

Bristol City Council
Minutes of the Development Control A
Committee



13 May 2020 at 2.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Chris Windows (Vice-Chair), Clive Stevens, Mark Wright, Fabian Breckels, Paul Goggin, Stephen Clarke, Mike Davies, Margaret Hickman, Afzal Shah and Steve Smith

Officers in Attendance:-

Gary Collins – Head of Development Management, Jeremy Livitt, Claudette Campbell

1. Welcome, Introductions and Safety Information

The Chair welcomed all parties to the meeting and explained that it was being held in accordance with recent Government legislation concerning the Covid-19 pandemic.

2. Apologies for Absence and Substitutions

There were no apologies for absence and no substitutions.

3. Declarations of Interest

Councillor Steve Smith declared interests in Planning Application Number 19/04970/F – Glencoyne Square and 19/04970/F as he had previously worked with the Southmead Development Trust and The Park respectively. However, he confirmed that he did not have any current connection to these organisations and had not predetermined the applications.

Councillor Stephen Clarke declared an interest in Planning Application Number 19/04970/F – Land At Tavistock Road due to a previous connection with the applicant David Freed but that he no longer had contact and had not predetermined the application.



4. Minutes of the previous meeting - Wednesday 22nd April 2020

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

5. Appeals

The Head of Development Management confirmed that the appeal for Hamilton House 80 Stokes Croft, Bristol BS1 3QY had been provisionally re-scheduled for 2nd June 2020.

6. Enforcement

The Head of Development Management advised the Committee of three additional enforcement notices since last meeting as follows:

281 and 283 Gloucester Road.
41 Alma Vale
36 Woodstock Road.

7. Public Forum

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

The Statements were noted 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 applications set out below:

9. Planning Application Number 19/05491/X - 53 Colston Street

The Head of Development Management and his representative gave a presentation and made the following key points:

- There had been a high number of objections to this planning application
- Details of the proposed changes in opening hours were set out in the officer report and presentation
- Planning permission was required for the proposed change in hours of opening
- An aerial shot of the site was shown
- There would be no change to the smoking arrangements, compared to what has already been approved
- Noise and disturbance were the key issues arising out of the consultation



- There was no objection from pollution control, following the submission of a revised noise report. This was on the basis of the evidence submitted.
- With the proposed mitigation, the acoustic report set out that the increased level of noise would be negligible. On Colston Street the increased hours would lead to a predicted increase in noise levels of 0.3 dB. On Perry Road, this figure is predicted to be 0.1 dB. The human ear would generally only detect a change in noise levels of 3dB or more.
- The officer recommendation is to approve the case, but for 1 year only (temporary consent).
- The officer recommendation includes conditions which would require the applicant to submit details of the monitoring of noise levels for the period of increased hours.
- There would also be a condition requiring the applicant to adhere to their own Doorstaff and Dispersal Policy which requires a minimum of three doorstaff to be on duty after 9pm on Friday and Saturday nights.
- Neighbour's concerns related to alleged poor management of the premises currently, noise disturbance, and concerns that the door staff and dispersal policy would not be properly implemented. Neighbours were also concerned about the premises transitioning to more of a late-night bar, rather than a restaurant.
- The applicant would have the option to reapply for another temporary consent, or a permanent consent after the one year consent was up. In considering any such future application, officers would take account of the results of the noise monitoring plan, plus neighbour representations.
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- Neighbours have raised concerns about the premises transitioning into a late-night bar, rather than a restaurant. Officers are satisfied that the premises can be considered a restaurant (use class A3) in planning terms. However, neighbours have the option to make an enforcement complaint if they feel the premises transition away from the restaurant use. The LPA would then look into this.

The officer report referred to two complaints – these complaints were about noise from the premises when the Perry Road door being was being left open.

- Officers agree with neighbours who have pointed out that different types of noise have different characteristics. The acoustic report assesses impacts from all different types of noise (including deep bass music) and the evidence presented by the applicant set out that noise would be within acceptable limits, providing mitigation measures were properly implemented.
- The use of the outdoor area would continue as currently is the case. The applicant does not propose to change it. The applicant has previously submitted an Outdoor Areas Management Plan. Adherence to this would be conditioned. If the applicant was not complying with this plan, then neighbours have the option to raise an enforcement complaint.
- Neighbours had suggested that a sound limiting device be used on music equipment. The issue of the sound limiting device would be dealt with under the licencing regime. One of the conditions of the licence includes provision for a sound limiting device to be used. The planning and licensing regimes are separate.

For the reasons set out in the officer report and in the officer presentation, officers were

recommending 1 year approval subject to conditions set out in the report. In responding to

members questions, officers made the following points:



- Members were concerned that the enforcement of the smoking/non-seating area had not ever properly taken place on this site. Members were also concerned that members of the public regularly smoked and sat at tables there. The officer response was that the use of the outdoor areas is not proposed to change compared to what has been previously approved. Adherence to the applicant's Outdoor Management Plan would be conditioned, so if neighbours wished to make an enforcement complaint, then the LPA would investigate.
- Members queried how opening times related to drinking up times. The officer response was that customers needed to leave the premises by 1am with staff to clear the site by 1.30am. Drinking up times are a separate issue which are dealt with under the licensing regime.
- Members queried why the timeframe of one year had been set for the temporary permission and asked whether alternative (shorter) timeframes had been considered. The officer response was that the one year period had been chosen because it covered quieter times of the year, as well as busier times like the Christmas period, and also summertime when people would be more likely to have their windows open. The applicant would be required to monitor over a year, so a full picture of noise impacts would be gained.
- Although it was noted that this case could be automatically brought back to Committee if it was called in or brought to agenda briefing if there were a large number of objections, officers agreed that a report would come back automatically after the end of the 1 year period, in the event that the applicant submits a future application relating to extended hours (such as making the consent permanent).
- Members asked what would happen if the outcome of the licensing and planning applications were different. However, officers reminded members that the licencing and planning regimes operated separately under different legislative frameworks. Any decision made on this Planning Application had to be based on planning grounds and needed to be based on firm evidence.
- Members asked about how neighbours (residents and businesses) could record and make known their concerns about any impact on their amenity, including litter, noise and disturbance. In response, officers advised that the increase in hours was midnight to 1am on Fridays and Saturdays and if neighbours wished to submit information, then they could do so through written evidence, photographs, and/ or a diary with dates or disturbances taking place. Neighbours could submit this in response to any future consultation on an application to make the increase in hours permanent. . In addition, officers could contact the Neighbourhood Enforcement Team as necessary at any time, including the period within which the increased hours are put into place
- Members asked about the impact on the Clean Air Zone; would any reduction in traffic as a result of the Clean Air Zone be factored into decision-making? Officers responded that if traffic levels were lower, then this would be picked up during future monitoring, in that less traffic may lead to a lower background noise level. However, officers also advised members that in recently dismissing the appeal for the BRI Hospital Trust Transport hub (20th February 2020) on the grounds of air quality, the Inspector at appeal had deemed that the impact of the proposed Clean Air Zone should only be given limited weight as it had not yet been approved.
- Members asked how any consent would deal with the impact of delays in opening as a result of the current Covid-19 situation. Officers responded that the conditions of the consent had been drafted in such a way as to delay the requirement to produce monitoring until the proposed increase in hours is implemented. The one year temporary period would commence when the increase in hours was implemented.

Members then made the following comments:

- This scheme should not be supported due to the impact of noise and disturbance on the area.



- As the proposal was for a 1 year trial period and clear instructions had been given about how neighbours can submit evidence of any impact of disturbance on the area, it should be supported.
- The difference between the planning and licensing regimes in making this decision needed to be taken into account.

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

RESOLVED (10 for, 1 against) – that the application be approved on the basis of a 1 year temporary consent and on the basis of the conditions contained within the report. After this period, the applicant would have the option to reapply for another temporary or permanent consent. Officers commit to any such future application being brought back to committee.

10 Planning Application Number 19/04970/F - Land At Tavistock Road

The Head of Development Management and his representative introduced this report and made the following comments:

- The details of the planning application were introduced
- The site had been used as a boxing gym until recently but the boxing club has now relocated to Jubilee Hall, Wedmore Vale.
Access was via a dropped kerb.
- Five flats would benefit from private terraces and would have private balconies
- Details of the objections received at different stages in the process were outlined. These included concerns about insufficient off street parking and loss of a community asset. However, the existing building was in a state of disrepair and officers did not believe it would create a shortfall
- Residential development at the site was considered acceptable
- The City Design Team had been consulted. Their assessment was that there were some issues with the development but on the whole it was acceptable and Officers concluded that the design did not warrant an overall refusal of the application
- There would be no windows directly overlooking the two nearest properties
- There were however two side windows on the northern elevation and five side windows plus one side balcony on the southern elevation. The balcony would be angled as required and views would be screened from the side windows
- All dwellings met the required nationally described space standard
- Seven flats would benefit from private space and all twelve would benefit from communal amenity space
- There was no objection to the proposed development from Transport Development Management
- The Environmental Health Officer had raised no concerns in relation to noise
- A Construction Management Plan was proposed as a condition



- The development met required energy sustainability levels

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

- It was not deemed necessary by residents or Transport Development Management to have a Waste Management Plan to deal with any concerns that might arise if bins were not returned to properties. There was storage space at the site and a dropped kerb.

Members made the following comments:

- The benefits of the scheme outweighed the difficulties. It provides accommodation that is in short supply. There had been no objections from Councillors

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

RESOLVED: (unanimously) that the application be approved subject conditions contained within the report.

11 Planning Application Number 19/04705/F - Glencoyne Square

During the item, Councillor Steve Smith advised that during the debate a member of the Southmead Development Trust with whom he had previously worked had contacted him. However, he reiterated his previous Declaration of Interest in this application and that he had not predetermined it.

The Head of Development Management introduced the report and made the following comments:

- Details of the site were outlined
- There were 33 comments in support and 5 objections including letters of support from ward councillors
- The site is currently allocated open space under the current local plan which only permits development which is ancillary to the open space. The development of new housing is contrary to this policy designation but the officer report explains that greater weight is being given to the positive benefits of the scheme such as the additional housing, public facilities and the potential regeneration benefits.
- Members attention was drawn to the Local Plan review and its proposed reallocation of this space, but limited weight could be given to this document.
- The scheme was for a 3-5 storey building with community facilities on the ground floor (library, Health centre)
- The choice of materials was predominantly brick and render which is acceptable for the locality and while there are also materials not typical of the area (grey cladding), the inclusion of these will give additional interest
- Whilst the applicant can proceed with no affordable housing secured through the planning process (due to viability), there would be affordable housing grants between Bristol City Council and the applicant
- The applicant was now proposing a hybrid system of heating -air source heat pumps and ground source.



- There was sustainable transport to the site. The applicant was required to provide appropriate travel plan management
- Highway officers were satisfied that traffic impact will not be significant but they have requested the mitigation to ensure that the development promotes sustainable transport and mitigates the increase in population- TROs, upgrading of bus stops secured by legal agreement
- The applicants had emphasised that they would be providing affordable housing and that it was extremely likely they would receive significant public funding

Officers confirmed that the scheme was recommended for approval and requested delegated authority to secure the legal agreement and complete appropriate conditions.

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

- Members' suggestion that there is a requirement to secure affordable housing through this application was noted. However, officers advised that the policy position was that if a scheme cannot deliver affordable housing due to viability issues it should not be a requirement of the planning system to do so. Also any grant funding had to be for additionality and therefore could only be secured for affordable housing above any secured by a planning permission, meaning that grant funding would not be able to be provided for all of the affordable housing if some was formally required through the planning process. Officers further advised that the proposal for 85% affordable housing had been agreed with the applicant which could not be secured through a Section 106 agreement

Members made the following comments:

- This had the potential to be an excellent scheme that could release family housing from some people who wish to downsize properties.
- The design of the scheme was good
- Development on this scale in a green space with local support is very encouraging
- It was encouraging to see that the community had been involved, including school children in the preparation of the design. The area had been neglected for too long
- The proposed heat pumps were a good innovative solution.

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

RESOLVED (unanimously) – that the application be approved together with the conditions contained in the report.

12 Date of Next Meeting

It was noted that the next meeting was the Annual meeting for 2020/21 Municipal Year and was scheduled to be held at 2pm on Wednesday 10th June 2020 as a Zoom remote meeting.

Meeting ended at 3.55pm

CHAIR _____

