

Bristol City Council
Minutes of the Development Control B Committee

16 September 2020 at 2.00 pm



Members Present:-

Councillors: Lesley Alexander, Nicola Bowden-Jones, Tom Brook (Chair), Mike Davies, Sultan Khan, Olly Mead, Jo Sergeant and Clive Stevens

Officers in Attendance:-

Gary Collins and Jeremy Livitt

1. Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence

Apologies for absence were received from Councillor Richard Eddy and (post-meeting) from Councillor Fi Hance.

3. Declarations of Interest

Councillor Clive Stevens declared a pecuniary interest as a result of being an author to a book concerning Local Democracy. He also declared an interest as a member since 2017 of the HMO SPD Working Group . However, neither of these interests precluded him from participating in and voting at the meeting since he was not predetermined on any issues.

Councillor Olly Mead stated that he had an interest in Planning Application Number 20/01595/F6 Filton Avenue & 2A Filton Grove as a Ward Councillor for Horfield in which the site was located. However, he was not predetermined on this matter.

Councillor Tom Brook stated that he had an interest in Planning Application Number 20/01595/F6 Filton Avenue & 2A Filton Grove as a Ward Councillor for the neighbouring Ward of Bishopston that was located very near the site. However, he was not predetermined on this matter.



4. Minutes of the previous meeting held on Wednesday 19th August 2020

The minutes were agreed as a correct record and signed by the Chair.

5. Appeals

Officers made the following comments concerning this report:

- There had been some backlogs in Planning Inspectorate decisions with some decisions having come through in the last few days and these were verbally updated:
- Items 13 and 14 – Planning Permission and Listed Building Consent – Clifton, 26 to 28 The Mall: Proposal to Create a Mansard Roof for a Single Bedroom Flat – This had been refused due to its impact on its status as a listed building. However, the Inspector felt that the impact on the Listed Building Consent was acceptable and allowed the appeal. Listed Building consent was also granted for that proposal
- Items 16 and 17 – General Hospital Site – Permission was granted some time ago for the development and conversion of the main site – Proposal was to add in 2 further residential properties. BCC refused this application under delegated powers. The Inspector agreed and felt that the proposal should be refused on the grounds put forward concerning harm to heritage assets and the resulting poor living conditions for both existing residents and the proposed occupiers of the units
- Items 38 and 39 – Application to Replace Existing Telecommunications Equipment on Knowle Water Tower on Talbot Road – Request for Planning Permission and Listed Building Consent – This was refused by the officer under delegated powers. The Inspector had to weigh up the public benefits of the enhanced telecommunications with the harm to heritage assets. The Inspector felt that the harm was not outweighed by the proposal and dismissed the appeal. Therefore, planning permission and listed building consent was refused.
 - Confirmation of these decisions would be set out in the report for the next Development Control B Committee meeting
- Various appeal decisions were listed from Item 58 onwards

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

- If costs were applied for by the appellant, officers would always report the outcome – whether costs were awarded or not awarded
- There is a fast track householder appeal process. These applications were always listed at the beginning of the report. Following these, Public Inquiries were listed, then informal hearings, and finally written representations. Planning Inspectors always carried out a Site Visit before making a decision.
- The vast majority of appeals were dealt with through written representations with a tight timescale. The appellants were required to submit evidence under strict absolute deadlines
- The Planning Inspectorate programmed in this work. Whilst sometimes this was turned around quickly, on other occasions it was not
- Regular updates were provided on decisions. However, some were several months old.



- In the case of written representations, the Inspectors always visited the site. They were often from another part of the country so that they are free from any conflicts of interest and are neutral. They were usually only accompanied to the site to provide access to it and to take photos prior to making their decision
- Appellants often suggested which route they wished to take – public Inquiry, informal hearing or written representations

Officers stated that they would investigate the reason for the dismissal of Item Number 66 and e-mail Councillor Clive Stevens to advise him accordingly. **Action: Gary Collins**

6. Enforcement

There were no enforcement items reported to this meeting.

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 set out below:

9. Planning Application Number 20/00433/F - The Hawthorns, Woodland Road

Officers confirmed that this report had been withdrawn from the agenda by the Director – Development of Place and apologised that this had been necessary.

The Committee were advised that:

- Since the Committee report had been published, there had been further representations from stakeholders questioning whether the proposed transport mitigation was adequate to deal with the impacts of the development
- Following this, there had been some internal discussions and it was felt that the proposed mitigation package should be re-examined and should provide the Committee and interested parties as to how the works would integrate with the emergency active travel fund and plans for the clean air zone
- Therefore, the report would now be considered at the next meeting on Wednesday 14th October 2020



Some Committee Members expressed concern at the very late withdrawal of this item and made the following comments:

- It could be perceived as giving the impression that the planning process had been interfered with
- This gave a bad impression to members of the public some of whom may have taken time off work to attend in order to speak to the Committee for this item
- It was important that this should be avoided for future applications

Officers agreed with the sentiment of Committee members and confirmed that this had been a very difficult decision in this instance. He apologised to Councillors and Stakeholders for this decision.

10 Planning Application Number 20/01595/F - 56 Filton Avenue and 2A Filton Grove

Officers introduced this report and made the following comments:

- This site was currently occupied by two buildings
- The application was for the demolition of the existing site and to construct a 3 storey building with dual frontage on both Filton Ave and Filton Grove with 6 HMOs.
- Existing approval existed for 9 flats on the site and was for 3 storeys similar to the current application
- The application was for a more modern approach and materials. It was noted that each floor would feature 2 HMO's
- There had been 30 comments received across 2 consultations
- The application had been referred to committee by Councillor Clair Hiscott
- There was only 5% of housing stock currently registered for HMO's within 100m of the application site. If this application was approved, it would increase to 9.63%
- At the moment, officers were reliant on the data collected through mandatory HMO licensing and historic planning applications in making their recommendation. This would not account for small HMOs or other shared/subdivided homes.
- The proposed height of 3 storeys was acceptable from the junction. The impact from over shadowing was similar to the existing site
- This proposed development would be purpose built and separate from adjoining properties
- There was unlikely to be a negative impact in terms of possible sandwiching of properties as 4 Filton Grove was not a HMO but had been separated into a ground floor and first floor flat and therefore wouldn't constitute a sandwiching effect.
- There were sufficient on-street parking spaces to meet demand
- Cycle and refuse arrangements would meet the required standards

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

- The survey of parking spaces had used BCC's Parking Survey Methodology and took place over two dates in February 2019 between 10pm and 11pm.



- Noise complaints had to be persistent to be formally categorised in the assessment of this development.
Individual complaints would not be recorded.
- Whilst under the previous regimes, HMO licences would not need planning permission. However, following the extension of Article 4, they would need to be apply for planning.
- The number of HMOs was checked against the Bristol City Council register. It was noted by Cllr Brook that the additional licencing (i.e. the need to licence small HMOs) included Bishopston but not Horfield.
- The data was taken from 27th July 2020 and so did not account for changes from August. It was acknowledged that Development Control A Committee had noted that there had been a 5% increase in HMO's in August 2020 for another area of Bristol.
- Officers could build a condition into planning approval requiring that the telephone number of the landlord or his agent is provided to manage any complaints relating to noise or the inappropriate use of the refuse and recycling store.
- All bedrooms are a single bedspace.
- Whilst it was acknowledged that all houses in this area were not particularly large and identification of HMO's was therefore harder, further HMO's for future applications would be assessed as to whether or not they provided a tipping point
- Article 4 removed development rights for conversion to small HMOs and therefore all future development would require planning permission. A change of use from a dwelling house to a small HMO would normally be a permitted development. However, this had now been removed. Therefore, in Horfield or elsewhere in the Article 4 Areas, planning permission will be required for small or large HMO's.
- Whilst there may be a increase in planning applications in the future, this can continue to be controlled through the planning process
- The role of licensing of HMO's was an important one. Therefore, the 10% limit should be treated with care and used as a tool for assessing over concentration. The wider evidence of harm was important – for example, problems with parking, noise, waste storage would be planning considerations. Whilst the 9.5% limit was approaching the 10% limit, the scheme didn't result in any unacceptable impacts as listed in Policy DM2. This could continue to be managed as no further HMO's could be approved without individual planning permission
- There is a landscaping scheme for the development and its implementation is secured via condition.

Committee Members made the following comments:

- There were currently a large number of HMO's in this area. With the requirement that there is a condition to provide a contact number for any complaints, this application should be supported
- Not all HMO's in the area were known and there had been a significant change in the area over the last 6.5 years
- A refusal of this application might be difficult to defend on appeal and so may have to be supported
- An application recently submitted to DC A Committee had been turned down on the grounds that it would create a harmful concentration of HMO's. The data was a bit out of date. There was a potential "sandwich" at 1 Filton Grove. A lot of Horfield HMO's don't need licensing and so the numbers were likely to be higher than indicated by the data. Environmental Health did not allow one off complaints but there was evidence of disturbance from other HMO's from Councillors and residents. Therefore, the Committee should vote against this proposal



- Since this is a effectively like a Student’s hall of residence, it was not a bad quality of home. Whilst it was a large development, this was allowed by the plot size. Whilst parking could be difficult, most residents were likely to be students who may not all have cars and who may travel to the University of the West of England but live and socialise in Bristol

Councillor Tom Brook moved, seconded by Councillor Jo Sergeant and upon being put to the vote, it was

RESOLVED: (4 For, 4 Against, the Chair exercising his casting vote For) – that the application be approved.

The Chair explained the reasons for his casting vote in favour of the application:

The Design was acceptable and the situation in terms of the number of HMO’s was also acceptable with the data currently available. Although he had concerns over parking, on balance he felt that the proposed development was acceptable.

11 Date of Next Meeting

It was noted that the next meeting was scheduled to be held at 6pm on Wednesday 14th October 2020 as a remote zoom meeting.

Meeting ended at 3.25 pm

CHAIR _____

