

Bristol City Council
Minutes of the Development Control A
Committee



18 October 2017 at 10.00 am

Members Present:-

Councillors: Chris Windows (Chair), Mike Davies (Vice-Chair), Stephen Clarke, Fabian Breckels, Kye Dudd, Richard Eddy, Olly Mead, Celia Phipps, Jo Sergeant, Clive Stevens and Mark Wright

Officers in Attendance:-

Gary Collins, Anna Schroeder and Jess Leigh

1. Apologies for Absence and Substitutions

Apologies were received by Cllr Steve Jones, with Cllr Richard Eddy as substitute and Cllr Tom Brook, with Cllr Fabien Breckels as substitute.

2. Declarations of Interest

None were declared.

3. Minutes of the previous meeting

Resolved – that the minutes of the meeting held on the 6th September be confirmed as a correct record and signed by the Chair subject to the following amendments:

- I. That the reference to the discussion on Cllr Stevens statement is correctly noted in the minutes. The Chair confirmed that the meeting officially closed after the discussion and therefore the statement should be noted in the minutes.
- II. Cllr Mead voted against 16/065594/P application therefore the voting should be noted as 10/1 for.
- III. That a correction is made on page 2 section 7(a) second paragraph replacing 'had' for 'hade'.

4. Appeals



The Committee considered a report of the Service Director – Planning, noting appeals lodged, imminent public inquiries and appeals awaiting decision.

The following was highlighted:-

1. Items 4 & 34 - Old Bristol Royal Infirmary Building – A request was made to Historic England to list the Chapel building that is on the site. They have taken the view that the chapel should be listed. The developers legal representative are able to challenge the decision to list but this is a 3 to 4 month process. Therefore a request was made to the Planning Inspectorate for the appeal to be held in abeyance until the conclusion of their challenge to Historic England. The inspectorate agreed to hold the appeal in abeyance until March 2018.

5. Enforcement

There were no enforcement issues to raise with Councillors.

- a. Cllr Jones, queried and expressed his concern that neither Committees had seen any enforcement notices.
- b. Members were assured that there were a number of pending notices with legal.

6. Public Forum

Statements

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 statements are held on public record in the Minute Book)

7. Planning and Development

The following items were considered:

8. 17/02084/F - Unit 4 Maggs House 70-78 Queens Road Clifton Bristol BS8 1QU

The representative of the Service Director – Planning made the following points by way of introduction:-

1. The application had been referred to the Committee for determination by the Ward Councillor, Cllr Paul Smith.



2. The application sought planning permission for the change of use of Unit 4 from an A1 retail unit to A3 restaurant use, with external alterations including erection of ventilation equipment to the rear elevation. Opening hours are proposed to be Monday to Saturday 11am to 11pm and on Sunday and Bank Holidays Midday to 8pm.
3. The key issue was the change of use and an assessment of the potential impacts on residential amenity and on the viability and vitality of the primary shopping area.
4. The unit lies within the Queen's Road and Park Street primary shopping area (PSA) and primary shopping frontage (PSF), as identified in the Central Area Plan (2015).
5. 57% of the units within the overall PSF are currently A1 retail use.
6. The premises were previously occupied by Costa Coffee for nearly 10 years as a coffee shop. No application for change of use to a mixed A1/A3 use was received and there is no history of enforcement action against the occupation of this unit as a coffee shop. An example was given of a similar business treated in the same way trading within premises designated for A1 use.
7. The retail presence is already compromised in the immediate area but there remains a significant number of retail outlets within the overall frontage; the application would have limited impact on retail perception at that location on Queens Rd.
8. The objections received related to the potential impacts on residential and environmental amenity.
9. No objections were received from BCC pollution control team or the Avon and Somerset Constabulary.
10. The presentation included pictures of the current street view of Queens Road and Maggs House frontage.

The following was noted from the debate that followed:

- a. Cllr Eddy expressed concern that this application was pushing the percentage of retail to bars/restaurant to the tipping point and this would give a green light for further saturation in the area and would be voting against.
- b. Cllr Davies shared Cllr Eddy's concern suggesting that DC agenda meetings should see any request regarding A1/3 applications for this primary shopping area where officers were minded to support. The representative of the Service Director Planning reminded the committee that they were obligated to address the application currently before them and were unable to pre determine other applications. They were aware of the area reaching a tipping point and would endeavour to present at agenda meetings all relevant applications within this primary shopping area.
- c. Cllr Mead recalled that Whiteladies Road was once a retail area and had given way to bars and restaurant and was therefore concerned that Queens Road would be known for eatery and bars rather than retail. He was also minded to discount the previous use of the premises as a coffee shop. He was minded to vote against the application because the area was approaching tipping point away from retail.



- d. Cllr Sergeant shared her view that coffee shops often benefited retail areas as it allowed customers to stay in the area. As it is a free market it is difficult to control the nature of the businesses that are in an area but an area that becomes mostly an evening destination would be damaging to the area and put it on a downward cycle of incidents relating to anti-social behaviour. She was minded to vote against.
- e. Cllr Wright recalled the concerns that had been raised when a restaurant was proposed at the top of Park St 7 years ago and remembered commenting that one restaurant would not kill an area. He noted now how things have changed. He took the view that this application should be viewed in light of the likely outcome following an appeal.
- f. The Committee were informed that in the event of an appeal the Planning Inspectorate would consider the case on its merits in terms of the overall impact on retail perception within the PSF and PSA. If the Council were considered unreasonable there is a risk that costs could be awarded against the Council.
- g. Cllr Clarke asserted that he felt Queen's Road had reached tipping point but was mindful of the advice given in regards to an appeal.
- h. Cllr Breckels confirmed that he was minded to support the application, on hearing all the arguments put by committee members and the advice given that on appeal the decision could be reversed with costs awarded against the council. On investigating the applicant he noted that it was a Mexican eatery with opening hours that did not go into the night time economy. The council had no policy that defined what that tipping point was and with no clear policy, turning down applications on this basis was problematic. He was also mindful that different areas had different requirements. He strongly recommended that a policy should be devised quantifying the tipping point of harm to retail frontage in percentage terms.
- i. Cllr Dudd noted the lack of retailers seeking an on street presence because many were online. He agreed that defending the decision to refuse may be hard and therefore would need to support.
- j. Cllr Mead was aware that with the mass increase of rent in the Bristol area many small businesses were priced out of the market. He expressed his frustration of having an application to consider with the knowledge that on appeal the decision would be likely to be reversed.
- k. Cllr Stevens was aware of the lowering of percentage of retail presence on that high street and it was giving way to entertainment venues. He called for the local plan to include the percentage requirement for areas. He was mindful to vote for because of the possible cost impact of an appeal.
- l. Cllr Eddy agreed with Cllr Breckels that the committee should recommend the drawing up of a policy on percentage of mixed business for a high street.
- m. Committee was advised that the application had to be considered in the first instance and a direction on policy development dealt with as a separate issue.
- n. Cllr Breckels proposed that a policy be devised on the issue, seconded by Cllr Eddy.



- o. Cllr Davies provided clarity on the matters for this area to come to agenda conference, applications from Queen's road to bottom Park Street where officers were minded to support. This was a suggestion for officers to implement.
- p. Cllr Breckles stated that the tipping point would vary from area to area and it was important to get it right for the whole area.

The planning application on being put to the vote (Moved by Cllr Breckles, seconded by Cllr Davies) it was: Resolved: (8 for and 3 against) that planning permission be granted subject to conditions as set out in the report.

The committee further resolved (Moved by Cllr Breckles, seconded by Cllr Eddy):

(Unanimous vote) That the Local Plan Working group develop a policy on saturation point with regards to the mix of retail and non-retail use specific to various areas across the City.

9. 17/02596/F - Unit 1 Maggs House 70 Queens Road Clifton Bristol BS8 1QU

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 made the following points by way of introduction:-

1. The application had been referred to the Committee for determination by the ward Councillor Paul Smith on the basis that it was harmful to the retail area and contrary to local plan policies.
2. The application was seeking permission to change the use of the unit from mixed A1/A3 to mixed A3/A4 use, with façade alterations to the ground floor.
3. The business would operate from 8am to midnight Mon to Saturday and then Sunday 9am to 10.30 same as existing A1/A3 consent.
4. Consultation had resulted in 14 objections.
5. No objections were received from BCC pollution control team or the Avon and Somerset Constabulary. On balance, officers considered that the proposals were not damaging to the existing perception of the immediate and wider PSF AND PSA. The business would operate within suitable opening hours and would also be subject to a license (separate to planning control).
6. Members sought clarity on the weight to be given to the information submitted regarding police crime statistics from the RARA group. Officers confirmed that limited weight should be given to this information, given that the Police had withdrawn their initial objection to the proposals. In addition, data was included that indicated that the information was based on the Queens Road area. Officers clarified that the data had been retitled and that it was understood that the data covered a wider area including the harbourside area.
7. Cllr Dudd sought clarity on how the CIA (Cumulative Impact Area) impacted on the application. Officers advised that the CIA policy related to the Licensing objectives and was not a matter for this committee to consider. A licence had been granted for the applicant to trade to 1am to allow sale of alcohol.



8. The previous businesses that had traded at that site had moved location, the record shop to a pop up shop and the café to another location in the area.

The following was noted from the debate that followed.

- a. Cllr Eddy expressed that this application could be viewed as the tipping point and he was minded to vote against.
- b. Cllr Wright felt this application was different from the previous application in that it added another bar to the area; involved loss of retail space; and would have an impact on the night time economy. He acknowledged the advice given but took the view that the committee were concerned about the impact of the proposals on nearby residents and he intended to vote against.
- c. Cllr Dudd would vote against because the question should be asked whether this was a bar selling food or a restaurant selling drinks with its meals. The area did not need a further licensed premises. He felt that the police should look again at this application as it fell within the CIA policy.
- d. Cllr Stevens stated there was a difference between a day time refreshment venue and an evening venue that operated into the night time economy. The applicant intended to trade well into the night and therefore would impact local residents. With the high possibility of an appeal the committee must consider grounds carefully to reject. He confirmed that he would vote against.
- e. Committee were advised that concerns about the impact on the retail frontage would be hard to justify given the decision to grant planning permission for the previous application in the same frontage. The applicant would be likely to reference the early decision to grant in any appeal. In addition consideration would be given to the lack of objections from the Police and the BCC Pollution Control team. Reference was made to the successful appeal for Bottelino's on the opposite side of Queens Road, and the need to robustly demonstrate findings of harm to residential amenity.
- f. Cllr Clarke enquired whether the applications were listed in the order to be heard to influence the decision to be made. Members were assured that the order was determined during the agenda briefing discussion and without the intention to influence decision making. In the event of an appeal the Inspectorate will have regard to the merits of the application and if cited the views taken on the difference between the applications.
- g. Cllr Clarke reminded all that the Police were not elected officials and as Councillors, included in the role was the duty to protect and promote the interest of residents. The application should be rejected and every step taken to ensure the decision making is strong so that any appeal is unsuccessful.
- h. Cllr Davies agreed that it was not acceptable for the police to raise no objections because the business would add no further nuisance to the area. When a bar trades it follows that people would congregate outside.
- i. Cllr Breckels commented that the committee, without a policy quantifying what was the tipping point, was in a difficult decision making position. The area needed more police officers on duty to manage the consequence of the growing night time economy. He expressed his concern over the possible appeal being lost and the award of costs against the council when budgets were already stretched.
- j. Cllr Mead, wanted to address the question of reasonableness. The planning committee should be in a position to take this into consideration, as should the planning inspectorate when making its



decision on appeal. Councillors as representatives of the residents of Bristol need to consider the legitimate concerns of residents and local ward Councillors. The rejection should indicate our concern about noise and related nuisance and that, with the objections received, it would be unreasonable to approve.

k. Cllr Wright moved a motion to refuse planning permission on the following grounds:

To protect the amenity of local residents in an area already blighted by night time related anti-social behaviour

To prevent the loss of A1 retail space in an area already under cumulative pressure

l. this was seconded by Cllr Sergeant.

When put to the vote 9 supported the proposal to reject and 2 voted against

Resolved to Refuse permission on the following grounds:

- To protect the amenity of local residents in an area already blighted by night time related anti-social behaviour
- To prevent the loss of A1 retail space in an area already under cumulative pressure

10 17/03716/F - Former Dorma Nightclub Clifton Down Station Whiteladies Road Bristol BS8 2PH

This item was removed from the agenda.

11 17/03943/F - Land At Hengrove Park (plots A, 2B And C) Whitchurch Lane Whitchurch Bristol BS14 0JZ

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 and Development made the following points by way of introduction:-

1. The application related to the ongoing regeneration of the Hengrove area and this application relates to the completion of Phase 1.
2. The application will deliver 261 dwellings in a mixture of terraces, apartments and semi-detached properties.
3. The consultation had been extensive with a number of comments but feedback was greater for Phase 2 of the project that would be before committee approximately next June 2018.
4. Conditions were recommended to manage grassland; drainage scheme and natural habitats; there would be a loss of trees but the developers intend to replace with 121 street trees; the area known as the mound had the potential for ground gas but investigations were ongoing.
5. The Apartments would be 4 storeys-high but would be the same height as the college building opposite the development.



6. The Development delivered 30% policy compliant affordable housing therefore a viability appraisal was not necessary.
7. The development delivers the density of houses per hectare that fits the market for the area. Phase 2 of the development will include a higher density of dwellings with the portion for affordable housing and market housing to be considered.
8. Clarity was provided on the position of sustainable energy. Feasibility work was underway in relation to this site and phase 2 development with regards future CHP plant and links to the District Heating Plant.
9. There is a potential for the wider Hengrove development to attract commercial retail business enabling on site amenities and to minimise the need to travel by car.

The following was noted from the debate that followed:

- a. Cllr Eddy shared that local Councillors welcomed the scheme and were happy with the design; the percentage of affordable housing proposed; and that it was compliant to city council policy. He acknowledged there was a need for improved infrastructure such as access to GPs and grocery stores. He stated that the sums that would be generated from CIL monies would positively impact the creative aspect of the area and improve the provision at the Hengrove play park.
- b. Cllr Mead expressed his disappointment with the density of dwellings per hectare but acknowledged the need for new housing across Bristol. He was favourable to the ecological mitigation to be provided by the developer, albeit a portion of the meadow would be lost. He explained that condition 7 should be enhanced to include shrubs, preferable those with fruits, to encourage insects and birds.
- c. Cllr Breckels viewed the development as a good start and noted the developer's willingness to include affordable housing. The development would attract retailers to the area.
- d. Cllr Clarke enquired whether CHP and the link to the DHP could be added as a condition. Officers explained that further feasibility work would take place with regards to phase 2 of the project but at this stage it was not possible to predetermine the outcome of this work.
- e. Clarity was provided that the current phase 1 housing development was linked to and completed the development of the hospital and leisure centre complex. Cllr Wright compared the development to that in Horfield that was also a development on Bristol City Council land and felt that earlier development had produced better design and a higher density of dwellings. He considered the application rushed and premature and a missed opportunity to do more. He was minded to vote against.
- f. Cllr Mead moved the recommendation with an amendment to condition 7 to include reference to shrubs, Cllr Eddy seconded the proposal.

When put to the vote committee

Resolved – 10 for, none against and 1 abstention for planning permission to be granted with the amended condition.

Councillor Eddy left the chamber at 12.26

12 Review of Planning Application Requirements Local List



The Committee received the report of the Head of Development Management and were asked to agree to endorse the adoption of the revised Planning Application Requirements List including the Drawings Standards document.

The following was highlighted:

- a. That the local list must be reviewed every two years.
- b. That three of the West of England authorities had worked together on the Drawings Standards Document and had agreed it.
- c. If an application did not meet the requirements then it would not be registered and the statutory period to determine the application would not begin.
- d. The National Planning Policy Framework (NPPF) is currently being reviewed and will need to be reflected locally. As a result, it was likely that the Local List would be revisited sometime during 2018.
- e. The key issue in the report was the tightening up of the Council's approach to the receipt and publication of developers' viability appraisals.

The following comments were noted:

- i. Cllr Stevens had submitted a number of questions on the plan that would be addressed and was happy for a response to follow after the meeting. He did pose the question as to whether the local list could be considered earlier in the review process to provide a longer consideration period.
- ii. The committee were informed that a review of the NPPF was underway and the impact of that would require a change to the local list in the next year.
- iii. Cllr Mead moved to support and Cllr Clarke seconded.

Committee Resolved:

- To endorse the revised Planning Application Requirements List including the Drawings Standards document

13 Date of Next Meeting

Wednesday 29th November 2017 @ 2pm

Meeting ended at 12.37 pm

CHAIR _____



