

# Bristol City Council

## Minutes of the Development Control A Committee



8 July 2020 at 5.00 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, Ken Reid, Anna Schroeder, Kayna Tregay, Stephen Rockey, Jane Woodhouse and Jeremy Livitt

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

The Chair welcomed all parties to the meeting.

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

There were no apologies for absence.

### **3. Declarations of Interest**

Councillor Clive Stevens indicated that he had been the Chair of the local Neighbourhood Partnership for this site between 2011 and 2014 when the potential for a crossing in this area had been discussed. However, he was not predetermined on this issue.

### **4. Minutes of the previous meeting held on Wednesday 10th June 2020**

The minutes of the above meeting were approved as a correct record.



## 5. Appeals

The Committee was advised that more appeals had now been received and details were listed in the report.

Members' attention was drawn to Items 65 and 66 concerning illuminated adverts for Cabot Circus and the differing decisions by the Inspector – one of which was allowed and one that was dismissed.

The Committee was reminded of the importance of considering each case of illuminated adverts on its own individual merits.

## 6. Enforcement

The Committee noted that enforcement notices continued to be served as necessary. Members thanked the team for their efforts during the COVID-19 pandemic period.

## 7. Public Forum

The Committee received a number Public Forum Speakers for this meeting.

Details of all Public Forum Statements including Public Speakers at the meeting were published as a supplementary dispatch for this agenda on the Bristol City Council website.

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:

### a. 19/04638/X - Cotham School

The Committee received a presentation from officers concerning this Planning Application during which the following comments were made:

- The proposed road works were mitigation and formed part of the Cotham School expansion that had previously been agreed by the Committee and had now happened.
- Whilst lessons could be learnt from the consultation process, the proposed pedestrian crossing was in the optimum location as identified in the Transport Statement
- The proposed road works had been submitted by Bristol City Council's Capital Team and had been approved by committee in November 2017



- An additional entry form had been approved as part of the expansion with a 135 pupil uplift in pupil numbers
- There was now a large building on site and with new facilities opened
- An aerial view of the school site showed main roads surrounding the building
- An analysis had been made into the best way of mitigating transport movement and the proposed measures were considered vital to secure a safe environment
- In view of current traffic levels and pedestrian desire line, this was deemed to be the only location available
- A number of photos showed the location of the site including dropped kerbs. The site was already used by children to cross
- The site had been previously been identified as a safety concern by the Neighbourhood Partnership
- The proposed pedestrian improvements had been acknowledged as reasonable and so these had been added as a condition to the proposal. The pavement build out had therefore been moved to Pitch Lane to better reflect the desire line
- Following consultation, objections had been received from the nursery, parents and Councillor Anthony Negus
- The principal objections were that other locations should be investigated, the data was unreliable and out of date, parking availability will be restricted and the security of users will be compromised
- Bristol walking Alliance supported the scheme and stated that a crossing had been long identified and was required
- TDM had identified that a crossing was necessary in this location and that the application should be approved subject to recommendations. It would also encourage walking to school
- Officers believed that the provision of the crossing would address safety measures identified in accordance with the Local Policy

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

- The nursery had been consulted on the current application. However, due to the way that the consultation process operated, it is possible that local people were not consulted for the discharge of conditions application. There should have been communication between Bristol City Council's team and the school on this issue
- The scheme was subject to a quality assurance process
- If the proposed mitigation scheme was not approved, there was no power for the Committee to consider other applications.
- The Highways Team believed that there was sufficient capacity for parking on site. However, it was within walking distance which would encourage children to walk to school
- It would be beyond a reasonable interpretation of the condition to choose another site for the crossing
- A Memorandum of Understanding was operating between different parts of Bristol City Council



- The expansion derived from the Schools Expansion Team and the mitigation measures for road traffic were deemed necessary as part of this. A budget from public funding had already been earmarked for the expansion of the scheme

Councillors made the following comments:

- A different route on Cotham Park North had been suggested as an alternative route which superseded the 2019 assessment of Pitch Lane site as the best option. This was a shorter route than Pitch Lane although on an initial analysis the latter might appear to be
- This scheme should not be supported. The school had indicated that it was not necessary. It was based on the former Transport Statement which placed the expansions to the school in a different location and the crossing in a different place.
- The logic for supporting the scheme seemed to be based on a perceived lack of alternative options rather than it being the most appropriate one. It should not be supported.
- Local residents had stated that it would make a bad situation worse. A speed table at the junction might be the best option in this instance. It was disappointing to see that so much work had gone into a scheme which was flawed due to lack of proper consultation
- Children would continue to use this route and cross the road. Since it was quite a dangerous road, it needed a crossing point but the school objected to it. There was a concern that no traffic measures would be introduced at the site and then a serious accident could occur within the next few months if the application was refused
- In future, as a Local Planning Authority, more consideration was required for the way that the consultation process operated concerning application for the discharge of conditions

Councillor Mike Davies moved, seconded by Councillor Margaret Hickman that the application be approved.

Upon being put to the vote, it was **LOST ( 4 FOR, 6 AGAINST, 1 ABSTENTION)**.

The Committee then discussed other options concerning this application, including to defer it pending analysis on the consultation process or refusal.

Councillor Mark Wright moved, seconded by Councillor Steve Smith and upon being put to the vote it was

**RESOLVED (6 FOR, 4 AGAINST, 1 ABSTENTION) – that the application is refused on the grounds that the proposed scheme will fail to realise the intended benefits to the detriment of highway safety for all highway users.**

## 9. 20/01270/F - Land On South East Side of Severn Road, Avonmouth

Officers presented this report and made the following comments:



- There was a lot to commend about this application but with a heavy heart officers were recommending refusal on the grounds of a potential risk to safety
- Whilst the probability of this risk was very low, the consequences of such an event should it happen were extremely serious. Officers were not satisfied that appropriate mitigation measures were in place to deal with such a situation
- Whilst a shorter turbine would be less viable, it was not deemed unviable
- The application had been made by Ambition Energy who invested in community projects and who brought low energy bills to residents
- Details of the site were outlined and a representation of how the site would look from different locations with the turbine in place was provided
- In the long term, the intention was to create a Learning Centre in the long term
- There were 69 expressions of support and 1 objection from Seabank Power Station on the grounds of safety
- There was an extremely slim chance that if the turbine were to collapse it could damage one of the cooling towers and risk staff
- Ambition Energy argue that the scheme is acceptable despite non-compliance with the NPPG. They argue that the financial damage would be lower than claimed
- Members' attention was drawn to the legal opinion of Sea Bank and the legal advice sought by Bristol City Council upon receipt of this advice, both of which had been circulated to Councillors in advance of the Committee
- It was noted that, if the application was approved and its impact could be made acceptable, NPPF 2019 Paragraph 154 was relevant
- Members' attention was also drawn to Paragraph 008 of the NPPG Planning Practice Guidance that should be given appropriate weight as well as Paragraph 016 NPPG which indicated that safety risks can be mitigated through appropriate siting and consultation with affected bodies.
- The applicants have indicated that the turbine cannot be lowered and as a result the mitigation had not been fully addressed and remained a concern
- Officers were happy that conditions could be made for all other eventualities, including visual impact and flood risk
- If approved, the application would contribute to meeting the 80% reduction in CO2 emissions by 2050 included within the Climate Change Act 2008 and forming part of the Council's Core Strategy
- Officers considered that mitigation on the grounds of safety had not been full provided and that therefore the application should be refused on the grounds of safety

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

- The applicant estimated the cost of damage to the tower at £4 Million, whilst Sea Bank estimated £15 Million
- Ambition stated that the distance to the cooling tower was 130 Metres. Since the tip of the blade was 150 metres away, the distance was within the buffer zone and the damage assessment was carried out on the basis that the turbine could be carried by wind



- The applicant's technical assessment was that the assessed risk was a 1 in a 500,000 year event. Sea Bank had not challenged this assessment
- Officers confirmed that the recommendation contained within the original report had changed in the amendment sheet following legal opinion due to the need to give proper weight to the NPPG and NPPF. There was a change of view of the weight that should be given to this view
- Any decision to approve the application would still need to go to the Secretary of State as there was no Local Plan Policy for wind turbines
- Whilst it was noted that there had been a last minute change in the recommendation, this was a similar situation to many other applications where circumstances changed on a fast-moving basis. Whilst this was not ideal, this was a complicated situation following the late receipt of legal advice and counsel's opinion
- If the small turbine had been proved to be not viable, this would require greater weight to have been given to the NPPG
- The safety to the structure risk (1 in 500,000 years) was the reason for the change in weight, not the 1 in 100,000 year risk of safety to life. These figures had been made following a technical and risk assessment of a number of factors such as height, prevailing winds etc.
- The turbine life span was 25 years before it was decommissioned

Councillors then made the following comments:

- If the wind turbine was shut down during an event of extremely high winds (ie a severe hurricane), such an event would in all likelihood also directly affect all other structures in the area
- Whilst the risk of such an event happening was extremely low, the estimated impact was extremely large. The Committee needed to take into account both legal opinions, the relevant National Policy Framework and Guidance together with the serious material issues raised by the objectors
- 500,000 years ago there was a tsunami in that region. The risk seemed reasonable in view of the positive impact of the development on the local community
- This application deserved support. The Committee needed to take into account the thoroughness of the applicant and that this was an extremely unlikely event which in any case would probably destroy all structures in the area
- The level of risk was acceptable
- In view of the small risk, this application should be supported. The UK was the sixth biggest producer of wind turbines globally. The application was very thorough and should be commended

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

**Resolved (unanimously) – that the application be approved for referral for a decision to the Secretary of State subject to the conditions set out in the amendment sheet.**



## 10 20/01254/A - Units 5 and 6, Markerside Industrial Site, Albert Road

Councillor Mike Davies left the meeting prior to consideration of this item.

Officers presented this report and made the following comments:

- At the meeting on 10<sup>th</sup> June 2020, officers had recommended approval of this application
- Following its deferral, it was deemed that consent has been in existence for 10 years
- An assessment had been made of the three locations where LED signs were currently installed in Bristol concerning the level of accidents
- At the Lawrence Hill roundabout, there had been two accidents in 2018 following the installation in 2017. At the M32 in Eastville, LED signs had been installed in early 2019, Whilst there had been 4 accidents before the installation, there had been none after. There had been no accidents recorded at St Phillips Causeway between 2014 and 2019 following the installation of LED signs. It was noted that these statistics did not show near misses
- The assessment of the data was inconclusive as to whether or not digital signs were the cause of the accident in each case.
- A national assessment of accidents at LED signs had not been practicable due to the very large amount of data to assess.
- There had been a great deal of research carried out on driver distraction. Whilst this showed that road sign advertising could cause an increase in crashes, this was not conclusive
- The applicant had been unwilling to agree to a condition to limit the screen's ability to change in day time only
- Details of the expected changes in cycle and foot traffic in the area were set out
- Draft policies in the local plan had not yet been adopted. However, development in the area would be supported by transport improvements. If the area became more residential, improvements to highways would be recommended including walking and cycle routes
- Whilst there were proposed pedestrianisation changes in the City Centre, there was nothing for this application site
- The officer recommendation remained for approval with the conditions previously outlined. There was no policy to restrict LED signs in the city

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

- The proposed location for the LED screen was an intersection and would be in the centre of the windscreen coming from one direction towards it
- Requiring there to be no change of display during daylight hours could be perceived by the applicant as an undesirable limitation and tantamount to a refusal
- Under standard conditions, images did not change any faster than 10 seconds





Councillors made the following comments:

- The research from an objector in Israel was very helpful. The point of a roadside advert was to distract and therefore the application should be rejected. This location was not appropriate
- Reports from Sweden and Denmark suggested that distractions cause accidents
- The report seemed inconclusive as to whether or not this was an appropriate location. There was not enough evidence. Any refusal on safety grounds would need to prove that it was unsafe and so it should reluctantly be supported
- Although more evidence was required, it was nevertheless clear that the location of the proposed sign at an intersection and being viewable from the centre of the windscreen whilst travelling from one direction increased the risk. Therefore the application should be refused
- Since it was not conclusive, it did not seem possible to refuse it. A policy was required on digital adverts
- The purpose of these adverts was to distract. However, without data, it would be difficult to refuse it. This application was complicated by the fact that the applicant would not support a Management Plan which would enable control over it

Councillor Steve Smith moved, seconded by Councillor Don Alexander that the application be approved.

Upon being put to the vote, this was **LOST (3 FOR, 6 AGAINST, 1 ABSTENTION)**.

Councillor Stephen Clarke then moved, seconded by Councillor Clive Stevens and upon being put to the vote it was

**RESOLVED (7 FOR, 3 ABSTENTIONS) – that the application be refused on the grounds of road safety due to its proposed location at a roundabout and in a position which was likely to distract drivers.**

It was noted that a policy on Digital Signs was required and noted that this might be an issue for the appropriate Cabinet Member to consider.

## 11 Date of Next Meeting

The Committee noted that the next meeting was scheduled for 2pm on Wednesday 5<sup>th</sup> August 2020 as remote zoom meeting.

The meeting ended at 20.05pm

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





