

# Bristol City Council

## Minutes of the Development Control B Committee

1 September 2021 at 2.00 pm



### Members Present:-

**Councillors:** Ani Stafford-Townsend (Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Amirah Cole, Tony Dyer and Katja Hornchen (substitute for Zoe Goodman)

### Officers in Attendance:-

Gary Collins, Jeremy Livitt, Stephen Rockey and Patrick Goodey

### 3 Welcome, Introduction and Safety Information

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The Chair welcomed all parties to the meeting and explained the arrangements in the event of an emergency evacuation of the Council Chamber.

### 3 Apologies for Absence

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Apologies for absence were received from Chris Windows, Guy Poultney and Zoe Goodman (Katja Hornchen substituting).

### 3 Declarations of Interest

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Councillor Andrew Brown indicated that he had received representations concerning the application relating to Romney House (Planning Application Number 20/05744/M).

### 3 Minutes of the previous meeting held on Wednesday 21st July 2021

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RESOLVED – that the minutes of the meeting held on 21<sup>st</sup> July 2021 be approved as a correct record and signed by the Chair subject to confirmation that Councillor Katja Hornchen was the substitute for Don Alexander not Zoe Goodman.



#### **4 Appeals**

**0**

Item 13 – 1 Milsom Street. It was noted that the date of this appeal was still awaited from the Inspector,

#### **4 Enforcement**

**1**

The Committee noted this report.

#### **4 Public Forum**

**2**

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.

The Chair allowed one verbal statement from a speaker in relation to Planning Application Number 20/00542/P – Land At Home Gardens.

#### **4 Planning and Development**

**3**

The Committee considered the following Planning Applications.

#### **4 Planning Application Number 20/05477/M - Romney House**

**4**

Officers introduced this report and made the following comments:

- As indicated in the Amendment Sheet, South Gloucestershire Council had raised no objection to this application
- It was acknowledged that there would be an impact on neighbouring properties. Redrow Homes had initiated a discussion to screen the development from Stoke Park. Slides would be used throughout the site and would be governed by a condition. Officers were confident that a confident level of screening could be provided for the new housing
- The appendix by the case officer had assessed the properties
- An aerial photo was shown indicating the site. It was noted that a bus route would go to the new housing
- Officers believed that the principle to move forward to residential development on the site had been established and that the development was on balance acceptable overall



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

- The evolution of the design of the scheme had resulted in the proposed housing being taller than expected. Officers' view was that lowering the heights would not have an impact on amenity and would not significantly affect overshadowing, as indicated in the report. The supplementary planning documents had not affected officer's view on this
- Some of the mound left following the development would be redistributed. Once construction started on site, the level will be significantly different
- Some of the old red brick properties would be an estimated 18.7 metres at the shortest distances. However, this was considered acceptable in the wider urban context and maximising the use of scarce urban land
- Whilst the Committee could not redesign the scheme, they could require confirmation of the finished floor levels of the dwellings built compared to the existing ground levels
- The City Design Team had assessed that the quality of urban design was suitable and therefore complied with Policy BCS21
- There would be a complimentary planting scheme of an additional 97 trees on site. The trees lost were shown in red hatching. Some of these would be lost due to drainage issues
- It would not be reasonable to include a condition which set a specific amount of material that would need to be removed from the site
- The way that properties were assigned was outside the planning regime but officers understood that developers would be discussing this with the Housing Association
- 30% of affordable housing was controlled by the Local Planning Authority. The remaining proposed 25% affordable housing was subject to discussions between Vistry and Gordon Homes which was the Council's own housing body

Councillors made the following comments:

- There were concerns from residents about these proposals. If they were approved, mitigation would need to be considered
- The development was for housing under reserved matters, included exit and entry points, was in an urban setting and was a brownfield site. The proposal for 55% affordable housing was very good. Therefore, this application should be supported.
- Whilst the concerns about the 2 storey height of the proposed housing was of concern, this development should be supported
- The commitment for affordable housing was good. Consideration should be given to including a condition to require or a commitment to require lower buildings where possible

It was moved by Councillor Fabian Breckels, seconded by Ani Stafford-Townsend and upon being put to the vote, it was

**RESOLVED (7 for, 0 against, 0 abstentions):**



- (1) that the reserved matters application be approved**
- (2) that the outstanding Section 106 agreement is amended to be attached to the outline planning permission 18/00703/P to include provision of £150,000 towards relevant transport mitigation measures**
- (3) that delegated authority be secured to finalise the planning conditions to be attached to the decision notice**
- (4) that conditions be included requiring confirmation of the finished floor levels of the dwellings built compared to the existing ground levels particularly where the ground levels at the site appear to have been raised above their previous level**

#### **4 Planning Application Number 21/02372/H - 1 Milsom Street**

**5**

Officers introduced this report and made the following points:

- The Committee had visited the site today and had looked at the properties at Numbers 1 and 2 Milsom Street
- Officers had extensively engaged with the applicant both before and after the application to see what development could be possible
- Application 21/02373/H had been withdrawn on Thursday 26<sup>th</sup> August 2021
- The proposal for Application 21/02372/H would result in an increase in the height of the fire escape and relied on the proposal for a 2 storey projection not requiring planning permission
- The previous planning permission did not permit an extension to the existing dwelling and was not completed as required by the end of May 2019. Therefore, there was no extant planning permission on the site and officers believed that prior approval no longer exists. As a result, full Planning Permission was required
- There was an outstanding appeal against an enforcement notice on the property when the Inspector would consider the lawfulness of the extension
- A previous application had been refused on appeal on three grounds: the extension, unsatisfactory living conditions that would result and the effect of the extension in terms of the privacy of the neighbours
- Details of the application and the site were shown
- Details of the extensive site history of the application, as also provided at the previous Committee meeting, were outlined
- The Committee was shown details of the works which had been withdrawn (shown red) and those which had lapsed and required prior approval (green)



- An 8.6 metre extension was required with a fire escape which would be between 2.5 and 2.9 metres above ground level
- It was noted that objections had been received from 2 and 13 Milsom Street, with 2 Councillor comments (1 neutral, 1 supporting)
- It was considered that the works would be unacceptable in terms of scale and massing and that there would be a loss of amenity and the development would be overbearing
- Officers believed that the proposal was contrary to Policies PCS1, DM6, DM27 and DM30 and so were recommending refusal
- The proposed development would be within 10 meters of Stapleton Road which should ideally be 21 within an urban area

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

- Since the last meeting, the case officer had contacted the applicant by e-mail and the Service Manager, Development Management, had a 30 minute conversation with him. In addition, there had been a zoom meeting with the applicant before the last meeting. The e-mail had set out exactly what would and would not be permissible for any application
- Whilst there was no evidence to confirm whether or not the applicant's claim that the previous approval was for a 2 metre development, this was outside the scope of this application.

Councillors made the following comments:

- It was clear from the site visit that the applicant cared greatly about his grandmother and her health and wanted to do everything to help her. However, it was also clear that the proposal would have a negative impact on 2 Milsom Street and that it was reasonable for anyone living at that property to object to it. It was unfortunate that there had been a breakdown of trust between the parties. External mediation might help with this situation
- The applicants were urged to get planning agents involved to advise on how a development could be put forward which was likely to get approval and which would meet the needs of the grandmother. If the proposal was just for the ground floor, it was much more likely to be acceptable particularly since the current resident is wheelchair bound. The proposal could not be supported in its current form
- This proposal would not work. Professional advice was required to quickly resolve the situation
- It was disappointing that it had not been possible to obtain an agreement on this
- The situation had taken a step backwards since the last Committee meeting. The proposal for one Planning Application did not make sense. An alternative solution was required which would be acceptable
- There was a strong indication from the meeting that a different proposal for a 1 storey development might be acceptable to the Committee

The Committee agreed that, following the decision, they would meet with the applicant to discuss what future arrangements they might wish to pursue.



It was moved by Councillor Ani Stafford-Townsend, seconded by Councillor Tony Dyer and upon being put to the vote, it was

**RESOLVED (5 for, 0 against, 1 abstention) – that application number 21/02372/H is refused on the basis of an unacceptable and unsympathetic design and on the basis of unacceptable residential amenity impacts.**

#### **4 Planning Application Number 20/00542/P - Land At Home Gardens**

**6**

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

- Details of the site were provided. It was noted that it was accessed via Redland Hill and was allocated within the Whiteladies Road Conservation Area
- The proposed development would include 12 affordable dwellings and 2 blocks which were both 5 storeys in height
- Vehicular access would continue to be via Redland Hill with pedestrian access also from there
- Following three rounds of consultation, the scale and massing of the blocks had been reduced
- The majority of responses so far received were objecting to the proposal
- The original referral by Councillor Carla Denyer had been withdrawn subject to the applicant agreeing to the provision of the pedestrian path
- The development was considered acceptable and was a brownfield site
- City Design welcomed the development as causing less than substantial harm
- A number of concerns had been raised by St Vincent residents concerning light, noise and transport. However, the impact was considered acceptable. Conditions would be provided concerning the Asda Petrol Filling Station
- Officers were recommending approval subject to a Section 106 agreement

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

- The majority of the site was owned by the applicant. Whilst there remained an issue concerning access, this was a land ownership issue which would need to be resolved between two private landowners but this was not a Planning matter.
- Officers could confirm that the applicant had served notice on Pegasus Life and another party and that therefore the application was valid. Whilst it was clear that access to the site by the developer would require access to the land, this was not a material consideration for this application
- Private property rights run alongside the application as long as the notice is served. Full legal control over the land would be required to pursue the development through property law and to enable the development to be built
- Access to the site was confirmed as being from Redland Hill and pedestrian access was by steps



- The three rounds of consultation had been in February 2020, December 2020 and May 2021. A site notice had also been erected and adverts in a newspaper as part of the consultation. Statutory notices had been issued to all individual residents
- The concerns about construction management were acknowledged by officers. However, it was difficult to attach a condition relating to this to any approval of the development. Members' attention was drawn to Condition Number 7 which would exercise as much control as possible across the site during the development

Councillors made the following comments:

- If this application was approved, it could cause significant friction between the parties concerned. The developer needed to consider access through the adopted road
- The developer needed to work with existing residents on this issue

It was moved by Councillor Ani Stafford-Townsend that the application be approved in accordance with the officer recommendations. This was not seconded.

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

**RESOLVED – (6 for, 0 against, 0 abstentions) that the application is deferred and that the Committee is minded to refuse this application on the grounds of the unsuitable proposed vehicular access through an existing car park. There was a need for appropriate consultation, access for other parties and the need for the applicant to provide their own vehicular access to the site.**

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

**7**

Officers introduced this report and made the following points during their presentation:

- The largest site on the register was 8 hectares
- There were a number of transport mitigation measures in place for this scheme
- Three ecological areas had been applied for and the applicants would be setting aside nature habitats
- The key issues included the significant contributions which would form part of the scheme, 126 trees being planted and public amenity



- The key elements of the scheme were the two wetland areas and the flood defences for them. These would ensure that there was no outflanking of flood defences to protect existing properties
- The site had been identified by the Enterprise Area including two thirds provided by WECA
- The Environment Agency, Civil Protection Unit and Internal Drainage Board were statutory consultees and had assessed the scheme as suitable.
- The development had a 60 year lifetime until 2081. Assessments had shown that a more severe flooding scenario than currently envisaged would be needed up until 2098 which was very unlikely given the number of flood gates. If this did occur, it was estimated that there would be some very shallow flooding over some parts of the site
- An Evacuation Plan was in place and would be easy to implement with the flood defences in place
- Cabinet approval had been given to proceed with the scheme and a full Strategic Flood Risk Assessment had been made

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

- Flood defences were scheduled to be built by 2025
- Reserved matters approval which would set out the detail of each plot of the development would be obtained over time
- The extent of the transport package needed to be agreed at this stage although the reserved matters application might include detailed travel plans for each plot
- The site had been given a change of designation through the Local Plan for industrial uses
- The green areas outlined showed the Avonmouth and Kings Weston levels. The key policy in respect of this was the biodiversity offsetting. Officers believed that this scheme complied with this
- It would not be reasonable to condition the remainder of the site concerning the progress of flood defences since these areas were outside the applicant's control. Whilst there was nothing currently in place, there was a clear commitment to deliver flood defences by 2025
- There had been some initial confusion as to how to treat the scheme in planning terms since the Strategic Flood risk Assessment had originally assumed that defences were not in place. It was also noted that an easy evacuation strategy was in place

Some Councillors still expressed concern about building on a floodplain as part of a climate emergency and should be opposed.

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

**RESOLVED – (4 for, 2 against, 0 abstention) that the application is approved subject to a Planning Agreement and subject to delegated authority to agree wording of conditions.**



#### 4 Date of Next Meeting

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It was noted that the next meeting was scheduled to be held at 6pm on Wednesday 13<sup>th</sup> October 2021.

Meeting ended at 5.20 pm

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

