

Bristol City Council

Minutes of the Development Control B Committee

12 January 2022 at 6.00 pm



Members Present:-

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

Officers in Attendance:-

Gary Collins – Head of Development Management, Allison Taylor – Democratic Services

1 Welcome, Introduction and Safety Information

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

1 Apologies for Absence

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Apologies received from Councillors Dyer and Poultney.

1 Declarations of Interest

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There were none.

1 Minutes of the previous meeting

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RESOLVED – that the minutes of 24 November 2021 be agreed as a correct record and signed by the Chair.

1 Action Sheet

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The Head of Development Management reported that the appeal for Home Gardens was with the Planning Inspectorate but had not yet been validated and as a result there was no current dialogue with the applicant.

1 Appeals

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The Head of Development Management reported in respect of Item 10 – 1, Milsom Street. The enforcement notice was still in place and an appeal hearing was scheduled for 18 January.

1 Enforcement

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The Head of Development Management reported that there had been a light touch approach to food store breaches since the pandemic but the two food stores listed continued to receive complaints regarding breaches of delivery hours.

1 Public forum

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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.

2 Planning and Development

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The Committee considered the following applications.

2 20/04125/F - The Old Dairy Durnford Street Bristol BS3 2AW

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The case officer highlighted the following points by way of introduction:-

1. The application was for the demolition of existing buildings and erection of 40 C3 dwelling houses (33 flats and 7 townhouses) and commercial floor space with associated car parking, cycle parking, refuse, storage and landscaping;
2. There would be a new public route through the site;
3. Noting the concerns expressed in a Public Forum Statement about overlooking it was noted that the flatted block had been designed so that its views were down Ashfield Road;



4. There was a financial contribution of £20,000 towards local cycle infrastructure improvements which would be secured via section 106 legal agreement, along with TRO fees in relation to street lining;
5. He recommended the application for approval subject to conditions and a S106 agreement.

The Head of Development Management commented on the application as follows:-

1. The 8 units in a cluster was standard practice and compliant with the Council's affordable housing policy;
2. The key principles were that service charges were kept down to a minimum including separate entrances and that the clusters helped the management of the units;
3. In addressing the Public Sector Equalities duties referenced in a Public Forum Statement it was confirmed that the duty had been carried out twice – whilst assessing the application and by the Affordable Housing Practice Note considered at Cabinet in 2018.

The following points arose from questions:-

1. A condition required public art to be incorporated along the public through route though no artist had yet been chosen;
2. It was not clear where the businesses would go in the unit at the rear but the economic development team had not objected;
3. Only one of the affordable housing units did not have a balcony;
4. Concern was expressed as to why there was no lift in the affordable housing unit which could be redesigned next to the stairwell. It was noted that this was feasible but would involve the loss of a parking space. It was important to resist the temptation to redesign the proposal. It had been designed for a particular reason and it was rare to have a lift for three storeys and a lift had been provided for the five storey unit;
5. Including a lift would increase costs and could make the units unaffordable due to increased service charges;
6. There was an inconsistency with the hours for the single yellow lines waiting restrictions and the delivery hours. Officers agreed that one could be amended to match the other;
7. It was noted that the proposal would allow two additional car parking spaces overnight compared to the existing situation;
8. It was noted that the garden at the end of block A was proposed for those residents only but could be conditioned for access for all residents;
9. It was confirmed that the height of properties on Ashville Road is 2 storeys and not 2.5 storeys as set out in the report;
10. None of the 16 car parking spaces had been allocated to the affordable housing units. There was 45% provision of parking so other units also did not have parking;
11. There had been access issues regarding rights of movement so this proposal had removed 4 car parking spaces and some landscaping which had been within the original application;
12. 'Having regard to equalities duties' meant recognising what the issues were and weighing them up against many other matters and forming a view;



13. It was confirmed that Block A is proposed as 4-6 storeys as set out in the report;
14. North Street was a five minute walk away with access to public transport and cycle routes;
15. The daylight assessment showed a slight exceedance but on balance it was not felt that this was sufficient to refuse the application;
16. The practice of having the art plan as part of the application varied over the years. Some developers were more or less advanced when submitting their application. Importantly the matter had been conditioned;
17. The commercial unit was a Class E which covered a wide range of uses which included light industrial but this was felt an unlikely use. It was possible to condition against this if the Committee was minded;
18. It was understood that the fast track approach for affordable housing, set out in the Affordable Housing Practice Note, had now expired in Bedminster ward. The applicant had submitted well before the period expired and the 30% level was now in place. It was unlikely that a viability process would generate any more than 20%;
19. There were two separate cycle stores for all units independently accessed. There was also visitor cycle storage proposed. The proposed cycle storage exceeded current policy requirements.

The following points arose from debate:-

1. Councillor Alexander felt the lack of lift and parking spaces was a poor deal for the affordable housing residents;
2. Councillor Breckels understood the need to keep costs down but suggested that the application be deferred in order for the inequalities of the affordable housing units ie. the lack of lift and car parking spaces to be addressed. He noted that disabled residents were likely to require affordable housing and would need a car parking space and a lift. It was noted that this would also apply to parents transporting prams upstairs. These concerns were echoed by the Chair and Councillor Brown;
3. The Head of Development Management noted the concerns and officers would discuss them with the developer. He cautioned that these matters would all add to the service charge and the developer would need to consider that.

Councillor Breckels moved that the application be deferred so that the matters of access to the affordable housing units and the lack of car parking spaces for the affordable units could be reconsidered This was seconded and on being put to the vote it was:-

RESOLVED – (Unanimous) That the application be deferred for the reasons of access to accommodation and the lack of parking spaces in relation to the affordable housing units.

2 21/03346/F - 2 Bishopthorpe Road Bristol BS10 5AA

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The case officer highlighted the following points by way of introduction:-



1. The application was for a single storey side and rear extension and change of use from dwelling house to large HMO;
2. The application had previously been submitted and had been refused. Amendments were secured during the current application process . On reconsulting the application received 21 objections;
3. The application had been referred to Committee by Councillor Hulme regarding concerns for design and visual impact, impact on neighbours' privacy and over-bearing;
4. The proposal retains an open character and building line at the corner location and meets the design requirements of the SPD on Household Extensions;
5. Noise insulation was proposed for all party walls and meets all other HMO SPD requirements;
6. There was not a harmful concentration of HMO's in the area with approximately 85% houses, 6% multiple occupation and 14% flats;
7. All rooms met HMO licensing standards;
8. There were no policy reasons to refuse the application so it was recommended for approval subject to conditions.

The following points arose from questions:-

1. The application was compliant on SPD HMO's and there was therefore little chance of defending at appeal;
2. The demographic of prospective residents was not within the planning remit;
3. There would be 1 person per bedroom as marked on the submitted plans and HMO Licensing would specify this on the licence;
4. The bedroom sizes had been reduced from the previous application but still met HMO licensing space standards;
5. The identity of the applicant was not a planning consideration;
6. National planning guidance had recently been amended to include 'beautiful buildings' and officers observed that whilst this was in the eye of the beholder. This application met the design requirements of the Household Extension SPD and was an acceptable design;
7. It was possible to condition that the parking space be retained in perpetuity.
8. There was a condition requiring a fence to be erected between the adjoining property prior to occupation and that wording would be added to retain it in perpetuity

The following points arose from debate:-

1. Councillor Breckels understood the concerns about the application but as it was policy compliant there was little chance of success at appeal. He asked that second parking space be negotiated and was informed that there was no room for a second space and that Transport Development Management had not believed that the impact on parking was severe enough to refuse it;
2. It was confirmed that a standard parking condition could be modified and added to ensure that the existing space was available for use prior to occupation and retained permanently.

The Chair moved the officer recommendation and it was seconded and on being put to the vote it was -



RESOLVED – (6 for, 2 abstentions) That the application be granted subject to conditions as set out in the report and an additional condition as set out below:-

Completion and Maintenance of Car/Vehicle Parking - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area/garage and associated access shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development only in perpetuity. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

2 Date of Next Meeting

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The next meeting of Development Control B Committee was on 23 February 2022 in City Hall.

The meeting ended at 8.10pm.

CHAIR _____

