

**Bristol City Council**  
**Minutes of the Development Control A**  
**Committee**



**17 May 2017 at 2.00 pm**

**Members Present:-**

**Councillors:** Fabian Breckels (Vice-Chair - acting as Chair), Harriet Bradley, Stephen Clarke, Mike Davies, Kye Dudd, Jo Sergeant, Clive Stevens, Chris Windows and Mark Wright

**Officers in Attendance:-**

Gary Collins, Catherine Tyrer, Paul Chick, Stuart Langer and Laurence Fallon

**1. Apologies for Absence and Substitutions**

Apologies were received from Councillor Lesley Alexander and Councillor Steve Pearce.

**2. Declarations of Interest**

Councillor Clive Stevens indicated that he had raised the issue of loss of trees at Grove Road in 2013. However, the issue had been addressed and he did retain an open mind on this application.

Councillor Jo Sergeant declared an interest as Ward Member in respect of Grove Road but indicated that she would be leaving the meeting before this item was considered.

**3. Minutes of the previous meeting**

Resolved – that the minutes of the above meeting be confirmed as a correct record and signed by the Chair.

**4. Appeals**

Item 2 – Somerset House. The hearing for this appeal was held on Wednesday 10<sup>th</sup> May. The Inspector was expected to make a decision within 10 weeks.

Item 14 – Chocolate Factory – This appeal would be determined by written representations.



## 5. Enforcement

In response to a question from Councillor Harriet Bradley concerning a site at Saint Johns in Brislington East, the Service Manager (Development Management) stated that he would investigate this issue and report back.

## 6. Public Forum

The Committee received 21 Public Forum statements. The Statements were heard before the application they relate to and were taken fully into consideration by the Committee prior to reaching a decision. (A copy of the Public Forum statements is held on public record by Democratic Services).

## 7. Planning Applications

The Committee considered the applications set out below.

## 8. Application Number 16/06311/X - Land off Ladies Mile

Agenda Item 7 (a) – Planning Application Number 16/06311/X – Land Off Ladies Mile

Councillor Mike Davies arrived after the Public Forum session for Ladies Mile had started and so took no part in this item.

Officers made the following points as part of their presentation:

- (1) Details of the layout of the site and the application history were provided;
- (2) The number of days for which permission had been granted was gradually decreasing: 55 days in 2014, 50 days in 2015, and 45 days in 2016, with the current application seeking 40 days in 2017, 35 days in 2018 and 30 days in 2019;
- (3) There had been a very large public response to the proposals (approximately 915) with 456 written comments in support. Late representations had been received from Business West, Avon Wildlife Trust and a joint submission from five organisations: Downs for people; Bristol Civic Society; Open Spaces Society; the Ramblers; and the Redland and Cotham Amenity Society;
- (4) A revised Travel Plan had been prepared in April 2017;
- (5) Issues that needed to be considered included the principle of allowing car parking on the Downs, access and movement, and the impact of tourism on Bristol;
- (6) It was acknowledged that permanent use would be unacceptable;
- (7) Since 2009, the hoped for modal shift had not been achieved. The main zoo clientele were young families who needed to park close to the zoo;
- (8) The number of visitors by bus was disappointing, although the zoo was now offering a new concession of a 33% discount on admission if travelling by bus;
- (9) The zoo estimated that the loss of overspill could cause a downturn on current revenue and was an important visitor attraction for the city;
- (10) The zoo had indicated that this will be the last time they apply for temporary car parking. This, together with the gradual reduction in the number of days requested and a commitment to review travel



plans annually, showed good will on their part;

(11) A bespoke Park and Ride scheme had been introduced in Summer 2014 but had very low usage – less than 25% (about 4 people). In 2015/16, route 901 had been funded to travel from the Portway to the Zoo (including subsidy on Sundays and Bank Holidays);

(12) Other incentives were being considered and analysis of traffic measures also had taken place – however, the turnover of buses to get people to the zoo was not viable. There was not sufficient turnover of people using buses to make current use viable;

In response to Councillors' questions, officers made the following points:

(13) It was noted that Bristol Zoo paid £7,500 per annum to the Downs Committee for the temporary use. Officers stated that the amount of rent paid by the zoo was not a material planning consideration and that the Committee must not blur its responsibilities with those of the Downs Committee. The zoo estimate that they would lose £500,000 in income from visitors who use the temporary car parking;

(14) A day bus ticket for 5 people travelling together in the Inner Zone was £8 with children under 5 being free;

(15) Bristol Zoo was likely to rely on permitted development rights beyond the end of the temporary permission period. Whilst this was a complex area which required legal advice, officers believed that the zoo would potentially benefit from a 28 day allowance but further legal advice was needed to confirm this. This specific matter was not critical for making a decision on the current proposals at this point in time;

(16) Councillors could consider agreeing a resolution which stressed the importance of a decision on any potential renewal of the application before the May 2020 local elections, so that a future decision could be made by the same Committee in the interests of consistency;

(17) Any future decision could be made contingent on public transport but rent could not be conditioned;

(18) Discussions were ongoing between the zoo and various parties concerning transport solutions;

(19) It was not possible to condition any approval of the application with a requirement that this is the last time that an application would be permitted since anyone had the legal right to submit an application at any point in time.

Councillors made the following points:

(20) Parking should not be taking place on the Downs. It was not acceptable that the Downs Committee was earning money by breaking planning law. It was disappointing that it was not possible to require any permission to be granted rent-free with Section 106 funding to be given instead. The Zoo needed to explain why, if they would not put forward another application in 2019, why they needed to have an application now;

(21) Whilst the current situation was not ideal, it was important to maintain a sense of proportion. Whilst the price of tickets was encouragingly reasonable, it still remained difficult to easily get to the zoo by bus for many people. The zoo's commitment to not request a future extension was significant;

(22) The zoo seemed to be getting a very good deal from the current arrangement;

(23) Whilst parking on the Downs was not appropriate in principle, this was a difficult issue. The application would take up less than 1% of the area of the Downs for a month. Many people still needed to get to the zoo by car;

(24) Parking needed to come to an end. This needed to be the final time that this application came forward. Groups such as Destination Bristol should be encouraged to examine the possibility of a tourist Park and Ride Site that served other key city attractions such as SS Great Britain;

(25) Whilst there was great love for these two institutions (the zoo and the Downs), it was difficult



to see how things could improve in 3 years' time;

(26) There needed to be a condition requesting a viable plan for alternative transport provision for 2019.

Councillor Jo Sergeant had left the meeting at 3.10, as previously advised, to go to a prior appointment.

Councillor Harriet Bradley moved, seconded by Councillor Chris Windows and upon being put to the vote it was

**Resolved (6 for, 1 against, 0 abstentions) that the application, together with alterations on the amendment sheet, be approved.**

It was further moved by Councillor Chris Windows, seconded by Councillor Kye Dudd and upon being put to the vote, it was

**Resolved (unanimously) that the Committee has the following expectations:**

- (a) regular stakeholder meetings to take place;
- (b) transport plan to be in place as soon as possible;
- (c) any further application to come to Committee before end March 2020
- (d) exploration of a Park and Ride service for various Bristol attractions (with Destination Bristol).

## **9. Application Number 17/00984/F - 248 Wells Road**

Agenda Item 7 (b) – Planning Application Number 17/00984/F – 248 Wells Road

Officers provided site details as part of their presentation for this application. In response to Councillors' questions, they made the following points:

- (1) It was a requirement that the application does not harm the residential amenity or character of the area, contribute to harmful uses in the city or change the housing mix;
- (2) An assessment of the balance of the communities had been made. There were 30 HMOs in Knowle, amounting to 4.5% of the total housing which was not significant;
- (3) Officers did not believe the application could be refused on the basis of the impact of local car parking;
- (4) Officers outlined the various types of future changes of use which would require planning permission;
- (5) Officers advised against conditioning the site to the current applicant rather than the land since the occupants could not be controlled.

Councillors made the following points:

- (6) This seemed a reasonable place for such a development since it was based on a main road with a regular bus service, and had space for adequate waste and recycling storage;
- (7) This was a reasonable area for an HMO use.



It was moved by Councillor Kye Dudd, seconded by Councillor Clive Stevens and, upon being put to the vote, it was

**Resolved: (unanimously) that the application is approved.**

## **10. Application Number 16/05169/X - 24 Grove Road**

Agenda Item 7(c) Planning Application Number 16/05169/X – 24 Grove Road

Councillor Chris Windows declared an interest in this item since his daughter in law worked at Aspect 360 (the agents for this application) and indicated that he would not participate in this item.

Officers made the following points in respect of this application:

- (1) This application had been brought forward by the applicant to regularise the development and was a variation. It should be treated as a fresh application;
- (2) The existing use was a large dwelling – the biggest change from the original application was floor space and the building area.

In response to Councillors' questions, officers made the following points:

- (3) This was a fresh application and had to be taken on its own merits. However, it was a key material consideration that in April 2014 a particular type of development was approved. Therefore, the comparison of that with the current proposed development is important;
- (4) All trees on the site were covered by TPO's. An application to remove the Yew Tree had been refused and it was officer's intention that it should remain in place. Since the development included a car port and not a garage, it would not disturb the roots of the Yew Tree very much;
- (5) Officers noted Councillors' frustration that the developer had built a property that was different to what had been previously approved and also that, if no action was taken, it could allow developers to think that they could take a similar course of action in future. However, a breach of planning control was not a criminal offence. There was no mechanism to punish applicants in such situations, although applicants were made aware that pursuing this course of action was entirely at their own risk ;
- (6) In the past, compliance officers were only able to address a small percentage of developments taking place and so this problem may not have been picked up in the past, until complaints were made. Since there were no longer any compliance officers, the Planning Enforcement team's response was entirely reactive and primarily reliant on being advised of situations by neighbours;
- (7) Officers recommended approval based on the application they had received. It was acceptable on planning grounds – the concerns officers had held about the trees had been resolved.

Councillors made the following points:

- (8) It was worrying that this could set a precedent for future applications and sent the wrong signal;
- (9) It is not right that there is one law for developers and one law for others – it was important that there should be justice and fairness in such situations;
- (10) Whilst it was frustrating that this had happened, it might be incompetence rather than deliberate. Following the work on the application made by Planning Officers, this was a reasonable scheme;
- (11) There was a concern about the blocking of light to one of the neighbouring properties. The possibility of knocking down this section of the proposed property should be considered. In response,



officers confirmed that under Supplementary Planning Guidance 2, this was not deemed to affect it sufficiently to require this.

Councillor Mark Wright moved, seconded by Councillor Mike Davies and upon being put to the vote, it was

LOST: (2 for, 4 against, 1 abstention) that the application be approved.

Councillor Kye Dudd moved, seconded by Stephen Clarke and upon being put to the vote, it was

**Resolved: (4 for, 1 against, 2 abstentions) that the application be refused on the grounds of the larger Plot 2 dwelling constituting overdevelopment, harming the character & appearance of the Conservation Area with the decision to be issued once site notice period expires.**

### **10 Date of Next Meeting**

The Committee noted that there were no further meetings for the remainder of the Municipal Year.

Meeting ended at 4.50 pm

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

