

Bristol City Council

Minutes of the Development Control B Committee

24 November 2021 at 2.00 pm



Members Present:-

Councillors: Ani Stafford-Townsend (Chair), Chris Windows (Vice-Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Amirah Cole, Tony Dyer, Katja Hornchen and Guy Poultney

Officers in Attendance:-

Gary Collins

1 Welcome, Introduction and Safety Information

The Chair welcomed everyone to the meeting and issued the safety information.

2 Apologies for Absence

None received.

3 Declarations of Interest

None received.

4 Minutes of the previous meeting

RESOLVED the minutes of the previous meeting of 13 October 2021 are agreed as a correct record.

5 Appeals

Item 16 refers to the Police Dog & Horse Training Centre on Clanage Road, which is proposed to be the new location for the Baltic Wharf Caravan Club. Officers are expecting a ruling from the Secretary of State on this by 9 February 2022.

6 Enforcement



As per p.24 two notices have been served since the previous meeting. Officers explained that notices are served once other informal arrangements fail.

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 applications.

9 20/02864/F The Windmill 14 Windmill Hill & 3 Eldon Terrace Bristol BS3 4LU

Officers presented the report and highlighted the following points:

- a) the application is to build first floor and raised single storey rear extensions and change of use from a public house into five flats. Officer recommendation is to approve.
- b) The current layout is a downstairs pub, with a four-bed flat on the first floor. The beer cellar is situated beneath the adjacent dwelling known as 3 Eldon Terrace which has recently been sold, meaning the cellar is no longer available for the use of the pub.
- c) The property has a similar design to nearby houses, the application includes some minor changes, such as larger windows. The committee was shown elevation diagrams to show proposed changes. All flats as proposed provide adequate living conditions.
- d) 169 objections have been received on this application. It was approved in November 2020, but this decision was challenged and quashed.
- e) Policy DM6 states that a public house can undergo change of use if either the pub is not financially viable OR there is suitable alternative provision of pubs nearby.
- f) Financial details supplied by an accountant show losses of £13k in 2019 and £7k in 2020. The pub has been advertised for sale, valued at £495k. An offer was received and rejected by the applicant to give the community group time to raise funds for a purchase. This community group was only able to raise £175k.
- g) Policy DM6 does not specify what the reasonable walking distance is for alternative provision. *Manual for Streets* indicates that 800m is an appropriate walking distance. There are 14 pubs within 800m that provide alternatives. The safety of citizens during walking is a public order matter for police, not a planning issue. It is notable that the police are happy with this application. Officers view a diverse range of alternative pub provision provided in the locality.
- h) Policy DM5 is also relevant for this application and concerns loss of community facilities. Officers are satisfied there is alternative provision under DM5, which specifies community facilities beyond pubs.



- i) Officers are satisfied the application does not fall foul of the equalities act as this pub does not specifically cater to people with protected characteristics.
- j) There have been no objections from transport officers or the design team. The flats are a good size, and the extension has no impact on neighbours. There is a presumption in favour of development as BCC cannot currently demonstrate a 5yr supply of housing. Officers recommend approval subject to conditions.

Questions for clarification:

- k) Re: beer cellar being returned to the previous building. The pub has an unusual layout. The cellar of the neighbouring property was leased to the pub for beer storage. In 2019 a certificate of lawfulness was issued to cover the beer cellar as it is unclear if the previous consent for the change of use of the cellar was ever implemented.
- l) This case is to consider an application where planning has been previously quashed. The first legal review was around equalities duty. The judicial review is not directed at the planning decision itself, but the decision-making process. It is up to the committee to give adequate consideration and weight to equalities issues. The previous decision was quashed as it was not suitably evidenced in the Committee report and meeting that this was adequately demonstrated.
- m) Re: DM6 policy for alternative provision. Applicant must prove there are nearby pubs that can continue to meet the needs of the community. This is not just about numbers, as not all pubs will have the same offer. Pubs offer public interaction and community activities. Collectively the alternatives presented could be considered sufficient for alternative provision. Officers have not inspected all the routes to alternative locations but are familiar with the area more generally. 'Reasonable' walking distance is not specified in DM6, but 800m is used by transport officers, so is applied here.
- n) Re: DM5 policy for alternative provision. This relates to community facilities more generally rather than pubs. It is about somewhere people can meet and congregate for activities. This will not be a 100% match, but a variety of other offers are available. Both DM5 and DM6 need to be considered.
- o) Re: change of use for the beer cellar. The historical papers show an application in 1981 for change of use into a beer cellar. Planning permission was granted in 1981, however this may never have been implemented as officers do not have the documentation to prove it. Monitoring implementation is a more recent redevelopment related to discharging conditions.
- p) There is a substantial development in Bedminster Green being built for around 1500 residents. This could put pressure on local amenity and this use could benefit from such patronage.
- q) Regarding financial information, this has been supplied by an accountant, who is required to be impartial. Planning officers do not have the expertise to assess whether a business is viable. The committee asked for further financial details in the meeting, but this is a matter for the applicant and was not contained within the committee paperwork. It was noted that the pub would have been unable to trade during the Covid lockdown period.
- r) The applicant received an offer of £495k for the pub from an established pub chain. This was rejected by the applicant due to 'unfavourable conditions', which was clarified as unworkable completion dates.



Debate Notes:

- s) Not convinced that DM6 has been satisfied. The provision must “collectively meet the needs and expectations of the community” and Members considered that routes must provide “safe access”. Statements have been received from vulnerable individuals about the routes given, so there are concerns about equalities and accessibility issues.
- t) Not convinced by financials. Even if the current business model is not viable, this does not mean the building itself is not viable or another model could not work.
- u) Committee has received a significant number of well researched and presented statements from the local community demonstrating that alternative provision is inadequate. Many residents have appeared in person at committee, showing the strength of feeling. Their opinions should be given weight.

The proposal to approve officer recommendations was moved by Councillor Dyer but was not seconded, so FALLS.

A proposal to refuse the application based on not fulfilling the requirements of DM6 was moved by Councillor Stafford-Townsend and seconded by Councillor Dyer. On being put to a vote it was:

RESOLVED (9 for / 0 against / 0 abstain) application is refused based on not fulfilling the requirements of DM6.

1 20/05477/M Romney House Romney Avenue Bristol BS7 9TB
0

Officers presented the report and highlighted the following points:

Presentation:

- a) Members are familiar with the scheme and have attended a site visit. This is to approve the details of reserved matters. The officer recommendation is to agree and attach a condition that details of the proposed ground levels be provided to the local authority before building work commences.
- b) On ‘Lifetime home standards’ this scheme was previously described as compliant but that is no longer the case as some properties have stepped access. This development strikes a good balance of property mix but some have stairs as lifts were not viable. 97 units are stepped so compliance is now 64% rather than 100%. This is to make best use of the land available.
- c) 10 units are 1m larger than previously submitted.

Questions for clarification:

- d) Committee had showed concern previously about the height of the properties on Hermitage Road. The condition should address those high houses being over the existing ground level. Officers agreed they had concerns about the whole site being dug down and increased land height was undesirable. The condition can be amended to include this.
- e) Members asked when the application was likely to return as they were concerned about delays. This would be a matter for the applicant but is likely to be early next year.



- f) If committee is minded to approve, this application will come back to committee leads or an agenda meeting and may be approved at that stage. If it does not meet conditions, it should be referred to committee.

Debate Notes:

- g) Committee recognises the need for more housing and the time pressures involved, however it is important for reports to be right first time to prevent having to revisit them.

A proposal was moved by Councillor Breckles and seconded by Councillor Poultney, when put to a vote it was:

RESOLVED (9 for / 0 against / 0 abstain) application approved as per officer recommendations.

1 Date of Next Meeting

1

The next meeting of Development Control B Committee is 12 January 2022 in City Hall.

Meeting ended at 5.00 pm

CHAIR _____

