

Bristol City Council
Minutes of the Development Control A
Committee



5 August 2020 at 2.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Clive Stevens, Mark Wright, Fabian Breckels, Paul Goggin, Mike Davies, Richard Eddy (substitute for Steve Smith), Margaret Hickman and Afzal Shah

Officers: Peter Westbury and Jeremy Livitt

1. Welcome, Introductions and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Stephen Clarke and from Councillor Steve Smith (Councillor Richard Eddy substituting).

3. Declarations of Interest

Councillor Margaret Hickman stated that, although she had been in meetings concerning the applications that were both in her ward, she retained an open mind concerning them.

4. Minutes of the previous meeting held on 8th July 2020

The minutes were approved as a correct record.

5. Appeals

The appeals contained in the report were noted.



6. Enforcement

The enforcement notices contained in the report were noted.

7. Public Forum

The Committee received a number Public Forum Speakers for this meeting.

Details of all Public Forum Statements including Public Speakers at the meeting were published as a supplementary dispatch for this agenda on the Bristol City Council website.

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. 19/03867/P - Silverthorne Lane

Councillor Afzal Shah entered the meeting after the commencement of this item and therefore did not participate or vote on it.

Officers introduced this report and made the following comments:

- A number of errors in the report were corrected
- The issue of the listed building was deemed a delegated decision for officers
- Members' attention was drawn to Page 58 of the report where reference was made to section 16 of the NPPF 2018, where reference should have been made to the 2019 version of the document
- Page 74 of the report quotes the NPPF as stating that "Access considerations should include the voluntary and free movement of people during a 'design flood' should have quoted the NPPG instead.
- Page 78 of the report listed the Heads of Terms Legal Agreement. The principle of this was fully agreed although negotiations were still ongoing regarding the trigger points for the contributions
- Any resolution by the Committee to approve the application would be subject to referral to the Secretary of State
- Details of the hybrid application covering six plots were outlined. It was a long thin site along the north of the canal
- Plot 1 would include a new office/education building. No details had been provided as to exactly what the building would be used for.
- Plots 2 to 4 were Housing Units. Plot 4 involved the conversion of an existing building to be used as offices
- Plot 5 was for the school. 2 pictures showed how the retained listed building would be converted into sports facilities
- Plot 6 would provide student accommodation



- The Environmental Agency (EA) had raised 4 principle objections – the development was in a high risk flooding area, there were hazardous flood depths, there was no safe operational access to the canal side and the development failed to demonstrate that flood risk won't be increased elsewhere
- Officers believed that the proposed conditions would address these concerns
- It was acknowledged that there was a managed risk required at the site since action to defend one part of the site from flooding increased the risk of flooding elsewhere. Therefore, parts of the site would be allowed to flood. A slide showing the estimated flood depths for the site for a 1 in 200 years flood event in 100 years' time was displayed
- Design flood levels on the site had changed on at least three occasions. Whilst it did not represent the worst case scenario, the site was protected to a degree.
- The floor levels of all residential buildings would be above flood levels, but it was not possible to do this for the listed buildings. Safe walkways were indicated on the plan
- The modelling submitted by the applicant had indicated that the proposal would mitigate flood risk in the event of a flood event.
- There would be a flood gate to make it safe under the bridge
- The EA had raised concerns about the proposed flood mitigation. They were concerned that the flooding of plots under the school building could result in it becoming clogged by debris if there was a flood event. They had also expressed concern that given the raised access to the canal side would be difficult to carry out works to make the area secure if there was a flood event. However, officers believed that arrangements could be put in place to mitigate this
- It was noted that buildings on the site were listed and curtilage listed and these showed how the development of the industrial site had taken place
- The yellow buildings indicated at Plots 2 and 4 in the slige would be by the development but the proposed building would follow the footprint of these.
- A condition was recommended to retain further elements of the Hammer Forge
- It was intended to retain the riverside wall
- Part of Plot 4 would be retained and redeveloped into offices
- An assessment of the visual impact had been submitted with the application
- A view of the railway line was shown
- Officers did believe that this site caused a degree of harm to Heritage Assets. Any harm needed to pass two tests for the development to be approved – one is that the harm had a clear and convincing justification and the other is that harm would be outweighed by the public benefits of the development.
- The benefits of the scheme were that it provided new housing, including affordable housing, a new school and increased economic activity, as well as better revealing elements of the heritage assets on the site
- Details of the proposed highway works were shown to the Committee.
- On balance, officers supported the application although it was acknowledged that there were issues of concern such as flooding and the heritage risk
- It was noted that, if approved, the application would need to be referred to the Secretary of State

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



- The Committee needed to determine the application in front of them. Legal advice had been obtained to assess whether different elements of the scheme could be approved separately and had indicated that there would be a high risk to this approach. It was also noted that there was very little case law in this area. This would only be possible with Plot 6 as all the remaining plots were linked together
- In the event of flooding, the building would be closed and the car park would be evacuated
- Modelling based on a thorough understanding of how the water course operates indicated that the flood would last 3 to 5 hours during any tidal surge, although there was potential for standing water to remain. Officers were confident that the development had taken this into account
- Officers did not know whether lift shafts would be modelled to address any concerns about flooding
- Officers would request delegated powers to finalise the condition relating to the Deeds of Easement.
- There was substantial growth in this area that had been recognised in the station framework. The University Campus had been built since the framework had been developed
- The development would be subject to highway conditions and to a Section 278 agreement
- Public Transport was required through the area to reduce the current level of through traffic and peak hour congestion
- It was hoped to obtain a Ferry Stop although this could not be conditioned, as Ferry operators were not part to the application.
- The scheme would also allow coaches to turn on Plot 5

Councillors made the following comments concerning this application:

- The scheme should be supported. It would bring business, homes and a school to the area. The scheme could not be redesigned. The flood issues could be addressed pragmatically and the Heritage concerns had also been addressed
- The design of Plots 1 to 5 should be praised and could be used as a template for future schemes. Plot 6 was a bit disappointing particularly the tower. It was important that future developments did not package less desirable plots with others to get them approved
- This was a deprived area. It was good to see this development. It would bring a good school to the area
- The scheme should be supported despite Plot 6. It was important that this situation should not be allowed to happen again
- The development should be supported. The school was needed and the Heritage Issues had been addressed.
- Whilst the inclusion of Plot 6 was disappointing, this was overall a big gain for the area and should be supported. Supporting such a scheme might encourage the Government to support similar types of schemes in future

The Committee thanked Lewis Cook for the enormous amount of work he had put into preparing the relevant information for this application.



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

RESOLVED (unanimously)

(1) that the application together with responses to the publicity and consultations, the committee report and members comments be referred to the Secretary of State for Communities and Local Government.

If the Secretary of State makes no comment within the 21 day period from receipt of notification, then planning permission is granted subject to Planning Agreement and the revocation of the existing hazardous substance consent, and a suite of conditions to be drafted by Officers.

(2) the Chair will report back to the Committee to confirm that a condition securing a Deed of Easement has been attached to any permission.

Action: Councillor Don Alexander/Lewis Cook

b. 18/06186/F - 90 West Street, St Phillips, Bristol BS2 0BW

Officers introduced the report and made the following comments:

- Details of the outline of the site were provided, together with changes since the application had last been considered
- There was an additional staircase on the ground floor and a slight reduction to the retail unit
- Officers were recommending approval subject to conditions listed in the report

In response to Councillors questions, officers made the following comments:

- Whilst the proposal from the Old Market Association was noted, Councillors were required to consider the application before them

Councillors made the following comments:

- The developer has listened to the Committee's concerns and adjusted it accordingly
- The developer should be thanked for the work he had put into improving the scheme
- The scheme should be supported. There was no difficulty with the height of the proposal
- The application was a great improvement
- The scheme should be supported. It was refreshing to see a developer who had listened to members concerns



Councillor Paul Goggin moved, seconded by Councillor Mike Davies and upon being put to the vote it was **RESOLVED (unanimously) – that the application be approved including the conditions listed in the report.**

9. Date of Next Meeting

Members noted that the next meeting was scheduled for 2pm on Wednesday 2nd September 2020.

Meeting ended at 3.40 pm

CHAIR _____

