

# Bristol City Council

## Minutes of the Development Control B Committee

21 July 2021 at 2.00 pm



### Members Present:-

**Councillors:** Ani Stafford-Townsend (Chair), Chris Windows (Vice-Chair), Fi Hance (substitute for Tony Dyer), Lesley Alexander, Fabian Breckels, Amira Cole (substitute for Zoe Goodman), Andrew Brown, Katja Hornchen (substitute for Zoe Goodman) and Guy Poultney

### Officers in Attendance:-

Gary Collins and Jeremy Livitt

## 2 Welcome, Introduction and Safety Information

5

The Chair welcomed all parties to the meeting.

## 2 Apologies for Absence

6

Apologies for absence were received from Councillor Tony Dyer (Councillor Fi Hance substituting), Councillor Zoe Goodman (Councillor Amira Cole substituting) and Councillor Donald Alexander (Councillor Katja Hornchen substituting).

## 2 Declarations of Interest

7

There were no Declarations of Interest.

## 2 Minutes of the previous meeting held on 9th June 2021

8

RESOLVED – that the minutes of the above meeting be approved as a correct record and signed by the Chair.



## **2 Appeals**

**9**

Officers introduced this report and made the following comments:

- Members' attention was drawn to the Milsom Street Application which was live but subject to appeal
- Clanage Road – this application had been approved by DCB Committee in October 2020 and referred to the National Casework Unit following which a public inquiry was taking place. Recommendations from this would be referred to the Secretary of State with a decision expected end of this year/beginning of next year

The Committee noted the report.

## **3 Enforcement**

**0**

Members' attention was drawn to a petition referred from Full Council on Tuesday 6<sup>th</sup> July 2021 to Development Control Committee.

It was noted that this petition from Stephen Barrett (Filton Grove Residents Group) was listed as a Public Forum Item and was requesting enforcement action against the adverse effect of work carried out on site at the junction of Filton Grove, Muller Road and Filton Avenue in respect of Planning Application Number 20/01595/F.

Officers confirmed that the application had been approved with a Construction Management Plan. Complaints about the works had been investigated and a recent set of site visits carried out by officers to ensure work was being carried out as requested. Officers were satisfied that they were taking place as had been approved.

## **3 Public Forum**

**1**

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.

## **3 Planning and Development**

**2**

The Committee considered the following applications:



## 32 Planning Application Numbers 21/02372/H and 21/02373/H - 1 Milsom Street

a

Officers introduced this report and made the following comments as part of their presentation:

- Details of the two separate applications were outlined
- It was noted that the applications were retrospective
- Planning Application Number 21/02372/H - Officers considered that the proposals would further exacerbate the existing scale and massing through an additional 0.8m height increase to the 6.0m rear extension. In addition, the proposed fire escape structure would afford occupants increased opportunity to overlook the rear elevations and amenity space of Stapleton Road and as well as exacerbating the residential amenity of 2 Milsom Street through additional overbearing and overshadowing. Following two separate assessments, this application remained unacceptable on design and residential amenity grounds
- Planning Application Number 21/02373/H – Officers considered that, due to the scale and protrusion, coupled with a prior approval rear extension, the development protrudes 10.5metres from the existing rear elevation, undermining the residential amenity of adjacent occupants. As such, the development would be unacceptable on design and residential amenity grounds. This application would also fail the 45 degree test

Therefore, officers were recommending that both applications were refused.

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

- Officers noted concerns about the personal medical circumstances of the applicant and confirmed that these had been taken into account as part of the process. An Equalities Impact Assessment had confirmed that these did not outweigh the harm which would be caused by the developments
- It was noted that obscured glazing and fire escape fabrication could be used to mitigate such applications
- There has been a prior approval for a 6 metre extension in 2019 but there were no extant planning permissions on site. Officers explained that a prior approval permission granted permission to consult neighbours abutting the site concerning its total projection and height. However, as this application exceeded proposed dimensions, it still required planning approval
- The mid-section had commenced without planning permission in anticipation of approval, although the Local Authority had not granted it. The site was subject to current enforcement action
- Officers drew members' attention to the photographs of what was commenced on site
- A comparison was shown between the two proposals to confirm that none of the indicated extension to the rear of the property had any Planning Permission
- If the Committee were to grant the applications, the Local Planning Authority would withdraw from the appeal process for this site



Councillors then made the following points during discussion:

- In view of the nature of the site and the applicants involved, Councillors needed to visit the site to form a judgement
- A site visit would be helpful. However, it would also be helpful if this was approved and following it coming back to Committee, if officers were to provide an assessment of what work could be carried out to ensure that the site was brought into compliance with a permitted development
- Whilst a Site Visit would help with certain elements of this application, such as the view from Stapleton Road, neither application complied with the requirements to be approved. The Inspector concurred with this view
- It was noted that relations were strained between both parties
- The applicant should be encouraged to consider revisions to the site as a way of compromising and ensuring compliance
- A site visit might be of limited help as the bar for the applicants to obtain approval was very high in comparison with the current proposals
- If the officers' recommendations were not supported, this could set a dangerous precedent. Any proposal for a site visit should not be supported.

Officers reiterated that they could consider revisions to the site subject to a willingness on the part of the applicant to do this.

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

**RESOLVED (6 for, 2 against, 1 abstention) – that a decision on both applications be deferred pending a formal Site Visit by the Committee and further discussions between officers and the applicant concerning bringing them into compliance with the required policies.**

### **3 Planning Application Number 20/02903/P - Land At Access 18 Avonmouth**

**3**

Officers introduced this report and made the following comments during the presentation:

- Details of the application site were shown edged in red and was near to high ecological designations at the Severn Estuary and Bristol Port
- Replacement planting was proposed as part of three ecological enhancement areas, involving native woodland tree planting. Mitigation was proposed in the form of the cycle path along the Avon Way and bus route and details of financial contributions
- A diagram showing what the hotel would look like was shown



- Details of the transport impact were shown. Analysis had indicated that approximately 460 trips would be generated by the development during the peak hour to the Highway Agency Network
- As mitigation for this, there would be pedestrian crossing improvement along the Avonmouth Way Segregated Route and improvements along the junction to Crowley Road would include a new set of signals
- There were two existing sites where accidents had occurred along Longs Cross Roundabout and Kingsway Lane. There would be increased queueing around Long Cross as a result of this development. As a result, Section 106 works would be drawn up in consultation with the local community, including a £150,000 contribution to look at the Long Cross roundabout and Kings Weston Lane

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

- The applicant had been encouraged to retain trees in the design along Avonmouth Way which would also help ameliorate any flood risk
- The Environment Agency had indicated that they were now happy with the proposals which included an evacuation plan. They were happy that the exceptions test had been passed
- Members' attention was drawn to the Avonmouth Severnside Flood Mitigation Scheme which indicated that, even though the application was not dependent on it, there was a large regional scheme taking place in this area to address long term problems of flooding in the area which would allow future development without the risk of flooding since the area was at long term risk of this
- Whilst it was noted that the Local Planning Authority had accepted that there was no requirement for a sequential test, the mitigation package addressed this issue. Accepting a more limited approach for sequential testing was an agreed way forward. It was noted that Policy DMC18 required that Avonmouth and Lawrence Weston remained undeveloped. This development fell under the draft policy and as such should be given the necessary weight
- Details of the entire transport mitigation package had been included

Councillors made the following comments:

- The proposal should be supported. The Environment Agency's support for this application was a very high bar given their expertise
- There remained serious concerns about this application which would build on a medieval flood plain. If the River Severn flood defences were already built, this would be more acceptable
- This was an undeveloped piece of land which was not designated for this type of application. Transport Management recommended a delay which should be considered
- The decision to limit the use of sequential testing set a bad precedent in this application

Councillor Andrew Brown moved that the application be approved as per the recommendations contained in the report, seconded by Councillor Chris Windows and upon being put to the vote, it was LOST (4 for, 5 against).



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

**RESOLVED (6 for, 2 against, 1 abstention) –**

- (i) **that the Committee is minded to refuse this application which is deferred for reconsideration at the next meeting**
- (ii) **officers submit a report to the next meeting which will address the issues of sequential testing and why it is not applied to the whole area, provide more clarity on transport plans as well as a more detailed timescale concerning the forthcoming River Severn defences.**

### **3 Planning Application Number 20/02864/F - The Windmill**

**4**

Officers explained that this application had been withdrawn from the agenda following consultation with Spokespersons.

As a result of legal representations from objectors, it would be reconsidered at the next meeting and the financial viability information from the applicant made explicitly public to be subject to appropriate public consultation and the required scrutiny.

### **3 Date of Next Meeting**

**5**

It was noted that the next meeting would be held at 2pm on Wednesday 1<sup>st</sup> September 2021.

Meeting ended at 4.15 pm

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



