

Bristol City Council Minutes of the Development Control A Committee



28 April 2021 at 2.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Chris Windows (Vice-Chair), Fabian Breckels, Stephen Clarke, Paul Goggin, Fi Hance, Margaret Hickman, Sultan Khan (substitute for Mark Wright), Olly Mead (substitute for Mike Davies) and Steve Smith

Officers in Attendance:-

Gary Collins, Jeremy Livitt and Stephen Rockey

Welcome, Introductions and Safety Information

The Chair welcomed all parties to the meeting.

1. Apologies for Absence and Substitutions

Apologies were received from Councillor Mark Wright (Councillor Sultan Khan substituting) and Councillor Mike Davies (Councillor Olly Mead substituting)

1. Declarations of Interest

There were no Declarations of Interest.

1. Minutes of the previous meeting

RESOLVED – that the minutes of the previous meeting held on 31st March 2021 be approved as a correct record.



1. Appeals

Officers drew members attention to the following:

Items 45 and 46 - Former Pring And St Hill Ltd Malago Road Bristol BS3 4JH – Plots 4 and 2 had been approved but Plot 1 had been refused in September 2019 due to height, scale, mass, flooding and lack of access to the River Malago following an objection by the Environment Agency. It was noted that Plot 3 would be submitted to a future Committee.

Following this, a revised scheme had been submitted which was 100% student accommodation. Shortly after the deadline passed, the applicants had appealed against non-determination. The hearing for this had taken place in early December 2020 and the result had recently been received.

The Inspector had dismissed both appeals on the grounds given by the Committee in their decision except for the issue of lack of access and drainage concerns which the Inspector felt could be covered by a condition.

Officers awaited further contact from the developers concerning any future steps.

The Chair expressed his appreciation for the work carried out by officers on these applications.

Items 6 and 7 - Public Realm Colston Avenue Bristol BS1 4RD – In relation to the statues on plinths, officers confirmed that officers had taken a conscious decision not to determine these applications pending the History Commission that had been set up by the Council.

1. Enforcement

Officers advised that there were no further issues of enforcement to report since the last meeting.

1. 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.

1. Practice Notes - Information Item

The Committee noted Practice Notes that were used by officers in applying the Council's policies in Development Control. It was noted that policies had been updated to include climate change, space standards and a sustainability practice note form last year.



It was also noted that these practice notes would be brought back to Committee as they were refreshed.

1. Planning and Development

The Committee considered the following applications.

1. 20/01655/F - Former Railway Depot Clange Road Bristol

Officers presented the report and made the following points:

- Classes A1 to A5 and Class D had been used rather than the classes indicated in the report since it had been submitted before the introduction of new classes
- The Ashton Sidings Railway Land had been purchased by Homes England in 2013
- The area had previously been a stone mason ground but had now been vacated and had been allocated for housing in the 2018 Draft Local Plan
- The layout was determined by the vehicular access point which had been referred to by some of the objectors
- It was predicted that at peak travel time, there would be 55 vehicles per hour travelling through the site
- The original proposed route had been amended to provide greater accessibility for users of the site and pedestrian users
- Proposal to increase the width of the site were complicated due to ecological issues. A bat survey had determined that there were evidence of lesser horseshoe bats foraging and commuting across the site. Since they were particularly sensitive to disturbance, a bat corridor was proposed along the western boundary which would require low level light along the cycle path
- The path was only 3 metres wide. The proposed removal of the trees that would be required would be detrimental to the appearance
- The Bristol/Bath path runs alongside the site and would provide good visibility
- Officers proposed that the path remained but at less than 5 metres. There would be a biodiversity net gain
- Details of the height of the development were outlined and would be 2 storeys
- Illustrations showed the visual impact
- The site would be visible but would be below the landscape. It was not intrusive and did not compare with bonded houses
- Details of worst case scenarios were indicated and showed that the green hill would still be visible. Historic England was of the opinion that the view is acceptable, although they still had concerns. They felt that this was a modern response to this part of the city
- 30% of the proposed properties were single aspect and would all have significant balconies and be wheelchair accessible
- Officers acknowledged that residents of Paxton Drive still had concerns about the loss of light and the change in outlook.



- Officers recommended approval subject to a requirement for affordable housing with delegated authority to agree conditions

Officers responded to questions by the Committee as follows:

- It was hoped that the landscape strategy would enable biodiversity net gains once a net gain assessment had been made to address the situation concerning the meadows
- Sustainable Cities accepted the current proposal for a gas boiler which could be converted in future into a heat pump. However, this could be pursued with the developer if the application was agreed to establish a heat hierarchy with a view to establishing a heat pump
- Analysis had indicated that any shading would be very limited due to the trees and distance and would primarily be in the morning
- In relation to the concentration of dwellings per hectare, the Policies in the Core Strategy indicated that this fell within the recommendation for a high density development and therefore 81 dwellings per hectare was appropriate. This development is in a good quality environment with a large shared use space
- The existing cycle path width was the same as the proposed width following the development
- The most appropriate arrangement was for a separate segregated cycle facility. This was a national cycle route with shared use with pedestrians. Since there were a significant number of pedestrians in the Ashton Court Estate, the concern was that it could create a significant conflict between cyclists and pedestrians. There should be capacity to provide a 5 metre corridor from the start. Guidance for new infrastructure was that this should be a requirement where any path was used by more than 300 cyclists
- Whilst the updated policy would seek to ensure a path width of 5 metres, the current situation on the site meant that this could not be achieved with this proposal
- Officers could include a condition requiring a suitably ambitious strategy to investigate the provision of heat pumps on the site
- Once the change in policy concerning biodiversity and national legislation came into force through the Environment Act, this could be taken account of in making decisions. In the meantime, officers had been advised to ensure there was no net loss until the policy comes into force
- Any change in the cycle route would require a different scheme. However, a requirement for the developers to examine the heat hierarchy could be achieved through a condition

Councillors made the following points:

- The shared path worked satisfactorily at the moment. The proposal for widening the path was an aspiration for the future
- This application would not impact too badly and therefore should be supported
- Whilst the application was not aesthetically pleasing, it had benefits

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



RESOLVED (9 for, 0 against) – that the application be approved subject to a condition requiring the establishment of a heat hierarchy with a view to establishing a heat pump on the site.

In accordance with the Code of Conduct for Councillors on Planning Issues, Councillor Olly Mead did not vote on this application as he was not present for the whole item.

1. 20/01150/F & 20/04633/LA - Soapworks Broad Plain Bristol BS2 OJP

Officers presented this report and made the following points:

- Following the decision at the last Committee to defer this application, the applicant had removed the Apart Hotel from the description/ The new proposal consisted of 243 residential properties and 49 affordable ones which was 20% of provision
- Any approval for the listed building consent would require the matter to be referred to the Secretary of State, whereas the approval of planning permission could be made automatically
- Details of the Listed Building Consent were set out
- A plan showing what parts of the building would be demolished and what would be preserved was shown
- The test for the Committee is the preservation of Listed Buildings and whether the weight of any perceived harm outweighed the costs. This had been assessed as less than substantial but at a high level within this category

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

- The Committee needed to consider the balance of harms and benefits which were exactly as before but only in respect of Option A following the change to the description of the application
- The report set out the impact on lighting of the proposed development. There was no case where the property would be impacted in entirety

Many Councillors expressed support for the application. It was noted that this would be of good public benefit as it would provide decent housing. It was hoped that any outstanding issues could be resolved with the Residents Group.

One Councillor indicated that, on balance, he still remained concerned and would therefore vote against the proposal.

Councillor Fabian Breckels moved, seconded by Councillor Paul Goggin and upon being put to the vote it was

RESOLVED (8 for, 1 against) – that the revised application be approved.



In accordance with the Code of Practice for Councillors on Planning Matters, Councillor Sultan Khan did not vote as he was not present for the duration of the item.

Following this item, Councillor Chris Windows left the meeting and was not present for the remaining items.

1. 20/03286/F - Swift House Albert Crescent Bristol BS2 OUD

The Committee was reminded that it had deferred a decision on this application as it was minded to refuse it. However, this did not fetter its discretion in any way in making its decision.

Officers presented the report and made the following points:

- Members' attention was drawn to the amendment sheet which set out the proposed conditions concerning conditions to mitigate highway and environmental impacts
- Air Quality – Members had expressed concern about this issue at the previous Committee. A Table setting out an Air Quality Assessment was included which was an objective test that could be applied to any air pollution industry. It was noted that the development would result in a very small increase in pollutants which was well within the required standards. Since Air Quality Officers had indicated that there wouldn't be a harmful impact in Air Quality, it would be very difficult to support a refusal in the event of any appeal
- Odour and Vermin – Any assessment in this area was subjective. There was no mechanism for making an objective assessment. However, officers believed that any impact could be mitigated and tightly controlled – not through the Planning Process but through the issuing of an Environment Agency Permit
- Local Authority Equality Duty – whilst there is a duty to take this into account, it would not be enough on its own to be discriminatory. There would have to be a degree of harm. Officers' view was that this could be managed and mitigated
- Area allocated for employment use – Condition 11 had been removed and an additional Condition 5 added

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

- The data indicated that air quality was much worse where a development was located next to busy roads which is reflected in the assessment of this site.
- On a local level any management of odour and vermin depends on how the site is managed which were a largely internal matter such as waste management. The site would handle some organic waste, including dried waste from businesses. Sprays would be used to dampen down odours with external containers being sealed
- An Environmental Impact Assessment had not yet been made. This application falls below the criteria for requiring this. However, most of the information which would form part of an EIA had been provided as part of this application



- The level of air pollution was well below the level at which there would be any concern in an objective assessment
- Councillors' concerns were noted that the air quality assessment needed to take account of all factors including the impact on young people as well as adults and in addition the increased traffic arising from the development. However, officers pointed out that the targets were precautionary and were there to protect everyone of all ages
- Whilst there may be organic waste handled on site, there would not be large quantities. Waste would always be done in the building and would be the only time that the containers were opened
- The issue of odour was subjective and would be mitigated through the Environment Agency Permit

Councillors made the following comments:

- It was important to respect the important work that the waste industry carried out. Whilst the officers' recommendations in respect of Air Pollution Levels should be accepted, there may well be a gap between how the Local Authority and the Environment Agency would provide enforcement. Therefore, issues relating to odour and vermin were a serious cause for concern, particularly since it was close to a school
- The children of Lawrence Hill deserved the same consideration as the rest of the city. Traffic, noise, odour and vermin will all increase. Therefore, the application should be refused
- Regardless of the applicant, the proposed development would have an additional impact on the situation that already existed in the area. Any children going to hospital to get their lungs checked would find the situation worsened and could trigger an asthma attack. On balance, this was too big a gamble with children's health and should be opposed
- The problems caused by odour and vermin were good reasons to oppose this application
- Whilst it was understandable that officers have made their recommendations since they were strictly following the guidance, it seemed counter intuitive to suggest that this development would not cause harm
- Whilst the Committee should show respect for small businesses such as the applicant, this application should be refused

The Chair called for a motion to approve the application in accordance with the Council's agreed procedures. However, there was no mover for such a motion.

Councillor Don Alexander moved, seconded by Councillor Margaret Hickman and upon being put to the vote, it was

RESOLVED (9 for, 0 against) – that the application be refused on the grounds of odour and vermin set out below:

Odour - Given the sensitive nature of nearby receptors and the fact that impacts from odour cannot be ruled



out, despite the proposed mitigation measures, the proposal would have a harmful impact on the nearby receptors, and as such is contrary to policy BCS23 of the Bristol Local Plan: Core Strategy, 2011.

Vermin: Given the sensitive nature of nearby receptors and despite the proposed mitigation measures, the potential for increases in flies associated with the proposed development cannot be ruled out, and on these grounds the proposal would have a harmful impact on the nearby receptors, and as such is contrary to policy BCS23 of the Bristol Local Plan: Core Strategy, 2011.

1. 21/00770/F - 170 Glenfrome Road Bristol BS5 6XE

Officers introduced this report and made the following points:

- The application consisted of a proposal for two new houses alongside amenity space, landscaping and bike storage
- The previous application had been refused under delegated powers in January 2021. However, the applicant had worked hard to address this in the new application
- The Committee was shown a street level view showing the wider site and the extent of the garden, as well as a final view of the application site
- The application was considered spacious and contributes to the area. Each house would consist of two storeys at an appropriate scale and height, two bedrooms and with a street parking space
- The application will retain sufficient garden space
- A detailed landscape plan would be required as a condition to ensure compliance
- Most opposition that had been received related to garden space. There was also concern about reduced visibility at the junction. 6 letters of support had also been received

Councillors made the following comments:

- This application seemed fairly uncontentious and should be supported
- The proposal fitted in well with the existing surrounding and housing was required. It should be supported
- The proposal was for excellent quality accommodation and should be supported
- There was no reason to oppose this application

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

RESOLVED (9 for, 0 against) – that the application be approved.

At the end of the discussion, the Chair thanked all Councillors for their contributions to the Committee and to officers for their support during the 2020/21 Municipal Year.



1. Date of Next Meeting

It was noted that there were no further meetings for 2020/21 Municipal Year.

Dates for Development Control Committees for 2021/22 Municipal Year would be confirmed following the upcoming local elections.

Meeting ended at 5.25 pm

CHAIR _____

