

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

**24 June 2020 at 6.00 pm**



**Members Present:-**

**Councillors:** Richard Eddy (Vice-Chair), Lesley Alexander, Tom Brook (Chair), Harriet Bradley, Mike Davies, Fi Hance, Olly Mead, Jo Sergeant and Nicola Bowden-Jones

**Officers in Attendance:-**

Claudette Campbell (Democratic Services Officer), Gary Collins, Angelo Calabrese and Charlotte Sangway

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

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

**2. Apologies for Absence**

Apologies received from:

Cllr C Denyer – substituted by Cllr C Stevens

**3. Declarations of Interest**

Cllr Clive Stevens asked that committee note his previous involvement in respect of agenda item 8(a):

- As Chair of the Tree Forum in 2015 wrote a letter objecting to the loss of the trees
- In June 2019 he wrote requesting a revised tree report that was provided in July 2019

On the matter of 8(a) he declared that he had not pre-determined the application.

Cllr Mike Davies asked Committee to note his intention to withdraw from the debate on item 8(a) to make a statement.

**4. Minutes of the previous meeting held on Wednesday 27th May 2020**

Resolved that the minutes of the 27<sup>th</sup> May be approved as a correct record and signed by the Chair.



## **5. Appeals**

The Head of Development Management introduced the report providing an overview of the appeals in progress. Drawing committees attention to item 63: SW Whitehall Road (Huawei) Whitehall Road Bristol BS1 5BT; update to existing telecommunications apparatus that was refused under delegated decision; the appeal was dismissed by the Planning Inspector; increase height and monopole would impact the visual amenity of the area; the proposed operators had not explored different options for placing the apparatus in the local area; so found harm to visual amenity and dismissed the appeal.

## **6. Enforcement**

The Head of Development Management reminded committee that with the frequency of committee meetings updates notices reported as new will decrease however we are reporting 2 enforcement notices as detailed in the report.

## **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**

### **9. Application Number 19/02157/F - 31 to 45 Lower Ashley Road**

Cllr Mike Davies stood down from Committee at the start of the public forum presentation and took no part in the debate or the decision making process.

Cllr Richard Eddy left the meeting during the course of the discussion and was not present for the final vote.

The Head of Development Management and his representative gave a presentation and summarised the report for this item including the following:

- a. Full planning application for the development of a 4-storey block of flats to provide 28 units of residential accommodation including affordable housing, cycle parking, refuse storage and amenity space.
- b. Contentious planning application; the Maple trees being the main area of concern for stakeholders; Committee was directed to give weight to the planning history set out in the report;



In 2005 the trees were subject to a Tree Preservation Order (TPO); Planning permissions granted in 2007 & 2016 included the loss of the trees; 1<sup>st</sup> occasion no compensation payment for their loss was secured as the Bristol Tree replacement standard was not in existence; 2<sup>nd</sup> grant in 2016 the standard had been adopted and on approval the applicant made the payment for replacement of the trees; the current position is that 50% of funds received have already been distributed by the local Area Committee to local tree planting.

- c. Student development is extant and can be implemented up to May 2021.
- d. Committee were reminded that the 'Land ownership' issues posed by objectors is outside the planning process; the matter was complicated because of the existence of contradictory information held on Bristol City Council website; Officers are now confident that the trees are situated on land under private ownership; committee was directed to determine the application before them and not the issue of land ownership.
- e. The Maple Trees Objections; Committee was directed to the historical grant that enabled the removal of the trees and as a consequence the trees cannot be protected under this current application; this objection was one that Committee could not give any weight in their deliberation.
- f. It was explained that if the current application was not granted the extant permission would result in the loss of the trees in any event and the affordable housing element in the application before committee would not be delivered.
- g. Committee was assured that those who had submitted Public Forum questions had received written answers copies of which were circulated in the public forum pack distributed to committee by Democratic Services.
- h. The Amendment sheet that was shared with committee included details of the additional representation received bringing the total to 375 objections to scheme; the major concerning the loss of trees; the sheet included recommended additional planning conditions and advice notes.
- i. Committee received a visual presentation that shared plans and images of the site and local area.
- j. The presentation compared the extant permission and proposed scheme highlighting the difference.
- k. New scheme: 2 parking spaces access from Gordon Rd: the footpath would be widened to accommodate a cycle route; layout based around an access corridor at the rear; dual & single aspect; conditions to be imposed that prohibits the flat roof space from being used; the 4<sup>th</sup> storey was a full storey and not built in the roof; amendment sheet detailed the position with the amenity space at the rear that it would not be considered 'creatively integrate play space'; drew committee's attention to local play space at Ashley Street Park 100m from the development with a playground at Mina Road Park 200m away; scale and foot print is considered appropriate; city design team after discussing with the developers have no objection; the sunlight and daylight study 3D drawings were shared; windows in the rear elevation reduced in number compared to extant permission.
- l. Air quality objections; the AQT had concerns and objected to the scale of the impact; stating that the alteration in design would have an adverse impact on air quality ranging from slight to adverse; Officers consider that both the extant and current application would impact air quality likely to a similar degree, though a comparison had not been modelled. The recommendation included the installation of mechanical ventilation for those to the front elevation, though this is



not required in terms of air quality. The Air Quality Assessment states that the proposal would meet the relevant standard for future occupiers of the site.

- m. Environmental Agency late objection in respect of Flood Risk had to be overcome and looked to committee to grant delegated authority to negotiate.
- n. Officers recommended approval on the basis that the application was policy compliant; that weight should be given to the extant permission; that all issues had been considered; looked to committee to grant subject to all conditions outlined in the report and the amendment sheet, subject to s106 agreement and subject to overcoming the Environment Agency objection.

#### Answers to Question

- o. Officers were unable to provide any details as to why the extant permission had not been built but demolition work had commenced on the site it could be considered a material implementation of that permission (whereby no time constraints would apply), however this is a legal point outside the planning application consideration. The key fact is that the extant permission remains extant until May 2021.
- p. The TPO was established in 2005 to provide protection to green infrastructure, to enable this to be considered in all decision making for those trees outside known conservation areas; the removal of the Maple trees on site would have been considered when the original permissions was given, a financial value was applied to enable a tree replacement payment to be secured.
- q. Air quality comparison with the extant scheme would require further modelling as a small adjustment to any scheme would impact the air quality. The site because of its location would be subject to poor air quality concentration ranging from above 40. Officers were unable to comment on the detail of the higher figure of 53 given in a public forum statement.
- r. Permitted development rights (the right to make changes without applying for planning permission) in relation to change of use of the existing building from office to residential use may not continue to apply as works of demolition works had been undertaken and there are a number of criteria to be satisfied to qualify.
- s. Officers would under delegated authority work to overcome the EA objection.
- t. District Heat Network: There is no connection available at the moment but it is anticipated that a network would be available in the future therefore the appropriate s106 conditions would be applied to ensure the development would be future proofed.
- u. Land Contamination documentation: Officers confirmed that the documents were publicly available on Bristol City Council website and that conditions had been applied to manage the situation as detailed in the amendment sheet. The Contaminated Land Officer had reviewed the details and recommended conditions.
- v. Due to the quantity of information that exists relating to applications that had to be considered by Committee, officers worked to ensure that reports provided to the Committee were proportionate with links/references given to extended documentation to minimise the overall size of reports.
- w. Resident Parking Zones can be introduced when there is overwhelming local support, and it is possible to restrict permits for occupants of the proposed scheme.
- x. A climate emergency was declared in May 2019 by the Council but had not yet translated to changes in local planning policy. In addition there were a number of pending local policy changes but committee were directed to consider the current application in line with existing local planning policy.



- y. Access to parking space at the rear: Officers confirmed that S106 would enable the introduction of double yellow lines on Gordon road and to support visibility of the cycle footpath, the Highway team had negotiated the redesign of the building lining that resulted in the pulling back the edge of the building.
- z. Officers were asked to comment on the plans submitted by objectors. The alternative plan had been viewed with the developer. The plans looked to move the development to protect the trees but it would result in the removal of the rear amenity area and parking space. The plan although well intended was considered a basic level plan causing windows to be in line with tree branches and in many areas found not to be buildable. Of course though, the Council as local planning authority had to determine the application before it, and not any alternative.

#### Discussion

Cllr Eddy lost connection at 19:35 and not returned reducing committee to 8 members.

- aa. Members shared their concern that the development was not suitable accommodation for families referencing the learning from the Covid-19 pandemic. That has shown the severe impact of lockdown on those families living in apartment blocks without access to outdoor space.
- bb. The extant permission for student accommodation was seen more favourable as it would result in occupancy for a fixed period during the course of the academic year thereby limiting resident's exposure to local adverse air quality.
- cc. It was an area known to be extremely congested at all times of the day, prior to during and after peak travel times and therefore not suitable for family accommodation.
- dd. Members described the building design, as ugly, unattractive, grim and not pleasant to look at in fact commenting that the location was suitable for an office block.
- ee. The Chair moved that committee consider officer recommendation to grant but members failed to second this motion .
- ff. Members consider that the grounds for refusal should cover; poor air quality; poor amenity; lack of outdoor play space; detail where it failed to comply with the Urban Living SDP.
- gg. The Chair then invited committee to consider deferring the application to consider the grounds for refusal this was moved and seconded by Cllr Bradley.
- hh. When put to the vote
  - ii. Resolved (8 for; 0 against;) that committee was minded to refuse the application therefore deferred this application to next planning committee to allow reasons for refusal to be agreed.

### 10 Planning Application Number 20/00299/F - Land North of Airport Road

The Head of Development Management and his representative gave a presentation and summarised the report for this item including the following:

- a. The application is for the development of 173 dwellings together with provision of public open space, play areas and landscaping; cycle parking and car parking provision together with related infrastructure works.



- b. The site is bound to the south by Airport Road, to the north by residential gardens and a Brook flows through the site.
- c. There were 8 representations received from the public and objections from 2 of the statutory consultees that remain outstanding.
- d. The following matters were highlighted when committee were shown the plans and images of the development and the site.
- e. The Environment Agency flood risk objection had arisen because of modelling used by the applicant. The report and amendment sheet outlined the issues in detail but officers deem that the objection would be overcome on production of a further document explaining the modelling used by the application and final agreement on the necessary mitigation across the development.
- f. Highway objection related to the width of the shared cycle & pedestrian footpath that proposes to be only 3.5mtr therefore fails to meet the current cycling infrastructure plan.
- g. Officers recommended approval together with conditions and delegated authority as outlined in the amendment sheet.

#### Questions & Answers

- h. Officers confirmed that the cycle path was intended for use by cyclist to pass in both directions; that it was proportioned to allow 1.5mtr for cycleway and 2mtr for pedestrians; members asked if the path could extend out into the highway but that was not possible; that any adjustment to the path would impact the amenity of the development particularly the frontage of the property.
- i. A further explanation was provided on the challenges of finding a balance between the development and the hard boundary being Airport Road and the Brook. Negotiations with the developers had considered all aspects. The final design is seen to provide the best frontage option for those units bordering the highway. The proposed width of the cycle path supported this and is an issue that committee must agree before residents occupy and the developer commences construction.
- j. The Brook that formed a natural boundary to the site did not appear to be of a width and depth to indicate the possibility of posing a severe flood risk. Members sought to know the level of risk that existed.
- k. The flood risk assessment (FRA) assesses the potential for 1/100 year event. The EA is looking to the applicant to present the working outs for the FRA modelling used. Officers viewed that as a technical detail that was not insurmountable therefore confident of a resolution under delegated authority.
- l. Details on council tenants tenure in the area were requested but Officers did not normally consider this statistic in the work they undertake, as mixed and balanced communities assessments normally focussed on house types. They were able to confirm that the scheme would deliver at least 30% affordable housing, potentially more, and would support a mixed and balanced community.

#### Discussion

- m. Members were in favour of the scheme with reservation about the cycle path width but took the view that the development had higher proportion of positive aspects including the play areas, natural surroundings and a brook.
- n. It was suggested that the issue of the key walking and cycling route should be kept in view and looked to committee to consider conditions to overcome the cycle path issue.



- o. Cllr M Davies, seconded by Cllr Mead, proposed that committee agree officer recommendation with a condition that Officers agree with the developer a proposal to widen the dual pathway to 5 metres.
- p. When put to the vote
- q. Resolved (9 for: 0 against: 0 abstention) that the application be granted as set out in the Officer recommendation with an additional condition for Officers to agree with the developer a proposal to extend the walkway/pathway to 5 metres.

## 11 Date of Next Meeting

Meeting ended at 8.45 pm

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

