

Bristol City Council
Minutes of the Development Control B
Committee
27 April 2016 at 6pm.



Members Present:-

Councillors Breckels, Denyer, Eddy, Fodor, Hickman, Leaman, Means, Morgan, Payne, Quartley, Windows

Officers in Attendance:-

Officer – Gary Collins, Development Management Services Manager, Allison Taylor, Democratic Services

8. Welcome, Introductions and Safety Information.

These were made.

9. Apologies for Absence

Apologies received from Councillor Mead.

10. Declarations of Interest

Councillor Denyer stated that she had submitted an objection in relation to application no. 15/06287/F – 10, Oakfield Place - and would therefore not participate when the Committee considered that application.

11. Minutes of 16 March 2016.

Councillor Fodor stated that he had declared that he was a patient at the Doctor's Surgery in relation to application 15/06068/F but that he was open minded.

Resolved – that the Minutes of the Development Control B Committee held on 16 March 2016 be confirmed, subject to the amendment above, as a correct record and signed by the Chair.

12. Appeals (agenda item no. 4)

The representative of the Service Director (Planning) referred to item 31 on Page 5 of the Appeals paper. This had been a delegated decision and permission had been refused in accordance with policy. On appeal, the Inspector took an unreasonably harsh view by awarding costs in relation to the undue



weight given to the technical note regarding sustainability when developing in proximity to public transport.

13. Enforcement. (Agenda item no. 5)

This was noted.

12. Public Forum. (Agenda item no. 6)

Statements were heard before the respective application and taken into consideration by the Committee when reaching a decision. Copies of the public forum submissions can be found in the Minute Book.

14. Planning and Development. (Agenda item no.7)

The Chair informed the Committee that there was a change of order from that set out on the agenda. Items 2 and 3 would be reversed.

16/00537/F - Coombe Dingle Sports Complex, Coombe Lane.

An Amendment Sheet was provided to the Committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- The application was made by the University of Bristol to upgrade current facilities and to provide a new changing room block and shower facilities;
- There would be replacement floodlighting to the existing artificial pitch and resurfacing of the hockey pitches, replacement fencing and floodlighting columns;
- The application had been assessed by technical officers and was recommended for approval subject to conditions;
- The Highways officer had recommended a travel plan, transport survey and redesigning of the access. The test for these requirements was intensified use of the site and this application was for upgrading of existing facilities and did not therefore meet the test and was not therefore recommended as conditions;
- The proposal included 20 additional cycle spaces as part of the proposed changing block;
- In relation to amenity, it was considered there was no significant increase in noise beyond the existing situation. In fact, the acoustic reports that there would be a reduction in noise due to the soft covers. The light levels met the requirements of the Institute of Lighting Professionals and the 10pm curfew would continue. In terms of visual amenity, a condition requiring greater detailed drawings for Pitch Enclosure C.

The following comments were made by the Committee:-

- A potential condition was to test the lighting prior to the first operation;



- The 10pm curfew for the lights to be turned off was a planning condition and would be a breach if not complied with;
- There was no proposal to restrict usage of the site, including during holiday periods. There were a number of clubs who used the facilities;
- Councillor Breckels believed that it was important to strike a balance between the needs of residents and the University and understood that on occasion the lights might not be turned off on time. He therefore proposed that a condition for a timer on the lights to ensure they were turned off promptly at 10pm be imposed. The representative of the Service Director (Planning) advised that a timer was not necessary as enforcement powers could be used should complaints be received. Such a condition was possible but was not an officer recommendation ;
- It was noted that the flood risk team had assessed the application and had no objection. The artificial pitches were as permeable as grass and there was therefore no flood risk;
- Councillor Eddy was content that a timer was not required. He suggested an advice note recommending a meeting with residents and University management in order to review the operations impact on residents. The representative of the Service Director (Planning) advised that this was possible, adding that the university had already made efforts to engage with residents. Indeed, the Neighbourhood Planning Network were satisfied that a good process had been carried out;
- Councillor Denyer asked why the colour from the floodlights had not been assessed and was informed that assessments were measured against ILP guidelines which did not include colour. She also enquired whether the pitch would be sand dressed or rubber crumb dressed and referenced the health issues alleged to be associated with rubber crumb dressing and was informed that the pitch would be sand dressed and that no proven links had been established with respect to the impacts of rubber crumb dressing on health;
- It was noted that the nearest residence to the floodlighting was 33m away and this was within the ILP guidelines for rural areas;
- Councillor Morgan expected usage to increase as a result of upgraded facilities and therefore believed that the Parking Management Plan and the 20 additional cycle stands should be conditioned as set out in the Amendment Sheet. The representative of the Service Director (Planning) replied that this could be imposed if the Committee were so minded. He added that the application was not considered to be a material change of use as a whole so a Travel Plan had not been considered justified. General approval from the Committee for a Travel Plan was expressed.

In conclusion, it was moved by Councillor Eddy, seconded by Councillor Breckels and on being put to the vote, it was:-

Resolved: (unanimously) that planning permission be granted subject to conditions in the report and in addition the following conditions:-

- 1. timers that automatically cut off the lights at 10pm;**
- 2. post-implementation testing ;**
- 3. 20 additional cycling stands;**
- 4. a Parking Management Plan;**
- 5. A Travel Plan;**



And an advice note encouraging ongoing dialogue between the University and residents.

15/06287/F – 10, Oakfield Place.

Councillor Denyer, who had declared an interest in this item, moved to the public gallery and did not participate.

An Amendment Sheet was provided to the Committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- This was a retrospective application for a change of use of a single dwelling to a House of Multiple Occupancy (HMO);
- It has had an HMO Licence from the Housing Office since January 2016;
- There had been 31 objections themed around amenity, parking pressure and too many HMO's;
- Neither the Police, Pollution Control or the University had received any complaints regarding this HMO;
- There was 29% HMO's and 35% flats in Oakfield Place but this was in a location close to the University, shops, services and bus routes;
- On assessment, it was not considered that it had a detrimental effect on the overall mix on the street;
- It was noted that the room size was not a consideration for this Committee. The Housing Office had assessed this and considered it acceptable for an HMO;
- The representative of the Service Director (Planning) reported that there was no such thing as a legal precedent in planning. There were similar proposals one could have reference to and it was up to the decision maker to give them appropriate weight. The case referred to in the Public Forum Statement was not particularly relevant to this decision;
- It was noted that appeals on HMO's had not been very successful in the past as the argument regarding a tipping point for HMO's had been lost;
- Councillor Payne believed that the area was close to saturation point for HMO's but this was no reason to refuse it;
- Councillor Leaman understood the concerns of residents but agreed with officers conclusions that there was no reason to refuse this application;
- Councillor Eddy noted that in the past he had argued against HMO's but in this case there was no evidence for this. There had been no damage or complaints reported. He therefore supported the application as it regularised the use;
- Councillor Breckels felt there was no alternative but to support as it was already licenced as an HMO and was informed that no weight could be given to it being licenced as that was a separate regime;
- Councillor Morgan, on hearing the officer response regarding legal precedent, supported the officer recommendation to approve.

In conclusion, it was moved by Councillor Eddy, seconded by Councillor Payne, and on being put to the vote it was:-



Resolved: (7 for, 3 against) that planning permission be granted subject to conditions.

Councillor Denyer re-joined the Committee.

15/04997/X – Imperial Park, Wills Way.

An Amendment Sheet was provided to the Committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director (Planning) provided a presentation of the application and made the following key points:-

- This application had been deferred at the last meeting as the applicants had submitted a legal response which officers needed sufficient time to consider in consultation with legal colleagues;
- The application sought to vary a condition regarding the range of goods that could be sold from Unit 2C so that Hobbycraft could occupy the building. Officers sought independent retail planning advice that raised significant concerns that the proposals did not pass the sequential test;
- the Chair noted that the applicant had been directed to an in town site but their business model was based on out of town sites. The Service Director (Planning) confirmed this adding that they also required a minimum of a 10 year lease which was why they would not consider the Broadwalk site. In addition, the site was 20% larger than required, it was considered to be in a more 'discounted' location and the units were not visible from the road or with a car park;
- Hobbycraft had offered a personal permission which would limit the first occupation of the unit to Hobbycraft only. The Neighbourhood Planning Group advised strongly against this;
- the Council's legal advice concurred with the applicant's Counsel advice adding that refusal would likely result in costs at appeal and that more weight should be given to the business requirements of Hobbycraft. Officers therefore now recommended grant;
- Councillor Breckels stated that the application would create jobs and therefore supported it;
- Councillor Eddy agreed stating that this would bring prosperity to the area. His only regret was that it was not dealt with through delegated powers.

In conclusion, it was moved by Councillor Breckels, seconded by Councillor Eddy, and on being put to the vote, it was :-

Resolved: (Unanimous) that planning permission be granted subject to conditions.

The meeting finished at 7.45pm

CHAIR _____

