



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

**Wednesday 16 May 2018 at 2.00 pm**

### **Members Present:-**

**Councillors:** Chris Windows (Chair), Mike Davies (Vice-Chair), Harriet Bradley, Stephen Clarke, Richard Eddy, Fi Hance, Margaret Hickman, Olly Mead, Celia Phipps, Jo Sergeant and Mark Wright

### **Officers in Attendance:-**

Gary Collins, Laurence Fallon, Jon Fellingham, David Grattan, Paul Chick and Kayna Tregay and Jeremy Livitt

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

The Chair welcomed all parties to the meeting.

### **2. Apologies for Absence and Substitutions**

The Committee noted the following apologies for absence and substitutions:

- (1) Harriet Bradley (substitute for Tom Brook)
- (2) Fi Hance (substitute for Clive Stevens)
- (3) Richard Eddy (substitute for Steve Jones)

### **3. Declarations of Interest**

There were no declarations of interest.

### **4. Minutes of the previous meeting**

Resolved – that the minutes of the meeting held on 4<sup>th</sup> April 2018 be confirmed as a correct record and signed by the Chair subject to the word “Conservative” being replaced by “conservation” .



## 5. Appeals

The Service Manager (Development Management) made the following points concerning appeals: Items 21 to 39 (Refusals relating to telephone kiosks in various locations) – These applications had all been refused but there had been an appeal for each application. Officers would provide an update on the results in due course.

Item 48 – 270 Church Road, St George – This application had been refused by Committee on the grounds that it was out of kilter visually with the existing building and surroundings. There had been an appeal which had been dismissed.

Item 53 – O and M Sheds, Welsh Back, Bristol – The Committee was reminded that it had considered this application on 22nd February 2017 and had refused planning permission (against officer recommendation) on the following grounds:

1. The proposed cantilevered decking would be constructed in a way that would conceal views of the listed harbour wall, compromising the setting of this part of quayside, causing harm to the listed structure and the conservation area.
2. The proposed outdoor seating and proximity to nearby residential properties would harm amenity.
3. The proposal would impede the historic use of this part of the quayside, which is the residential mooring for large boats, detracting from the area's distinctiveness and prejudicing access onto neighbouring moorings.

The resulting appeal was dealt with in the form of written representations and the Inspector made the following points in allowing the appeal on 16th April 2018:

- (1) Cafes, pubs and restaurants added to the vibrancy of the city,
- (2) The proposed decking would cause minimum impact and was in place elsewhere. It would cause less than substantial harm
- (3) Houseboat Re-location – This would not compromise the waterside setting and would not materially harm the significance of the conservation area.
- (4) Living Conditions – Whilst this site was in a cumulative impact area, the licensing regime is separate from the planning process and the Council's licensing policy allow for flexibility when looking at "family friendly" proposals. The site was allocated for uses including leisure in the local plan and the proposals accorded with this. It was not unreasonable to expect that there would be some noise and disturbance during the evening when living in city centre locations. Permission for a similar scheme had also been granted in 2009. The harm to the amenity of the occupiers of the houseboat would not occur if the houseboat was moved.



- (5) The appeal did not fetter the houseboat's owners' rights in respect of her licence or any other agreement with the Council, as these matters sit alongside but outside of the planning process. Subject to the use of a condition, stating that development could not take place unless the boat was relocated, the proposal would not harm the living conditions of neighbouring residents. Whilst the stress and anxiety of the development was acknowledged and the location of the development would interfere with the human rights of the houseboat owner, this was outweighed by the wider public benefits
- (6) Costs – the Inspector acknowledged that local planning authorities are not bound to accept the advice of their officers, but evidence is required to justify making a decision that is contrary to professional advice. . Whilst the Council did not act irrationally, as slight adverse harm to the listed harbour wall had been identified, it had acted unreasonably by not producing evidence to demonstrate why the benefits didn't outweigh this harm. The Council had been unduly influenced by local opposition to the appeal scheme and costs were awarded against the Council.

Councillors made the following points in response to these findings:

- (7) Whilst it was acknowledged that the issue of the houseboat was not a Planning issue, the Committee had wanted to ensure the houseboat owners were treated with respect and were unhappy with the way in which this issue had been handled. It was very concerning to hear the Inspector's judgement that local opinion was not important enough.
- (8) The decision to award costs was absurd given the acknowledgment by the Inspector of the impact on the human rights of the houseboat owners. The Council's defence on this issue seemed half-hearted. As landowner, the Council could use its position to a much greater degree than it did. It was noted that the existing situation was extremely difficult as it could result in a large number of evictions. The role of property services in this application was a cause for concern.
- (9) The Inspector's comments were insulting as they failed to recognise the different role that Councillors have to officers
- (10) The Committee faced a difficult role in safeguarding the public whilst complying with Planning law
- (11) In response to a question from a Councillor, officers advised that, whilst final costs were not yet known, they were likely to be between £10,000 and £20,000.

**Resolved – that the appeals be noted.**

## **6. Enforcement**

The enforcement notices set out in the report were noted.



## 7. Public Forum

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 prior to reaching a decision.

The Chair did not accept any statements received after the 12pm deadline (the working day before) required in the Council's Standing Orders.

## 8. Planning and Development

The Committee considered the following Planning Applications set out below.

### a. Planning Application Number 17/05939/F - Former First Bus Depot, Muller Road

The representative of the Service Manager (Development Management) made the following points in relation to this application:

- (1) The site was shown from a range of different perspectives and its proposed layout and design was indicated
- (2) There were licensing issues on site which affected the ability to market it. However, marketing information submitted by land agents state that the site is not attractive for industrial and warehousing
- (3) As the site was outside of a designated centre, it was subject to a Retail Impact Assessment, which concluded that there would be no adverse retail impact on the viability of defined centres of Gloucester Road and Lockleaze
- (4) Highways works – access arrangements to the site would be changed as well as signalisation at the Ralph Road junction, there would be contributions made for public rights of way improvements, bus shelter improvements and traffic signals/Traffic Regulation Orders. In addition, a travel plan had been agreed
- (5) Air quality - Scheme of mitigation is required to reduce the impact. The mitigation proposed to date refers to other documents and measures already secured e.g. sustainable transport. Additional measures are required, which could include additional measures to minimise the impact such as electric vehicle charging points, additional cycle parking, public transport incentives
- (6) The loss of 21 low value trees on site would be met through the provision of 10 replacement trees on site with a financial contribution for the remaining 44 trees to be provided in accordance with the BRS and this will be secured by a Section 106 agreement.



The Committee noted that officers were proposing an amendment to part (A) of the recommendation to give the updated total amount for the contribution for replacement trees as follows:

(viii) £36,222.03 – Contribution for replacement trees in accordance with the Bristol Tree Replacement Standard.

In addition, it was noted that there was a proposed additional condition relating to air quality.

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

- (7) Conditions were included to address air quality issues – a scheme of mitigation and for construction impacts
- (8) ALDI's consent was already factored in to the retail impact assessment for the site
- (9) In accordance with Policy DM13, non-industrial use is not permitted unless there is no demand for the site for industry or warehousing; or the proposal would not prejudice the function or viability of the rest of the Principal Industrial and Warehousing Area. The site is not currently being put forward for industrial use in the Local Plan Review, although it was noted that was still in the early stages of the consultation process. Officers were also aware that the Council as landowner were looking to do a "land swap" in order to deliver housing on the neighbouring site (where Lidl already had permission) although members should not attach too much weight to this
- (10) Following the full approval of the 2014 application, a legal agreement for this application would extinguish Lidl's existing planning permission for a supermarket on the adjacent Brunel Ford Car showroom site (application ref: 14/05539/F). This would avoid having 2 LIDL supermarkets next door to each other. In relation to possible over trading, an assessment of demand was made which would not impact on the viability of defined centres
- (11) The adopted policy for this site and the neighbouring site did not support a non-industrial warehouse on the site, rather its function as Principal Industrial and Warehousing Area.
- (12) Transport Plan – officers would not accept growth in this area without an effective and comprehensive transport plan. This was happening and the applicant was playing a key part in this through the transport proposals and contributions proposed in this application.

Councillors made the following points:

- (13) This was a good scheme which should be supported and the strengthened conditions for it were welcomed
- (14) It was good to see progress on air quality and the retail impact assessment. The site had been derelict for eight years and it would help the local economy to support it since local people would be able to travel to it on foot
- (15) The mitigation for the site was well thought through. It would provide a local retail impact on the area and jobs in Lockleaze
- (16) The improvements concerning air quality should dramatically improve it and should be supported.



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

**Resolved: (11 for, 0 against) – that the application be approved as per the officer recommendation including the additional recommendation (viii) as proposed in the amendment sheet and a proposed additional condition relating to air quality.**

**b. Planning Application Numbers 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M -and 17/06812/M - Dove Lane and Wilson Street**

The representative of the Service Manager (Development Management) made the following points:

- (1) Details of the site and the 5 separate applications were shown (including 4 separate building plots and 1 site wide landscaping). The outline planning parameters were set out
- (2) The proposal included provision for 25 affordable housing units (with at least 15% of the housing mix to include family sized dwellings with 3 or more bedrooms)
- (3) The parking framework set out a requirement for: Residential – 1 space per 4.3 dwellings; and Employment – 1 space per 250 square metres
- (4) Plot B – this would include 68 residential dwellings and some ground floor retail use. There would be obscured glazing adjacent to a neighbouring welding yard with angled louvres to screen views and with noise insulation measures agreed in the design of the cladding
- (5) Plot C – There were 92 residential dwellings proposed with office and retail floor space. Details of the site were shown
- (6) Plot D – There were 60 residential dwellings proposed. Details of the site were shown
- (7) Plot E – there were 10 town houses proposed. Details of the site were shown
- (8) Car Parking – details of the parking provision for residential and employment use across all of the plots was set out

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

- (9) It was considered that there were sufficient measures to protect against noise from adjacent industrial use designed into the cladding of the scheme (Plot B)
- (10) The average density of dwellings across the site would be 134 dwellings per hectare (on average 230 dwellings per hectare across all plots not including the road and landscaping). It was noted that the issue of density was determined at the outline stage
- (11) A condition required 15% Carbon Dioxide reduction – this parameter had been set as part of the outline permission
- (12) There is a commitment within each building plot to ensure that a future connection to a district heat network is future proofed. However, it was noted that the Committee could request an advice note to ensure the applicant consults Bristol City Council's Energy Services to ensure the space heating and hot water services plant for each plot would be of a suitable quality for a future connection to a district heating system



- (13) Officers were satisfied that the window glazing would be sufficiently obscured to protect peoples' eyes and advise tenants so that they are aware of the situation. This would also form part of the condition of any lease agreement for tenants that they could not amend or remove the obscured glazing  
(14) Viability testing had formed part of the previous outline planning permission, which was subject to a decision by a Development Control Committee.

Councillors made the following points:

- (15) This was an impressive development  
(16) This was an interesting development. Since the approval had been made in 2012, developers were urged to progress the site as soon as possible.

Councillor Richard Eddy moved, seconded by Councillor Olly Mead and, upon being put to the vote, it was  
**Resolved: (11 for, 0 against) – that each of the applications be approved as follows: Plot B, Plot C, Plot D, Plot E and Landscaping and including an additional advice note that the applicant consults Bristol City Council's Energy Services to ensure the plant for each plot would be of a suitable quality for a future connection to a district heating system.**

### c. Planning Application Number 18/00634/P - Eastgate Centre

The representative of the Service Manager (Development Management) made the following points:

- (1) Details of the site location were provided  
(2) The zebra crossing would be moved further west along Eastgate Road  
(3) Eastgate Centre was not a defined centre in the Core Strategy. This had been considered when the Core Strategy was prepared. Representations had been made in the current review of the Bristol Local Plan to have the Eastgate Centre designated as a centre but this would not be supported by officers.  
(4) There was a long history on the site, details of which were provided  
(5) Since Eastgate was not a defined centre, it needed to pass the sequential test policy. The application does not pass the sequential test and this is a reason to refuse the proposal.  
(6) Officers were concerned about the loss of green infrastructure and that very little would be retained, although it was acknowledged that there would be an offsite contribution in accordance with the BTRS. However, there was no justification for the loss of the trees as the development does not achieve any policy aims in the Core Strategy and this is a further reason for refusal.  
(7) Officers were concerned about highway safety because the zebra crossing would be moved away from the 'desire line' for cyclists and pedestrians who may as a result make unsafe crossings increasing the risk of pedestrian / cycle / vehicle collisions. This was a further reason to refuse the proposal.

Councillors made the following points:

- (8) The district retail offer avoids congestion and pollution by providing a local amenity. There was no reason why local people should be denied the opportunity to go to a local centre. Whilst the comments



about lack of public transport were noted, these did not apply so much to the Eastgate Centre which did have public transport access

(9) It was difficult to justify the reason for the trees being destroyed. It did not feel that the applicant had taken this issue seriously. The application failed the sequential test

(10) The sequential test had been brought in by a previous conservative government. In addition, the traffic situation would be very bad and would require complete remodelling

(11) It would be difficult to get to the Eastgate Centre via bus from some parts of Bristol. This was a drive through facility and not generally the sort of place that people would travel to by public transport. The Committee should stick with the officer recommendation

(12) The loss of trees was significant, as was the failure of the sequential test

(13) The city centre should not always be seen as the main location for people to use as a shopping centre. There was a need to support small centres and to allow people to shop near where they live. However, the loss of trees was a cause for concern. It would be helpful if the applicant would consider changing the plan to avoid the destruction of trees

(14) There was no traffic mitigation which would damage air quality. The application should be opposed

(15) This facility would be an important local resource, particularly for people who did not drive.

Councillor Olly Mead moved and seconded by Councillor Mike Davies that “the application be refused in accordance with officers’ recommendations”. Upon being put to the vote, this was LOST (5 for, 5 against, 1 abstention), the Chair exercising his additional casting vote against the motion.

Councillor Richard Eddy moved, seconded by Councillor Harriet Bradley and, upon being put to the vote, it was **Resolved (5 for, 4 against, 2 abstentions) that the application is brought back to a future Committee including conditions that could form part of a planning approval.**

In responding to a Councillor’s question concerning the impact of this decision, officers confirmed that the application was undetermined. An appeal against non-determination was technically a possibility. Officers noted that the Committee had provided a clear steer on the issue of the sequential test which, whilst officers did not agree with, was a clear steer. The Committee had, however, raised concerns about the impact on the trees on the site which remained unresolved, and had not considered the highways issues that formed the third reason for refusal.

#### **d. Planning Application Number 18/00847/F - Eagle House, Colston Avenue**

The representative of the Service Manager (Development Management) made the following points:

(1) Members’ attention was drawn to recent officer advice that, since the publication of the amendment sheet, officers have received and considered Historic England’s comments in response to the consultation on the amended plans. Whilst Historic England maintained their objection, and the Council’s conservation officer could still not support the amended scheme, they did acknowledge the proposed reduction in roof height.



- (2) Officers have carefully considered Historic England's comments but believe that the proposed lowering of the roof height has tipped the balance to a point where the development can now be supported and were therefore now changing their recommendation for the application to be approved
- (3) The harm had been weighed against the public benefit and it was acknowledged that, whilst there was some harm to the setting of the Heritage Assets especially St Stephen's church, there had been an improvement proposed to the building
- (4) An aerial view of the site was shown.

In response to a Councillor's question, officers provided further details of St Stephen's Church.

Councillors made the following comments:

- (5) The application did not harm the Heritage Assets and the economic benefits outweighed any harm
- (6) Whilst the issue of heritage was a finely balanced one, it should be supported.

Councillor Olly Mead moved, seconded by Councillor Richard Eddy and, upon being put to the vote, it was **Resolved (11 for, 0 against) that the application is approved as per the officers' revised recommendation.**

## **9. Date of Next Meeting**

It was noted that the next meeting would be the 2018/19 AGM and was scheduled for 2pm on Thursday 21<sup>st</sup> June 2018.

Meeting ended at 4.50 pm

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

