

Bristol City Council
Minutes of the Development Control B Committee

8 November 2017 at 6.00 pm



Members Present:-

Councillors: Martin Fodor (Chair), Richard Eddy (Vice-Chair), Donald Alexander, Fabian Breckels, Harriet Clough, Mike Davies, Carla Denyer, Kye Dudd, Olly Mead, Kevin Quartley and Afzal Shah

Officers in Attendance:-

Gary Collins, Laurence Fallon, Jon Fellingham, Amy Prendergast, Ken Reid, Thomas Wilkinson, Stuart Langer, Lewis Cook and Jeremy Livitt

1. Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence

Apologies for absence were received from Councillor Harriet Bradley (Councillor Kye Dudd substituting) and Councillor Margaret Hickman (Councillor Olly Mead substituting).

3. Declarations of Interest

Councillor Olly Mead declared an interest in 16/06828/P Land At Temple Circus as a member of the Royal Society of Arts (RSA) which had part-funded the Engine Shed. However, he confirmed that he retained an open mind concerning this application and would, therefore, be participating in the debate and voting on it.

4. Minutes of the previous meeting

Resolved – that the minutes of the above meeting be approved as a correct record and signed by the Chair subject to a correction to clarify that Councillor Denyer declared an interest as a member of the Bristol Community Land Trust (rather than as a former member) and to a rewording of the first sentence in the second paragraph of Minute Number 5 (Appeals) to make it less confusing.



5. Appeals

Officers reported on the following appeals:

Item Number 5 – Old BRI Building, Marlborough Street – This was in abeyance pending a challenge from the developers concerning the listing of the Chapel Building

Item Number 35 – Land Between Ladies Mile and Clifton Down Bridge Valley Road – This application had originally been granted planning permission subject to a Section 106 Agreement concerning Tree Planting. Since it had subsequently become clear that the applicant was not in a position to enter into a legal agreement, it had been brought back to Committee and subsequently refused. However, when the applicant had appealed, the Inspector had allowed it as he felt the benefits of the bridge outweighed the harm to the landscape. The Inspector had also taken the view that a Section 106 agreement to secure replacement planting outside of the defined application site would not be related to the proposed development – a view that officers felt was unique and was one that they did not agree with.

6. Enforcement

131 Bridgwater Road – officers had received further legal advice and were proposing that the most effective enforcement action was to carry out a series of breach of condition notices. Members expressed support for this approach. Officers agreed to provide Councillors with an update on the situation in a few months.

7. Public Forum

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

The statements 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. 17/04367/FB - Cotham School

Officers outlined the key aspects of this application during the presentation as follows:

- (1) Full details of the application
- (2) A Landscape Master Plan was proposed to ensure no conflict between the development and the existing trees in the grounds of Cotham School;
- (3) Officers had assessed that there would be no detrimental harm to existing views



- (4) A condition was proposed to address concerns about the elevational details
- (5) Officers believed that the proposal preserved the Conservation Area including the setting of the locally listed Building
- (6) The proposed expansion of Cotham School would meet Bristol City Council's statutory duties

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

- (7) The report explained the increased demand for secondary school places that would be required in future to meet the consequences of increased primary school demand. It was noted that there was a plan to identify future sites
- (8) Proposed Condition 33 would ensure proper landscaping and an arboricultural assessment

Councillors made the following points:

- (9) The cycling and walking improvements were welcomed;
- (10) It was encouraging to see replacement tree planting
- (11) Condition 9 would ensure an assessment for noise for neighbouring properties and should deal with any concerns in relation to this issue in respect of the all-weather pitch.

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

RESOLVED (unanimously): that the application be approved as per the recommendations contained in the report and including a condition as set out in the Amendment Sheet to give officers delegated authority to make any amendments arising out of the consultation in respect of the Landscape Master Plan.

b. 17/01967/F - Speedwell Swimming Baths, Whitefield Road, Bristol

Officers outlined the key aspects of this planning application during the presentation as follows

- (1) Details of the site plan were shown
- (2) The report and amendment sheet contained details of the key issues and objections that had been revised from amenity and conservation groups – it was noted that a petition had been received with 2.845 signatures
- (3) The site was not in the Conservation Area and was not listed
- (4) No objections had been received from Transport Development Management
- (5) The proposed mix of houses was supported;
- (6) The proposed level of affordable housing had been viability tested and was acceptable
- (7) Officers recommended approval subject to a Traffic Regulation Order and a Planning Agreement concerning Affordable Housing

In response to a member's question, officers confirmed that it was a marginal assessment as to whether the shape and height of the building would cause more shadowing over the allotment. Councillors



requested that future reports contain more detail about over shadowing. Officers noted Councillors' concerns but confirmed that an appropriate assessment had been made in this case.

Councillor Fabian Breckels moved, seconded by Councillor Richard eddy and, upon being put to the vote, it was

RESOLVED (9 for, 2 against) – that the application is approved as per the recommendations contained in the report.

c. 17/039858/FB - Victoria Park, Nutgrove Avenue

Councillor Richard Eddy left the meeting prior to this application being considered.

Officers made the following key points during the presentation on this application:

- (1) Since the publication of the report, the local ward Member Councillor Chris Jackson had indicated his support for the application
- (2) The application helped the city to improve its commitment to provide greater accessible and healthy modes of travel in the city through the Cycle Ambition Fund (CAF);
- (3) This would help to improve the situation in South Bristol which did not have many safe and segregated routes
- (4) With the large number of extra dwellings to be built in Hengrove Park, Filwood Park and Imperial Park, this scheme would improve multi-modal accessibility
- (5) Details of the traffic free route for this application and the subsequent application 17/03959/FB – Open Space Off Wedmore Vale and Glyn Vale were set out
- (6) The scheme would encourage people who don't currently cycle to use these routes through the introduction of a number of management and safety provisions;
- (7) The cycle route had been designed to avoid an impact on trees and would replace historic gateways as indicated on the plan – signage was shown in blue dots
- (8) The Landscape Officer had raised no objection to the proposed impact on the character and appearance of the area
- (9) Protection measures would be retained and regular monitoring would take place

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

- (10) Councillors' concerns about the need for appropriate safety measures to stop irresponsible cycling were noted
- (11) It was indicated that there would be signage at certain locations with a reminder to cyclists to act responsibly and reinforced by conditions.
- (12) The proposed width of 3 metres had been assessed to ensure the best amount for shared usage between cyclists and pedestrians – it was acknowledged that anything higher could lead to cyclists increasing speed.
- (13) A strategy would be brought forward to assess how long monitoring would be required



- (14) Safe segregated routes were needed to increase cycling use. Whilst the current gates prevented mobility wheelchairs, they did not prevent moped or motorcycle use as the proposed scheme would

Councillors made the following comments:

- (15) There had been a number of compromises in introducing this scheme which could make the scheme less attractive to cyclists than originally intended. Whilst this was a step forward, there needed to be regular monitoring of incidents
- (16) The greater use of lighting should help to prevent Anti-Social Behaviour
- (17) Appropriate signage was required to ensure it was clear where the cycle way starts
- (18) The proposed scheme remained unsafe and would cause loss of amenity. There was a risk that the scheme could be similar to ones currently in operation in the City Centre which did not work properly
- (19) A lot of care had gone into the proposed scheme
- (20) Whilst the frustration about shared cycle and walk ways was noted, this scheme would be much clearer than others and had good signage
- (21) It was important to monitor the scheme

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

Resolved (9 for, 1 against) – that the application be approved as set out in the recommendations

d. 17/03959/FB - Open Space Off Wedmore Vale and Glyn Vale

Councillor Richard Eddy left the meeting prior to consideration of this item.

Officers made the following key points during the presentation for this item:

- (1) Details of the new cycleway, landscaping, planting and lighting for this scheme were provided
- (2) 59 replacement trees were proposed and a financial contribution agreed as part of an offsite replacement
- (3) In respect of highway safety, 3 metres was proposed as a minimum for shared use with appropriate signage and rumble strips

In response to a member's question, officers indicated the route of the quiet way. Whilst officers acknowledged the current budget proposal for a zero cost parks provision, in the Management strategy for the scheme there was a commitment to fund 15 years future liabilities and maintenance.

Officers noted members' concerns about the use of motor bikes in the wider South Bristol area. However, it was confirmed that CCTV was not a part of the scheme and that it was intended to get more activity along this path.



Councillors made the following comments:

- (4) The benefits of the scheme were noted, including the proposed winding route which helped in respect of shared paths
- (5) Whilst it was not a planning reason for refusal, this scheme seemed unnecessary
- (6) Cycle paths in different parts of the city required different management approaches.

Officers confirmed that Bristol City Council Parks Department would be the point of contact for any future issues.

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

RESOLVED: (9 for, 1 against) that the application be approved as per the recommendations contained in the report.

e. 17/02049/F and 17/02050/LA - Redcliffe Wharf

Officers gave a presentation on this application and made the following key points:

- (1) Details of the proposals were outlined
- (2) 22 additional written comments had been received in relation to the proposals since the committee report had been published. All of these were objections save one which withdrew an initial objection from St Mary Redcliffe Church.
- (3) A petition had been signed objecting to the proposals on the basis of harm to the Thekla Music Venue by approximately 12500 persons but not yet served on Bristol City Council.
- (4) There had been long and detailed negotiations with the applicant concerning affordable housing. There was a further contribution of 3 units which had been agreed by the applicant (since the committee report had been published). The Committee needed to give significant weight to the viability assessment.

In response to members' questions, officers made the following comments:

- (5) Condition 6 required the approval of noise insulation measures before the development commences which should address the concerns raised by the Thekla
- (6) Condition 2 would ensure the design of the proposed pontoon would not affect the listed wharf wall
- (7) The mooring berths would be let on a short term basis, there are similar short term mooring berths very close to the Thekla. Since this site was 150 metres away, there should be few issues arising from this relationship
- (8) With regard to the development viability and affordable housing contribution, the profit was based on 17.5 % profit of cost due to the fact that the scheme's profit is largely generated by commercial land uses, rather than residential land uses.
- (9) The price of the land was comparatively small for a prime city centre site (£770,000) as opposed to an average of approximately £3 Million for other sites



- (10) Officers noted the comparisons drawn by some Committee members to a recent application for the Fleece. However, officers believed this situation was different because in their opinion a noise condition would address these concerns
- (11) The level of parking was appropriate for a city centre site. An Advice Note was recommended in the report clarifying that residents of the proposed development would not have access to Residents Parking Scheme permits, to prevent pressure on this.
- (12) One of the requirements of the design of the new link (to be funded by the development) was to take account of the heritage design of the Quakers Burial Ground
- (13) Anything within the Section 106 agreement will have to comply with the rules set out in CIL (Community Infrastructure Levy) regulations, specifically regulation 122.
- (14) In response to whether rights of easement could be applied to limit complaints from occupant officers advised that it would not be appropriate to limit an individual's right to make a complaint. Whilst it would be possible to agree a condition requiring developers to notify prospective purchasers to the Thekla venue, this would not be proportionate in officers' view. It also would not be possible to enforce it
- (15) The response to Bristol Waste Company was outlined. There is a condition controlling the waste on site which would require a Waste Management Strategy, including how vehicles will operate in a public space – the area identified as the public realm was outlined
- (16) Fire vehicle tracking on site was indicated. Although the site was constrained, it met the requirements in planning guidance in terms of emergency vehicle access
- (17) The number of affordable houses assessed under the viability scheme was based on a calculation of the surplus and an assessment of the number of units that could be provided for this
- (18) Officers would work with Property Services and homeless charities to engage with the various homeless people and rough sleepers who used the site
- (19) Mooring would be as indicated in the drawings
- (20) Check walls would be re-pointed and appropriate compliance provided by the planning enforcement team

Councillors noted that this was the last vacant part of the Harbourside. Whilst there was a need for housing, this was a good scheme combining housing and employment and was a significant development to the city.

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

Resolved (10 for, 1 against) – that the application be approved.

f. 16/06828/P - Land At Temple Circus, Bristol

Officers made the following key points during their presentation:

- (1) Details of the application were provided
- (2) Although the scheme was designed with Engine Shed 2 in mind, the Council had no control over it
- (3) Officers had balanced the benefits and harm to the heritage asset and were recommending refusal for both applications



- (4) If the decision to refuse was not accepted, the application would be referred to the Secretary of State. Therefore, if this decision was made, the Committee would need to be specific in their reasons for their decision
- (5) There was no CIL in respect of the full application. Whilst there would be some CIL for ground floor commercial space in the outline application, it would not be calculated until the reserved matters stage
- (6) Whilst the air quality issue could be resolved in the event that the application was approved, additional details would be required from the applicants before approval.
- (7) Details of the site were given
- (8) There was only one route that was considered safe for vehicle access which would require careful management
- (9) Whilst some parts of the retained fabric of the building would be kept, officers believed that more could have been retained by the applicant. Case law was clear that the Committee needed to give great weight to the retention of the historic fabric. The applicant had not demonstrated that the works were necessary
- (10) Pictures of the current interior of the building was shown and a visual representation of the completed development
- (11) There would be significant harm to the heritage assets which could not be overcome
- (12) Whilst the desire for Engine Shed to expand was noted, the application could not be recommended for approval
- (13) Officer did not accept the applicant's argument that the retention of the historic fabric was not possible as it was already beyond repair and that it was also not viable to retain it

Officers responded to Councillors' questions as follows:

- (14) Whilst it was acknowledged that Paragraph 133 of the national guidance provided exceptions to approve in appropriate situations, officers did not believe that the harm or loss caused would be outweighed by the benefit of bringing the site back into use
- (15) Whilst officers would have liked more time to further discuss the development with the applicant to see if an agreement would be reached, the applicant has insisted that they wanted the scheme determined by Committee
- (16) Very little of the floor features would be kept – the roof needed to be removed and replaced to line it up with a new extension
- (17) The Local Plan Policy states that the development of offices was acceptable in this area (ie the Enterprise Zone).
- (18) Officers conformed that the applicants had radically reduced the height of the original scheme and sought to retain more fabric than the original scheme – however, they had not addressed a number of significant concerns, such as the retention of the staircase. In addition, there were significant issues with loading which also could not be resolved
- (19) Whilst officers were guided by Historic England in their recommendation, they did not believe the application could be supported



- (20) Officers acknowledged concerns about the lack of adequate disabled access at the current Engine Shed and the harm caused to historic assets by other previous applications (ie Metro Bus). However, it was pointed out that each application was considered on its own merits

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

Resolved – (unanimously)) that officers be instructed to refer both applications to the Secretary of State with the view that the Committee is minded to support them on the grounds that they feel the benefits of the schemes outweigh the harm with regards to Paragraph 133 of the NPPF. The Committee provided the following reasons in respect of their decision:

- (1) they note Historic England’s concerns in respect of Heritage Assets but note that, if the building was left neglected much longer, it could fall down through lack of repair**
- (2) delivery of Bristol Core Strategy Policy BCS8, by contributing to a sufficient and flexible supply of employment land and promoting the city as a place to invest**
- (3) delivery of Bristol Core Strategy Policy BCS2, by creation of employment and active ground floor uses in wider mixed use development in the City Centre;**
- (4) delivery of Bristol Central Area Plan Policy BCAP6, by delivering employment space and bridging Temple Quarter with the rest of the City Centre**
- (5) delivery of Bristol Central Area Plan Policy BCAP35, by delivering employment led development, creating an exemplar for new initiatives and a hub for creative minded businesses on the site**
- (6) the Committee believe that the proposal is a high quality design**
- (7) there is a need for disabled access provision since the provision of accessible venues for the whole of the population is something that should be the Council’s aim, as well as noting that there could be a breach of the Equalities Act**
- (8) the Committee particularly noted the comments received from the Walking Alliance to ensure sufficient clearance to allow pedestrians and vehicles to interact and recommend that this be addressed by condition**
- (9) there was no commercial demand for the existing old hotel building at the George and Railway**
- (10) it was not reasonable to refuse a development to re-use a building which is almost completely beyond repair**
- (11) the Committee also noted that a report concerning air quality would need to be provided prior to determination of the application**

9. Review of Planning Application Requirements Local List

Officers introduced this report and explained that, if approved, this would require all future Planning Applications to be accompanied by a viability assessment on the day of publication and would need to be made public. It would greatly improve transparency in this area.

Resolved (unanimously) - that the Committee endorses the adoption of the revised Planning Requirements list including the Drawings Standards Document.



10 Date of Next Meeting

The Committee noted that the next meeting was scheduled to be held at 2pm on Wednesday 20th December 2017.

Meeting ended at 10.06 pm

CHAIR _____

