

Bristol City Council
Minutes of the Development Control B Committee

30 August 2017 at 6.00 pm



Members Present:-

Councillors: Martin Fodor (Chair), Richard Eddy (Vice-Chair), Donald Alexander, Harriet Bradley, Harriet Clough, Mike Davies, Carla Denyer, Margaret Hickman, Sultan Khan, Steve Jones and Olly Mead

Officers in Attendance:- Gary Collins, Jim Cliffe, Jon Fellingham, Nigel Butler, Jonathan Dymond, Amy Prendergast, Susannah Pettit, Matthew Bunt, Jeremy Livitt

1. Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting and explained the evacuation procedure if required.

2. Apologies for Absence

Apologies for absence were received from Councillor Fabian Breckels (Olly Mead substituting), Councillor Kevin Quartley (Steve Jones substituting) and Councillor Afzal Shah (Sultan Khan substituting).

3. Declarations of Interest

Councillor Harriet Bradley declared an interest in Application Number 17/00272/F – Land Adjacent 131 Bridgwater Road since a member of her family was an employee at the site and stated that she would not, therefore, be participating in either the debate or voting on this issue.

Councillor Donald Alexander declared an interest in Application Number 17/02240/F – Accolade Park, Kings Weston Lane, Avonmouth since he had already previously declared his support for the application and indicated that he would not, therefore, be participating in either the debate or voting on this issue.

4. Minutes of the Previous Meeting

It was noted that the formatting of the minutes for the meeting needed to be amended, In addition, whilst the voting numbers changed for the final application, there was no indication that any Councillor had left during the meeting.



The Committee agreed that details of these should be passed to the Committee Clerk and the appropriate amendments made.

Resolved – that the Minutes be approved as a correct record and signed by the Chair subject to the following amendments:

- (1) Minutes formatted appropriately
- (2) Councillor Olly Mead recorded as being present
- (3) Councillor Afzal Shah recorded as having left the meeting immediately before the final application (Agenda Item 12 e Haverstock Road)
- (4) The Voting for the final application altered to read as follows: 6 for, 1 against, 1 abstention

5. Appeals

The following issues were reported concerning appeals:

- (1) Number 1 – Old Bristol Royal Infirmary Building, Marlborough Street (South Side), City Centre, Bristol BS1 3NW – A Public Inquiry was scheduled for 21st November 2017. In the meantime, a new Planning Application had been submitted with the developers. However, the developers for the original application had now appealed against non-determination of the application. There would be a report on the new application at the next meeting
- (2) Number 7 - Land Between Ladies Mile and Clifton Down Bridge Valley Road, Bristol BS8 – Proposed Pedestrian/Cycle Bridge Over Valley Road – The promoters of this proposal had chosen to appeal against the Committee’s refusal of planning permission, which was on the grounds of no s106 agreement to secure the required mitigation, and had done this instead of submitting a draft s106 agreement to the Council.
- (3) 164 – 188 Bath Rd Totterdown – In a rare digital advertising appeal defeat in this case the Inspector did not agree that there would be an impact on the visual amenity of the site. Although it was noted that there was currently no policy on digital displays, officers stated that there were difficulties with creating such a policy as advertisement applications were limited to be considered on only two issues: highway safety and visual amenity. There was questionable value in working up a policy in these circumstances.

6. Enforcement

There was nothing to report for this item.

7. Public forum

Members of the Committee received Public Forum statements in advance of the meeting.

The statements were heard before the application that they related to and were taken fully into consideration by the Committee prior to reaching a decision. ***(A copy of the public forum statements are held on public record in the Minute Book).***



8. Planning and Development

The following items were considered:

a. Planning Application Number 17/00272/F - Land Adjacent 131 Bridgwater Road

Following her previous declaration of an interest, Councillor Harriet Bradley withdrew from the meeting during this item and took no part in the discussion or voting.

The Service Director – Planning and Development’s representatives made the following points:

- (1) Whatever view Councillors may take of the way that the developers had acted, they had to determine the application on the basis of the information in front of them and in respect of Planning matters
- (2) Officers’ recommendation was for refusal and appropriate enforcement action
- (3) The previous history of the application was outlined
- (4) It was not the role of the Ombudsman to re-confirm if the Council should take action. Their role was to ensure that the Council’s assessment had been carried out correctly
- (5) A new application had now been submitted for up to 9 affordable housing units;
- (6) Contamination and drainage at the site would be dealt with by way of condition. Following the submission of further information by the applicant, the Contamination Officer was satisfied that contamination issues could now be resolved through conditions;
- (7) Following consultation of neighbouring properties, 50 comments had been received;
- (8) Details of the key aspects of the design were provided relating to layout, highways, parking issues, drainage and affordable housing;
- (9) The site abutted the boundary with North Somerset;
- (10) The wording in Key Issue A should be changed to “there is no change in Planning Policy in so far as the principle of residential development of the site is concerned;
- (11) Differences in the site from the original 2014 application were set out;
- (12) Different images were shown of the site, including the relationship to neighbouring houses;
- (13) There remained issues with the turning area and parking space. There remained potential for damaged property and HGV manoeuvres which could be controlled by a condition
- (14) Officers believed that 20% affordable housing could be provided and were, therefore, recommending refusal.

A revised recommendation for refusal was proposed by officers as follows:

“Refusal-

Lack of affordable housing

‘The development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to policy DM3 of the Site Allocations and Development management Policies 2014.’

Enforcement Notice-

- i) **No more than 11 of the dwelling houses shall be occupied until the affordable housing requirements of adopted planning policy have been met.”**



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

- (1) A diagram on the enforcement process would be re-circulated to Councillors. However, an expediency test to assess public interest and planning harm had been made by officers and it was not found that it had been met. An enforcement notice, with accompanying stop notice, had not been served to date. However, as with all applications, officers always made clear that if they proceeded with a development prior to approval, this was entirely at their own risk;
- (2) It was acknowledged that this was an unusual situation in that all 14 dwellings had already been built and therefore, the future new application for 9 would if approved require 5 dwellings to be knocked down. However, the current application was before Councillors and was recommended for refusal;
- (3) Officers acknowledged concerns raised by Councillors as to what had changed since the previous application concerning affordable housing. However, they pointed out that the previous outline application had been submitted at a time before the current affordable housing policy for small sites (DM3) had been adopted. The applicant had been free to amend his application at that point to reflect this. They confirmed that the applicants had been advised to submit a fresh application since the changes were so numerous, this was the only way that the situation could be regularised;
- (4) Officers explained that the 20% affordable housing policy requirement for developments of between 10 and 15 dwellings was based on a viability appraisal at the policy making stage and was the maximum that could be required in the circumstances
- (5) City Design colleagues had assessed the proposals and felt that the difference in the proposed changes to the building were marginal and would be unlikely to be successfully defended at an appeal
- (6) Officers noted concerns which were raised by Councillors that part of the Public Right Of Way would be extinguished by the development. They stated that ownership of this piece of land was not known but that the Highway Authority would need to approach the Land Registry concerning any suggested increase;
- (7) In response to a Councillor's concerns about works being allowed to commence without pre-commencement conditions being satisfied, officers confirmed that due to budget constraints, they were not able to be as proactive as they had been in the past and had to increasingly rely on developers understanding that all works carried out in this was were subject to their own risk. However, in the event that the application was refused, this should act as a disincentive to developers from taking this approach;
- (8) In response to Councillor's questions concerning arrangements for waste collection and the Council's Housing Policy, officers confirmed that, in the event that the application was refused but overturned on appeal, the Council would be able to argue for appropriate conditions, such as ensuring private collection was carried out responsibly and the effective implementation of Housing Policy; It was also confirmed that this would apply to other issues, such as 52 Kingswalk – for example, officers had initial concerns about access to the site which had been resolved. This could also be applied to affordable housing;
- (9) Officers noted concerns that developers had made previous attempts to ensure higher roof lines but these had been negotiated away at the time. However, whilst there had been some provisions made to 2014 scheme, there had been no formal planning revisions at this site. They confirmed that they had not been approached by developers to approve anything other than the submitted scheme.



Councillors made the following comments:

- (10) A number of the problems with the application were noted, such as the inadequate turning space, issues related to overlooking and the significant failure concerning affordable housing. Councillor Sultan Khan indicated that he was minded to support the officers' recommendation;
- (11) Whilst it was important to solve Bristol's housing difficulties, it was important that the Council's local plan and the needs of communities were met. Other schemes had been built elsewhere which were in keeping with community needs. Councillor Richard Eddy stated that he supported the officers' recommendation. However, he believed that it should be strengthened to reflect the damage that this scheme has caused the local community. He indicated that he would be submitting an amendment to the officers' recommendation which would address this and also express concern relating to the Public Right of Way issue that had previously been raised. He stressed the importance of the Committee ensuring planning enforcement was taken in this situation.

Officers stated that, whilst they could investigate the situation concerning the Public Right of Way issue, this would be a weak reason for refusing an application on its own as it was not a valid planning matter and was covered by separate legislation.

Councillor Donald Alexander moved, seconded by Councillor Olly Mead that the amended officer recommendations be adopted as follows:

“that the application be refused on the following grounds and an enforcement notice issued as indicated below:

“Refusal-

Lack of affordable housing

‘The development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to policy DM3 of the Site Allocations and Development management Policies 2014.’

Enforcement Notice-

i) No more than 11 of the dwelling houses shall be occupied until the affordable housing requirements of adopted planning policy have been met.”

Councillor Richard Eddy moved, seconded by Councillor Steve Jones that the following amendment be made to this motion by the addition of the following:

“That this development is not in keeping or sympathetic to local properties and therefore does harm to the local neighbourhood. In particular, the scale, height and details such as the dormer windows and lack of traditional pitch canopies above the entrance-doors should not be permitted.

That this Committee is concerned by the effect of this development on extinguishing part of the Public Right of Way BCC/21913/10. It requests that the PROW section of Bristol City Council urgently intervenes and seeks to resolve the matter.”

Upon being put to the vote, the amendment was **LOST (3 for, 5 against, 2 abstentions).**



Upon being put to the vote, the original motion was **CARRIED (10 FOR ie unanimously, Councillor Harriet Bradley not voting as explained in Declarations of Interest above) and it was**

RESOLVED – that the application be refused on the following grounds and an enforcement notice issued as indicated below:

“Refusal-

Lack of affordable housing

‘The development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to policy DM3 of the Site Allocations and Development management Policies 2014.’

Enforcement Notice-

i) No more than 11 of the dwelling houses shall be occupied until the affordable housing requirements of adopted planning policy have been met.”

b. Planning Application Number 17/01838/F - 125 Raleigh Road

The Representative of the Service Director – Planning and Development made the following points:

- (1) Officers were proposing the addition of a condition relating to standard sustainability measures
- (2) There had been 40 objections to the application;
- (3) Officers drew Councillors’ attention to the key design, amenity and transport issues;
- (4) Details of the site, including views from it and of surrounding buildings were provided;
- (5) The proposal would bring back a vacant office space into active use;
- (6) Changes had been made at ground level to ensure the scheme was appropriate;
- (7) In order to ensure privacy, conditions were proposed to ensure that lower windows were obscure glazed;
- (8) The property was a terrace and the provision of the wall should prevent a loss of privacy;
- (9) Roof lights would be provided to be above head height.

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

- (10) Officers noted concerns by Councillors concerning whether a commercial premises could operate without appropriate ventilation. It was indicated that the application had been made in good faith and a condition had been included which could be properly enforced as required;
- (11) Officers confirmed that, there were differences between the timings in the way that Traffic Regulation Orders relating to residents’ parking schemes had been introduced, it would not be until March 2018 that this matter would be rectified. Whilst it was not anticipated that there would be a significant impact, officers would nevertheless discuss this issue with transport colleagues;
- (12) Officers noted Councillors’ concerns about delivery times. However, these were standard and they believed that they were acceptable.



Councillors made the following comments:

- (13) The application seemed reasonable and should be supported. The delivery hours would help people who were at school or work during normal office hours
- (14) The applicant's record with previous developments was impressive. The bookshop would provide a good asset to the community and would help to mitigate the sad decline in independent book shops in the area
- (15) This seemed a great use of the building.

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

RESOLVED (11 for – unanimous) – that the application is approved with conditions set out in the report and an additional condition relating to standard sustainability.

c. Planning Application Number 17/02240/F - Accolade Park, Kings Weston lane, Avonmouth

Following his previous declaration of an interest, Councillor Donald Alexander withdrew from the meeting during this item and did not participate or vote on it.

The representative of the Service Director – Planning and Development made the following points:

- (1) Details of the existing site were shown;
- (2) Details of the written ministerial statement were provided;
- (3) There were 27 letters of support and 1 letter of objection from an occupier of a nearby office concerning potential shadow flicker. However, following discussions between the objector and the applicant, this matter had been resolved with the addition of a condition which had satisfied the objector;
- (4) The applicant had carried out a views analysis, details of which were provided.

In response to a Councillor's' questions, officers drew members' attention to a paragraph in the report explained how the appropriate policy for this development would be implemented by officers.

Councillors made the following comments:

- (5) This was a positive application which would blend in well with other local wind turbines in the area;
- (6) This application was welcomed.

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

RESOLVED (Voting – 10 for ie unanimous - Councillor Donald Alexander being absent from the meeting as indicated above) that the recommendations contained in the report be approved.

Councillor Sultan Khan left the meeting after this item.



d. Planning Application Number 17/01426/F - R/O 18 - 19 Falcondale Walk, Henleaze

An amendment sheet was circulated to members in advance. It was noted that an additional neighbour's comment had been received for this application. Most of the issues they raised had already been addressed in the report. An additional condition would require the implementation of stringent measures in the event that unexpected contaminated land was identified.

The representative of the Service Director – Planning and Development made the following points:

- (1) There had been 18 objections received to the application covering issues such as amenity, parking and impact on the area;
- (2) Details of the site plan were shown;
- (3) The application site was adjacent to a detached dwelling;
- (4) The proposed dwelling would not be visible from 3 Eastover Close;
- (5) Whilst 5 trees would be removed as part of the development, conditions would require a landscape plan to address this. In officers' view it would not, therefore, be appropriate for the application to be refused for this reason;
- (6) The scale and massing of the application was acceptable;
- (7) Whilst concerns raised by residents concerning construction vehicles were noted. However, officers believed that this would not disrupt or harm the amenity of the area as it was not of a sufficient scale;
- (8) Officers considered there would be no detriment to highway safety.

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

- (9) The situation at the previous development at 23 Falcondale Walk was not a similar situation since this included a raised garden area;
- (10) Whilst neighbours' concerns about construction vehicles were noted, it would be inappropriate to include an Advice Note restricting access to Eastover Close since the developers would have to access it to carry out the necessary works;
- (11) There was another window at ground floor level on the bottom left of the site (when looking at the side elevation) which served as a living room. However, whilst officers had some concerns about this window since they preferred windows which were openable and not at an angle, these were the ones which had been proposed and minimal harm would be caused by them. Officers did not believe it would be reasonable to refuse an application on these grounds;
- (12) The development met the Council's current policy DM21 concerning developments in existing gardens. It was within walking distance of the Falcondale Road Bus Stop. The Committee were reminded of the Council's Core Strategy policies which set a target for 600 new homes and a windfall assumption of 4,200 small unidentified sites;
- (13) Whilst concerns about indirect access to local centres were noted, officers considered this application to be an appropriate high density development;
- (14) In response to a Councillor's disappointment that this application was exempt from CIL funding as it was a self-build project, officers confirmed that there were national regulations in place concerning CIL with which the Council was required to comply.

A Councillor stated that he was pleased to note the situation concerning bus routes and, whilst not a fan of infill building, stated that it was important to agree with applicants if possible. There seemed no reason to refuse the application.



Councillor Olly Mead moved, seconded by Councillor Donald Alexander that the application be approved.

Councillor Carla Denyer moved and amendment, seconded by Councillor Richard Eddy that an additional condition be included **“to restrict the hours of operation of construction to Monday to Friday 8am to 6pm and on Saturday at 10am to 5pm (the latter shorter hours acknowledging that this was a self-build application) and with the inclusion of an Advice Note that construction vehicles should not use private driveways to turn in”**.

Officers confirmed that, as the application was self-build, it was important that the permitted construction hours allowed a reasonable time to carry out building works whilst protecting the amenity of residents. Upon being put to the vote, the amendment was **CARRIED (10 for - unanimously)**.

Upon being put to the vote, the amended motion was **CARRIED (9 for, 0 against, 1 abstention)**.

Resolved – that the recommendations contained in the report be approved together with an additional condition to restrict the hours of operation of construction to Monday to Friday 8am to 6pm and on Saturday at 10am to 5pm (the hours acknowledging that this was a self-build application) and with the inclusion of an Advice Note that construction vehicles should not use private driveways to turn in.

9. Date of Next Meeting

The next meeting is scheduled to be held at 2pm on Wednesday 27th September 2017.

Meeting ended at 9.15pm

CHAIR _____

