

Bristol City Council
Minutes of the Development Control B Committee

20 December 2017 at 2.00 pm



Members Present:-

Councillors: Martin Fodor (Chair), Richard Eddy (Vice-Chair), Donald Alexander, Harriet Bradley, Fabian Breckels, Harriet Clough, Mike Davies, Carla Denyer, Steve Jones, Afzal Shah and Olly Mead

Officers in Attendance:-

Claudette Campbell (Democratic Services Officer), Gary Collins, Andrew Cross and Alison Straw

1. Welcome, Introduction and Safety Information

2. Apologies for Absence

Apologies were received from Cllr K Quartley with Cllr S Jones as substitute.

3. Declarations of Interest

Cllr Mead advised the meeting that he would withdraw from the second agenda item (15 Small Street) as he could not approach the application with an open mind.

4. Minutes of the Previous meeting

Resolved – that the minutes of the meeting held on the 8th November 2017 be confirmed as a correct record and signed by the Chair subject to the following amendments:

- i. That the minutes should read at Item 14 page 10; the current A-frame gates prevent moped and motorcycle use but also prevent access by users of mobility scooters, tricycles, etc. In contrast the new adjustable K gates would allow mobility scooters etc to access but (at least in theory) not mopeds.
- ii. Item 20 on page 12; the officer confirmed that the listed harbour wall would be re-pointed.
- iii. To note that Cllr Eddy did leave the meeting and did not return. The agenda items were taken out of sequence on the day therefore Cllr Eddy was not in attendance for the Victoria Park & Wedmore Vale items.



5. 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:-

- a. 9 Ebenezer Street Bristol BS5 8EF – variation of conditions; the applicants had triggered a deemed discharge which had been refused by officers under delegated powers and this appeal was against that decision.

6. Enforcement

In addition to the one notice listed a number of notices are with legal for processing.

7. 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)

8. Planning and Development

The following items were considered:

9. 17/04267/F - Former Central Ambulance Station Marybush Lane, Bristol

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

- a) The site was to be redeveloped for residential purposes creating 375 homes of which 20% would be affordable housing. The development would include the tallest building within the City Centre area at 98.3 meters.
- b) The development is highly sustainable; links to the District Heating Network; approximately 490 cycle spaces; car parking spaces limited to 36; close proximity to shopping area; proposed public improvements to include creating a gateway to the park; improvements to the public highway and pedestrian areas; additional 18 trees planted to replace the 4 to be removed.



- c) Committee viewed a presentation of photographs with the proposed tower superimposed to allow for the visual impact on Bristol skyline. 22 views shown.
- d) Consideration given to the impact of the development on heritage assets, including the Pip 'n' Jay Church and Old Market area. The impact was offset against the public benefit of the scheme to the wider area.
- e) The degree of harm to the old market area and conservation areas had been considered and it was considered less than substantial.
- f) The public realm improvement as an outcome from the development was significant. It includes the improvement to the Tower Hill junction; realignment of the cycle route; resurfacing of the surrounding roads; improvements to the gateway to Castle Park; meets the requirement for regeneration of the area; job creation; positive impact on the shopping area with the introduction of new residents; CIL outcome of approximately £2.5 million.
- g) Committee were being recommended to approve the application in accordance with the S106 requirements and conditions as set out on the amendment sheet.

Councillor's points of Clarification

- h) Members raised questions on the impact of the culvert that runs through the middle of the site and its impact on the development. Officers outlined the conditions and designs that satisfied these concerns.
- i) In answer to the questions on the culvert, known as the Castle Ditch culvert that runs through the centre of the development Officers confirmed that the design incorporated this natural drainage system. That 'post constructions conditions' are to be imposed on the developers to check for damage to the culvert.
- j) There would be no harm to archaeology; conditions have been included to secure the recording of the identified archaeological remains.
- k) Members sought reassurance about actions taken to prevent the scheme from being a two tier development in terms of occupancy. The affordable housing residents would have access to the outside communal amenity space; all blocks have own entrance site; access to the gym and dining facilities were not planned for the affordable housing residents. Giving access to all would impact the rate of the service charge for the affordable housing residents. Officers were able to confirm that a condition could be imposed requiring the applicants to submit information regarding access to membership of the gym facilities and access to the other communal facilities for all residents.
- l) The Amendment sheet conditions the requirement for 2% of the scheme to be adaptable for wheel chair accessibility.
- m) Officers considered the proposed improvements to the surrounding pedestrian walkway compensated for the lack of a thoroughfare across the site sufficient to compensate non-residents. The central garden area would be for exclusively for the use of residents.
- n) The fire safety issues relating to any outer cladding of the building was a matter for Building Regulations. In the design and Access statement it is clear that there has been liaison with the Avon Fire Services on this and other fire safety matters. From an aesthetic point of view the details would be submitted to the Local Planning Authority for consideration. In addition the mixed material used for the outer structure would be subject to a maintenance strategy that would include actions to manage the aging process.



- o) Clarity was sought on the scheme being linked to the district heating system. The provision and timing of this is to be finalised through the S106 Agreement given the liabilities of both BCC and the applicant need to be protected. There is commitment however for the scheme to be linked to the DHN.
- p) There were concerns about the management of over 400 bike stands. The issue of abandoned cycles taking up usable space was raised. To mitigate the bike stands would be position at a number of locations across the complex and considered to be safe and secure.

Councillors made the following points:

- q) Cllr Denyer supported the need for a development with affordable housing and the proposed tall building but had reservation about the design. She took the view that the design could be better but questioned whether it was bad enough to be refused.
- r) Cllr Breckels viewed the design as ambitious; that it would deliver 20% affordable housing; that avoiding a two tier occupancy situation could be conditioned; had slight reservation about the enclosed central amenity area; took the view that buildings should reflect the era in which they are built; noted that no substantial harm to the conservation area; therefore happy to support.
- s) Cllr Davies enquired whether the colour scheme of the design could be conditioned. Officers advised that the scheme presented is the one to be considered but conditions are in place to test samples of the materials to be used.
- t) Cllr Bradley supported the development but had reservation about the possible two tier occupation with access to on site amenities being limited to private residents.
- u) Cllr Mead supported the development; considered the design appropriate for a modern building; considered limiting the access to central amenity area to residents would support the safety of all residents; the 2% adaptable for accessibility good but not great; appreciated the assurance given in respect of the fire safety concerns.
- v) Cllr Shah supported the development and applauded the 20% affordable housing provision.

Councillor Shah moved, seconded by Councillor Mead, 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 the conditions as set out in the Amendment Sheet with the additional condition regarding access to on site facilities by all residents.

10 17/03656/F 15 Small Street City Centre Bristol

Cllr Mead withdrew from the debate.

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

- a) That this application had drawn media attention because of the removal of the historical ceiling. It was expressed that it was not against the law and did not require planning permission, and as such this action needs to be separated from the assessment of the application. Details of the site plan were shown.
- b) The building was surrounded by listed buildings but was not itself listed. The ground floor was currently a bar/night club with residential accommodation to upper floor.



- c) An application was approved in 2005 for a development of residential flats with a similar layout but that permission had lapsed.
- d) Those who had responded to the application raised concerns about the loss of the ceiling. In addition the comments included concerns about anti-social behaviour in the area and the addition of student accommodation.
- e) The existing residential accommodation was not seen as family apartments.
- f) The proposed re-design had been modified to allow for the retention of the windows and the chimney stacks.
- g) There is no on street parking in the area but conditions have been imposed to consider the need for students on move in and move out days.
- h) Officers recommended approval subject to conditions.

Councillors raised the following:

- i) Cllr Eddy believed that there was a stronger argument for refusal than approval. Should the application be approved the developer would be rewarded for his actions, the damage to the ceiling. Believed the application failed to consider the historic interest of the area.
- j) Officers explained that the building in question was not listed although sitting in a conservation area. That there was considered to be no grounds for Officers to refuse the application on the basis of heritage impact. Officers had agreed modifications to retain windows and chimney stacks to limit the possible harm of the development to the heritage aspects of the area. As a consequence of the incident of historic ceiling removal prior to inspection by Historic England, the team would now more proactively monitor applications such as these to Historic England to consider whether statutory listing was appropriate. The intention is to improve the flagging system, on such applications, to enable contact with Historic England to press for an early decision on listing. Officers also acknowledge the concern about the numbers of student accommodation in the area but local policy is supportive of the principle of student accommodation in the area. Refusing on this basis would be contrary to policy. Confirmed the floor areas accord with the licencing standards for student accommodation.
- k) Cllr Denyer sought clarity on the quality of the accommodation, as she was familiar with the building and was concerned that the bedroom windows did not access sufficient light to enable students to read/write/study. Further explanation was provided by the Officers as to design with reference the appropriate plans.
- l) Cllr Breckels shared his concern that the action of this developer may have given others an opportunity to now destroy other buildings in the City. Commented that good light was essential and a comfortable space to enable students to study. He raised concerns about the narrow passageway, shown on the plan that gave access to the proposed accommodation. He believed that there was a risk to those using the pathway and considered it dangerous.
- m) Cllr Denyer shared that type of passage way was common in many areas and in her ward. That she is aware that the passageway is at least 2 meters in width and with good lighting should not pose an issue. She reminded committee members that the building was not listed although in a conservation area.
- n) Cllr Eddy took the view that the development would cause harm to the character of conservation area and neighbouring listed buildings.



- o) Cllr Breckels considered the over concentration of student accommodation in the area; the poor quality of the accommodation plans; harm to heritage assets; safety to those using the passageway to the flats; harm to the character of the conservation area and the inappropriate way the developer had behaved, as grounds for the application to be refused.

Councillor Breckels moved, seconded by Councillor Eddy and upon being put to the vote, it was **Resolved (6 for, 4 against) that the application be refused.**

11 Date of Next Meeting

31st January 2018

Meeting ended at 3.55 pm

CHAIR _____

