

Bristol City Council

Minutes of the Development Control B Committee

11 November 2020 at 2.00 pm



Members Present:-

Councillors: Tom Brook (Chair), Richard Eddy (Vice-Chair), Lesley Alexander, Nicola Bowden-Jones, Tony Carey (substitute for Sultan Khan), Mike Davies, Fi Hance, Olly Mead, Jo Sergeant and Clive Stevens

Officers in Attendance:-

Gary Collins and Jeremy Livitt

1. Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence

Apologies for absence were received from Councillor Sultan Khan (substituted for by Councillor Tony Carey).

3. Declarations of Interest

Councillor Clive Stevens declared a general pecuniary interest in planning matters having co-written a book concerning this issue.

He confirmed that he had been advised by the Monitoring Officer that he had been advised to declare this interest at each Development Control Committee that he attended as a Committee Member with voting rights.

He stated that he did not have a predetermined view on either of the applications to be considered at the meeting and would therefore not need to withdraw from the meeting for either of them.



4. Minutes of the previous meeting held on 14th October 2020

It was moved by Councillor Tom Brook, seconded by Councillor Richard Eddy and upon being put to the vote it was

RESOLVED – that the minutes be approved as a correct record.

5. Appeals

Officers made the following comments concerning appeals:

- The previously cancelled hearing for a number of applications relating to Hamilton House in Stokes Croft had now been rearranged for 9th December 2020. These were subject to prior approval for Planning Development rights to allow conversion of Class B1 use to Class C Residential Use without planning permission. The original applications had all been refused as there was inadequate evidence that these properties were in lawful Class B1 use.
- The Appeal relating to 21 Moorlands Road, Fishponds, Bristol BS16 3LF had now been changed to a hearing process and was likely to commence in January 2021. In response to a member's question, officers confirmed that they would advise the Committee who had requested the change. However, it was likely that it was usually at the appellant's request. This was frequently more positive for the community as they could then express their views directly to the Inspector. These were usually held in public session, although the situation may be different for virtual meetings
- Officers noted members concerns that the process for the St Phillips sign appeal would not allow parties to write in with their views and would not therefore be a democratic process. They confirmed that they had made representations to the Inspectorate for the process to be reverted to a normal appeal process and would advise the Committee of the situation in due course

6. Enforcement

Officers reported that there had been no cases of enforcement since the last meeting.

7. Public Forum

Members of the Committee received Public Forum Statements in advance of the meeting.

The statements were heard before each 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 applications set out below:

9. Planning Application Number 20/03831/NB - Grange Court, Grange Road, Westbury-on-Trym

Officers introduced this report and made the following comments:

- This application would be considered under permitted development rights. Whilst officers had expressed concerns over the operation of these during the consultation process for their introduction, this application had to be assessed within these constraints
- This application could not be assessed against the Council's planning policies and were required by the Government to operate under a lighter touch
- The current site consisted of a 3 storey detached block of 21 flats built in the 1970s with a flat roof and built in the 1970s and with a buff coloured brickwork
- It was an extensive sit with a small parking area out front that was accessed from Grange Court Road in a typical suburban street. There was a Catholic Church opposite the property that was next to Redmaids School.
- Grange Court was outside the Downs Conservation Area which was indicated by a yellow line
- The development was for a two-storey extension with an increased height from 9 metres to 14 metres and with an extension that mirrors that existing building and including matching materials
- All proposed new flats would have three bedrooms and would be open plan with a kitchen and dining area. Existing bin storage and garages would be retained. There would be additional space for 30 cycle places
- There were a large number of concerns about this application that was understandable. However, the Local Planning Authority could only consider the amenity of existing residents and of adjacent properties, as well as highways issues. Officers believed the proposed development fell within the confines of the legislation as a detached block of flats
- Complaints received concerning this application related to fire safety, the effect on views of the building from the surrounding area, the fact that residents were not pre-informed properly of the proposal and the impact on the financial viability of existing properties
- There had been 268 objections and one letter of support
- The application had been referred to Committee by three Councillors. Concerns had also been raised by Darren Jones MP
- The proposed development complied with all criteria set out in the legislation for this type of development
- The Committee's attention was drawn to the criteria under which prior approval applications could be considered which included transport and highways, external appearance and the impact on amenity
- The development was approximately 600 metres to the Town Centre and 300 metres to Henleaze with shops being easily accessible. It was also 400 metres from two bus stops with direct links to



the City Centre. It would also reduce reliance on car use since there would be a total of 30 cycle parking spaces with two per flat

- The development met the necessary transport criteria. There would be no additional car parking and any proposed parking would be on nearby streets. The parking survey had identified good car parking availability with approximately 70 parking spaces being available on the two evenings that the survey was undertaken. During the day, the nearby highways became busier but there was parking capacity at other times. The assessment was that the 14 additional flats would not cause significant highways problems
- Officers' assessment was that the development met the criteria for extensions. This site does not include any protected views
- The development would include the same materials and the same width and depth of windows. An alternative design could be deemed more suitable but the proposed extension would not harm the external appearance
- Amenity of Existing Residents – Whilst officers sympathised with the construction being a disturbance and the resulting impact to living conditions during the time it took place, officers would insist on a Construction and Environmental Management Plan to ensure appropriate standards and dust mitigation at appropriate times. However, this impact would be temporary not permanent and so the application could not be refused on that basis
- Amenity of Residents in Neighbouring Properties – The site had a large existing curtilage and landscaped garden and there was quite a large separation from nearby properties. The assessment was that the extension would not have a significant impact on the dwelling. No windows were proposed in the eastern elevation. There would be no issues with overlooking or loss of privacy
- In summary, the application had been assessed on the basis of the type of development that it was categorised as and within the scope of the relevant legislation. On that basis, it would not warrant refusal subject to proposed safeguarding conditions and was recommended for approval.

In response to members' questions, officers made the following points:

- Officers had taken account of the public sector equality issue as required by the relevant legislation. The Government would argue that this had been considered at the time that the recent legislation concerning permitted development rights had been introduced
- Officers considered the end development in considering equality issues such as relevant age and disability legislation
- The new prior approval regime did permit external changes including structural changes. However, no structural changes were included in the current development. If they were, this would be considered as a new application on its own merits
- The amenity of residents could be considered in terms of existing residents once the development was completed including issues such as loss of light
- Since this was a private property matter, the issue of any potential conflicts between leaseholders and freeholders was a separate legal issue and was not a planning matter
- The parking survey was useful in confirming the views of transport officers about parking matters relating to the application



- Although close to it, the development was outside the Conservation Area and therefore accords with the relevant requirements. Any short term impact on parking caused by disruption during the development was not permanent
- The issue of structural safety was not included within the specific prior approval legislation but was considered as an aspect of Building Regulations and Control
- The dwellings had to be single family dwellings under the terms of the legislation
- Any potential issue concerning the need for the provision of a lift would be dealt with as part of the building control regulations
- Car use had been assessed in respect of 16 cars. Officers were confident these could be accommodated. Whilst the parking survey had taken place at 1pm sine this was the time that the case officer had been able to attend the site, there had also been a separate parking survey
- A construction management plan could be used to require enforcement if there was a breach of this
- The application was assessed in accordance with various Government criteria. Well Being was not included as one of these
- The 2015 and 2020 Equality Acts were both considered as part of the assessment process
- The issue of the previous freehold owner was not a relevant factor in considering the application
- Whilst it was acknowledged that the 1pm assessment time for parking did not cover the school collection period, there was sufficient evidence from other sources for officers to form a judgement on this issue and to decide that the development would not make impact on highway safety
- Issues such as those who might cause harm to children as part of the impact on the amenity of the nearby school were not factors for this application but for the Police to consider
- Officers were not aware of the circumstances surrounding a recent application in Portishead that had been refused
- All requirements concerning Equalities Assessments had been carried out in accordance with the legislation
- The application had been published on 10th September 2020 and the expiry date for comments was 1st October 2020

Committee members made the following comments in respect of this application:

- This application needed to be considered on planning grounds and on this basis, it should be refused as it did not improve the city and had a negative impact on parking and appearance
- Whilst there were many concerns about this development that were not covered by planning law, it should be refused on the grounds of impact on visual amenity and impact on existing residents of the proposed additional two stories
- The application should be refused on the grounds of appearance and on the grounds of parking (in view of the times that the parking assessment was made and the failure to take into account the recent impact of staggered school start times). There were sufficient doubts to oppose this application
- It was unacceptable that the freehold owner was notified of the development via a lamp post



- The traffic survey was flawed. Prior to COVID-19, it was much more difficult to find a place to park safely
- There was a steep hill from Westbury-on-Trym village which should have been taken account of as part of the assessment of the availability of nearby amenities
- The application was unsuitable on the grounds of external appearance and over viewing, as well as transport and highways grounds. Even if the Committee could not object to the application on any of these grounds, they could abstain
- The application should be opposed in terms of visual amenity and parking (since one afternoon's data was not valid). The Equality Act applies in respect of the old and disabled ie in relation to bike storage
- In relation to the statutory notice period, there was no need simply to stay with minimum requirements. The application should be opposed on the grounds of visual appearance. It was disappointing that the construction management plan could not be provided at this stage
- There seemed very little leeway to oppose the officer recommendations and therefore with a heavy heart the application should be approved
- It was very difficult for the Committee to make a decision on the basis of the information available. People who owned their own homes were being placed in a very unfair position. The Committee should consider deferring the application pending additional legal advice. Officers confirmed that their advice on this issue could not form part of the decision on this matter. Members' attention was drawn to the issues flagged concerning this which were mentioned in the report

Councillor Tom Brook moved and seconded by Councillor Mike Davies that the recommendations contained in the report be approved.

Upon being put to the vote, this was NOT CARRIED (1 for, 7 against, 2 abstentions).

Councillor Fi Hance then moved, seconded by Councillor Jo Sergeant and upon being put to the vote it was

RESOLVED (9 for, 1 against) – that the Committee is minded to refuse the application on the grounds of visual amenity, amenity to existing residents and parking and that the application is deferred pending officers preparing a further report for consideration to a future Committee setting out proposed reasons for refusal based on these grounds.

In response to members' requests, officers agreed to provide further detail in the agreed future report on traffic information, together with the impact on leaseholders of the application as well as their rights in such situations. Officers also confirmed that, since the Committee had made a decision that could be deemed a refusal, the issue of non-determination did not apply in this instance.

Officers further agreed to prepare a briefing note on the implications of this application for all trained Development Control Committee councillors.



10 Planning Application Number 20/02864/F - Windmill Pub, 14 Windmill Hill and 3 Eldon Terrace

Councillor Richard Eddy was not in attendance for this item.

Officers introduced this report and made the following comments:

- The proposed development was for a change of use from a pub to 5 flats including the reinstatement of the basement of Eldon Terrace
- Details of the site were shown to the Committee including where the 1st Floor extension would be added
- The proposal would include a single storey rear extension to Unit 2 with a subdivided rear garden and a bike store at the back
- The 1st Floor windows would now be obscure glazed with a vertical timber screen
- The basement would operate as a normal residential basement
- Since the original proposal for Unit 2 has not been deemed acceptable, it had been extended into a big full glazed door. The flat would not be occupied until the screen was in place
- There were some concerns about the impact of the development on local parking
- Members' attention was drawn to Policy DM6 which stated that such a development should only be permitted if the former pub was no longer economically viable or there were a diverse range of public houses within the locality, as well as requiring any extensions or alterations to not create any harm to the amenity
- The pub had been unsuccessfully marketed since January 2019 and had been closed prior to the lockdown due to COVID-19 in March 2020
- The Rising Sun, Victoria Park and Windmill Hill Pubs, amongst other pubs, were already nearby the site
- The pub had been added as an asset to the Community Value Register for 2008/09 and had been the subject of crowd funding but could not find anyone to take it on
- The applicant had met with a community group and had agreed to turn down a major offer for the site to allow them to raise funds for the pub but they had been unable to do so
- The Transport Team were satisfied that this was a car free development with on street parking available
- The refuse, recycling and cycle storage provision were considered acceptable
- All flats were considered a suitable size
- There would be no impact on trees
- There would be a construction management plan
- The development was considered sustainable
- The principle of conversion to flats was in accordance with the policy

In response to members' questions, officers made the following points:



- The basement would not be part of the flat but would be converted back to a separate residential use
- No comparison was required against CAMRA's criteria (the Campaign Group for Real Ale)
- The site was a 400/500 metre walk uphill
- Since there were other offers available, there was no further financial requirement

Members made the following comments:

- The issue of loss of privacy now seemed to be solved with the introduction of a timber fence with a missing panel which would allow the occupier to see out but not allow anyone to look in
- The applicant's actions had been reasonable in this matter. There were other pubs in the area. Therefore, the application should be approved
- Whilst it was disappointing that this pub was no longer viable, it had been closed prior to COVID-19 and the community had been given lots of opportunity to save it but had been unable to do so. Therefore, it should reluctantly be supported
- If it remained as a pub, it might in future become part of a chain and the Committee were not in a position to stop this. Therefore, with a heavy heart, the application should be supported.

Councillor Mike Davies moved, seconded by Councillor Tom Brook and upon being put to the vote, it was

RESOLVED: (5 for, 3 against, 1 abstention) that the application be approved.

11 Date of Next Meeting

It was noted that the next meeting is scheduled to be held at 6pm (later with the agreement of Spokespersons changed to 2pm) on Wednesday 9th December 2020.

Meeting ended at 5.10 pm

CHAIR _____

