gave a presentation and summarised the report for this item including the following:



- a. Major application for the redevelopment of the site(plot 1); to provide 74 (number) student cluster units; and 40 (number) affordable housing units for social rent; including flexible ground floor community/commercial use.
- b. The first application related to the Bedminster Green Framework and outlined the key aspects of this document for the application site.
- c. The results of the consultation with wider residents and the main points of objection covering a number of areas in summary: the developers departure from the guidelines set out in the Bedminster Green Framework; the design – scale and massing of the proposals; impact on the River Malago; the impacts on amenity – light / noise; parking and highway issues; suitability of the location for student accommodation; and failure to address the recommendation/ guidance set out in the recently adopted Urban Living SPD;
- d. Officers advised that further comments had arrived from the Environment Agency that day, stating that they maintain their objection on flood risk and biodiversity grounds; the maintenance access requirements and amendments to the scheme were shown. Committee were asked, due to this objection from a statutory consultee, to note this update.
- e. An overview of the objection from the Flood Risk Team in relation to the proposed drainage strategy for the site.
- f. An overview of why the principle of development (and other material considerations) was considered acceptable was provided, before the Transport Development Management Officer was given the opportunity to speak to the issues detailed in the report relating to movement and access, giving an update on the Strategic Transport Assessment work that was ongoing and assurances that the A38 corridor scheme was nearing completion.
- g. Officer recommendation, as per the report, was to refuse the application on the following two grounds:
  - a. The proposed development by reason of its height, scale and massing would be unacceptable in design terms.
  - b. The application fails to demonstrate that flood risk would not be increased as a result of the development.

#### Questions for clarification

- h. Officers confirmed that the Bedminster Green Framework following its approval at Cabinet was deemed to be a material consideration for applications coming forward in this area.
- i. Should it become necessary to consider the introduction of resident parking zones (subject to public consultation) and related highway schemes, to mitigate the potential parking issues, the Developer's offer of a financial contribution would be available to meet the cost surrounding this work.
- j. Members questioned the impact of student population on the local community. The issues relating to arrival and departure days; the positive impact on local retail stores; negative impact on student mental health well-being resulting from living in a tall building with poor aspect;
- k. Officers advised that if the application was agreed conditions would be included to manage arrival and departure days; the strategic plan would determine whether arrival and departure would be timed; how the proposed lay-bys would be used;



- l. Officers confirmed that the Bedminster Green Framework did set out proposed heights for the development at 6 – 9 storeys and gave no indication, by way of markings, that plot 1 would be suitable for a taller building; that A2D, the developer and other developers in the area, were privy to discussions regarding the building height diagram included in the Framework document and that this document had been produced on their behalf.
- m. Members considered the diagrams provided showing the height of the proposed buildings in line with Windmill Hill area and the immediate environs of the site.
- n. Members enquired as to whether the issues raised by the Environmental Agency, as statutory consultees could be overcome by way of a condition, if Members were to allow the application to be granted.
- o. Officers advised that objections received from the Environment Agency was laid out in the report and confirmed via email maintaining their objection; that these comments supported and informed Officers decision making and final recommendation to committee.
- p. The Transport Development Management objection was noted. Whilst Officers would prefer that more clarity was provided over the Obligations identified in the report regarding amounts for contributions, the triggers for contributions, etc. In the event of an Appeal, Officers considered that the Councils position regarding the Strategic Transport Assessment would be protected by the Obligations outlined in the Committee Report, and this would form part of any position statement with the Applicant. The objection from TDM would be clear to any Inspector should they not be provided for. As such, it was not considered necessary to add a transport reason for refusal in addition to the two reasons given.

#### Member Debate

- q. Members expressed their concern over the design of the development; that the design deviated too much from the framework; concerns were expressed that the proposed build did not sit well in the location.
- r. Noted that many of objections raised by the statutory consultees had yet to be resolved.
- s. Members noted that East St retail area would benefit from the increased footfall from student economy but considered that there were too many objections to go against officer recommendation to refuse.
- t. There would be support for large scale development of the site, including the mix of student accommodation and affordable housing, but there were too many outstanding problems and the development was outside of the parameters of the framework. There would need to be good reasons for overturning the framework and these did not exist here.
- u. This was the first test of the framework and the requirements had not been met, there was no evidence that the affordable block met the requirements of the Urban Living SPD , and any student accommodation should not only provide for first year students.
- v. Members had regard for the Bedminster Green Framework considered that it was well thought out and a material consideration.
- w. Cllr M Davies proposed that Committee support officer recommendation to refuse, this was seconded by Cllr F Breckels

When put to the vote:



Resolved (voting 7 for and 3 against, no abstentions) that the application be refused on the grounds outlined in the Officer report.

- i. The proposed development by reason of its height, scale, massing and overall design quality would be unacceptable in design terms contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); Urban Living SPD (November 2018); and Bedminster Green Framework (March 2019).
- ii. The submitted Flood Risk Assessment and Drainage Strategy fail to demonstrate that the impacts of climate change and surface water drainage have been adequately taken into account and that adequate emergency access has been provided to the Malago Main River for the Environment Agency, thus the application fails to demonstrate that flood risk would not be increased as a result of the development. This is contrary to Policy BCS16 of the Core Strategy, as well as guidance within Section 14 of the National Planning Policy Framework.

**b. 19/01669/F - Unit 15 Albion Dockside Estate Hanover Place Bristol BS1 6UT**

The Head of Development Management and his representative gave a presentation and summarised the report for this item including the following:

- a. The application was for the replacement of the existing trisector pole supporting 3 no. antennas with 6 no. antenna apertures on 3 no. new support poles, and ancillary works thereto.
- b. 52 objections had been received; many stating they objected to the application on the grounds of the impact on health from 5G technology; the impact on the heritage aspect and characteristics of the building.
- c. The site is located within the City Docks conservation area and the building is designated as a 'character' building.
- d. The replacement of the antenna would involve; the removal; replacement of the supporting poles; increase in height of the replaced supporting poles; increase in mountings; the addition of cabinets to the roof area of the building.
- e. The Environmental Health Officer offered no objection to the application referring to the government guidance on Mobile phone base stations; radio waves and health in their submission.
- f. Officers sought refusal of the application on the grounds that:
  1. The proposed antenna and associated equipment would cause unacceptable harm to the character and appearance of the host property and fail to preserve or enhance the wider City Docks Conservation Area by virtue of their scale, form and prominent sitting on the most distinctive feature present on the identified character building which is exacerbated when viewed cumulatively with existing retained equipment.

Questions for clarification

- g. Members noted the location of the antennas on the roof and asked if they could be designed more in keeping with the conservation area. No alternatives were proposed.



## Member Debate

- h. Members recognised that, whilst health was a material planning consideration, the way this issue had to be assessed was set out clearly in the NPPF and that this application was accompanied by the relevant self-certification, therefore the health impacts of the development were considered to be acceptable.
- i. Members commented that many antennas are now designed to look like flag poles or ship mast to fall in line with the character of an area. The proposed design was viewed as giving a cluttered affect to the roof area and not in keeping with the character of the building.
- j. The alternative view was given that the clock tower was not hugely noticeable and that may be the case with the proposed antennas.
- k. Cllr Mead moved that the application be granted subject to further details being provided on the colour details of the equipment. Cllr Chris Windows seconded this Motion. (Officers advised that due to the nature of the antennas they could give no assurance that it was possible to influence the colour aspect.)
- l. On being put to the Vote the Motion was Lost (Voting 5 for, 6 against and 1 abstention).
- m. Cllr Davies then moved that the application be refused on the grounds set out in the Officer's report. The proposed antenna and associated equipment would cause unacceptable harm to the character and appearance of the host property and fail to preserve or enhance the wider City Docks Conservation Area by virtue of their scale, form and prominent sitting on the most distinctive feature present on the identified character building which is exacerbated when viewed cumulatively with existing retained equipment.
- n. Cllr Stevens seconded this Motion and on being put to the Vote it was:
  - o. Resolved – (voting 6 for, 5 against and 1 abstention) that the application be refused on the grounds set out in the Officer's report. The proposed antenna and associated equipment would cause unacceptable harm to the character and appearance of the host property and fail to preserve or enhance the wider City Docks Conservation Area by virtue of their scale, form and prominent sitting on the most distinctive feature present on the identified character building which is exacerbated when viewed cumulatively with existing retained equipment.

### c. **19/02945/F - SW Newfoundland Road Newfoundland Road Bristol**

The Head of Development Management and his representative gave a presentation and summarised the report for this item including the following:

- a. The application for the replacement of existing 14.7 metre monopole and 5 no. cabinets with 20 metre tall monopole and 6 no. new cabinets 2 no. cabinets retained to facilitate 5G coverage.
- b. The site is in the middle of the highway in close proximity to junction 3 of the M32 in an area with existing street furniture and existing telecommunications equipment.
- c. Consultation gave rise to 18 objections; many on the grounds of harmful effects of 5G to the health of humans and other life forms; and visual impact.



- d. The officer set out that due to the mast's nature and location whilst not ideal in terms of the increase in size and bulk would not cause such visual harm to warrant refusal in this instance and that any impact on the identified key view of the listed St Paul's Church would be minimal given its dynamic nature and the future development of Plot C Dove Lane.
- e. The officer reported that a declaration/certificate of ICNIRP compliance has been issued to support this application, which satisfactorily addresses the requirements of the NPPF (2019) and Policy DM36 in respect of public health grounds
- f. The Officer's recommend as per the report that the application is granted subject to conditions.

#### Questions for clarification

- g. Members asked questions on lighting of the structure at night due to the proposed height and what the colour would be; officers confirmed that there would not be lights but were uncertain of the colour, presumed to be grey.

#### Member Debate

- h. Members noted that the public had a blind spot to street furniture and were unlikely to notice such structures in the proposed location therefore considered the middle of the highway the safest place to construct such structures.
- i. Members recognised that, whilst health was a material planning consideration, the way this issue had to be assessed was set out clearly in the NPPF and that this application was accompanied by the relevant self-certification, therefore the health impacts of the development were considered to be acceptable.
- j. Cllr Mead proposed, seconded by Cllr Breckels, that committee support officer recommendation to grant the application together with the Additional information shared in the Amendment sheet.
- k. When put to the vote
- l. Resolved (voting 10 for;1 against; 1 abstention) that the application be granted subject to conditions.

#### **d. 19/01319/P - The Former Bell Public House 7 Prewett Street Bristol BS1 6PB**

The Head of Development Management and his representative gave a presentation and summarised the report for this item highlighting the following:

- a. Revised outline planning application for approval of the layout and scale of the development, for the demolition of the former Bell pub and auction rooms; for the construction of up to 32 no. residential apartments, with access; appearance and landscaping reserved.
- b. The previous application was refused in November 2018; the current application had taken on board the comments received from committee & officers, making significant changes to the design.





- c. Members were given an overview of the improvements to the design; that the development intends to offer 20% affordable housing; the public house was not listed; the current design did not have significant issues with the daylight and sunlight requirements; no harm was envisaged to residents' amenity;
- d. The site was currently a blight on the area; subject to anti-social activities; in urgent need of redevelopment.
- e. Following significant amendments to the scheme it is now considered that the proposal has the right layout and scale to form the basis for an acceptable future detailed design to accommodate 32 residential units in a 3 and 4 storey building.
- f. Officers were happy to recommend the outline planning permission for approval subject to conditions and to include the matters set out in the amendment sheet.
- g. Questions for clarification
  
- h. Members were concerned that the developers would revert to the previous design that was refused. Officers assured committee that the current application detailed the maximum envelope for the final build; work would continue with the design team on the final layout but this application gives the parameters in which they must work and would prevent them exceeding the height and mass detailed in the application.
- i. Officers were asked whether the frontage of the Bell Pub could be preserved and/or incorporated into the design. Officers were aware that The Bell although well known in the community was not a listed building and had no protection therefore could be demolished to make way for the development.
- j. Member Debate
  
- k. Members acknowledged the work done by the developers to heed the comments and directions given when the previous application was rejected.
- l. That the impact on St Mary Redcliff Church was significantly reduced; noted the comment in the report from Historic England on the proposal.
- m. Members welcomed the affordable housing element from the development.
- n. The area had been blighted by the site that had been derelict from 2008; the development would remove the crime & disorder associated with the site; and would bring relief & positive benefit to the residents in the area.
- o. Cllr Breckels, seconded by Cllr Shah, moved that the application be granted as recommended by officers together with the additional information given in the Amendment Sheet.
- p. When put to the vote:
  
- q. **Resolved** (12 to grant; 0 against; 0 abstain) to grant outline planning permission with associated conditions.

**e. 18/06663/F - Advertising Corner Of Air Balloon Road Hillside Road Bristol BS5 8LB**





The Head of Development Management and his representative gave a presentation and summarised the report for this item highlighting the following:

- a. The application had been referred to committee by the Ward Councillor but the objections had been withdrawn after consultations and proposed resolutions were noted that would address the concerns raised.
- b. The application was for the development of a site that normally had situated on it advertising hoarding; now to be replaced with the erection of 3 no. storey building containing 6 no. flats and associated landscaping.
- c. The presentation together with the report provided a description of the site together with the planning history; illustrated how the application submitted differed from the previous proposal; proposing the reduction in the number of flats from eight to six flats.
- d. The public consultation; noted concerns centred around residents vehicles increasing the pressure on available spaces along the highway for parking; impact on visibility for motorist entering and exiting Hillside road; challenged the parking survey on the basis that the applicant failed to consult extensively.
- e. The statutory consultees had no objection to the development of the site.
- f. The design plans shared demonstrated how the development would be set back from the main road and would include low growing planting essential to avoid interfering with visibility; Highways management proposal to extend the double yellow lines to prevent unsafe parking.
- g. Officers sought members approval of the application.

#### Questions for Clarification

- h. Members questioned the impact on resident parking on the movement of pupils being dropped off at Air Balloon School at the start and end of the school day; the level of consultation when a development borders a number of wards; displaced resident parking.
- i. Officer referred members to the report; TDM had raised concerns with the method and results of the initial parking survey and as a result a revised survey had been received. TDM were satisfied that the surrounding streets would accommodate additional vehicles. That the details submitted on accident data demonstrated that there were no discernible patterns of accidents that necessitate any changes to conditions around the site in terms of pedestrian access/movements.
- j. Member queried the drawing on the plan that gave an example of the possible landscaping for the garden that appeared over large, and sought assurances that the right shrubs would be introduced when landscaping that would not hinder visibility.

#### Members Debate

- k. Noted by members that the hoardings would be replaced with a development that was necessary to the provision of much needed housing.
- l. That they were pleased to note that the Ward Councillors concerns had been addressed and would look to officers to ensure the promised sustainability of the development materialised.



- m. Cllr Mead proposed, and Cllr Davies seconded, that members accept officer recommendation to grant this application subject to conditions, noting that the application would have been dealt with under delegated authority if negotiations had been completed prior to hearing date.
- n. When put to the vote:
- o. Resolved (voting 11 to grant; 1 against; 0 abstention) that the application be granted subject to conditions detailed in the report.

**f. 19/02349/F - 22A Islington Road Bristol BS3 1QB**

The Head of Development Management and his representative gave a presentation and summarised the report for this item highlighting the following:

- a. The application for the demolition of existing building to be replaced with a single dwelling that was first submitted to committee in April 2018 and deferred for amendments to the proposed roof scheme, due to the potential loss of light to neighbouring properties. The application was refused in August 2018 and following revision, detailed in the report, to the development is now submitted for approval.
- b. Members were shown diagrams providing a comparison between the initial development and the revised plans; pointing to the adjustments made to meet the concerns raised.
- c. The application had come to committee for agreement and not delegated because the partner of the applicant is now employed by the City Council.
- d. Officers sought committee approval of the revised scheme together with conditions detailed in the report.

Questions for clarification

- e. Officers clarified that the plans submitted were to scale and demonstrated the minor increase of height to the rear lower single storey that had no overall impact on the issues that arose in the former submissions.

Members Debate

- f. Members noted that it was a much improved design than the former designs and applauded the developer for noting committee comments; the proposed build was in keeping with the area.
- g. Noted the loss of studio space and looked to the city to find ways to include places for artist to work and be an added benefit to a community.
- h. Cllr Davies proposed, seconded by Cllr Mead, to approve officer recommendation to grant the application subject to conditions.

When put to the vote:

- i. Resolved (voting 12 for; 0 against; 0 abstentions) that planning permission be granted subject to conditions.

**9. Date of Next Meeting**



Meeting ended at 5.30 pm

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

