

# Bristol City Council

## Minutes of the Development Control A Committee



28 November 2018 at 2.00 pm

### Members Present:-

**Councillors:** Donald Alexander (Chair), Chris Windows (Vice-Chair), Clive Stevens, Fabian Breckels, Stephen Clarke, Harriet Clough, Mike Davies, Margaret Hickman, Olly Mead and Richard Eddy

### Officers in Attendance:-

Claudette Campbell (Democratic Services Officer), Gary Collins, Paul Chick, Andrew Cross and Lewis Cook

## 1. Welcome, Introductions and Safety Information

The Chair, Councillor D Alexander led introductions and welcomed those present.

## 2. Apologies for Absence and Substitutions

Apologies for absence were received from Councillor T Carey (substituted by Cllr R Eddy) and Councillor M Wright (substituted by Cllr H Clough) and Cllr A Shah.

## 3. Declarations of Interest

- Councillor S Clarke referenced Item 8(d) advising of his former links with the Bristol Port Authority
- Councillor C Stevens acted as City Council's non-executive Director to the Bristol Port Authority and confirmed he had not been contacted by any part in relation to 8(d)
  - Both stated they have made no pre-determination in the matter of 8(d) Avonmouth and Severnside Enterprise Area

## 4. Minutes of the previous meeting

Resolved: That the minutes of the meeting held on 17<sup>th</sup> October 2018 be approved as a correct record and signed by the Chair, noting the following:

- That Cllr R Eddy be removed from the attendance list



- That Cllr L Alexander substituted for Cllr T Carey
- The heading for agenda item 8(a) should read 17/05149/F Land adjacent to the Quays

## 5. Appeals

The Head of Development Management explained how the appeals process operated. He referred to the following cases and outlined the latest situation in each case:

- Appeal no 11 Hamilton House: Planning Inspectorate on appeal agreed with the Council's decision.
- Appeal no 14 Station rd Shirehampton: this was decided on delegate decision, a public inquiry has just concluded with the decision to be delivered shortly.
- Appeal no 18 & 19 Mortimer House: The appeal against committee decision was allowed by the planning inspectorate further details will be shared with DC B at their next meeting.
- Appeal no 20 Whiteladies Road: Officers had recommended approval but committee refused. The inspectorate accepted that the proposed
- Appeal 65 Raj Mahal City Clarence Road: Appeal on refusal the PI agreed Council's case and dismissed the appeal.

## 6. Enforcement

It was noted that there was 4 standard notices and 1 continuance notices served since the last committee. Further explanation on the enforcement action taken for adverts still on display passed the agreed date.

## 7. Public Forum

Members of the Committee received Public Forum Statements in advance of the meeting.

The statements were heard from 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 Committee considered the following Planning Applications

### 9. 18/01890/F - The Bell, Prewett Street

The representative of the Head of Development Management made the following points by Way of introduction:

- a. The details of the application site were outlined



- b. The proposed layout was shown
- c. The development proposed to deliver 196 residential units; 176 units in the main residential building; the remaining 20 units above the proposed sports building; the affordable housing provision would be situated above the sports building and at lower levels in the main building (19 units).
- d. The development site is bound to the north by the Double Tree Hilton Hotel complex; Magdalena Court, a 3 and 4 storey residential building; to the east Proctor House, a 10 storey residential block; to the west the 4 storey Corinthian Court residential development; Broughton House a 13 storey resident block to the south.
- e. The site is considered suitable for development but the proposed scheme is not acceptable.
- f. The concerns were raised following public consultation, fully detailed in the report, summarised as follows:
  - i. The design is bulky and wrong in context and approach for the site
  - ii. Viewed as overbearing because of the proposed height and density of the development
  - iii. The heritage impact of the development on St Mary Redcliffe Church
  - iv. Concerns that the BRE Guidelines on daylight and natural light are not met in many of the units
- g. The impact of the BRE guidelines on the development were shared via visuals with the committee
- h. Committee were referred to the supplementary document produced by the planning officer, that was shared with Committee on 23<sup>rd</sup> November and published for public scrutiny, that assessed the scheme against the Urban Living SPD which was adopted on 7<sup>th</sup> November 2018.
- i. Committee were advised that planning officers attempted to resolve issues with the applicants but they failed to engage to resolve the issues. The applicants instructed officers that they required the application to be determined by Committee on its merits.
- j. Committee were advised to refuse the application as it undermines the SPD; poor design, failure to consider surrounding buildings; the negative impact on St Mary Redcliffe Church; the design was viewed as oppressive and overbearing.

#### **Questions for Clarification**

- k. Proposed sports centre: Members asked about who would run the centre; what noise assessment had been made: Officers advised that as refusal was the primary position the details around the sports centre had yet to be worked through.
- l. Member commented that if the BRE guidelines were applied to previous developments a number of buildings would not have been constructed. Officers commented that they had worked with current guidelines and had clearly demonstrated the impact on neighbouring buildings to committee both in the report and the visual shared during the presentation.
- m. Questions were asked on the Urban Living SPD: Officers confirmed that they were obligated to have due regard to current policy; the SPD was a key material consideration from the date of adoption (7<sup>th</sup> November); the application must be compared against the SDP; it is not possible to say without doubt that a decision made by committee is appeal proof; the SDP provided good grounds for the officer recommendation.
- n. Question was asked as to whether the developers were given the opportunity to respond to the analysis made against SPD. Officers explained that the applicants had not been given a specific opportunity in the run-up to the Committee meeting but had previously been given the



opportunity to defer the application to another meeting in order for a wider discussion on the SPD analysis but insisted that it continued to be considered at this meeting.

- o. Officers confirmed that the building design reflected the standard national requirement in respect of accessibility.
- p. Affordable Housing: this would be located above the sports centre, together, and on the lower floors of the main building to allow for the Housing Association to manage the scheme; unlikely that it could be conditioned to mix the affordable housing across the development as this did not fit the ask from social housing landlords; the location of the affordable housing is one of the many issues that could have been explored further with the applicant; similar position with the management/operation of the sports hall.
- q. The Tree replacement scheme was another item not progressed because of Officers recommendation to refuse.
- r. Basketball Court: Officers shared that they received a mixed response from the public consultation. A number reported that it was a site of anti-social behaviour; the police say there had been no recent reported incidents; not known if this is because residents have failed to continue to report due to apathy; the court is well used by children from the local secondary school;
- s. St Mary Redcliffe Church – Heritage Asset; discussion on how great a weight should be applied to the loss of view from the Bath Road; if less than substantial harm how much weight should be given when making a determination on the development; comments were made that there were other available views to the asset.
- t. CCTV: the options relating to the inclusion of CCTV cameras on the development was another issue that would need to be progressed if members were minded to support the development. This could be included in any s106 negotiations.

#### Member Debate

- u. Cllr Eddy: noted the difficult location; the comments related to the heritage asset; that the area was in need of development; that it would enhance the site; the sports centre would be of benefit; that the development would assist in addressing the housing crisis. Minded to support the application.
- v. Cllr Hickman: pleased that the area would be developed but shocked by the proposed visual impact of the building and the related impact on daylight and natural light into surrounding buildings; although known as a deprived area what was needed is a development with greater imagination; if what was proposed was lower with less negative impact it would be more acceptable and was minded to support officers recommendation to refuse.
- w. Cllr M Davies: the design is for a big and overbearing development; it would go towards satisfying the need for much needed housing; a number of issues are unresolved including whether the basketball court should be retained; considered that the matter should be deferred to allow for the unresolved issues to be worked through and then brought back to committee.
- x. Cllr Windows: a number of conflicting issues had arisen from the scheme; there was a need for housing and affordable housing but did it outweigh the issues raised by the officers in the report; is there substantial harm to the heritage asset not so sure as this depends on where you stand to view the asset. Minded to vote against Officers advice.



- y. Cllr S Clarke: Having read the analysis of the development in line with the SPD minded to agree with officers advice.
- z. Cllr Breckels: viewed the benefits and challenges of the development; noted the impact of the tall building on surrounding buildings; the site needed development but he was not impressed with the impact of the proposal on neighbouring properties and the location of social housing in the scheme.
- aa. Cllr Mead: Referenced the SPD and guidance in respect to weighting given to heritage assets; would it be appropriate to add another ugly building to the area to satisfy the housing crisis; the design gave no consideration to the accessibility needs of the disabled and the future needs of an aging population; the design of the building is overbearing; agreed that future discussion needed on the retention of the basketball court; minded to agree with officers recommendation to refuse.
- bb. Cllr Clough: reminded all that such a development had the potential to have a negative impact on the mental wellbeing of tenants; the development should be accessible for all and the minimum space standard given failed to do this; minded to agree with Officers recommendation to refuse.
- cc. Cllr Stevens: shared that he failed to see the relevance of the view of St Mary Redcliffe Church from Bath Road; noted and accepted the guidance daylight/natural light into the development and impact on surrounding properties; would give the matter further thought before voting.
- dd. Chair: took the view that there was no justification for a development that was second rate; the area required a development of quality and what was proposed was not.
- ee. Cllr Mead proposed that Committee accepted officers reasons for refusal, seconded by Cllr Clough.

**Resolved: (7 for refusal and 3 against refusal) that the application be refused on the grounds set out in the officers report.**

#### **10 18/02302/F - Land Bounded By Luckwell Road and Lynwood Road**

This item was withdrawn from the agenda.

#### **11 17/06631/F - 17 Bridge Walk**

The representative of the Head of Development Management made the following points by Way of introduction:

- a. The details of the application were outlined.
- b. The plans for the development were presented and salient points of the design explained.
- c. The scheme would require the demolition of a property for the construction of a 3 storey building containing 7 dwellings.
- d. The development was within 50 metres of an urban centre; with access to public transport; the units proposed were appropriate for the area.



- e. The design included to the rear 2 storey level in line with the neighbouring property; the buildings local to the development were of various designs; the proposed development incorporated the red brick theme from a number of properties into the design; the design was viewed as contemporary; made good use of the land.
- f. One parking space was included in the development for the family unit; cycle storage provision was included in design.
- g. The roof incorporated solar panels in its design.
- h. Officers recommended approval with conditions.

Questions from Members for Clarification:

- i. Parking: explanation was sought on the decision to include just one designated parking area on the development. Members were concerned about possible future contention; impact of residents cars on an already crowded highway.
- j. Officer advised that the original design included an area for parking for 5-6 cars with access via a driveway; there was concerned about the negative impact of a car park on neighbouring properties; but the decision was taken to revise the design and replace it with a garden area for the use of all residents; the design included storage and refuge area to prevent any other vehicle to access the site, other than the one vehicle attached to the family unit; there are no parking controls in the area; on street parking was available; the site is sustainable so the decision was made that it was unnecessary to commission a parking survey.
- k. Officers were asked to explain the impact of the development on the adjacent property to the rear of the development. The modification at that level reflected the neighbouring 2 storey at the rear; no.25 had an extension that backed onto the development.
- l. Glazing of the windows: the condition to include obscure glazing to the west side was not necessary to the East side of the development because the outlook was different.

Member Debate:

- m. Cllr M Davies: considered it a striking and modern design and was pleased to see it on a small scale development; made good use of the land; had some concern about the parking of resident's cars on the highway and possible negative impact but was minded to support.
- n. Cllr Mead: minded to vote against; considered the design favourable; had grave concerns about the issues arising from additional cars in an area following a decision that a development was sustainable; this had the potential to impact negatively on the area; but on the other hand agreed with the decision not to include a car park in the development.
- o. Cllr Clarke: liked the design of the development; considered the designed blended well with existing buildings in the area.
- p. Cllr Breckels: expressed concern about the potential future car parking issues; viewed the design as ugly and believed it clashed with surrounding buildings; minded not to support.
- q. Cllr Windows: agreed with Cllr Mead about the car parking issues and believed that officers had underestimated the impact of the situation.
- r. Cllr Stevens: liked the design and did not consider resident's parking an issue, as on street parking was available so was minded to support the application.
- s. Cllr Eddy moved to support the officer recommended to grant and Cllr Davies seconded

**Resolved (7 for and 3 against) that the application be granted as set out in the report.**



**Cllr Richard Eddy left the meeting at 16:21, there were now 9 members present for the final item.**

## **12 18/02847/FB - Avonmouth and Severnside Enterprise Area**

The representative of the Head of Development Management made the following points by Way of introduction:

- a. The details of the application site were outlined
- b. A number of maps of the Avonmouth & Severnside Enterprise Area were shared
- c. The summary of the development extracted from the report:
  - The application relates to a major infrastructure project to provide additional flood protection works and ecological mitigation works in the Avonmouth area.
  - The project runs from Lamplighters Marsh in the south up to the Severn Crossing in South Gloucestershire, and hence parallel applications have been submitted to both authorities.
  - The project intends to provide two areas of ecological mitigation, to include proposed wetland environment at Hallen Marsh.
  - The project intends to protect existing homes and business, has the potential of providing additional employment land to meet the needs of the city.
- d. Concerns were raised from the public consultation
  - Challenge to the Flood Risk Assessment
  - The amendment sheet with committee detailed the issues raised by the Bristol Port Company with regards the modelling that was undertaken and the issues relating to the Lock Gates.
- e. Officers sought Delegated Authority to enable the finalisation of the detailed technical conditions relating to the application.
- f. Committee were advised that both authorities had to approve the development of this joint project, to enable matters to progress. South Gloucestershire would be considering the application in the New Year towards the end of January or early February 2019.
- g. Officers requested that Committee delegate authority to Officers to grant planning permission subject to conditions (to be granted) and to delay issuing the decision such that it coincided with the decision being made on the South Gloucestershire application.

Questions for clarification

- h. Concerns were raised about the Lock Gate issue not being resolved before the application came to committee. Members asked:
  - Why the lock gate issue had not been resolved before the application came to committee
  - Whether the application could be taken in part to allow for the a resolution of the lock gates
  - If the application could be deferred
- i. Officers advised



- that the development would not preclude an opportunity for future consideration on the issue of funding (of the Lock Gates) and to formulate a solution, but not as part of this application.
  - That Officers were unable to direct that the suggested works were completed at this stage as the wider issue is with other parties to determine;
  - the application could be deferred for wider discussion on the lock gates but there is no immediate solution available on the issue,;
  - the application provided resilience to the area notwithstanding the gap;
  - that future discussions on conditions to extend the length of the wall can be part of the development process;
- j. Trees: Officers advised that the tree replacement conditions would be developed further and could be done via phasing scheme to be conditioned.
- k. Questions were asked of Officers relating to the timing of the current application in relation to the wider scheme.
- l. Officers explained that the application put to committee had to be considered and not the scope of the project. The scope of the project has been determined by others although further consideration to closing the gap up to the lock gates is being discussed with the relevant parties;; and that there were alternative solutions to the lock gates from yet undetermined flood defences options which may come forward in the future.
- m. It was asked of Officers whether committee could be provided with an update on unresolved conditions on the 9<sup>th</sup> January. Members were informed that an update can be provided at a future meeting and that information can be issued in tandem with South Gloucestershire.
- n. Officers provided a further explanation to the maps detailing the flooding scenarios with and without the scheme.
- o. Members asked whether the scheme did more good than harm and Officers gave assurance that it did.

Member Debate:

- p. Cllr Clarke questioned whether committee could approve the scheme in its current format.
- q. Cllr Stevens stated he would find it difficult to approve a scheme with a 'hole' in it.
- r. Cllr Davies concluded that the report was very technical and it was right to trust the observations and guidance of Officers in this instance; that the application would have a major impact on preventing floods events.
- s. Cllr Windows concluded that the application did more good than harm to the area in question and would support Officers recommendation.
- t. Chair was aware of local issues and would support Officers recommendation and for delegated decision to Officers.
- u. Cllr Clough proposed and Cllr Windows seconded that committee accept the Officers recommendation as set out in the Amendment sheet and grant the applications subject to conditions and grant Officers delegated authority.
- v. When put to the vote:

**Resolved (5 for; 3 against; 1 abstention) that the application be approved subject to the recommendations detailed in the amendment sheet and agreed conditions. That Officers have delegated authority to issue the decision as set out in the report.**





Meeting ended at 5.17 pm

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

