

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

**7 November 2018 at 6.00 pm**



**Members Present:-**

**Councillors:** Richard Eddy (Chair), Carla Denyer, Harriet Clough, Fabian Breckels, Tom Brook, Harriet Bradley, Mike Davies, Fi Hance, Celia Phipps and Tony Carey

**Officers in Attendance:-**

Gary Collins, Claudette Campbell (Democratic Services Officer), Ken Reid, Emmeline Reynish, Kayna Tregay and Tom Watson

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

Cllr Richard Eddy, took the Chair in Cllr Sultan Khan's absence and led introductions of the committee.

**2. Apologies for Absence**

The following apologies and substitution were noted:

- Cllr Sultan Khan
- Cllr Lesley Alexander sub Cllr Tony Carey
- Cllr Jo Sergeant sub Cllr Fabien Breckels
- Cllr Olly Mead sub Cllr Ceila Phipps

Cllr Tom Brook arrived at 18:20 therefore was unable to participate in the first order of business.

**3. Declarations of Interest**

None

**4. Minutes of the previous meeting**

Resolved: that the minutes of the meeting held on 26<sup>th</sup> September be approved on the assurance that the correct version with agreed amendments are reissued.



## 5. Appeals

The Head of Development Management gave an overview of the appeals in progress drawing attention to:

- Item 10 Informal Hearing Hamilton House on 2<sup>nd</sup> October 2018, decision pending.

## 6. Enforcement

It was noted that there had been 2 Enforcement Notices served since the last Committee Meeting.

## 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 by the Committee prior to reaching a decision

## 8. Planning and Development

The planning committee considered the following Planning Applications

### 9. 18/01549/F 26 Lodway Road Bristol BS4 2NR

The representative of the Service Manager – Development Manager made the following comments:

- The application is for the erection of two dwellings; 2 storey houses each with basement; 3 bedrooms; 1 car parking spaces on land to the rear of an existing property.
- Photographs and plans were shared with committee, providing details of how the development would sit in relationship to the gated lane and the main road.
- The lane had been gated under the alley gating scheme lead by the local constabulary and neighbours.
- 28 public comments were received most related to access via the gated lane and parking. As a result of the comments officers consulted with both Bristol City Council's transport development management team and a Crime prevention Design Advisor from Avon & Somerset Police. Neither authority raised any concerns with the revised application.
- The revised application addressed the issue of transport and access and officers were now satisfied that all the required standards had been met, with appropriate arrangements in place.
- Officers recommended the application is approved subject to conditions.

Councillors questions of clarification



- Members had concerns about the number of public forum statements around the issue of access along the lane to the development and questions were asked to explore this aspect of the development. Officers advised that access falls outside the planning process and not a material consideration in deciding the application.
- Officers clarified that although the application made mention of developing dwellings that would be affordable, the proposed dwellings would not meet the definition of affordable and because the development only provided 2 dwellings there was no planning policy requirement to offer any affordable housing.
- Public forum objections came from residents living along the The Crescent, Lodway Rd, and Kensington Rd. The lane is generally used by local people as pedestrian access to the sport facilities and a number of garages to rear of properties.
- Further clarification was provided on the location of the refuge area, which would be located off the lane and not obstructing access.
- The lane is a private lane and does not form part of the highway therefore any issues around the ally-gating scheme is outside the planning process, this includes maintenance which remains with those responsible for installation.
- Officers were satisfied that the revised application provided adequate evidence about vehicle movement across and along the lane.

#### Councillor debate

- Cllr M Davies noted that the application made good use of land and the revised plans were well intended. He would support the application as it provided much needed housing.
- Cllr H Bradley noted that there were good distances between residential properties and she was minded to support.
- Cllr T Carey commented that he had concerns about access of construction vehicles to the site and possible limited ability to manoeuvre, along and to and from the site.
- Cllr M Davies proposed approval and Cllr Bradley seconded.

**Resolved: (9 for unanimously by those present) that the application contained in the report be approved subject to the conditions set out in the report.**

#### 10 18/00386/F Land To Rear of Tec House 6 Marsh Street City Centre Bristol BS1 4AX

The representative of the Service Manager – Development Manager made the following comments:

- This planning application had been referred to committee by Cllr P Smith, for consideration, as Cllr Smith considered that it fell within the guidelines of the 'Urban Living' Supplementary Planning Document (SPD), and Officers had not recommended approval of the application.
- The proposed development would create new housing on a site located to the rear of Tec house, in an area that bordered Marsh Street and Baldwin Street in the City Centre.
- The Officer outlined the concerns about the development;
  - It would fail to provide adequate living conditions for future occupiers and would harm the amenity of existing neighbours
  - There are concerns about the poorly defined entrance and unclear distinction between public and private space. The Police advised that there is a possibility of tailgating and



that it would be usual to see strangers on site, because the owners of Tec House have a right of access through the site and the businesses on Broad Quay store their bins to the rear of their buildings, facing into the site. This could allow intruders anonymity to commit offences.

- The future levels of daylight and sunlight for future occupiers are of a major concern, based on the applicant's daylight and sunlight assessment which showed that many rooms in the proposed flats would fail tests relating to daylight and sunlight. The outlook of future occupiers would be poor
- The proposed development would also be unacceptably overbearing and would unacceptably affect the outlook of neighbouring properties.
- Overall, the proposals would not create a good quality living environment for future occupiers and would harm the amenity of neighbours. Therefore Officers recommended refusal.

#### Councillors question of clarification

- Councillors asked if with the addition of lighting and CCTV to the entrance whether that would satisfy the safety concerns raised by the police, who were concerned with the possibility of non-residents passing through the site. Officers advised that whilst this may improve the situation, police concerns would still remain.
- Further explanation was provided on the access to daylight and sunlight into the development, based on the guidance document produced by the 'Building Research Establishment', with Officers referring to the detailed tests that proposals should pass in order to provide adequate daylight and sunlight. The officer read out the conclusion of the daylight and sunlight report: "The nature of the confined site will restrict the daylight and sunlight amenity to any scheme. However, the scheme architect has sought to optimise the amount of natural light by maximising the amount of glazing and positioning the main rooms so that the windows have least obstruction." Clarification was sought on whether the waste collection would be done by a private contractor or Bristol City Council Waste services kerbside collection scheme. Officers advised that either would be acceptable.

#### Councillor's debate

- Cllr R Eddy supported Cllr P Smith view of the development. That to meet the needs of the housing crisis as many infill sites should be development before any further construction took place on Green Belt land around the city. The Council had adopted proposal ULH3 'Urban Living – making efficient use of land to meet our needs' therefore on that basis this development should be consider favourably as in its design it had met and answered many questions on arising issues.
- Cllr M Davies supported the need to utilise land in a creative way and believe that this development would be built to a high quality standard; that it was ambitious in its design and that he would support.
- Cllr F Breckels advised that he had taken the time to visit the site and considered that if lighting and CCTV was conditioned and fitted to the properties neighbouring the development it would satisfy safety concerns. This brownfield site was unusual and would benefit from this quality development as any alternative was limited. Approving this development would set a good precedent.
- Cllr T Brook agreed with the comments already made and wanted to add that waste collection should be done by private contractor to avoid the issues arising from kerb side collections.



- Cllr F Hance agreed that what was proposed was a well-designed building but had concerns about supporting 'housing at any cost' especially where officers had highlighted the issues around daylight and sunlight levels and distance between existing properties.
- Cllr C Denyer supported the comments made by Cllr Hance and added concerns about the possible future issue of residents wellbeing being impacted by the low levels of daylight and sunlight and the link to poor mental health.
- Cllr H Clough reminded all that they should be mindful that there was a national standard for daylight and sunlight for a reason. The design for the building fit the difficult site layout. She wondered if consideration had been given to the addition of skylights.
- Members discussed approving the scheme with added conditions to cover the requirement for; appropriate lighting; CCTV in the entrance strategically placed on neighbouring buildings if necessary; and private waste collection.
- Cllr R Eddy proposed that the application be approved subject to conditions, Cllr M Davies seconded.

**Resolved (7 for approval and 3 against) that the application be approved subject to the following conditions**

### **11 17/05700/F Kings Weston Reservoir Tufton Avenue Bristol**

The representative of the Service Manager – Development Manager made the following comments:

- The Officer outlined the development to committee drawing attention to its location on the unusual site of a former reservoir.
- The proposed self-build development would provide 33 units/12 flats; community garden; 33 parking spaces; 27 trees would replace the 8 being removed;
- The consultation resulted in 62 comments in support and the 6 objections were concerned about the impact of the development to the local highway.
- The scheme was fairly unique in that it was a self-build scheme delivering no affordable housing and the requirement to do so would only be attached if the scheme was then sold on.
- Officers recommended approval of the application.

Councillors question of clarification

- Jim Cliffe , the Planning Obligations Manager, fielded the questions arising around the Affordable element of a self-build development.
- He commented as follows;
  - Self-build schemes operate very differently from mainstream housing schemes built by a commercial housebuilder. The build costs could vary significantly from plot to plot and the end value of the properties could also vary significantly depending on the individuality of each self-builders requirements. This makes viability testing very difficult as there are a large number of unknowns. For the purposes of the viability testing it is assumed that the construction of the properties will be undertaken by builders commissioned by the self-builder, and the end values are reflective of current new build values achieved by commercial housebuilders in the area.



- The scheme also contains elements (such as a communal building) that a commercial housebuilder would not include within a development, which further increases costs.
- What makes self-build property more affordable to the self-builder is that they are not having to pay a developers profit.
- An individual purchases a plot to build a house; the construction of the building can happen over a prolonged period of time; the plot could be a shell that the purchaser completes within their own timeframe.
- The design plan incorporated underground parking including 3 spaces for guest at the entrance to the site.
- Following a question from Cllr Denyer, it was clarified that if the scheme was sold to a housing developer and it ceased to be a self-build development; 30% affordable housing would be required, and this would be secured via a planning condition or obligation. The right of way on the plans were reviewed and a further explanation provided that Park services had requested an improvement to the footpath and this would be finalised during the planning process
- A question was posed on whether self-build building cost were above the normal cost to build a house. Members were informed that it would very much depend on the approach that the self-builder took. If the self-builder literally built the property themselves, then their only costs would be for materials, and in this case the costs would be likely to be lower than the costs that a housing developer would incur. However, if the self-builder commissioned someone to build the property for them, then the costs would be likely to be higher than the costs that a housing developer would incur. For the purposes of the viability assessment, it was assumed that the self-builders commissioned the construction of their property.

Councillor's debate:

- Members of committee were supportive of a self-build scheme of this size; had positive comments on the design and the innovative underground car park.
- The Chair moved to approve and Cllr F Breckels seconded

**Resolved (10 for approval, unanimous) that the application be approved subject to conditions.**

## 12 18/02968/X Avon Crescent Bristol BS1 6XQ

The representative of the Service Manager – Development Manager made the following comments:

- The application was for a variation to the planning permission granted in 2014 for the Ashton Vale to Temple Meads (AVTM) Metrobus scheme and the developments relating to Avon Crescent the present application sought permission to amend the scheme proposed for Avon Crescent.
- Cllr M Wright had called in the application on the basis that the scheme failed to address the issues of vehicle access and speed along the crescent.
- A summary of the amendments to the scheme;
  - Removal of proposed 'shared space' highway surface treatment, including hard and soft landscaping
  - Proposed speed table to the north of the crescent with cycle access to the MetroBus stop
  - Proposed extended footway area between Avon Crescent and McAdam Way
  - Proposed refuge island, contraflow cycleway



- Removal of proposed realigned retaining wall between Cumberland Road and Avon Crescent
- Retention of existing retaining wall between Cumberland Road and Avon Crescent
- A number of objections had been received from the residents of the crescent to the amended design.

#### Councillors question of clarification

- Members asked for to be talked through from the visual plans the cyclist route along the crescent. During the course of the discussion Officers accepted that the contra flow arrangements only went partially along the crescent; that it put cyclists in the path of parked vehicles; that the cycle provision then disappeared.
- That the pavement width requirement for disabled access was 1.1 metres and the proposed scheme met this requirement because the width of the pavements varied between 1-1.15m.
- Members commented that this was a less expensive way for the developer to provide the promised shared space scheme.
- Officers advised in response that the revised scheme did provide for the reduction in vehicle speed and the reduction in vehicle volumes along the crescent.
- The speed table was discussed. The design would incorporate colour to define it.
- The reason for the diagonal design for parking the bays was explained; leading authorities believed that such a layout allowed for the reduction to the width of the highway this in turn causes a natural reduction in speed.
- The designs showed the parking bays across from the entrance to the Underfall Yard but members were assured that this was not the final design and adjustment would be made to meet the need for long boats to enter and exit the yard.

#### Councillor debate:

- Cllr F Breckels was not happy with the proposed shared scheme suggesting the application should be rejected and should be reconsidered by the applicants
- Cllr R Eddy agreed adding that residents were promised an alternative scheme but as a result of development cost overruns they were being offered something else.
- Cllr H Clough shared her concerns about the accessibility to the metrobus stop by those in a wheelchair along the pavement how they would transverse this limited shared space.
- Members were reminded that they were to consider the application in planning terms and not base the decision on whether it was a better or worse scheme.
- Members considered speed tables to be ineffective, failing to slow traffic and causing excessive noise as cars failed to slow down before crossing the table.
- Members noted the design for parking impeded the entrance of the Underfall Yard considering the route for cyclist took them passed parked cars.
- Members expressed concern that many aspects of the proposed scheme was unsafe.
- Cllr M Davies proposed approval of the scheme but no member was prepared to second the proposal to approve.



- Members discussed with Officers and agreed that a site visit would be arranged and that the application would be deferred until after that visit. That the applicant would be asked to further consider safety of all users of the Crescent.
- The Chair proposed and Cllr Davies seconded

**Resolved: (unanimously agreed) That the decision on this application would be deferred until after a site visit was arranged.**

**13 Date of Next Meeting 19th December 2018 @ 2pm**

Meeting ended at 8.40 pm

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

