

Bristol City Council
Minutes of the Development Control B Committee

13 October 2021 at 6.00 pm



Members Present:-

Councillors: Ani Stafford-Townsend (Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Tony Dyer, Richard Eddy (substitute for Chris Windows) and Katja Hornchen

Officers in Attendance:-

Gary Collins, Matthew Cockburn, Jeremy Livitt

49 Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting and explained the arrangements in the event of an emergency evacuation procedure.

Councillor Katja Hornchen was welcomed as a new Committee member and replacing Councillor Zoe Goodman.

50 Apologies for Absence

Apologies for absence were received from Councillor Chris Windows (Richard Eddy substituting).

51 Declarations of Interest

There were no Declarations of Interest.

52 Minutes of the previous meeting held on Wednesday 1st September 2021

RESOLVED – that the minutes of the meeting be approved as a correct record and signed by the Chair, with the addition of the following sentence to the comments made by Committee Members under the Minute relating to Agenda Item 8(c):



“A Committee member made the point that, in their opinion, if Councillors had been advised before the last meeting of the additional information provided by officers concerning the potential flooding implications of the proposed development, it would have been possible to support this application without the need for a deferral”.

53 Appeals

The Committee noted that the hearing date for the appeal in respect of Item 9 (1 Milsom Street, Bristol BS5 0SS) had now been fixed for 18th January 2022.

54 Enforcement

The Committee noted that, whilst no enforcement notices had been issued recently, there continued to be activity in this area and it was likely that some would be served shortly.

55 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.

56 Planning and Development

The Committee considered the following Planning Applications:

a Planning Application Number 20/00542/P - Land At Home Gardens

Officers introduced this report and made the following presentation to Committee:

- This item had been brought back to committee following a deferral at the last meeting
- Since the last meeting, the applicant had produced an access statement confirming access to the site and was shown in green on the site. This had confirmed that a supplementary agreement had been signed in August 2019 between the applicant and Pegasus Life confirming the right of access
- Details of the site were shown to the Committee



- Planning Officers were satisfied that a Construction Management Plan would be sufficient to address concerns about construction at the site
- An analysis of the parking at the site had indicated that the development was acceptable. There was also an excellent bus route and nearby shops
- Officers had undertaken a further round of consultation from which they had obtained a further 14 objections. Officers were satisfied that all required arrangements had been fully met
- No objections had been received from Transport Development Management
- The access route would be via the existing arrangements via the car park
- Since the application was for 60 new units with 20% affordable housing and on a brownfield site, officers believed it was acceptable on amenity, access and heritage grounds. They did not believe that they would be able to defend the existing application on appeal if it were refused by the Committee

The Chair requested that Councillor Hathway's objection to the application as indicated by his Public Forum Statement be recorded in the minutes.

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

- There was no technical reason to oppose the application on the grounds of existing access to the highway. It had also been confirmed that there were established access rights on the land. Any refusal would have a slim chance of being defended at appeal
- Officers had provided the information required demonstrating the application boundary and the other land that Harper House had control over
- Officers' general assessment was that the application was an appropriate scale and that the distance between the properties and the development was sufficient. Whilst a distance of 18.5 metres was not ideal, there were quite frequently distances close to this (14/15 metres)
- The area of car park to the rear of the development was all flat and existing garages run closer than the proposed development. There were existing property boundaries on the site and the development would not impact on these
- Since this was an outline application, the landscaping details were not fixed and might be altered at a future date
- The affordable housing practice note linked to any approved development would require that the site is developed quickly
- An assessment of the site had indicated that waste would be transferred through the rear entrance of the site via the car park. This type of arrangement was typical of what you would expect for this type of development
- Whilst the issue of the impact of the access arrangements on the amenity on the site was an issue that the Committee could take into consideration, there had been no objection from the Transport Team and therefore any objection on these grounds was unlikely to be successful at appeal

Committee members then made the following comments:



- It was disappointing that the developer had not used the deferral to look at some of the concerns previously raised by the Committee such as the access route through the car park. The area during which the construction would happen was too small to properly accommodate all the necessary machinery, such as a lorry and cranes
- The need for housing on the site was clear and the provision of affordable housing was laudable. The Committee had been pressing officers to increase the density of inner city housing as evidenced by the recent motion at Full Council to prioritise more brownfield sites. Since the application seemed compliant with all the required policies and would be difficult to defend on appeal, it should be supported albeit with a heavy heart. However, it would require a robust Construction Management Plan which would need to be thoroughly checked
- The lack of communication between the developer and Pegasus Life for this application was a key concern. Whilst there were no transport issues, the density level and impact on neighbours remained a concern. However, it was a brownfield site which was required and therefore on balance should be supported
- The density of housing was too high for this location. It was frustrating that Carlton House had not become involved in the process even though they could have helped solve the problem. In addition, the access was very tight. The Construction Management Plan would also require careful examination

The Committee gave a strong steer to officers to encourage a greater level of co-operation between residents and the developer.

It was moved by Councillor Richard Eddy, seconded by Councillor Lesley Alexander and upon being put to the vote, it was

LOST (3 for , 4 against) – that the application be approved subject to the inclusion of a robust Construction Management Plan to be agreed by the Chair on behalf of the Committee.

It was then moved by Councillor Fabian Breckels, seconded by Councillor Tony Dyer and upon being put to the vote, it was then

RESOLVED (4 for, 3 against) – that the application be refused on the following grounds – the overbearing nature of the development with resulting harmful impacts on neighbouring properties, and loss of amenity due to the unacceptable impact on residents caused by the proposed access arrangements particularly during the construction phase.

b Planning Application Number 21/00816/F - Land At Broad Plain House Lads Club, Broadbury Road

Officers presented this report and made the following presentation to the Committee:

- Details of the application were outlined. Including the adjoining social club. An aerial view of the site and a cross section of the site was also provided
- There had been 96 objections referring to the loss of the green space playing field and the ecological impact
- The units reflected the height of the Police Station and were not deemed unacceptable
- Whilst the vacant community building had been demolished, there was no provision for the retention of this in the Local Plan allocation



- Whilst there was an overall biodiversity net loss for the site, this was deemed acceptable on balance. The requirement for Biodiversity Net Gain would not be legally enforceable until it had been approved by Parliament and would not apply until 2023
- If the development was approved, it would require completion of a Planning Agreement, securing a minimum of 30% affordable housing and a Traffic Regulation Order

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

- There had been a statement of community involvement and pre-application consultation similar to other sites across the city
- Parking is central to proposed access. The site is constrained due to vehicular access
- Whilst the developer had indicated that there would be 100% affordable housing, the policy indicated a 30% ceiling that could be enforced which would allow the developer to apply for grant funding through a separate process
- Until 2023, the requirement for biodiversity net gain does not come into force. All developments would need to be assessed according to the existing Local Plan policies until then
- A drainage plan would be required prior to signing off but there was no significant detail on this yet as it was not required at this stage
- The nearest alternative green space was at Leinster Road and was approximately 5 minutes walk from the application site
- There was an allocation for this site to be developed and this formed part of a wider strategy for the area. There were also similar facilities nearby and within walking distance
- The development had an zeroCIL rating as it was likely the developer could claim CIL relief due to the affordable housing

Councillors made the following comments:

- The loss of facilities on site was a cause for concern, as well as drainage and ecology even if the application was policy compliant. There seemed to have been a failure of the developer to engage
- The inclusion of private gardens as opposed to a communal area was a concern as it did not guarantee that these could be paved over in the future and green space would be lost
- Whilst the objections and concerns were appreciated, this development should be welcomed since it would be providing 47 affordable houses and was policy compliant. The loss of the playing field had been adequately explained by officers and seemed an acceptable loss. Also, since not far away there are proposals for development on the Western Slopes, and it was important to provide affordable housing on a nearby site
- As the Western Slopes site was now proposed for development, it was even more important to be cautious about other developments leading to loss of green space nearby
- Whilst social housing was required, the housing was a very old fashioned design which did not promote biodiversity. A higher quality space was needed from this development
- The design and arrangements for drainage were a cause for concern. In addition, greater engagement with the community was required to consider a replacement for the community facility that was being lost
- The design of the development was in line with the pattern of the area. Whilst the concerns of the residents were noted, this application should be supported
- It was noted that the development had to be determined on its merits. However, it was a concern that the developers had not attended to explain their proposals in more detail through a Public



Forum Statement and that there was no biodiversity net gain

- The application could be conditioned as required and was fully compliant with policy. It should therefore be supported
- Whilst the need for more social housing was strongly acknowledged, it needed to be based on a good development

It was moved by Councillor Richard Eddy, seconded by Councillor Lesley Alexander and upon being put to the vote, it was

RESOLVED (3 for, 2 against, 2 abstentions) – that the application be approved subject to delegation to (1) Completion of Planning agreement to secure the following:

(i) Affordable housing (30%)

(ii) Payment of the sum of for the implementation of relevant Traffic Regulation Orders

(2) Completion of relevant planning conditions to cover phasing, design, climate change, highway works, ecology, landscaping, trees and other conditions reasonable and necessary to make the scheme acceptable.

c Planning Application Number 21/03337/F - 46 Ridingleaze

Officers introduced this report and made the following presentation to the Committee:

- One additional objection had been received after the dispatch of papers concerning the impact of the competition on existing takeaways
- The William Hill Book makers does not benefit from permitted development rights for change of use
- The development would include a takeaway with small internal customer area to the front
- There was no specific policy requiring a specific number of takeaways in a particular area. However, the Lawrence Weston Plan indicated that changes of use to takeaways should be resisted based on there being five takeaways in the local centre. Officers views were that there were currently three. The policy referred specifically to takeaways and therefore, it did not include any café or a shop that may offer a takeaway service.
- Officers did not believe that the application should be refused on the grounds of an overabundance of takeaways
- Youth facilities were marked on a plan for the area, including two schools and a playground
- There were no objections from the Police. Although pollution control had some concerns about noise pollution, a condition was agreed to overcome these
- There were 19 retail units in the local centre, three of whom were lawfully in hot food takeaway use and all of which were currently occupied and operating
- Greggs did not fall into the specific use class of a takeaway and in accordance with previous case law was listed as for general retail use. It was closer to the class of outlet listed for sandwich provision
- Details of the two cafes were provided – one called Smilers Café and the other was a community café

In response to Councillors' questions, officers made the following points:

- Public Health concerns were a material planning issue, particularly in relation to youth facilities.



- The odour impact for nearby residents had been deemed acceptable. There were similar extractor fans at the rear of other units in the area. Whilst the units were limited in the way that the extractor units could be installed, pollution control had confirmed that they were acceptable
- A similar takeaway close to the application site had now changed to a different retail use and had not been a takeaway since mid 2010s. Under existing planning rules, this unit would not benefit from permitted development rights to return to takeaway use
- Since there was only one vacant property, if the application was refused, there could potentially be another application in future and there was no guarantee that it would remain in commercial use
- It was acknowledged that there was no requirement for CCTV to be provided elsewhere in the area in relation to this application, although the Police were active in the area, and separately advising of shop owners

Councillors made the following comments:

- Unless CCTV was provided for the entire area, any issues related to litter might simply move nearby
- There were a lot of concerns about this application related to litter, odour and the impact on obesity
- Opening hours can be controlled either under Licensing Regulations or under planning applications, and the committee could request a condition to limit opening hours if it related to a planning issue.
- There was a problem with an overconcentration of takeaways in the area and it was near to two schools which would have an impact on obesity levels. In addition, the application did not take into account the Lawrence Weston Neighbourhood Plan. Therefore, it should be opposed
- The application should be opposed as it is against the spirit of the Lawrence Weston Neighbourhood Plan

Councillor Tony Dyer moved that the Committee vote on the officers' recommendation in the report. This was not seconded.

It was then moved by Councillor Richard Eddy, seconded by Councillor Fabian Breckels and upon being put to the vote, it was

RESOLVED (unanimously) – that the application be refused on the grounds of the following:

- **The overconcentration of takeaways that it would create**
- **The impact on Public Health**
- **Litter**
- **It is contrary to the Lawrence Weston Neighbourhood Plan**

59 Date of Next Meeting

It was noted that the next meeting was scheduled to be held at 2pm on Wednesday 24th November 2021 in the Council Chamber, City Hall, College Green, Bristol.

Meeting ended at 8.55 pm

CHAIR _____

