

**Bristol City Council**  
**Minutes of the Development Control B Committee**  
**Meeting**  
**18<sup>th</sup> May 2022 at 2.00 pm**



**Members Present:**

**Councillors:** Ani Stafford-Townsend (Chair), Lesley Alexander, Fabian Breckels, Andrew Brown, Lorraine Francis (for Paula O'Rourke), Katja Hornchen, Philippa Hulme (for Amirah Cole), Guy Poultney and Chris Windows

**Officers in Attendance:**

Gary Collins (Service Manager, Development Management) and Norman Cornthwaite (Democratic Services)

**1 Welcome, Introduction and Safety Information**

The Chair welcomed everyone to the meeting and issued the safety information.

**2 Apologies for Absence**

Apologies were received from Cllrs Amirah Cole (substitute Philippa Hulme) and Paula O'Rourke (substitute Lorraine Francis).

**3 Declarations of Interest**

The following were received and noted:

Councillor Hulme - Former St John Ambulance Site. She is a Member for Horfield Ward and will be making a Public Forum Statement on behalf of the residents. She would not take part in the item.

Councillor Brown - 122 Bath Road. He previously lived in Totterdown and is still technically a member of TRESA who have submitted a Public Forum Statement. He considered that he could still take part in the item as he hadn't pre-determined the application.



#### **4 Minutes of the previous meeting**

**Resolved – that the Minutes of 6<sup>th</sup> April 2022 be agreed as a correct record and signed by the Chair.**

#### **5 Action Sheet**

The Service Manager, Development Management reported on the actions had taken arising from the last Meeting.

#### **6 Appeals**

The Service Manager, Development Management introduced the report. He drew Members attention to the following items:

Item 12 – Appeal against the refusal of The Windmill Public House was taking place. (The decision relating to the Appeal was communicated to Members shortly after the Meeting.)

Item 32 – Silverthorne Lane. Although granted by D C A, the Environment Agency raised objections relating to flooding resulting in the Secretary of State calling in the decision. The development was (eventually) granted permission.

#### **7 Enforcement**

The Service Manager, Development Management introduced the report.

#### **8 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.

#### **9 Planning and Development**

The Committee considered the following applications.



## 1 21/05971/F - 18 Talbot Road BS4 2NN

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(It was noted that only the Members who had attended the site visit could participate in this item. These were Cllrs Alexander, Breckels, Brown, Hornchen and Stafford-Townsend.)

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

The application is an amendment to planning permission 18/03168/F (which consented the demolition of garages and construction of a two-storey dwelling with parking, bikes spaces and refuse storage); with variation to condition 14 and deletion of conditions 2 and 3 (proposed new design for the front wall and gate) and amended design of dwelling (amended 21.3.22 by clarifying that the application does not include the wall and nib constructed on the eastern side of the site).

The following answers were provided to questions:

- The dispute over the wall is not part of this application and cannot be resolved by the Planning Authority as it is a civil matter between two landowners
- The Planning Enforcement issue has been resolved as the wall is now less than 2m high and is therefore classed as “permitted development”

Debate

- There was support for the recommendation
- It was noted that this is retrospective permission

The recommendation to Grant subject to Conditions was moved by Cllr Breckels and seconded by Cllr Stafford-Townsend, and it was

**Resolved – (Voting 5 for (Cllrs Alexander, Breckels, Brown, Hornchen and Stafford-Townsend), 0 against) that the application be Granted subject to Conditions.**

(Cllrs Francis and Windows joined the Meeting.)

## 11 21/05369/F - St John Ambulance Tilling Road BS10 5AQ

Cllr Hulme did not participate in this item.

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

The application is for the redevelopment of site to provide 6 no. residential dwellings (Use Class C3) with car and cycle parking, refuse and recycling storage, and hard and soft landscaping (resubmission of 21/02085/F).



The following answers were provided to questions:

- The development has been moved away from No. 2A and reduced in height, and there should not be any overshadowing and there would not be any direct blocking of the outlook; there is not a daylight and shadowing report but a test has been applied which shows how much impact a building would cause in terms of light and shadowing
- The requirement for further information relating to EV charging can be conditioned
- Pedestrian visibility splays will be provided by way of a condition
- The piece of land that children use as a play area has not been in use for a number of years, it is not public land and is not protected by a designation; it may be possible to raise the level of biodiversity by requesting further information on the proposed soft landscaping.
- Replacement trees are to be aged; it may not be possible to re-use the trees there at present; the size of the trees to be planted as replacements in this development is specified
- There is a standard for the maximum number of car parking spaces that can be provided to try to discourage the use of cars; one off road parking space is to be provided per dwelling
- There is a requirement to keep part of the street clear of parking and an Advice Note can be added relating to any future Residents Parking Zone
- Further details to be provided concerning the landscaping scheme
- The site is not designated for community use although it had been in community use until 2016; the site has been locked and vacant since then; there is not a shortfall of community facilities in the area; a list of amenities for community uses was provided; the change of use to residential has been accepted
- There has to be a balance between the impact on local amenity and the need for housing; the parking standards also have to be applied to the scheme; the development meets the requirements of the Local Plan

Debate

- The layout of the report is very good
- Happy with the development; would like to see conditions relating to commuter parking and ecology
- Appalled at application on this site due to the parking problems in the area caused by the lack of parking for hospital staff and visitors; most patients travel to and from the hospital by car and this development will add the already congested parking in the area; it is not possible to justify approving this application to local residents, hospital staff or visitors to the hospital

The recommendation to Grant subject to Conditions was moved by Cllr Stafford-Townsend and seconded by Cllr Brown, and it was

**Resolved – (Voting 5 for (Cllrs Breckels, Brown, Hornchen, Poultney and Stafford-Townsend), 2 against (Cllrs Alexander and Windows), 1 abstention (Cllr Francis)) that the application be Granted subject to Conditions.**



### **12 21/05859/FB - Former Greville Elderly Persons Home Lacey Road BS14 8LN**

It was noted that this item had been removed from the Agenda and would be considered at a future Meeting of the Committee.

### **13 21/04096/F - 122 Bath Road Totterdown BS4 3ED**

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

The application is for the redevelopment of the former car wash site to provide 31 self-contained residential flats, with associated car and cycle parking, landscaping and access (major) (Revised Scheme).

The following answers were provided to questions:

- Access to the car park will be from the rear and it will be gated; the access is an adopted road and one of the conditions require it to be upgraded
- There has been good engagement with The Thunderbolt who support the development and the noise assessments have met the agents of change requirements relating to the new development; both parties are happy; full details of the sound insulation is required from the developer
- Decontamination of the site is required as it used to be a fuel filling station
- The diagram on page 110 shows the houses on Hillside Street behind the site and show the daylight
- The size of the affordable housing units will be negotiated to ascertain what is appropriate in this location
- There are other similarly designed developments around the City including a BCC site in Henbury which won a civic award
- A Construction Management Plan would be required to try to minimise the impact on nearby residents, highways and traffic
- There will be 62 cycle places which is compliant with the adopted policy
- There will be 2 EV charging points with the provision to install more at a later date
- Cycle access can be from the front or rear of the building
- Energy will be circulated to all of the units with each unit having control over the heating temperature (details were provided by the applicant but were not included in the report); there will be no solar panels on the roof
- A suitable policy compliant condition requiring solar panels on the roof could be added; any problems with the addition of such a condition will be reported back to the Party Spokespersons
- The noise assessment that was undertaken was when a live event was taking place at The Thunderbolt, this informed the specification to ensure that the residents of the development are provided with an appropriate internal noise environment
- A condition to “future proof” the development in relation to noise levels generated from Thunderbolt by way of agent of change could be added; this was agreed



## Debate

- Concerns about the height of the proposed development and about the implications for traffic in relation to accessing the site impacting on existing residents and those who will occupy the new development
- Design has been improved; The Thunderbolt are happy with the proposal; conditions relating to agent of change and solar panels to be added
- Landscaping details will be provided by the developer

The recommendation to Grant subject to Conditions including the addition of Conditions relating to agent of change (requiring a deed of easement) and solar panels was moved by Cllr Breckels and seconded by Cllr Brown, and it was

**Resolved – (Voting 9 for (Cllrs Alexander, Breckels, Brown, Francis, Hulme, Hornchen, Poultney, Stafford-Townsend and Windows), 0 against) that the application be Granted subject to Conditions including the addition of appropriate Conditions relating to Agent of Change and Solar Panels.**

### **14 21/05341/F - 21 Oak Road BS7 8RY**

The Case Officer introduced the report, summarised it for everyone and gave a presentation.

The application is for a change of use from residential dwelling house (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 residents (Use Class C4), with associated cycle and refuse/recycling storage.

The following answers were provided to questions:

- There is a National Mandatory Licence system used throughout the country; BCC also regulates further with local requirements in certain wards in the City; this means that a greater number of HMOs are regulated which results in more applications for licences; this in turn has resulted in more information on HMOs allowing more informed decisions on applications such as this one
- HMOs going through the licensing process cannot be included as designated HMOs, however once they have a licence and require planning permission they can be taken into account in calculating the number of HMOs in a given area; each application is judged on its merits and in relation to the number already in the area as well as the “sandwiching issue”
- The HMO concentration calculation is specified in the SPD based on the number of confirmed HMOs within 100 metres
- The boiler is on the ground floor; there may be an error on the plan concerning the screen on the first floor
- When a licence is applied for by an HMO it is assessed to make sure that it complies with all the regulations; the concentration test is carried out at the planning application stage; not all HMOs have a licence and planning permission



- If the number of people living in an HMO is exceeded, it is a breach of the planning regulations, more than 6 people takes the property into a different use class
- The number of Licensed HMOs is not known, however Housing has dealt with a large number of licence applications in recent years meaning that an increased number of HMOs are licensed
- A lot of complaints relating to planning enforcement were received in 2020 and 2021 concerning HMOs and the Enforcement Team is working its way through the complaints
- The location of a lot of the HMOs are now known as a result of the increasing number being licensed; the backlog of enforcement complaints is being worked through as quickly as is possible; the Article 4 Directions and SPD are very useful tools; before Article 4 this would have been permitted development
- There is a need for 2 person HMOs and this application is for up to 6 people suggesting that 1 of the bedrooms is to accommodate 2 people; the application was originally for 8 people which was reduced to 6 by negotiation
- The issue of licensing all HMOs is a matter for Housing
- A cycle park for 8 bikes is proposed at the rear of the property
- If refused and the decision was appealed, the chances of the BCC decision being upheld are quite slim as there is a clearly defined process for assessing the number of HMOs in the area
- There are no reports of unlicensed HMOs in the area; none of the work the Enforcement Team are doing relates to this area

## Debate

- There were 275 objections to the scheme along with claims of unlicensed HMOs; BCC does not have the data to enforce its HMO Policy; enforcement action has not been taken in relation to HMOs without planning permission; there are more and more HMOs which reduce the amenity for the residents of the area; it is reducing the number of family homes in the City adding to the housing crisis; some of the information in the report does not seem accurate
- Concerns about more HMOs; there were claims in the Public Forum Statements about unlicensed HMOs
- It was suggested that a decision on the application be deferred pending further investigation of the number of HMOs in the area
- If the application is to be refused the Committee has to have valid planning reasons for refusing it
- Concerns that the figures used in the report differ from the figures quoted by residents, leaving a lot of question marks
- Concerns that the wider issue of HMO Policy is being conflated with determining one planning application
- Concerns that non licensed HMOs are not inspected; this poses a danger to those living in the HMOs as well as the general public
- Cllr Poultney stated that if the Officer Recommendation was not carried he would move deferral with a view to refuse
- Cllr Stafford-Townsend moved the Officer Recommendation to Grant the application; however it was not seconded so the Motion was LOST



- The Service Manager, Development Management advised that it may not be straight forward to determine if a property is being used as an HMO but that Officers would investigate and report back

Cllr Poultney moved that a decision on the application be deferred until a future Meeting to allow time for Officers to bring back valid reasons to refuse the application. He suggested Policy DM 2 (harm to residential amenity or character of the area), parking, “sandwiching”. Cllr Breckels seconded the Motion and it was

**Resolved – (Voting 8 for (Cllrs Alexander, Breckels, Brown, Francis, Hornchen, Poultney, Stafford-Townsend and Windows), 0 against, 1 abstention (Cllr Hulme)) that determination of the application be deferred until a future Meeting of the Committee pending Officers bringing back valid reasons to refuse the application.**

### **15 Date of Next Meeting**

The next meeting is the Annual General Meeting for 2022/23 Municipal Year and is scheduled for 2pm on Wednesday 29<sup>th</sup> May 2022.

The meeting ended at 5.25 pm.

Chair \_\_\_\_\_

