

# Bristol City Council

## Minutes of the Development Control A Committee



16 March 2022 at 2.00 pm

### **Members Present:-**

**Councillors:** Richard Eddy (Chair), John Geater, Paul Goggin, Fi Hance, Philippa Hulme, Steve Pearce, Ed Plowden and Andrew Varney

### **Officers in Attendance:-**

Gary Collins

## **1 Welcome, Introductions and Safety Information**

Cllr Eddy welcomed everyone to the meeting and issued the safety information.

## **2 Apologies for Absence and Substitutions**

Apologies were received from Cllr Tom Hathaway (Cllr Guy Poultney substitutes)

Cllr Pearce notified the committee he would be late and so did not participate on items 9a and 9b.

## **3 Declarations of Interest**

Cllr Andrew Varney declared an interest as a supporter of applications 9a, 9b and 9c so did not participate on those items.

Cllr Ed Plowden declared an interest as an employee of cycling charity Sustrans, but he was not involved in the applications presented today and will be approaching them with an open mind.

Cllr Paul Goggin declared that application 9d was in his ward, but he was not involved with it.

## **4 Minutes of the previous meeting**

RESOLVED the minutes of the previous meeting on 2 February 2022 are agreed as a correct record.



## 5 Action Sheet

Cllr Eddy provided an update on the Enforcement briefing action. Both Development Control Sub-Committees will need this briefing, so it will be rescheduled. This will be discussed at the 20 April DC leads meeting.

RESOLVED the action sheet was NOTED.

## 6 Appeals

The Head of Development Management introduced the appeals report and highlighted the following points:

- Item 17 is an appeal for a major development at Silverthorn Lane, including a new secondary school.
- Item 19 is the former police dog and horse training site at Clanage Road. This was subject to Secretary of State call in and the decision was due, but was then pushed back a month after the appointment of a new planning minister. There have also been delays due to recent storm activity.
- Item 20 on Feeder Road will have a report at the next committee. This application was originally refused on flooding grounds, but the inspector has granted the appeal. There are comments in the decision that will need consideration from all parties. Item 33 Swift House waste transfer station was considered by committee last year and refused. This has been appealed and officers are considering written submissions.
- Item 64 Clyde Park was refused by the committee, but the inspector has allowed an appeal.

Discussion notes:

- Members were very disappointed with an appeal being allowed on Clyde Park, which is an application with a major impact on nearby residents. Officers guided the committee to refuse the application by citing one substantive reason to lessen the chance of appeal, but there were many other reasons to refuse. A refusal based on amenity was too subjective.
- Every appeal presents a challenge, and there may need to be a change of tack after this decision. We should avoid decisions that are open to interpretation. However, we should also bear in mind that council policy supports the creation of housing on land which is not currently in use to address the city's shortage.
- There was a discussion about the increase in Homes in Multiple Occupation (HMO) in the city and unlicensed HMOs being a priority for enforcement. Officers will update members on HMO enforcement as part of the upcoming briefing session.

## 7 Enforcement

The Head of Development Management summarised the enforcement update report for the committee, which was noted. Cllr Varney asked about upcoming enforcement action in Wye Vale for the removal of trees, which officers said would come to a future committee once ready.



## 8 Public Forum

Members of the Committee received Public Forum Statements in advance of the meeting, details of which are included as a supplementary dispatch for the meeting.

## 9 Planning and Development

The Committee considered the following Planning Applications:

### 9a 21.03498.F - Land Lying To The East Of Tramway Road

Officers introduced this report and made the following points:

- This is an application for a 3-year permission for the installation of 50 shipping containers (class) E with a cycle and pedestrian pathway.
- Items 9a and 9b are both situated on former railway land and involve the installation of a cycle path over a potential mass transit corridor.
- We have received 2 further objections about the disruption to mass transit and officers recommend refusal on transport basis.
- The officer displayed and explained the site plan for members. The path is under Sandy Park bridge. The site is very overgrown, and it is considered a wildlife corridor. The proposal is for a 3m wide cycle path on the western boundary. This cycle path is not wide enough and should be 5m for proper segregation.
- Elevation drawings show a lack of overlooking the containers being at 15m distance from other houses. There is no impact on amenity.
- The proposed path is on a safeguarded transit route, reserved to release congestion on the A4. Transport officers very strongly object to the application.
- Because of the temporary nature of the application, it is not possible to secure on site renewable energy, however the applicant will contribute to offsite renewables.

Officers then responded to Councillors' questions as follows:

- The South Bristol link road took some 70 years to complete. There are doubts about whether a road would be onsite in the next 3 years. The strategy for this area has been established for a long time and funding is committed to this location over the next 5 years up to 2027. This is out to consultation now.
- Could we condition that the path be curtailed if needed? This is a temporary application, but we would have to make sure it is acceptable to the applicant to have a path that could be removed within 3 years if necessary. It may make the project unviable.
- There is a conflict between the administration announcing no plans for the land vs officer opinion that things are happening. The process is moving to a business case where the administration will assess options. Proposals for the transport link have been around for a while. The final scheme will have cycle path as part of it.



- Officers want to work with the applicant to get a temporary solution while the permanent solution is being developed. However, this application may restrict options for the bigger development.
- The transport link has received Department for Transport secured regional funding. It will go through a business case and would require cabinet approval. It is estimated the business case will take 2 to 3 years to complete. It will involve site investigation.
- Permission can be for a 3-year period, but the applicant can apply for an extension in future. The decision today cannot predetermine another one in 3 years' time. The strategic project is big, expensive and hard to deliver so officers want to minimise any risk.
- If a temporary cycle path is built, it is possible for it to become a right of way due to public use.
- The 3 year time limit will begin from the date of the decision, after officers have developed appropriate conditions. This is estimated for August / September 2022.

During debate, Councillors made the following comments:

- Members are aware that Bristol needs to emphasise sustainable transport. Refusing this kind of application would be detrimental to that objective. Better negotiations between the officers and applicant may have made the committee redundant. Transport is the only objection on this application, but it seems unlikely a road will be placed here within 5 years.
- Objections hang on a potential road that may happen in future. Some areas of Bristol have a similar designation but have not been used for over 70 years.
- We should be mindful of the economic benefits of this project, especially post lockdown.
- The proposal does not meet the new cycle standards; however, they may be beyond the ability of the owner to provide or too disruptive to future road plans. This is a temporary and private funded venture so we should back it.
- Bristol is known for small creative businesses, which need their operation space. We should consider the reduction in office space currently going on in the city centre.

Councillor Richard Eddy moved, seconded by Councillor John Geater and upon being put to the vote, it was

**RESOLVED (0 for, 7 against, 0 abstentions) – that the application be refused as per officer recommendations in the report. [Motion FALLS]**

Councillor Richard Eddy moved, seconded by Councillor Fi Hance and upon being put to the vote, it was

**RESOLVED (7 for, 0 against, 0 abstentions) – that the application be approved and delegated to officers to develop appropriate conditions.**

Cllr Eddy noted that the any issues related to conditions on the application could be referred to the Development Control leads to resolve.

**9b 21.00894.F - Former Railway Land, Bath Road**



Officers introduced this report and made the following points:

- This is a temporary 3-year permission for a cycle and pedestrian pathway from the site of the previous application. There have been 287 comments in favour and 16 against. The officer recommendation is to refuse based on reasons given in the previous application.
- This application is very light on detail. The construction is proposed on existing tarmac but there are only indicative drawings. Officers are concerned about how this would be built, and the materials used.
- If members are minded to approve the application, it will need lots of conditions from officers to establish more details.

Officers then responded to Councillors' questions as follows:

- Members were concerned about the lack of detail and the ability of officers to set appropriate conditions considering this. The officer agreed that such a poor submission makes their work difficult, and it is not the officers' job to design applications.
- Members asked whether there were any 'hidden dangers' beyond the obvious transport planning issue. The application involves structural work, contaminated land and lack of overlooking for security.
- If the committee were minded to grant the application, officers would add pre-commencement conditions, which the applicant would have to submit before construction. This does require the consent of applicant. If that is not forthcoming it would come back to committee.

Councillor Richard Eddy moved, seconded by Councillor John Geater and upon being put to the vote, it was

**RESOLVED (0 for, 7 against, 0 abstentions) – that the application be refused as per officer recommendations in the report. [Motion FALLS]**

Councillor Richard Eddy moved, seconded by Councillor Paul Goggin and upon being put to the vote, it was

**RESOLVED (7 for, 0 against, 0 abstentions) – that the application be approved and delegated to officers to develop appropriate conditions.**

Cllr Eddy noted that should the applicant fail to fulfil pre-commencement conditions, the application would be referred to committee.

#### **9c 21.01699.P - DWP Flowers Hill**

Officers introduced this report and made the following points:

- The application site is in Brislington, south-east of the city centre. It currently houses offices of the Department for Work and Pensions and the Brislington Driving Test Centre, who left the site last year. There is one access point via Bath Road.



- The site is allocated in the local plan for housing and business use. There is a requirement to protect the listed building on site and shield residents from nearby industrial noise.
- The proposal is to demolish existing buildings and add a maximum of 160 residential units. The application is for site access only with reserved matters, a future application or applications will furnish the details. An indicative plan for how this could look in future is included.
- Two main issues are access to the site and the use of the 'War Room' listed building. Access by only one road presents difficulty for residents. A proposal has come forward to install a footway/cycle path via a nearby community centre. Officers are currently looking at the path but expect approval, which is subject to a separate planning application. The War Room conversion is a challenge, but Officers are happy in principle for it to be used as a community or commercial space as proposed.
- Public consultation has shown support for this scheme. The recommendation is to approve subject to conditions.

Officers then responded to Councillors' questions as follows:

- The affordable housing rate on this project is 9% which seems to be under the minimum standard. This would normally be 30%, but there is a policy for reduced allowance if a project brings vacant buildings back into use. It was confirmed that this application is policy compliant in all respects.
- While all parties seem happy with this application, it was felt prudent for committee to consider it due to the size and significance of the site. It would not be appropriate for officers to decide an application for 160 homes.

During debate, Councillors made the following comments:

- This is an excellent application that is a credit to the applicant and officers.
- It is good to see more homes in being built in this area and the refurbishment of the historic war rooms. There were concerns about the permeability of the site, but the community centre route greatly mitigates this.
- 9% is very low for the affordable housing tariff. There could be an incentive for developers to decant their buildings on purpose to gain the vacant building status and lower the affordable housing percentage.
- The conditioning on trees and landscaping on the full application will need to be robust.

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

**RESOLVED (8 for, 0 against, 0 abstentions) – that the application be approved as per officer recommendations in the report.**

#### **9d 21.05929.F - 2 Lyveden Gardens**

Officers introduced this report and made the following points:



- This is an application for a 2-bed single storey building in the south of Hengrove Way, in the rear garden of an existing property. It has no frontage but is on a public footway.
- Several previous applications have been refused on this site due to design issues. The current application has received some community support. have brought here for decision.
- Previous designs were too cramped, and inspectors have dismissed 3 appeals on that basis.
- This is a resubmission of a previous application. The doors have moved to the rear elevation and panels have been added to the front. Overlooking is now not an issue, but there is still no active frontage to public realm.
- Officers recommend refusal.

Officers then responded to Councillors' questions as follows:

- The local plan does include the use of infield development. This is acceptable in principle, but officers consider that this application is not good enough.
- The refusal based on design is about matching the proposed building to the existing area. Existing houses are in line with the street layout and similar in design. This building would be off at angle, and it is visible from public realm so should have an active frontage.

During debate, Councillors made the following comments:

- This new development is the kind of thing we need to free up larger properties for social housing. Building on existing sites is a good option, which protects green belt. Neighbours are in support.
- This is a novel solution and visual appeal is very subjective. The design does not affect amenity.
- The footway is very wide, so the frontage of the property is not obstructive. It may offer more appeal than the current brick wall.
- More objectionable applications than this have been approved in the past. Members understood that applications need to be considered on a case-by-case basis.
- Officers were thanked for their detailed presentation on this application.
- The principle of decanting an under-occupied building into a smaller one to free up the larger property is one that we should support.

Councillor Richard Eddy moved, seconded by Councillor Paul Goggin and upon being put to the vote, it was

**RESOLVED (0 for, 9 against, 0 abstentions) – that the application be refused as per officer recommendations in the report. [Motion FALLS]**

Councillor Richard Eddy moved, seconded by Councillor Paul Goggin and upon being put to the vote, it was

**RESOLVED (9 for, 0 against, 0 abstentions) – that the application be approved and delegated to officers to develop appropriate conditions.**

Cllr Eddy noted that should the applicant fail to fulfil pre-commencement conditions, the application would be referred to committee.



## 1 Date of Next Meeting

0

The next meeting of the Development Control A Committee is scheduled for 27 April 2022 at City Hall, Bristol.

Meeting ended at 4.00 pm

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

