

Bristol City Council

Minutes of the Development Control A Committee



16 October 2019 at 6.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Chris Windows (Vice-Chair), Clive Stevens, Mark Wright, Fabian Breckels, Paul Goggin, Stephen Clarke, Mike Davies, Margaret Hickman, Afzal Shah and Steve Smith

Officers in Attendance:-

Gary Collins and Laurence Fallon

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

None

3. Declarations of Interest

The following were noted:

1. Councillor Clive Stevens and Councillor Mark Wright
 - a. Agenda item 8c – 19/01909/X 85 Queens Road Clifton
 - b. Local ward members and had submitted objections to the application
2. Councillor Clive Stevens
 - a. Agenda item 8b – 19/03178/F 6-8 Belgrave Hill
 - b. Local ward member and submitted an objection to the application
3. Councillor Mike Davies
 - a. Agenda item 8e – 19/01817/F
 - b. Local ward member and submitted an objection to the application



4. Minutes of the previous meeting

Resolved that the minutes of the 4th September be approved as correct record and signed by the Chair, with the following amendment:

- a. That the line in the declaration of interest that stated that Cllr Breckels ward boundary was near the application should be removed.

5. Appeals

The Head of Development Management introduced the report providing an overview of the appeals process. He highlighted the following:

1. Item 5 – Trust Headquarters Marlborough Street City Centre Bristol – the appeal hearing date is pending and will be shared when known.
2. Item 24 – 7-29 Wilder Street Student Accommodation: The application was refused by Committee against officer recommendation. The Inspector allowed the appeal and awarded costs against BCC. Committee refused on the basis of overconcentration and the loss of employment space. The inspector made a partial award of costs because he felt that the employment space reason could not be substantiated. In response to a question from a Member, officers confirmed that the Council was liable to pay the developers approximately £7,500 and this did not include the Council's own costs in defending the appeal.

6. Enforcement

The Head of Development Management was pleased to inform Committee that 6 enforcement notices had been issued.

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

9. 19/02632/PB Hengrove Park, Hengrove Way, Bristol

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



- a. This application is a resubmission of an application refused by this Committee on the 27th February 2019 against the recommendation of officers, and seeks to address the 6 grounds for refusal through a number of amendments.
- b. Committee were reminded of the intention of the development and its importance to Bristol's housing strategy.
- c. The previous reasons for refusal were outlined namely; density; lack of quality park; loss of poplar trees; lack of employment space; lack of community facilities; car dependency.
- d. Sport England a statutory consultee had submitted an objection to the application; conversations are ongoing; the revised application increases the offer of sport facilities but is short on the detail requested by Sport England at this outline stage. This is because it is too early in the process to provide such detail. It is anticipated that this objection may be withdrawn.
- e. If not withdrawn and the application is approved it will have to be referred to the Secretary of State to afford the opportunity for a call in before a decision can be issued.
- f. Officers recommend approval because the amended application overcame the reasons given for refusal. That draft conditions are to be finalised under delegated authority.
- g. Questions for Clarification
- h. The development did not impact the existing play area and the current designated green space.
- i. Adjustments had been made to retain the poplar trees noted in the refusal resolution but that adjustment had resulted in the loss of dwellings.
- j. Hengrove and Whitchurch Park Neighbourhood Plan: the application is considered against the HWPNP and all current planning policy; the expectation is for the proposal to adhere to the Masterplan Moves plan and Bristol City Council planning policy.
- k. The report addresses the health care issues; the recommended contribution stemmed from discussions with the CCG, NHS and local GPs.
- l. The application is an outline application with a number of details/areas to work through as the development progresses, which will be through reserved matters applications.
- m. Air quality: this is to be managed with a city-wide approach and cannot be attached to one development.
- n. Debate
- o. Members noted the marked improvement in the application; the improvements made to the development plans to mitigation the areas of refusal. There remain concerns about employment space; parking; improved public transport but they were not considered insurmountable.
- p. HWPNP: Some concern on whether the requirements in the neighbourhood plan had been fully met within the revised plan.
- q. Cllr Davies, seconded by Cllr Shah, proposed that committee support officer recommendation to approve referral to the Secretary of State.
- r. When put to the vote
- s. Resolved (8 for; 3 against; 0 abstention) that the application be approved but referred to the Secretary of State, should Sport England's objection be sustained, subject to: the MoU / Alternative Agreement heads of terms set out in s10 of the report; and draft conditions (to be finalised under delegated powers).

10 19/02952/M Land Next To River Cattle Market Road Bristol



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

- a. The application was for approval of reserved matters in relation to the development of 953 bed student accommodation and associated works pursuant to conditions 1 and 3 of outline permission 17/06459/P being details of layout, scale, appearance and landscape.
- b. The Committee were provided with a visual presentation of the planned site layout; associated landscaping; how it would retain the open access to the site; and proposed design of the buildings. The scale of the proposal had to seek to protect views of the tower of Temple Meads Station. The design demonstrated how natural light would be introduced into the development; the proposed walkways and other design aspects demonstrated how the proposals would be a quality environment that would support the welfare of the students .
- c. Officers recommended approval of the reserved matters.
- d. Questions for clarification
- e. The final build is expected to reflect the details shared with committee in this application, and any significant alteration would come back to committee for approval.
- f. The design will include a public court yard to allow access to the general public and any change to access would require a new planning application.
- g. Debate
- h. Members commented on the design; that the tall building looked like a tall office block with very little elegance and the frontage appeared unambitious; that this was a building that will be seen as train passengers approach the train station; and that it failed to make an impact.
- i. Noted the openness of the courtyard and proposed landscaping with cycle parking and conflicts must be avoided
- j. Opinion was divided on the design merits of the proposals.
- k. The Chair proposed, seconded by Cllr Smith, that committee support the officer recommendation and approve the reserved matters.
- l. When put to the vote
- m. Resolved (7 for; 4 against; 0 abstention) that reserved matters be approved.

11 19/01909/X 85 Queens Road, Clifton, Bristol BS8 1QS

Councillor Clive Stephens and Cllr Mark Wright stood down from Committee at the start of the public forum presentation and took no part in debate or the decision making process.

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

- a. The application is for the variation of condition no.7 (opening hours) following grant of planning permission 16/03266/F to vary operating hours for the restaurant Lost and Found. The application is presented to committee for consideration because of the number of objections received.



- b. The restaurant is located and trades from the ground floor and basement of a four storey building within an area known for its night time economy. It is on the edge of a residential area with Richmond Heights being in its vicinity.
- c. An overview was given of the concerns raised from the consultation; a number based on the business allegedly breaching its operating license the Licensing Act objectives; primarily the concern of the unacceptable harm to nearby residents from noise generated by the premises.
- d. The report stated that no objections had been received from the responsible authorities to substantiate the allegation of noise and breach of the license; that no harm had been proven; and there was no evidence to substantiate the claims that had been made.
- e. Members were informed of recent decisions of the planning inspector at this site, including the existing opening hours, to inform their decision making.
- f. Officers recommend grant subject to conditions.
- g. Questions for Clarification
- h. Members were directed to the section of the report that set out planning considerations and those of licensing objectives which, whilst overlapping, were different. The intention is for planning to look to implement systems to control the type and characteristics of use of premises ; licensing regime controls how such uses are operated and managed by the operators.
- i. Debate
- j. Members disputed whether the planning authority should take the view that the operation of a business would not add to the overall noise nuisance of an area because of the existing noise from the surrounding area as a result of the night time economy.
- k. Members discussed the need for licensing matters to be resolved; that is the allegations properly investigated by the Responsible Authorities; before any decision was made on the application.
- l. Officers advised that the licensing and planning processes must be considered separately on their own merits and cannot be dependant on each other.
- m. Members asked if it would be appropriate for the application to be deferred whilst an enforcement investigation was carried out to establish the lawful use of the premises as it was currently being operated.
- n. Chair moved that committee consider officer recommendation to approve the application. Members failed to propose a vote in support of this. The chair then moved for the application to be deferred.
- o. Cllr Goggin, seconded by Cllr Windows, proposed that the application be deferred for 6 weeks to allow for the planning enforcement investigation to conclude and submit their findings.
- p. When put to the vote
- q. Resolved (9 for: 0 against: 0 abstention) that the application be deferred for 6 weeks to await the outcome of a planning enforcement investigation into the operation of the business.

**12 19/03178/F 6-8 Belgrave Hill (also known as Land on North Side of Belgrave Hill) Bristol
BS8 2UA**

Councillor Clive Stevens stood down from Committee at the start of the public forum presentation and took no part in debate or the decision making process.



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

- a. The application is a resubmission following refusal of application no:18/02901/F; for the construction of two, class use C3 dwellings and associated external alterations in Clifton Conservation Area; a former quarry site; on a narrow piece of land with a number of challenges.
- b. The current application addresses the two areas of concern that resulted in its refusal in January 2019 with the following changes detailed in the report, in brief:
 - Space Standards: the plans have been redrawn so each proposed house has a one bedroom and a study. This meets the national space standards for dwelling size overall, minimum bedroom width and minimum storage requirements but not the minimum floor area for a double bedroom. With a restricted site the applicant is unable to increase the overall size of the dwellings. Conditions could not be applied to prevent the marketing of the property as two bedrooms. Officers have therefore assessed the proposed dwellings as 2-bedroom houses, which do not meet the national space standards.
 - Fire appliance access: – the swept path analysis confirmed that fire appliances would gain access by reversing fire vehicles along Quarry Steps and then reverse into Quarry Road to where a fire hydrant is located within the required 45meters of the site as required by Manual for Streets guidance; A Traffic Regulation Order (TRO) is recommended restricting parking at the junction and also immediately outside the site to ensure that emergency vehicles are not impeded.
- c. Officer recommendation is approval together with conditions set out in the report and amendment sheet.
- d. Question for Clarification
- e. Members were advised that the approach taken by the Developers in altering plans to re-designate one of the bedrooms as a study, was not one that officers supported but as officers previously advised, in their opinion it would comply with the general policy requirement under Policy BCS18 as per the approved 2014 application.
- f. The Fire Authority were consulted on the previous application and advised that they do not comment specifically on individual planning applications, but they advised the general considerations to be taken into account- which are those set out within the Manual for Streets. The current application has been assessed on that basis.
- g. With the possible introduction of new traffic regulations to support fire appliances access it was hard to determine exactly how many parking spaces would be lost. Introducing parking restrictions at the junction corner would impact 2/3 vehicles, with the possible loss of 4/5 directly along the frontage of the site. The officer did not agree with the public forum statement that suggested that the proposal would result in the loss of 10-20 parking spaces.
- h. Debate
- i. Members were satisfied that the issue of access for fire appliances had been worked through but could not support the action taken by the developers to meet the requirements of the space standards policy. Noting that conditions could not be applied to restrict the marketing of the dwellings and to prevent future owners using the 'study' as a bedroom.



- j. The Chair moved that committee first consider whether to support officer recommendation to approve the application. Cllr M Davies proposed approval however no member seconded the motion.
- k. The Chair moved that committee defer the application on the grounds that the space standards had not been met. He looked to committee to support but the motion was not seconded.
- l. Cllr Wright, seconded by Cllr Smith, moved that committee vote against officer recommendation and refuse the application on the grounds that the proposal failed to comply with the Nationally Described Space Standards.
- m. When put to the vote
- n. Resolved: (8 for: 1 against: 0 abstention) That the application be refused on the grounds that the Nationally Described Space Standards had not been met.

13 19/01817/F 2 Moon Street and 2-18 Stokes Croft Bristol BS1 3PR

Councillor Mike Davies stood down from Committee at the start of the public forum presentation and took no part in debate or the decision making process.

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

- a. The application is for the demolition of all buildings and mixed use development; proposing the construction of a building up to 8-storeys forming a perimeter block surrounding a central courtyard and buildings of 7-storeys stepping down to 6 storeys; the proposed accommodation would comprise of 241 Student bedrooms across 42 Cluster flats.
- b. Photographs of the local area; design plans and layout together with an overview of the report were shared with Committee during the presentation.
- c. A summary of the results of the consultation was given; that included comments from the patrons of the nightclub that would be demolished; assertions had been made about the significance of the nightclub to the music scene and as a community facility; this was considered but it was noted that the locality had a number of music venues that would continue to support the music culture; that it was not proven that the nightclub was a community space.
- d. Comments on the appropriateness of student accommodation in that locality; there is an emerging local plan policy on student accommodation but it is still in development therefore Committee could add no weight to this in the decision-making; advised that recent application refused by committee for a Student development on Wilder Street, next to this proposal, was allowed on appeal by the Inspector who commented in his findings that 'there are no absolute limits in what would represents a harmful concentration'.
- e. The report set out 6 reasons with an additional reason given on the amendment sheet, totalling 7 for the officer recommendation for refusal.
- f. Questions for Clarification
- g. Committee asked why the application had been submitted with this many unresolved issues; that the proposal overall was of fundamental concern covering the land stability; massing scale and



design; impact on Stokes Croft conservation area; the level of redesign required was such that the proposal when considered by committee would act to give direction to the developers on the steps required to mitigate the concerns detailed in the report.

- h. Debate
- i. It was proposed by Cllr Breckels and seconded by Cllr Stevens that committee support the officer recommendation and vote to refuse the application.
- j. Although it was accepted that the loss of the nightclub was not a reason for refusal, this issue had to be kept under review across the city otherwise it could be “death by a thousand cuts”
- k. On being put to the vote
- l. RESOLVED: (9 for: 0 against: 0 abstentions) that the application be refused on the 7 grounds laid out in the report.

14 Date of Next Meeting

Meeting ended at 9.25 pm

CHAIR _____

