

Bristol City Council
Minutes of Development Control Committee B
21 December 2016 at 2pm



DISCLAIMER

The attached Minutes are DRAFT. Whilst every effort has been made to ensure the accuracy of the information and statements and decisions recorded in them, their status will remain that of a draft until such time as they are confirmed as a correct record at the subsequent meeting.

Present:

Councillors: Harriet Bradley, Harriet Clough, Mike Davies, Carla Denyer, Richard Eddy, Martin Fodor, Olly Mead, Kevin Quartley, Afzal Shah.

21. Apologies for Absence, Substitutions and Introductions.

Apologies were received from Councillor Margaret Hickman with Councillor Bradley as substitute.

22. Declarations of interest.

Councillor Bradley declared that she had submitted a statement on the Paintworks application and would therefore step down when this application was considered.

Councillor Denyer declared that, in respect of the land between Ladies Mile and Clifton Down Bridge Valley Road application, she as a local ward member, had voted to support funding of this scheme at her Neighbourhood Partnership but that she was open minded in respect of determining the planning application.

23. Minutes

The minutes of 9 November 2016 were agreed as a correct record of the meeting and signed by the Chair.

24. Appeals

The Representative of the Service Director – Planning drew the Committee’s attention to:-

- No.2 Queens Road – this site was recently given planning permission for a change of use. The applicants had appealed a previous decision and it was hoped that they would withdraw their appeal with the new grant. However, the appeal was maintained and a decision was awaited;



- No.4 – McDonalds - Fishponds Road. It was previously reported that the Planning Inquiry had been delayed as the Barrister was unwell. That Barrister would not now be available until 20 April 2017;
- No.6 – Stapleton Road – Digital Advertising Display. The Inspectorate had agreed with the Committee’s decision to grant the inbound display only;
- No. 32 – No.38 – Trinity House, Kensington Place – a series of appeals against an enforcement notice were all dismissed. The property owner was judicially reviewing the decision. The outcome would not be known for a few months;
- No. 41 and No. 45 – Both these applications were for student accommodation and had been refused because of the standard of accommodation. These decisions were upheld by the Inspector.

25. Enforcement.

The Committee was advised there were no updates for this meeting.

26. 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. *(A copy of the public forum list and statements are held on public record by Democratic Services).*

27. Planning and Development

The Committee considered the following reports of the Service Director, Planning -

(1) 15/04217/F – Land to North Paintworks, Bristol

The Representative of the Service Director – Planning commented as follows:-

- Some members of the Committee had attended an informal site visit earlier that day;
- This was Phase 4 of the development and did not include Phase 3 and would be considered on its own merits;
- The applicants have made a commitment and would contribute towards a parking scheme including parking restrictions and a survey to see what was welcomed, in particular for Chatsworth & Edward Road. The details were currently being progressed;
- The affordable housing was policy compliant.

The following points arose during discussion:-

- There would inevitable be an impact on parking during construction. It was necessary to have a Construction Management Plan in place before the development started. It would be necessary to work out how best the reduction in places would be managed;



- The Eastern access had been approved at the Stage 3 application;
- The Chair referred to the main road access being widened to accommodate a 3m cycle track but noted there was no space to open car doors. He asked whether it was possible to condition a safer access route alongside parked cars. He was informed that transport development management did not receive any objections on this matter. He confirmed that it would be possible to condition fencing to protect cyclists from doors opening;
- Dust was part of the Construction Management Plan though this was in liaison with Pollution Control officers;
- Councillor Phipps asked whether there was provision for small businesses to move whilst construction took place and was informed that this was not really part of the planning process. It was not possible to condition something that all parties might not agree to;
- Councillor Shah echoed the concerns for small businesses. He asked for clarification for the affordable housing calculation as 30% equated to 27 properties but 11 were proposed and was informed that the calculation was based on additional floor space only;
- The development was in the Enterprise Zone and the economic impact had been assessed as hugely positive;
- Councillor Clough referred to the noise nuisance from the pile driven foundations and was informed that how a building was constructed could not be a reason for refusing it. The Construction Management Plan ensured that work took place at suitable hours;
- It was the first opportunity that the Planning Authority had been able to implement the vacant building credit scheme. This scheme did not apply to derelict buildings ;
- The Chair asked whether a planning obligation statement for the parking scheme could be promised and secured. Officers were confident that the scheme could be delivered. Once the legal agreement had been drawn up the details would be made public. It was in the interests of the applicant to deliver it;
- It was possible to secure landscaping throughout the site. Consideration would be given to hard and soft landscaping in the car park;
- Councillor Clough asked whether it was possible to condition the parking scheme in order to provide protection to residents and was informed that a legal agreement was better than a condition and planning consent would only be issued once the agreement was signed;
- Councillor Eddy was impressed by the application as a good mix small businesses and affordable housing. He recognised the concerns of residents regarding parking but was reassured by the parking scheme proposal. He would therefore vote for grant of the scheme;
- Councillor Mead stated that it was a good application but was concerned by the parking issues, the loss of natural daylight for some of the businesses and dust. He proposed determination be deferred until the impact of Phase 3 was clear and in order to carry out the stage 3 road safety and for further information and clarity on the impact of local businesses. The Representative of the Service Director – Planning advised that the impacts of Phase 3 had been fully assessed at a previous meeting and there was no control over how quickly it was completed. Completion and subsequent occupation might take some considerable time and it was not reasonable to delay for that time. A Planning Inspector would consider it a deemed refusal and this would not be easily defended. The impact within the red line of the site was a landlord and tenant issue and not a planning consideration. With respect to the road safety audit, a previous



Committee took a view of the new access and there had been modification to the internal access which had not received objections. An audit would not raise further issues;

- Councillor Denyer approved of most of the design but would be more content if as much as possible was conditioned. She noted that the BT Forum and City Design Group had recommended more trees in the car park and was informed that officers had disagreed with this view;
- The Chair summarised the conditions to be added as follows:-
 - Subject to S106 agreement to include a contribution to exploration and implementation of a residents parking scheme;
 - Condition 2 of the Construction Management Plan to specifically refer to consultation of local residents and businesses and hours of working;
 - Additional condition requiring boundary treatment between cycleway & parking spaces along access road;
- Councillor Mead proposed another condition securing flowers on the roof blocks and officers agreed to look at this.

Councillor Eddy moved the officer recommendation and this was seconded by Councillor Quartley.

On being put to the vote, there were 6 for, 4 against.

RESOLVED – that the application be granted subject to:-

- 1. the Conditions and Advice(s) in the report and the Amendment Sheet.**
- 2. the following additional conditions:-**

- i)** Subject to S106 agreement to include a contribution to exploration and implementation of a residents parking scheme;
- ii)** Condition 2 of the Construction Management Plan to specifically refer to consultation of local residents and businesses and hours of working;
- iii)** Additional condition requiring boundary treatment between cycleway & parking spaces along access road.

(2) 16/01266/F – Land between Ladies Mile and Clifton Down, Bridge Valley Road, Bristol.

At this point, Councillors Khan and Shah left.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The Representative of the Service Director – Planning commented as follows:-

- The proposal was for a pedestrian/cycle bridge
- This application had come before a Committee on 13 July and officers had recommended refusal for the reason of harmful impact. However, the Committee



decided to grant with a condition requiring a legal agreement for mitigation for the loss of 38 trees at a cost of £85,000;

- Legal officers had worked to secure this agreement but in conclusion it had not been possible as the applicant did not own the land and therefore a legal agreement would not be binding. The Merchant Venturers, as owners were not able to enter into a legal agreement;
- Officers therefore recommended that the application therefore be determined with the absence of a legal agreement and that it be refused because of the failure to mitigate the loss of the trees in line with policies BCS9 and DM17;
- The resolution in July still existed as a material planning consideration which a future Committee could take into account so it was not a reverse of a previous decision.

The following points arose during discussion :-

- Councillor Eddy appreciated officers advice to determine the application but he preferred that the existing consent be left in case a charity was formed in the future to mitigate the tree loss;
- Councillor Mead supported the officer recommendation to refuse the application;
- Councillor Denyer made a declaration of interest at this point which is detailed at Minute 22. She also stated that she had voted to grant the previous application as she could find no grounds to refuse it. She now supported the officer recommendation for this application;
- Councillor Bradley stated that she found the proposal environmentally intrusive and supported the recommendation to refuse it;
- Councillor Davies agreed that the consent should be left in place. He asked whether a future application, if rejected today, would come back to a Committee or be delegated and was informed that that would be determined by the level of public response. If there was a great deal of response in support the application might be delegated but if the response was more balanced it was more likely to come before a Committee.

Councillor Eddy then moved the officer recommendation and this was seconded by the Chair.

On being put to the vote, there were 6 for, 3 against.

RESOLVED – that the application be refused.

(3) 16/02046/F – 8 & 8B, Chandos Road, Bristol

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The Representative of the Service Director – Planning commented as follows:-



- The ground floor of the building had been converted into a small HMO without planning consent and had been referred to Committee by the local ward member, Councillor Negus;
- Officers had worked with the applicant to regularise the application with a C3 use, outside space for 1 parking space with new landscaping to the garden, cycle storage and a new boundary wall;
- There had been 26 objections and the primary concern had been poor outlook;
- Officers recommended approval subject to conditions and a further condition regarding waste as set out in the Amendment Sheet.

The following points arose during discussion:

- Councillor Bradley, having confirmed that there would be no loss of retail space, supported the officer recommendation;
- Councillor Denyer was familiar with the shops in the area and believed that the retail space was suitable for the type of shops in the area. She shared concerns regarding the property being an HMO so was content with the proposal for a two-bedroom flat and would therefore support the recommendation;
- Councillor Eddy supported the recommendation as it was a workable compromise and brought the building back to legal use;
- Councillor Davies stated the proposal was an improvement to the current situation and therefore supported the recommendation;
- The Chair was satisfied with the proposal as it complied with policy.

Councillor Davies moved the recommendation and this was seconded by Councillor Eddy.

On being put to the vote, there were 8 for, 1 against.

RESOLVED – that the application be granted subject to the Conditions and Advice(s) in the report and the Amendment Sheet.

(4) 16/04539/F – Westerleigh Cottage, Cote Drive, Bristol.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The Representative of the Service Director – Planning commented as follows:-

- The application had been called in by Councillor Gollop as he considered it inappropriate development on the edge of the Downs;
- The application sought permission to demolish an existing property and construct a new four-bedroom detached two-storey dwelling with off street parking for three cars and existing hedges retained. The property would be contemporary in appearance;
- 15 objections were received concerning loss of a cottage in a Conservation area, scale of the proposal, use of materials and inappropriate development in a Conservation Area;



- Officers recommended approval subject to conditions and the additional energy conditions as set out in the Amendment Sheet.

The following points arose during discussion:-

- Reference was made to the landscaping plan. It was confirmed that amendments to conditions regarding tree works could be considered;
- A condition ensuring that all external materials were agreed with the Planning Authority was in place;
- Government legislation and the Council's own policies were in place to ensure that any planning proposal in a Conservation Area preserved and enhanced the area. There was stronger guidance if an existing property was being extended. With a new build it was a subjective judgement as to whether it preserved and enhanced an area and it did not have to necessarily have to copy what was near to it;
- Reference was made to parking during construction in the Construction Management Plan. This was on the fringe of planning control and it was not possible fully referee how a building takes place;
- Councillor Denyer referred to the comments made in Public Forum statements regarding the non-notification of this meeting to objectors. The Representative of the Service Director – Planning replied that he had checked the records and those objectors had been sent notification;
- Condition 10 ensured acceptable visibility. Highways Officers were satisfied on highway safety matters;
- Councillor Mead preferred the cottage in its original state. He noted the view from the Downs and believed that the proposal caused harm to the Conservation Area. He was opposed to the proposal;
- Councillor Bradley stated that the proposal was an act of vandalism for profit and would vote against grant;
- Councillor Davies stated that he would support grant, noting that there were substantial policies in place in the Conservation Area, the proposal was of quality specification and efforts had been made to modify the application;
- Councillor Denyer was not against the design of the new build. She understood the objections but it was the owner's right to submit an application. On balance she would vote for grant;
- Councillor Eddy stated that the proposal did not enhance or preserve the Conservation Area so he would vote against grant;
- Councillor Mead moved that the recommendation to grant be rejected as it caused harm and did not enhance or preserve the Conservation Area and access issues. This was seconded by Councillor Bradley. Before moving to the vote, the representative of the Service Director – Planning advised that conservation experts had stated that it did not cause harm but there was an element of subjectiveness. He sought clarity on the elements of the scheme that caused harm and was informed footprint, scale, massing and design. He advised against access issues as a reason as the proposal was policy compliant.



On being put to the vote, there were 6 for and 3 against.

RESOLVED – that the application be refused.

(5) 16/04684/H – 2, Callington Road, Bristol.

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The Representative of the Service Director – Planning commented as follows:-

- This application would normally have been considered under delegated authority but was before the Committee for transparency reasons as the applicant was a Councillor and consultation had resulted in one objection;
- The application was for a two-storey semi-detached dwelling with front and rear gardens;
- A use restriction condition ensured that the building could not be a self-contained dwelling but that it was ancillary to the main property and could not be sublet or sold in the future;
- Officers recommended approval subject to conditions as set out in the report.

Councillor Eddy, noting the reason the application was before the Committee, stated that he was content with the application and moved the officer recommendation which was seconded by Councillor Mead.

On being put to the vote, it was unanimously :-

RESOLVED – that the application be approved subject to conditions as set out in the report.

The Meeting finished at 5.20pm

CHAIR _____

