

Bristol City Council

Minutes of the Development Control A Committee



4 March 2021 at 2.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Chris Windows (Vice-Chair), Fabian Breckels, Stephen Clarke, Martin Fodor, Paul Goggin, Margaret Hickman, Steve Smith and Mark Wright

Officers in Attendance:-

Gary Collins and Laurence Fallon and Oliver Harrison

1. Welcome and Introductions

The Chair welcomed all parties to the Meeting.

2. Apologies for Absence and Substitutions

Apologies received from Cllr Olly Mead (Cllr Paul Goggin is substituting)
Apologies received from Cllr Mike Davies (Cllr Hibaq Jama is substituting)
Apologies received from Cllr Fi Hance (Cllr Martin Fodor is substituting)

3. Declarations of Interest

Cllr Hibaq Jama called in the Swift House application, so will not participate in it.
Cllr Mark Wright lives near to St Catherine's Place, so will not participate in that application.
Cllr Steven Clarke is the ward Councillor for St Catherine's Place but is not involved with the application, so is not predetermined.
Cllr Marg Hickman, is the ward Councillor for Swift House but is not involved with the application, so is not predetermined.

4. Minutes of the previous meeting held on Wednesday 10th February 2021.

RESOLVED: the minutes of the meeting of 10 February 2020 are agreed as a correct record.



5. Appeals

The Head of Development Management introduced the report and summarised it for everyone.

Item 64 is St Catherine's Place. Following refusal of an earlier application, developer appealed but this was dismissed on 19 February. Amended application is on the agenda today.

Item 67 is Belgrave Hill in Clifton. The Committee decision was appealed, and costs were awarded against the Council. This site had originally sought permission for 2 houses, but this was refused as it did not meet minimum space standards. A revised application for one property was made, but this was then refused on the grounds of transport. The appeal was allowed and costs were awarded as the re-introduction of the transport reason for refusal was seen as unreasonable behaviour.

The officer advised the Committee that if they wish to refuse an application against the recommendation, they must have a substantive reason and demonstrate what the harm would be. In these circumstances officers recommend using the cooling off period as this allows officers to provide further advice for Committee members on their intended reasons for refusal.

6. Enforcement

No enforcement notices have been served 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 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. 20/03286/F - Swift House, Albert Crescent, Bristol

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

- The application seeks planning permission for a waste transfer station at Swift House, which was previously Gulliver's vehicle hire.
- The amendment sheet shows more objections have been received. These largely relate to environmental impact, but there are also references to low employment density and low value economy.



- The site is next to a nursery and MAT education centre. Central to St Phillips Marsh. In the local plan, this is designated as an industrial and warehousing area. There are some sensitive uses in the area, including 6 dwellings on feeder road, and other residential areas at the Paintworks, Temple Island university campus and Bath Road.
- Waste management should be in principle industrial areas. Policy says this is a suitable area. We should have regard for environmental impact and if we find it unacceptable, we can reject the application. The intention is to eventually regenerate the area, but this should be given limited weight in consideration. It is not currently suitable as residential due to flood risk. Only alternatives will be commercial.
- The proposal is for two large sheds on the site for waste and trailers, there is also a weigh station and admin office. The waste is to be sorted in the shed and sent for disposal. We have received feedback from all relevant officers, no objections on grounds of noise impact, air quality or highways impacts.
- On air quality arguments, this has been modelled based on sensitive receptors including the nursery. These are not monitoring stations but the model is based on data from monitoring stations. The site is not in the air quality management area. There is little impact in terms of Nitrogen Dioxide or particulates, the increase is negligible. We use the national criteria for air quality, 40mg No2 is the national standard beyond which there would be an objection, the area is already lower than this. Accounting for odour, there is some potential impact on the nursery, but this can be mitigated.
- Highways impact, there is good site access, we have assessed vehicle movements and are happy there is enough space on the network for these vehicles.
- Risk of flooding, officers consider that the Flood Risk Assessment indicates that the site can be made safe, but have requested delegated powers to finalise the conditions that relate to this.
- The noise impact assessment shows noise from the waste centre is lower at the nursery than background noise. Odour impact assessment acknowledges that waste transfer stations can produce odour. The waste is commercial waste, not organic and will not be left on site for long periods. The building is orientated so the entrance is away from the nursery.

Questions for clarification:

- The report says there is no odour at the nursery, but also that mitigation will be required. It is hard to say that there will be zero impact, but with mitigation confident that odour will not be an issue.
- Vermin mitigation says there will be waste inside, but this is a 3-sided shed. The open side of the building will have a plastic curtain.
- Air quality is modelled not measured. The assessment and modelling are in accordance with national best practice. Air quality officers are confident in the report.
- Concerning flies, BCC spent a long time denying issues with flies in Avonmouth, so not confident in BCC saying this now. Mitigation by drapes does not sound plausible. Avonmouth contains decaying organic matter, it is not the same kind of waste in this application.
- This area is targeted for future regeneration, but committee is being told not to attach weight to this. It is unlikely to be a heavily residential area in the short term.
- There was not much public engagement on this application. The application did not follow the pre-application process, so there has been no conversation with officers prior to the submission of the application. A committee refusal based on the lack of public consultation would not be recommended, as the application can still be compliant with planning law.



- The nursery has high level of deprivation as is clear from the public forum. The nursery is in situ and there is a duty of care for those children. It is hard to imagine that there will be no impact of odour with children in the playground or outside space. All sorting of waste will take place in the building, there will be curtains and sprays. The assessment is that this will not be an issue. The waste being sorted is not organic or smelly.
- The Nitrogen Dioxide base level is 30.3mg, which is expected to increase to 30.8mg. The national objection level is 40mg. Particulates will go from 15.1 up to 15.2. The objection level is 32. The public statements concerning a girl dying from poor air quality was from a particularly bad area close to busy roads, as air quality largely depends on proximity to roads. The Manchester Case mentioned in the public forum was a judicial review that found the council failed to consider air quality within an air quality managed area, and therefore is not directly comparable to this application.
- The application is within an industrial area, but it is de facto mixed use. There are 6 residences and a variety of different commercial and industrial areas. Childcare facilities are permitted in these areas to help employment.
- The site was previously a commercial vehicle hire business since 1960s. The agent of change principle applies here, where a new use into the area must be responsible for managing the impact on existing uses.
- Odour is primarily evaluated by doing site visits.

Discussion:

- Concerns were raised about Agent of Change, odour, and noise. The proximity of the nursery means it will be affected by this application.
- This application is in an area of deprivation with the nursery having many disadvantaged families, which presents equalities issues. This would have been rejected in a wealthier area. Although this is an industrial area it is mixed use.
- Mitigation of odour and flies is very difficult. We are asking nurseries to keep windows open during the pandemic and the prevailing wind moves to the nursery.
- We do want to see good waste management, but this is not the traditional use of the site.
- Members appreciated the work that has already gone into mitigation, but the proximity of the nursery makes it a poor position.

No Councillor moved to vote to grant the application as per the officers' recommendation.

Cllr Steve Smith proposed, seconded by Cllr Don Alexander, to defer the application so that officers can make further investigations into odour, vermin and air quality.

RESOLVED: (8 For / 0 Against / 1 Abstain) that the application be deferred.

10 18/05023/F - 493 to 499 Bath Road, Brislington Bristol BS4 3JU

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



- This scheme has been at committee before. We are in the difficult position of needing affordable housing, but we cannot recommend this plan for approval. The design is not compliant with the heat hierarchy policies.
- There was a briefing with members and the applicant, some changes were made but they are not significant enough to warrant approval. There need to be better plans on heat and daylight availability.
- Full planning permission is sought. This application was deferred from 2 Sep 2020 and is for 146 residential units. There was a briefing on 30 Sep and a revised application was submitted in November and December. BCC is under target for house building. We should presume to grant unless the harm outweighs the benefits. 146 dwellings are in 5 blocks. 32 affordable dwellings have social rent, the others are unsecured affordable housing.
- Previous resolution was about recreation space and better corridors and light access. There have been relocation of patio doors and bedroom units. A high proportion of units are single aspect dwellings. Earlier proposals were overly reliant on electric resistant heating, now more are supplied by heat pump. Unfortunately, there are still 109 dwellings on electric resistant. Heat compliance has increased from 12 to 37 dwellings.
- The applicant is not seeking connection to the heat network. Low carbon power is priority for all new builds. It is feasible to supply 58 more units with heat pumps. These are more expensive to build, electric resistant is the cheapest option. BCC officers do not accept the applicant's estimates for additional costs (£18k unit), BCC estimates £8k per unit. £18k is based on retrofit, not new build. BCC has set aside grants of up to £10k per unit to support low carbon heating. Central Government expects minor role for electric heating in future and BCC is planning to decarbonise the city economy. Electric resistant is 100% efficient, ground pump 200%, heat network 300%. Electric resistant heating is expensive to run and puts a burden on the grid.
- Officers think the scheme is non-compliant on heat, quality of design and wellbeing of residents. The adverse impact outweighs the benefit in this proposal.

Questions for clarification:

- Grants are given to the organisation providing the heating system.
- The report says the proposal fails to contribute to affordable housing. This is because at the date of committee a Section 106 Agreement had not been entered into to provide the agreed 32 affordable dwellings. Should the scheme be refused and the applicant appeals to the Planning Inspectorate, then the Council and the applicant can enter into the Section 106 Agreement and present this to the inspector at the appeal, at which point this reason for refusal would fall away.

Discussion:

- Disappointed that the applicant did not do enough to adjust their heating strategy, it is possible to comply, but they have not.
- On heat it sounds as if both sides have dug in. BCS14 standard is outdated, not responded to technology or law. I think the policy is outdated. We want affordable homes and this scheme is affordable.
- BCS14 standard is of age but still applies and stands the test of time. 2011 policy still relevant as set out in the report. Electric resistive heating is not going to be part of any new policy.



- We need affordable housing, but we need to make decisions on sustainability. We should not accept any old thing for the sake of it. Once heat issue is resolved, I expect we will approve.

Cllr Fabian Breckels proposed, seconded by Cllr Paul Goggin to vote on the officers' recommendation to refuse the application.

RESOLVED: (6 For / 1 Against / 3 Abstain) that the application be refused as set out in the Officer recommendations.

11 20/04934/P - St Catherine's Place, East Street, Bedminster, Bristol

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

- Amendments and additional conditions can be found in the amendment sheet. This is a hybrid application for 180 dwellings, 320 cycle parks and commercial space.
- There are 100 responses from public consultation, with a fairly even split between 43 supporting and 59 objecting. Objections are related to the height of the project and lack of affordability. Supports are related to local businesses, shops and regeneration of the local area.
- There are 7 phases of plots. The biggest development is 121 units in block 3. 815m² of commercial space is included. There have been changes to increase separation distance of buildings, changes on external aspects and improved public realm. The buildings are more set back with additional street trees, a pocket park and amenity space of 20x30m. Positioning and building footprint is reduced. Now the building protects the courtyard from external noise. The housing mix is mostly 1 and 2 bed flats. The Council is pushing high density dwelling in this area and consider this an acceptable mix.
- This is the 4th time that we have received an application for this site. It is a hard scheme to develop with high costs. Bedminster has not benefited from this kind of development before. The Paintworks only got affordable housing in the 3 and 4 phase once phase 1 and 2 had raised the property value. The development is feasible in planning terms. Officers recommend approval with no affordable housing currently, but with 2 reviews during the scheme to see if this is possible in future.
- Issues on height and massing the block near East Street have been improved. Block 3 has much less mass than previously, allowing better light and relationship with St Catherine's House. Improvements in public realm and private amenity. 43 additional trees. Height of building is below the previous grant. Much reduced bulk compared to previous applications. Slight improvement in access to sunlight. 10% of windows have poor access to light.
- There are objections on transport or ecology. Officers recommend granting subject to planning agreement.

Questions for clarification:

- Appreciate the viability work that has been done here. Is it feasible that a new viability on affordable homes could be done after each phase? Phase 1 is only 2 small units, so would not be worth doing at that stage. Phase 2 is the commercial space. Phase 3 is the big block so would be the appropriate time to review. We have conditioned if phase 3 has not started in 18 months, they will have to review. 6 months after phase 3 they will have to review.



- Block 3 is compliant with the Bedminster Green framework, it is in the tall building opportunity for 10+ floors. It also improves on previous applications.
- Is viability through phase 3, based on the success of the development locally or the housing market generally? It is about the reality of building costs of materials and labour. Values are affected by housing sales in the area.
- The new scheme has dropped the proposal for a cinema. There is potential for a commercial cinema in phases 5 6 7 but this is no longer explicit.

Discussion:

- There should be something in the conditions that ensures an independent review happens in phase 3. The developers pay for BCC feasibility, who use independent consultants.
- This is a big improvement on the previous scheme, but it would have been good to retain the cinema.
- East Street is badly in need of regeneration and this development should support local businesses.

Cllr Steve Smith proposed, seconded by Cllr Fabian Breckles to vote on the officers' recommendation to grant the application.

RESOLVED: (7 For / 0 Against / 1 Abstain) that the application be granted as set out in the Officer recommendations.

12 Date of Next Meeting

The next meeting is 31 March 2021.

13 Amendment Sheet

Meeting ended at 5.45 pm

CHAIR _____

