

Bristol City Council
Minutes of the Development Control B Committee

29 June 2022 at 2.00 pm



Members Present:-

Councillors: Ani Stafford-Townsend (Chair), Lesley Alexander, Marley Bennett, Fabian Breckels, Andrew Brown, Lorraine Francis, Katja Hornchen and Guy Poultney

Officers in Attendance:-

Gary Collins, Jeremy Livitt and Philippa Howson

1 Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting.

2 Confirmation of Chair

The Committee noted that Councillor Ani Stafford-Townsend had been appointed as Chair of Development Control B Committee by Annual Full Council on Tuesday 24th May 2022 for 2022/23 Municipal Year.

3 Confirmation of Vice-Chair

The Committee noted that Councillor Chris Windows had been appointed as Vice-Chair by Annual Full Council on Tuesday 24th May 2022 for the 2022/23 Municipal Year.

4 Membership of the Committee

The membership of the Committee for the 2022/23 Municipal Year was noted as follows:

Councillor Ani Stafford-Townsend (Chair)
Councillor Chris Windows (Vice-Chair)
Councillor Lesley Alexander
Councillor Marley Bennett
Councillor Fabian Breckels
Councillor Andrew Brown



Councillor Lorraine Francis
Councillor Katja Hornchen
Councillor Guy Poultney

Councillor Chris Jackson is a Labour Group substitute.

5 Terms of Reference

The Terms of Reference for the committee were noted.

6 Proposed Meeting Dates for 2022/23 Municipal Year

RESOLVED – that the following dates and times for meetings of Development Control Committee B in 2022/23 Municipal Year be approved:

(alternating between 2pm and 6pm – all on Wednesdays)

6pm on 3rd August 2022

2pm on 14th September 2022

6pm on 26th October 2022

2pm on 7th December 2022

6pm on 18th January 2023

2pm on 1st March 2023

6pm on 5th April 2023 (5 weeks to avoid dispatch clashing with Easter)

2pm on 10th May 2023

7 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Chris Windows.

8 Declarations of Interest

There were no Declarations of Interest.

9 Minutes of the previous meeting held on Wednesday 18th May 2022

RESOLVED – that the minutes of the meeting held on 18th May 2022 be approved as a correct record and signed by the Chair.



10 Action Sheet

The Committee noted that there were no outstanding actions.

11 Appeals

The Head of Development Management drew members' attention to Item Number 38 concerning The Windmill 14 Windmill Hill & 3 Eldon Terrace Bristol BS3 4LU - Appeal against refusal First- floor and raised single storey rear extensions. Change of use of The Windmill Public House – conversion into flats.

He made the following points:

- The Committee had originally refused this application as they believed it had not been demonstrated that it was no longer viable to continue to operate a public house on site as required under the policy test, and also that there was not suitable alternative provision regarding the loss of the public house.
- Following an appeal to the Planning Inspectorate, the appeal was considered through written representations. The Inspector had considered the issue of the definition of a locality in terms of providing alternative provision and whether walking routes were deemed unsafe.
- He also indicated that he would give due regard to the needs of underrepresented groups in relation to the public sector equality duty and detail about which locations would not be deemed a satisfactory alternative
- The Inspector felt that there were 2 existing alternative provisions within 200 metres of the site together with a further 8 along the routes in question. He felt they were safe and within a reasonable walking distance
- The Inspector believed that the application did satisfy this criteria of the policy but accepted the basis on which the Committee had made the decision
- The Inspector believed that the application met the alternative provision criteria and therefore the viability argument did not need to be assessed. The appeal was allowed and the application granted
- The applicant applied for an award of costs on the grounds of unreasonable behaviour. However, the Inspector recognised the two criteria under which the application had been considered and felt that the Council's grounds were clear and not vague or generalised and noted the high number of representations outlining the issue about alternative provision.
- He felt that the reasons for refusal were complete, precise and relevant to the application. Therefore, the Council had not acted unreasonably and costs were not awarded against them

12 Enforcement

The Committee noted there were no enforcement matters to report.



The Head of Development Management confirmed that some outstanding cases were currently with the legal team and would shortly be moving to a formal notice stage. As soon as this happened, these cases would be reported to the next available Development Control meeting.

13 Public Forum

The Committee received Public Forum Questions before the meeting to which written answers were provided.

Q1 - Jo Sergeant, Save the Giant Goram & CAMRA Bristol Pubs Group – Change of Use of Pubs

Ms Sergeant asked the following supplementary question to the written answers provided:

Question: Can more information be provided concerning the 800 metre and 1300 metre walking distances used in the viability criteria?

Answer: As part of a learning experience in this area, supplementary guidance was being prepared by officers as part of the assessment. The ideal situation would be if there was a standardising method for walking distance but applied locally to each locality.

BQ1: Mark Ashdown – Chair, Bristol Tree Forum – Agenda Item 14 (b) – Planning Application Number 21/06762/F – Public Convenience Circular Road

Mr Ashdown asked the following three supplementary questions to the written answers provided:

Question 1: Is the Committee today operating under the same constitution as on 6th April 2022 when it decided to reject the application?

Answer 1: It was not unusual for a membership to change between meetings as the committee was a collective body. The Committee had not refused the application but deferred it pending provision of a further report which would provide reasons for refusal. These would be available to the Committee should it decide to refuse it when it returned to a future meeting for re-consideration. The Committee had not fettered its discretion in any way when deferring the application.

Question 2: Can officers respond to my concern that the minutes are inaccurate and have they provided a decision on this?

Answer 2: Officers would address this question as part of the presentation by the case officer when it set out the background to the original decisions that had been made on this application.

Question 3: In relation to the alternative proposal for offsite location which had been identified, there had been consultation required by the Downs Committee when trees had previously been planted on this site in 2019. Therefore, it was surprising that officers believed that no consultation was required in this instance. Would officers like to comment on this?



Answer 3: Officers recognised that it was unfortunate that this information had been received recently. However, officers believed that in any event conditioning would be required for any proposed location in relation to planting and species mix.

Members of the Committee also 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.

14 Planning and Development

The Committee considered the following Planning Applications.

14a Planning Application Number 21/05859/FB - Former Greville Elderly Persons Home Lacey Road Bristol BS14 8LN

Officers introduced this report and made the following points during their presentation for this application:

- The Council's Housing Delivery Team had prepared this application for a housing scheme in Stockwood on the south side of Lacey Road
- The site had formerly been the location of an Elderly Persons Home which had been demolished in 2020
- The amendment sheet clarified details of the Planning Application which had been missed in the planning history. There was a 2016 application for a care home which had been withdrawn in 2018 as Bristol City Council could not afford the high specification costs and were looking at solutions to enable people to remain in their homes rather than purpose built accommodation. The Council had decided to utilise this site to deliver housing instead as it is a key priority.
- The application would cover the existing hard surfaced areas. Boundary trees would be retained except for those near the access site.
- This was a brownfield site and whilst it was not currently allocated in the Local Plan it was scheduled to be part of the Local Plan review for housing.
- The review set out that there was an estimated capacity of 32 dwellings on the site
- The site was 600 metres from the local centre at Stockwood Road and there were satisfactory bus routes. It was therefore deemed to be a sustainable location.
- There were 26 dwellings proposed on site with a mix of bungalows and 2 storey buildings with 16 properties having 2 beds, 8 properties having 1 bed and 2 properties having 3 beds. The properties were 100% affordable
- There were 34 parking spaces (above a 1 to 1 ratio) with 3 blue badge spaces
- The applicant has not specified tenure mix but conversations with the applicant suggests no more than 23% of the units would be shared ownership.
- All properties were Building Regulations compliant M4 Category 2 and the bungalows were M4 Category 3 compliant, accessible to wheelchair users
- 44 objections had been received relating to neighbouring amenity, the inappropriateness of the site for social housing, the noise from the traffic that would be caused by additional dwellings,



highway safety, vehicular access and insufficient parking, the ecological impact and the removal of trees

- Shadow Study – this had been carried out in March, June, September and December to show the impact on neighbouring properties. The studies in September and December showed the worst extent of overshadowing but considered acceptable. Photos of the site showed that the boundary trees provided useful screening
- Overlooking – There was a minimum distance of 20 metres for most properties throughout the site with the exception of a few instances of less than 16 metres from balconies. These would be dealt with by screening.
- Highways – there was no objection from highways. They believed that the impact would not be significant
- Refuse Vehicle Access – analysis had shown that vehicles would be able to enter and manoeuvre into the site. Historically Refuse vehicles had been using the site and there had been no reports of any problems.
- Tree Loss – 19 trees would need to be removed near the entrance site (16 Category C, 3 category B, with a further 9 also proposed to be removed since they were in poor condition. 21 new trees would be provided on site with the developers to make a contribution for further 18 trees off site.
- There was a biodiversity net gain with the only loss being some landscape garden trees.
- Sustainability – the use of ground source heat pumps would reduce residual energy use beyond the 20% required by BCS14

Officers confirmed that they recommended approval for this application including a delegation to officers to complete the Memorandum of Understanding for offsite highway works, tree contribution and fire hydrants.

Officers gave the following responses to questions from the Committee:

- Concerns about highway safety were acknowledged. However, Section 108 works would provide an opportunity for sufficient measures to be built into the development. In addition to the highway notices that would be provided with this development, leaflet drops could also be provided to nearby residents
- Minor changes to the site such as those requiring the removal of a fence would not normally require further public consultation
- Trees needed to be removed at the site entrance as the access road needed to be brought into the site. The large boundary trees remained
- The category of accessibility was as follows: - all units would meet building regulations M4 category 2 and the 2 bungalows would meet M4 category 3.
- There were no further alterations to the report other than on the amendment sheet
- The proposed conditions would address any issues related to site drainage.
- Whilst highways safety had confirmed that there had been no accidents adjacent to the site, it was nevertheless acknowledged that the site had been closed for some time.
- In relation to car charging points – conditions would cover these
- There was only one entrance which was appropriate for a development of this size



- There was a detailed condition to ensure that safe pedestrian movement was built into the design and this would enable officers to ensure this was a requirement. The welcome pack included information relating to this
- The majority of the scheme would be two to three beds. However, during the assessment of application the applicant had not yet finalised the tenure mix.
- The proposals in relation to a requirement for local engagement were very specific. Any significant deviation would require a further planning application.

Councillors then made the following points:

- Whilst this met the need in the area, was a good use of a Brownfield site, provided good parking and included affordable housing, it would be improved by a greater number of access points. However, on balance, it should be supported
- On balance this was a good application with decent sized gardens and should be supported
- There was an issue concerning lack of access to GP surgeries in the area. However, it was generally acceptable and should be supported
- Whilst there were some concerns with this scheme, it did meet a housing shortage for affordable and social housing.

It was moved, duly seconded and upon being put to the vote, it was

RESOLVED (unanimously) - that this planning application is approved in accordance with officers' recommendations and including a delegation to officers to complete the Memorandum of Understanding for offsite highway works, tree contribution and fire hydrants.

14b Planning Application Number 21/06762/F - Public Convenience , Circular Road

The Chair referred to the first line of the application on the presentation which referred to the resubmission of the previous planning permission and expressed concern that this could be misleading as that permission had expired.

Officers confirmed that, whilst any previous application needed to be taken into account by Councillors in making their decision, the weight which they chose to give it was up to them.

Officers introduced this report and made the following points as part of their presentation:

- A previous meeting on 6th April 2022 had considered this application. This report was attached for members. Officers had recommended that this was approved but it was not carried. The Committee had deferred the application to a future meeting with a request for officers to include reasons that the Committee could use if they chose to refuse it in relation to biodiversity, the



change in footprint and the case for the Education Centre if it was deemed ancillary to the development

- Following the last meeting, further representations had been received and consultation taken place
- The site was indicated showing the Downs Conservation Area within which it was located and neighbouring the Sneyd Park Conservation Area. The Downs are in an area of nature conservation interest, local historic garden and important open space. It was noted that the Avon Gorge nearby was an SSSI and special area of conservation
- The adjacent building known as Towerhurst is Grade 2 listed
- The existing toilet block was constructed in the 1950s and was in a poor state of repair
- Images across the Downs were shown which indicated the toilet block from different locations
- The proposed building would be a single storey building of lightweight construction with a frame to floor ceiling glazing. The toilet block would be clad with timber – the flat roof includes a green roof. The site layout plan has been updated following the 6th April 2022 meeting to include details of existing footprints
- The existing toilet footprint is 43 metres with the hard surfacing and footprint taken together being 188 square metres
- The proposed building would be located slightly to the south of the existing toilet block but in a broadly similar position
-
- The café, toilet block and education both would be 75 square metres with the hard surface and building taken together being 239 square metres
- The floor plan showed there would be a timber decking surrounding it with chairs and café one end, toilets centrally and the education booth at the other end
- The wider site plan showed the potential for offsite planting in the form of a proposed wildflower meadow 200 square metres in area. The applicant was in discussion with the Parks department concerning this issue.
- An updated biodiversity net gain assessment had been provided by the applicant from their ecologist which was included in the report
- Following a further consultation, an additional 45 objections had been received since the last meeting, including from both Ward Councillors
- Biodiversity – further comments had been received from the Council's nature conservation officer on the further information submitted by the applicant. They have identified that there is a need to update the ecology report. They also requested the location of the offsite planting which were in the calculations that were in the applicant's latest submission. Whilst a location for offsite planting had now been identified, a condition would still be required to secure this and identify the required species
- Officers do not consider reasons for refusal based on biodiversity would be appropriate as the conditions could address this issue
- Change in footprint – with the new proposals, there had been a change in footprint on site – 32 square metres for the building and 51 square metres including the hard surfacing



- Education Centre – the case remains as previously proposed with the booth providing a base for the Avon Gorge and Downs Wildlife Project
- Ancillary – the Downs is important open space. Policy DM17 states that development on part or all of an open space will not be permitted unless the development is ancillary to the open space used. Officers acknowledge that the café could be considered the least ancillary element of the proposal albeit the proposed development needs to be considered as a whole. This policy does not define what is ancillary although in planning terms it would normally need to be clearly linked and of a relationship which is subservient. However, the Committee should note that the approval of a similar planning application in March 2019 was no more ancillary to the use of open space than the current proposal and had not been considered to conflict with Policy DM17
- Officers consider there has been little change in circumstance since the previous application on the site which should be considered sufficient weight.
- If the Committee was minded to refuse the application, the suggested reason for refusal related to the ancillary use point and was set out in the report. Members' attention was drawn to this.

Officers then responded to members' questions as follows:

- The café was required to be a certain size to be viable which resulted in the area for it being larger than the other two parts of the development. However, the application should be considered as a whole, regardless of how ancillary each element was to it
- The plan was based on the Ordinance Survey and had been corrected by the applicant
- Whilst members' concerns were noted about the Downs not allowing commercial development, the current application was based on the previous one and had been subject to re-consultation
- The entire Downs was in the SSSI area but this also included other buildings such as the Water Tower. It was important to note that open space had been used for many years for temporary events since any structures built for these would be removed at the end of the event. Since this was permanent, the Committee needed to bear this in mind in making their decision
- There was no viability report submitted by the applicant to provide an assessment of whether or not the development was dependent on it
- The applicant was proposing that the café would be open 8am to 7pm Monday to Saturday and 10am to 4pm on Sunday (with possible earlier closures in winter Monday to Saturday subject to dusk). The toilets would be available for use outside these hours subject to payment of a contactless fee to deter vandalism and misuse
- Any current provision of an electric socket for ice cream vans that use the site would be subject to existing licensing rules
- The application would be approved under proposed land use terms. Therefore, any proposal to remove the toilets would not be possible. In addition, the Committee had been requested to guarantee a mix of uses
- The application could be conditioned to ensure to keep the toilet area discreet and also to require continued access to the toilets if it was approved. This would also help to ensure the use of the toilets was limited to the public



- It was not possible to ring fence the revenue stream from the café to ensure it was limited to the toilets and education facility since the Committee could only determine the land use planning issues
- Cycle provision would be provided for staff and the education facility. Since there was a condition relating to this, it would be possible to consider whether or not a cycle path could be provided through this

Councillors made the following points in relation to this application:

- The commercialisation of the Downs was a concern and also any impact on biodiversity. If there was a need to change the toilets, then this should take place through a separate development
- The addition of a condition to require continued access of toilet facilities for the general public would help to make the development more ancillary in this respect. This was an attractive building which would fit in with the area and mainly provide a service for people visiting the Downs. The new toilets would be a great improvement on the existing ones. The education booth would provide a good opportunity. The application should be supported
- This application which had been approved by the Downs Committee would commercialise a café on an existing green space. Any replacement for the existing toilets should take place separately. The provision of a café would not help in terms of any potential loss of biodiversity
- The scheme should be supported. There was nothing within the scheme which could justify refusal on planning grounds
- Whilst there were concerns about this scheme that had been identified when it had originally come to Committee on 6th April 2022, it was clear that to have more public toilets in the city was a good thing. The design was also architecturally extremely good. Although the ancillary issue remained a concern since approving such a scheme might set a bad precedent for what was a commercial venture, there was a civic body overseeing it with democratic representation to guarantee that too great a level of commercialisation would occur. Therefore, the scheme should be supported
- Although the issue of biodiversity remained a concern, there did not appear to be any grounds to object to it on these grounds. All the elements of the development could be deemed ancillary to open space even for the café area. It was important to ensure that the Downs was available to purchase refreshments and, whilst a greater area dedicated to the toilets would be better, Councillors were not free to re-design. The proposed building was also attractive and should be supported
- The building was attractive. It was hoped that the Downs Committee would exercise its democratic governance to retain the café as a small ancillary use. There could never be enough educational facilities to advise concerning biodiversity and promote the beauty of nature. The scheme should be supported
- The importance of biodiversity should not be underestimated since no patch of land was too insignificant to be considered in any development. Whilst the issue of the ancillary nature of the development was important, the case for the café as part of the development was also important
- It was also important to take into account the people who worked on site. They would help to take care of the building and the educational facility would have a long term impact



Councillor Breckels moved, seconded by Councillor Brown and upon being put to the vote, it was

RESOLVED (5 for, 3 against, 0 abstentions) - that the application be approved subject to an additional condition requiring that the toilet facilities are permanently available for use by the general public.

15 Date of Next Meeting

The Committee noted that the next meeting was scheduled to be held at 6pm on Wednesday 3rd August 2022.

The meeting ended at 4.30 pm

CHAIR _____

