

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



**21 February 2018 at 10.00 am**

**Members Present:-**

**Councillors:** Chris Windows (Chair), Mike Davies (Vice-Chair), Donald Alexander, Tom Brook, Stephen Clarke, Richard Eddy, Olly Mead, Celia Phipps, Jo Sergeant, Clive Stevens and Mark Wright

**Officers in Attendance:-**

Gary Collins, Alex Hawtin, Angelo Calabrese, Jim Cliffe and Jeremy Livitt

**1. Welcome, Introductions and Safety Information**

The Committee noted arrangements for exiting the building in the event of an emergency.

**2. Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Steve Jones (Councillor Richard Eddy substituting) and Councillor Margaret Hickman (Councillor Donald Alexander substituting).

**3. Declarations of Interest**

Councillor Clive Stevens advised the Committee that he would be making a Public Forum statement and speaking against Agenda Item 8 (b) (Planning Application Number 17/05140/F 67 and 69 Whiteladies Road and 16a and 17a Aberdeen Road) and would, therefore, withdraw from the meeting for the duration of this item.

Councillor Stephen Clarke declared an interest in Agenda Item 8 (c) Planning Application Number a 17/04263/F and 17/04264/LA Former Redland High School, Redland Court Road, Bristol BS6 7EF as a former Governor of Redland High School but explained that this was a long time ago and would not in any way affect his ability to make a decision on this application on its merits.

**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.



## 5. Appeals

### Item 31 - O & M Sheds Welsh Back Bristol BS1 4SL

Officers reported that, following the refusal of this application contrary to officers' recommendations, an appeal had been lodged by the applicant which would be considered through written representations and was accompanied by an application for costs.

## 6. Enforcement

Officers advised the Committee that three enforcement notices had been served since the last meeting.

## 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 is held on public record in the Minute Book).

It was noted that Statement 7a had been received within the required timescale and this was, therefore, allowed by the Chair as a Public Forum statement.

## 8. Planning and Development

The Committee considered the following Planning Applications

### 9. 17/06021/F 21 Lansdown Road

Officers introduced this report and outlined the following key issues in relation to this application:

- (1) They had considered an appeal Inspector's decision at a similar nearby property at 18 Stanley Road, Cotham in 2013 which, following Development Control Committee's refusal of the application on the grounds of a cumulative increase and increased density, had allowed the decision on appeal. Officers had considered whether or not the proposed change in numbers of an HMSO merited refusal, rather than the principle of an HMSO which was already established
- (2) The application was proposed for approval subject to conditions, including a Premises Management Plan



Officers responded to Councillors' questions as follows:

- (3) Each application needed to be considered on its own merits. However, it was likely that an application for a brand new HMO would have been considered differently. In particular, following the adoption of Policy DM2 in July 2015, there is more formal weight to address intensification of use. Councillors needed to consider whether or not the increase from 5 to 7 occupants crucially tipped the balance to make it unacceptable;
- (4) If the application was approved, the requirement to ensure Premises Management Plan (PMP) was adhered to would form a condition. Therefore, any breach of the PMP would result in an enforcement investigation, albeit that due to recent restructuring this operated on a more reactive rather than a proactive basis
- (5) In the event of any appeal, the Inspector would be likely to consider a wider impact than just to the street
- (6) Councillors' concerns were noted that an increase in occupancy to 7 would likely be for student use. However, there was no difference in terms of the assessment that was made for the application. It could be for other groups, such as professionals
- (7) Officers referred to the appendix of the report and Paragraph 8 setting out the Inspector's decision in respect of Stanley Road. This stated that "Whilst an increase of one resident over and above 6 represents an increase of some 17%, the nature of the occupation has not changed in that the property is occupied by a group of persons on a single tenancy." It was the view of officers that any appeal decision by the Inspector in this case, if it was refused would be made on a similar basis
- (8) Costs would only be awarded against either party in the event that either party was deemed to have acted unreasonably and would cover the costs of the party bringing the appeal

Councillors made the following points:

- (9) Whilst each individual HMO application might have little impact, taken together there had been significant change. BCC had failed local residents in respect of the growth of HMO's in the area
- (10) The previous appeal at Stanley Road had been made prior to the formal adoption of DM2. It was worthwhile attempting to see if this adopted policy could help in controlling the extent of HMOs use in the area
- (11) There was already an impact on residents, especially in relation to noise, waste and in particular parking
- (12) It was reasonable to state that this application would result in intensification since Policy DM2 was only draft at the time of the Stanley Road appeal.
- (13) Developers could not be allowed to undermine balanced and sustainable communities. A tipping point had been reached in terms of intensification and impact on residents in terms of loss of amenity, noise and disturbance



- (14) In view of the increase in occupancy from 5 to 7 (a 40% increase) and the information from neighbours that the situation had deteriorated, there was real evidence that there was extra disturbance
- (15) The Inspector for the Stanley Road appeal had not given policy DM2 significant weight because it was not adopted policy at the time
- (16) It was disappointing that this was a retrospective application since this undermined the decision-making process
- (17) There was a serious concern as to whether the Premises Management Plan was genuinely enforceable. This issue would need to be drawn to the inspector's attention in the event that the Inspector was inclined to allow any appeal

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

**RESOLVED (unanimously) – that the application be refused under Policy DM2 on the basis that it is an intensification of the existing development and will increase the noise and disturbance to residents and cause loss of amenity.**

#### **10 17/05140/F 67 and 69 Whiteladies Road and 16a and 17a Aberdeen Road**

Councillor Clive Stevens withdrew from the meeting for the duration of this item since he would be making a Public Forum statement opposing this application.

Officers introduced the report and made the following comments:

- (1) Details of the site location were provided
- (2) The site had lawful B2 use and officers raised concerns that a continued industrial use of the site would not add to the vitality of the Town Centre
- (3) While the site is in the Whiteladies Road Town Centre, for the purposes of the sequential test (applying policy DM7) the site was assessed as being out of centre and had passed the sequential test and the Council's Retail experts considered the proposal would not have a significant impact on the primary shopping area
- (4) Conditions were proposed to address concerns relating to pollution control and refuse storage
- (5) There were no objections from highways officers – in addition, it was proposed to remove vehicular access points along Aberdeen Road which would improve pedestrian safety
- (6) Officers were therefore proposing that the application was approved subject to conditions.

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

- (7) Conditions required the existing drop kerb at the site to be re-instated
- (8) In the event of the approval of a change of use, the applicant would have three years to implement the planning permission. The permission would not mean that the existing occupiers (Kwik Fit) would have to immediately move out



- (9) In terms of the consideration of the job proposition - Policy DM12 seeks to safeguard employment floor space under B1-B8 use Class. Retail jobs are not covered by this policy.

Councillors made the following points:

- (10) The application failed Policy DM12 and did not meet the sequential test since there were no other sites available for these kinds of units. The change of use would not add to the diversification of Whiteladies Road and would result in car owners having to travel further to get their car repaired. There was no good reason to approve it
- (11) The existing employment type was higher quality and adds to the vitality and sustainability of the centre. Future use could well be retail which was already at high saturation levels
- (12) Whilst removal of vehicle access was welcomed, the number of proposed cycle stands was not enough and waste storage arrangements were not satisfactory or hygienic
- (13) The proposed change of use had the potential to further reduce the number of skilled working class jobs in the area and replace them with unskilled jobs
- (14) The application should be refused on the grounds of Policy DM12 and the impact on employment sites and commercial floor space
- (15) The proposed application was not sustainable and should be refused under Policy DM12
- (16) The application seemed speculative and would be difficult to refuse but could be conditioned as indicated by Councillor Stevens in his Public Forum statement to limit use, refuse and noise
- (17) The application could also be refused on the grounds of Policy DM7 since it failed the sequential test. Officers indicated that refusal on this ground would be weak.

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

**RESOLVED – that (8 for, 0 against, 2 abstentions – Councillor Clive Stevens declared an interest and did not participate or vote) – that the application is refused under Policy DM12 on the grounds that the property should be retained for existing employment use.**

**11 17/04263/F and 17/04264/LA Former Redland High School, Redland Court Road, Bristol  
BS6 7EF**

Officers introduced this report and made the following points:

- (1) These applications had originally been considered at 19<sup>th</sup> January 2018 Development Control (A) Committee which had considered the Heritage Impact aspects of the case. Members were reminded that the report and members' comments had been referred to the Secretary of State for Communities and Local Government. In addition, if the Secretary of State made no comment within the 21 day period from receipt of notification, then planning permission would be granted subject to conditions.



- (2) The Committee's decision to request a greater contribution to affordable housing to approve the application, officers had discussed this issue with the applicants who had indicated their willingness to increase the number of shared affordable housing units to 5. However, they had requested that the contribution be set at £500,000 rather than £750,000
- (3) No officer recommendation was proposed. The Committee's view on this proposal from the developer was requested

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

- (4) One of the proposed two new flats would be below the minimum space standards. Some Councillors expressed concern about this. However, officers pointed out that national space standards do permit smaller one bed units. It was also explained that this was not because the applicant choosing to build smaller units but this was a conversion of an existing building and was due to the need for increased numbers of units following the need for on-site provision
- (5) The remodelled viability assessments had been made on the basis of existing cash flows
- (6) Councillors' concerns were noted about the need to ensure developers paid a sensible price for sites to enable a reasonable proportion of affordable housing to be provided. However, Councillors always retained the option to refuse developments if they believed insufficient affordable housing was being provided and this could be substantiated by evidence. Officers stated that they believed developers were increasingly understanding the requirements for such housing in developments in Bristol
- (7) The Secretary of State would have 21 days to decide whether or not to call in the application in relation to the Heritage aspect

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

**RESOLVED (10 for, 0 against, 1 abstention)**

- (1) that the applications together with responses to the publicity and consultations, the Committee report and members' comments be referred to the Secretary of State for Housing, Communities and Local Government. If the Secretary of State makes no comment within the 21 day period from receipt of notification, then planning permission and Listed Building Consent be granted subject to conditions (including a 1 year consent condition).**
- (2) following submission and consideration of the applicants revised offer-That planning permission be granted subject to conditions and a Section 106 agreement relating to TRO's, 5 shared ownership affordable housing units on site and an off- site affordable housing contribution of £500,000.**



## **12 Items Referred to the Secretary of State**

Officers stated that the application relating to the Colston Hall conversions had been referred to the Secretary of State and following consideration, Bristol City Council had been advised that it could issue planning permission.

## **13 Date of Next Meeting**

The Committee noted that the next meeting was scheduled to be held at 6pm on Wednesday 4<sup>th</sup> April 2018.

Meeting ended at 12.10 pm

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

