

Bristol City Council
Minutes of the Development Control A
Committee



9 January 2019 at 6.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Clive Stevens, Mark Wright, Fabian Breckels, Tony Carey, Stephen Clarke, Mike Davies, Margaret Hickman, Olly Mead, Afzal Shah and Richard Eddy

Officers in Attendance:-

Claudette Campbell (Democratic Services Officer), Gary Collins, Natalie Queffurus, Ken Reid and Charlotte Sangway

1. Welcome, Introductions and Safety Information

The Chair welcome those present and explained the process to be followed on hearing of each application.

2. Apologies for Absence and Substitutions

Apologies for absence were received from Cllr Windows who was substituted by Cllr Eddy.

3. Declarations of Interest

Cllr Clive Stevens advised that he would step down from Committee at the start of the debate on 18.02902.F Land North Side of Belgrave Hill

4. Minutes of the previous meeting

Resolved – that the minutes of the above meeting be approved as correct record and signed by the Chair.



5. Appeals

The Head of Development Management referred to the following items on the Appeal schedule;

1. Item 10 – Old Bristol Royal Infirmary Building: The current position was that the appeal had been withdrawn; the Council had applied for costs against Unite, the Inspectorate felt that Unite had behaved unreasonably so agreed that a formal claim for costs could be made.
2. Item 11 – 8-10 Station Road Shirehampton: Appeal against refusal; The Inspectorate supported the Council's position and dismissed the appeal.
 - a. Members asked whether costs were recoverable: the principle of appealing is that both parties cover their own cost but an award of cost can be made if a party is deemed to have acted unreasonably.

6. Enforcement

The Head of Development Management referred committee to the Enforcement notices drawing attention to:

- A noticed served to remove an advert that had been on display far beyond the designated time.

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 Committee considered the following Planning Applications

a. 18.02902.F - Land north side of Belgrave Hill

Prior to the commencement of public forum Cllr Clive Stevens stepped down from Committee in order to present his statement in opposition.

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

- a. The application had been deferred from 17th October 2018 committee and Officers were recommending that the application is granted subject to conditions.
- b. Committee were reminded of the proposal details and were shown the site photographs and plans



- c. The revised report addressed the issue of; the space requirements for the development; provides an extend view on the land stability in line with policy
- d. The previous application was granted in 2014 subject to conditions
- e. The Local Planning Authority instructed a specialist engineering geologist consultant (Arup) to review the information submitted by the developer. They found that the developers had addressed the risk relating to land instability.
- f. Drainage issue: it is proposed to construct a new drain between the properties within its design using specialist mesh to prevent blockage from leaf fall.
- g. Rock fall: the development included a concrete roof in mitigation
- h. Emergency vehicle access: Committee raised concerns about how an emergency vehicle, fire engine, would access the site along a narrow road, further restricted by park cars.
- i. Highways service sent a case officer to visit the road and consider whether it met the standards outlined in the Manual for Streets Guidance on the key requirements for the fire service access.
- j. The Officer considered the 3.7m kerb to kerb; the allowable reduction to 2.m for an appliance to reach a dwelling; fire pump appliance within 45m of single houses.
- k. The findings are detailed in full in the report that the road met the requirements but that the road was impacted by the vehicles parked along it. Removing on street parking along Belgrave Hill under a Traffic Regulation Order(TRO) to provide double yellow lines would resolve the issue. This would allow unimpeded access to the site by Emergency vehicles but would result in the loss of approximately 9 -parking spaces; the Resident Parking Zones would need to be re-evaluated as part of the process.

Member questions for Clarification

- l. Clarification was sought on the issue of the TRO and impact on parking spaces; Officers were unable to state with certainty the exact numbers of spaces that would be lost; neither could they say that the RPZ would be implemented because it must be agreed by those living along Belgrave road.
- m. Officers advised that as Members raised the issue of the access to the development for emergency vehicles, if they were not satisfied that guidance had been met it would be reasonable grounds to refuse the application. Advised that the impact of the re-evaluation of the RPZ could be considered by members. The planning inspectorate accept that any mitigation by the developer would have to be done in partnership with the Council.
- n. When asked whether the Fire Service could have access if the application was granted, Officers confirmed that they would as the development fell within the within 45 – 90 m requirement.
- o. Members also queried the size of the dwelling and the policy on space standards and how the previous application was granted with such small rooms. The previous design was based on Bristol Space Standards Practice Note(2011) and met those requirements. In 2015 national space standards changed increasing the requirement from the Council's minimum of 57-67 to 70(sqm).
- p. Members queried how the building would be situated in relation to the quarry rock face and the flow of rain water and sewage. The proposal was to shear up the rock face; the design included a gap between the rear of the building and the rock face; a buttress effect would be included in the construction to connect the building to the rock face at certain points; new drainage and sewage pipes would be linked to existing; Wessex water had agreed to take responsibility for repair.



- q. Members asked whether the construction over looked and/or over shadowed existing buildings. Officers advised that the design incorporated the need to avoid overlooking. The proposed window design incorporated slot windows and the proposal incorporated a good standard of amenity to avoid overlooking.
- r. Gary Collins advised members that they should give the previous application that was granted some weight as it had be granted within recent times.

Member Debate

- s. Cllr Eddy: accepted the work proposed to mitigate the instability of the rock wall but considered the following; the development triggering a RPZ review leading to a possible loss of parking; the design space standards below national guidelines; negative impact so would vote against.
- t. Cllr M Davies: Noted that since the granting of permission for this site in 2014 there had been a changed to minimum space standards that avoids development of small living spaces; concerns around the potential of the re-evaluation of the RPZ to accommodate the need for emergency vehicle access; views these two issues as a strong defendable case to consider refusing the application.
- u. Cllr Breckels: Considered the site to be 'unique'; that with the two issues of the need for access for emergency vehicles with the potential loss of parking spaces; the unique aspects of the quarry site that if developed will be lost to Bristol; therefore would be voting against.
- v. Cllr Mead: Reminded all that since permission was granted in 2014 the City had introduced RPZ and the revision upwards of the space standards has impacted how the development must be viewed; the initial attempt to build was abandoned for various reasons; would not be supporting the application because of these issues.
- w. Cllr Hickman: Shared her concern about the space standards, minimum that is proposed in the application particularly concerns on the impact this would have on residents maintaining good mental wellbeing and overall quality of life.
- x. Cllr Clarke: Appreciated that there is a need for housing but considered this development did not work on many levels when considering it against the changes in guidelines since the plans were first drawn.
- y. Gary Collins: Committee were reminded of the likely grounds that would be considered by the planning inspectorate on hearing an application of appeal against refusal. That the revisions of the national space standards would probably be considered valid grounds for refusal but the issue around the possibly impact of TRO could not be considered as it does not exist.
- z. Chair reminded committee to note the advice given by the Officer that is to limit the grounds for refusal to a single issue.
- aa. Cllr Eddy proposed that Committee refuse the application on the grounds of the application to meet the national space standards and the loss of on-street parking. Seconded by Cllr M Davies.
- bb. When put to the vote

Resolved: (8 for refusal and 2 against) that the application be refused on the grounds of the application failing to meet the national space standards; That the application would result in the loss of on-street parking.

b. 18.02302.F - Land bounded Winterstoke Road



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

- a. That the application is for the creation of a mixed development of 67 residential dwellings, with landscaping and parking and associated works; on the former site of Kellaway Building Suppliers and Winterstoke garage land.
- b. The development will deliver 100% affordable Housing managed by United Communities Housing Association.
- c. The site is accessed from Luckwell Road and Winterstoke Road via a private access lane to the Winterstoke Centre, also Lynwood Road which is a no through road providing access to site and current Winterstoke Centre loading bay.
- d. The public consultation has resulted in a number of issues but the prominent issue concerned the shared access & loading bay area between the residential development and the Winterstoke Centre.
- e. The report addresses the issues brought to the attention of planning but clarification was provided by Transport Development Management, that the Winterstoke Centre has a right of access; a unrestricted right to wait to load and unload but this does not include a right to park. This right of access will be retained as part of the application and the existing Winterstoke Centre loading bay improved and extended. The land however will not be adopted by the Council as a consequence the two parties, that is the Developer and the Winterstoke Centre will need to negotiate a way forward as the issues are deemed to be a private law matter.
- f. Officers were recommending approval with the Conditions outlined and the section 106 settlement.

Members questions for Clarification

- g. Clarification was sought on the bus stop on Marsh lane; the bus stop because of its location could not facilitate the installation of a shelter because of the potential loss of land on the development and therefore would not have real time information displayed. Members queried this, citing a number of bus stops without shelters throughout the City that did have real time information with a new bus shelter. Officers confirmed that they would look into this.
- h. Question was asked on whether committee could condition the way a large lorry accessed the loading bay at the Winterstoke Centre. The Highways Officer confirmed that there is a right of access and a right to load and unload but no conditions were possible.
- i. Members queried the use of private contractors to collect the waste; the on cost to residents of the affordable housing development; Committee were advised that Bristol Waste did not collect refuse and recycling from an unadopted highway.

Member Debate

- j. Cllr Stevens: noted that unload and loading at the Winterstoke Centre may require a vehicle to be on the access road for up to 3 hours.
- k. Cllr Eddy: Considered the development positively as it delivered 100% affordable housing which was unique as some development failed to deliver the required 20%. The development was in a sustainable location; good bus and cycle route; no negative impact on existing residential properties; only one issue to cause concern was that of the loading bay access for



the Winterstoke Centre and noted that it was civil issue and not a matter for planning committee to address.

- l. Cllr M Davies: Considered the development a good one delivering 100% affordable housing and having heard the public forum noted there were no reasons not to vote in support.
- m. Cllr Mead: Considered the application good; noted the legal advice and the differing position taken by the opposing sides; the issues could have been resolved over the preceding months; supported the application.
- n. Cllr Breckels: Liked the scheme and considered the 100% delivery of affordable housing a jackpot win; that he supported the right of the tenants of the Winterstoke Centre to continue in business; wondered if anything could be done to the pavement area along the access road to satisfy all parties.
- o. Chair advised that it was not possible to condition any such work.
- p. Cllr Eddy: sought to add to his view, the need for investigations to be done on implementing a real-time option for the bus stop.
- q. Officer advised that this could be explored further via the section 106 agreement.
- r. Cllr Stevens: Considered that with consent of the application the parties involved would need to negotiate to resolve any outstanding issues.
- s. Cllr Stevens proposed that committee agree the Officers recommendation, seconded by Cllr Eddy.
- t. On being put to the vote

Resolved (11 for and 0 against, unanimous) that the application be granted subject to the conditions

c. 18.03064.F - The Old Sports Centre West Town Road

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

- a. The application is for the creation of containerised self-storage facility with ancillary office, with altered access and associated car parking. The application had been revised following comments made by the Local Planning Authority.
- b. Plans with photos and 3-D imagery of the proposed development was shown allowing committee to view the boundary wall, formation of the stacked containers and impact on neighbouring properties.
- c. Following local consultation concerns were raised over noise from the site and increase traffic flow along local residential roads into the site.
- d. The previous consent granted for the site, was for office and associated warehousing.
- e. The self-storage would run along the lines of similar business in that users must sign a contract to use the site, agreeing to the terms & conditions for use; in addition users would be requested to confirm that the containers would not be used to store any hazardous combustible material or substances and/or explosives substances.
- f. Officers were recommending approval as the current application was similar in nature to the previous permission granted.

Members questions for Clarification



- g. Concerns were raised about lighting the facility at night and the nuisance this could cause residents. Officers advised that the scheme could not commence until a report detailing the lighting scheme and predicted illuminance levels at neighbouring residential properties had been submitted and approved.
- h. Members asked whether the types of vehicles entering the site could be conditioned and were advised that this was not possible.
- i. Concerns were raised about the impact on residents during the construction period and Officers provided reassurance that such matters would be outlined in the Management Plan required by a condition.
- j. Questions arose relating to the previous application that was granted and Members sought to know the reason why it was not implemented.
- k. Concerns was raised over the public realm and amenity and many saw no benefit of the application to local residents wondering if any alternative was possible.
- l. Officers advised that the previous application was a material consideration for determining the current application. The previous application was granted in 2011 for the site to be used as offices and commercial storage. The site has remained vacant following a fire in March 2013.
- m. Chair reminded members that the applicants is seeking to use the site for storage that is similar to previous warehousing application granted and were unable to consider any alternatives as that was not before committee for consideration.
- n. Officers confirmed that no developer, to date, have submitted a housing scheme for the site and no application for use had been refused.

Members Debate

- o. Cllr Carey: noted that the site had been sold for a specific purpose and that the applicants were within their rights to make this application.
- p. Cllr M Davies: Commented that there was a rise in the number of self-storage units across the City and that he believed that housing could be built on challenging sites; did not consider the proposal good therefore would be voting against.
- q. Cllr Hickman: noted that there were no plausible planning grounds on which to refuse the application but viewed the development as one that would affect local residents.
- r. Cllr Wright: Noted that such proposals often caused opposition about perceived nuisances but following his experience of such a site in his locality, such concerns were unnecessary because following construction they go unnoticed. The site in question is located under the M5 motorway bridge and also power cable therefore not suitable for family housing. Many dwellings are too small to house family items, this has given rise to the need for storage facilities. Minded to vote for.
- s. Cllr Breckels: expressed concern about the impact of metal containers on residents; security lights switching on and off; the possibility of 24hr access; aware that existing permission granted for industrial use but considered the business would have a negative impact on existing residents; unable to support because of the loss of amenity to local residents.
- t. Cllr Eddy: viewed the application as impacting resident's amenity and would be voting against.
- u. Cllr Clarke: noted all comments but was aware that the site had been empty since 2013; not suitable for housing for a number of valid reasons; there were no grounds on which an appeal could be defended; minded to vote for approval.



- v. Cllr Mead: shared his concerns that a refusal would not stand up in an appeal; sympathetic to local residents right to pleasant amenity; and to the loss of wildlife species on site;
- w. Chair: Reminded committee that the land had been considered appropriate for Warehousing by the previous decision and if it was not for that there would be room to manoeuvre; would like to vote for refusal but aware that the decision would be reversed on appeal.
- x. Officers confirmed that the objection from Sports England who had concerns about the neighbouring sports field boundary, was not strong enough on its own merit to support refusal.
- y. Members discussed a number of conditions that they hoped could be imposed to assist residents with light and noise nuisance but officers advised that none could be conditioned.
- z. Cllr M Davies proposed granting subject to conditions outlined in the report, seconded by Cllr Mead.
- aa. On being put to the vote

Resolved (7 for and 4 against) that the application be granted subject to conditions detailed in the report.

d. 18.05778.H - 7 Beryl Road

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

- a. The application was for the proposed demolition of existing extension and erection of replacement single storey rear extension.
- b. The application had been brought to committee because the applicant was a Bristol City Council Planning Officer and to avoid any question of bias the process outlined in the Member and Officer Code of Conduct had been implemented.
- c. The plans and photograph of the site and re-design was shared with committee.
- d. There were no objections.
- e. The matter had been considered by an independent consultant to prevent interaction between the applicant and any other Officer.
- f. Officers recommend approval subject to conditions.

Members question of Clarification

- g. There were none

Member Debate

- h. There was none
- i. Cllr M Davies proposed that the application be granted subject to officer conditions. Seconded by Cllr Eddy.
- j. On being put to the vote

Resolved (11 for and 0 against) unanimous decision that the application be granted subject to conditions.

9. Date of Next Meeting

The next meeting: 27th February 2019.



Meeting ended at 8.35 pm

CHAIR _____

