

# Bristol City Council

## Minutes of the Development Control B Committee

6 April 2022 at 6.00 pm



### Members Present:-

**Councillors:** Ani Stafford-Townsend (Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Amirah Cole, Katja Hornchen, Guy Poultney, Richard Eddy and Lorraine Francis

### Officers in Attendance:-

Gary Collins and Norman Cornthwaite

### 3 Welcome, Introduction and Safety Information

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

### 3 Apologies for Absence

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Apologies were received from Cllrs Paula O'Rourke (substitute Lorraine Francis) and Chris Windows (Vice-Chair) (substitute Richard Eddy).

### 3 Declarations of Interest

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There were none.

### 3 Minutes of the previous meeting

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**Resolved** – that the Minutes of 23<sup>rd</sup> February 2022 be agreed as a correct record and signed by the Chair.

### 4 Action Sheet

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Noted.

#### **4 Appeals**

**1**

The Service Manager, Development Management introduced the report. He drew Members attention to the following items:

Item 30 Windmill Pub – An appeal against a Committee decision of refusal.

Item 40 Police Dog and Horse Training Centre – following Committee resolution to grant, this had been called-in due to a flooding objection from the Environment Agency. Although the Planning Inspector who held the Public Inquiry recommended approval, the Secretary of State decided to refuse permission.

Item 50 46 Ridingleaze – The Planning Inspector allowed the Appeal against the Committee's refusal.

Also Item 56 60 Lewis Road – The reasons for the Appeal being allowed will be provided; Item 52 8

Chandos Road – The reasons for the decision to dismiss the appeal will be provided.

#### **4 Enforcement**

**2**

The Service Manager, Development Management introduced the report.

#### **4 Public forum**

**3**

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.

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

**4**

The Committee considered the following applications.

#### **4 20/04125/F - The Old Dairy Durnford Street Bristol BS3 2AW**

**5**

The Case Officer introduced the report, summarised it for everyone and gave a presentation.



The application is for full planning application for demolition of all existing buildings, erection of 40 No. C3 dwelling houses and commercial floorspace with associated car parking, cycle parking, refuse storage and landscaping.

The following answers were provided to questions:

- The rear service yard is shared and provides access to surrounding properties; 2 houses have been approved as part of the brewery scheme; there are a mix of uses in the area
- The Committee should focus on the reasons for deferral in January to satisfy itself that those have been addressed, however the scheme has not been approved so all issues can be taken into account
- The height of the building was discussed in January, however it was not one of the reasons for deferral; it is an issue that the Committee should take into account
- The yellow line is proposed on the advice of Traffic Development Management officers to allow the servicing of the commercial unit between specified hours without blocking the road; at other times the space is available for residential parking; the exact extent of the yellow line would be determined following the S278 Highways Agreement
- There is an advice relating to precluding the scheme from any future resident parking scheme
- Local management of the property will decide on the issue charging residents for the use of electric charging points and other issues relating to the electric charging points
- No conditions from the previous report have been deliberately removed so Condition 48 (from the last report) should still be included; this issue will be clarified and resolved (It was established that the Waste Management Plan had been unintentionally missed off the list of conditions and it was recommended that this condition should be included if the scheme is approved.)NB. It has since been noted that the previous report had the Waste Management Plan condition added twice, hence removing this duplication from the latest report.
- The issue of the overshadowing of adjacent properties was considered prior to the recommendation of approval being decided on by Officers, with this issue discussed within the original Officer report
- The scheme includes a requirement for 8 affordable units; although this area is normally subject to a 30% affordable units requirement, at the time the application was submitted there was a temporary relaxation to 20% and it was therefore considered reasonable to accept 20% (8 units), but this was a matter for Members to consider
- Environmental Services have considered the issue of the impact of fumes from existing properties and the levels were considered acceptable; if however the level of fumes became unacceptable Environmental Services would have to take appropriate action to ensure the occupiers of the premises in question address the problem

## Debate

- The concerns raised in January have been addressed by the applicant and the resubmitted application is an improvement on the previous application



- Most of the issues have been addressed by the applicant
- The building is large and there are still some concerns about the application
- There are still concerns about the ventilation (It was noted that conditions can only deal with the application being considered; businesses are required by law to have suitable ventilation.)

The recommendation to Grant subject to a Planning Agreement was moved and seconded, and it was

**Resolved – (Voting 5 for, 3 against and 1 abstention) that the application be Granted subject to a Planning Agreement and the addition of an appropriate Condition relating to the Waste Management Plan.**

**4 21/00843/F - 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD - WITHDRAWN  
6 FROM THE AGENDA**

It was noted that consideration of this application was deferred until a future Meeting of the Committee.

**4 21/06762/F - Public Conveniences Circular Road Sneyd Park Bristol BS9 1ZZ  
7**

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

The application is for the demolition of existing public toilet block and construction of single storey building comprising café (use class E), education booth (use class F1[a]) and replacement public toilets (resubmission of planning permission 18/04727/F).

The following answers were provided to questions:

- Very little has changed since the previous application was approved; there have been some minor changes to the building; the Local Plan is the same as it was in 2019; there is no change to the recommendation to grant the application
- The Planning Inspectorate Report of 24<sup>th</sup> September 2019 refers to the Common Land Consent, the first application was refused and the second application was granted in November 2020
- The Council's consultant advised that the application provides a net gain for biodiversity and that the proposal is acceptable; the calculations made are acceptable (It was noted that once the new Environment Act becomes law next year local authorities will be required to assess applications against criteria to establish whether or there is a net biodiversity gain. This application has been assessed in accordance with the present Policy.)
- As very little has changed since the last application was granted, it would be an unusual decision to make if the Committee decided to refuse the application and such a decision may not stand up at an appeal



- All three aspects of the application are linked it is considered unlikely that the toilets would be provided without the café; the café is the least ancillary part of the application, but could still be considered to be ancillary to the open space in question
- The Downs Act and the Common Land Regulations are both non Planning Legislation
- Each planning application has to be determined on its individual merits, one application does not set a precedent; the café is ancillary and it does not provide a green light for other development; the café passes the ancillary test; conservation relates to the character of an area not changing
- The changes from the present building to the proposed building were illustrated; the proposed building is around double the size of the existing building
- The Ecological Survey is available online and is summarised within the report
- The applicant would be required to provide details of the lighting to be installed prior to construction; also the opening hours of the café do not extend into the evening so for the majority of the year the café will be closed during the hours of darkness
- Although the new building will not be on the same footprint as the old building, its position was the subject of careful consideration and it was felt that on balance the proposal to locate it behind the tree line is the best position all things considered
- The suggestion of an additional footpath may be subject to the provisions of the Downs Act if the requirement for a footpath became essential
- The Educational Booth is not crucial to making the scheme viable, it is an additional benefit
- There will be a reduction of one toilet to four from the number provided at present; the toilets will open 24 hours per day

## Debate

- Concerns about doubling the building's footprint
- The Downs is for all the people of Bristol and the surrounding areas; it will provide funding to maintain and improve The Downs; there is even more need for toilets than previously
- There are public toilets already there; concerns about the café that although deemed ancillary, if permission is granted for it, that may encourage a larger café or restaurant in the future; also concerns that the trees there at present may not always be there
- There are no material changes since the last application was granted; if refused BCC would probably lose an appeal; the Common Land issue has been resolved; the new facility will be an improvement on what is there at present; the café will fund the toilets; there will not be an increase in the number of people who visit The Downs; there are no grounds to refuse the application
- There is a market for a café; the existing toilet block is poor
- Do not want an increase in the number of people visiting The Downs; there is no proven need for a café
- The public toilets are welcome as it would be an improvement on the existing building; but not convinced about the café



The recommendation to Grant subject to Conditions was moved and seconded, and on being put to the Vote it was LOST - voting 4 for, 5 against.

It was moved, seconded and on being put to the Vote it was

**Resolved – (Voting 6 for, 2 against and 1 abstention) that a decision on the application be deferred until a future Meeting of the Committee pending Officers reporting back with further advice and, if appropriate, reasons for refusal on the issues of: biodiversity, change in footprint, the case for the education centre, and whether the development can be considered to be ancillary.**

#### **4 Date of Next Meeting**

**8**

The next Meeting of Development Control B Committee is on 18<sup>th</sup> May 2022 at 2.00 pm in City Hall.

#### **4 Amendment Sheet**

**9**

Noted.

Meeting ended at 8.10 pm

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

