

Bristol City Council
Minutes of the Development Control A
Committee



19 October 2016 at 6.00 pm

Members Present:-

Councillors: Lesley Alexander, Donald Alexander, Harriet Bradley, Fabian Breckels, Stephen Clarke, Mike Davies, Olly Mead, Jo Sergeant, Clive Stevens, Chris Windows and Mark Wright

Officers in Attendance:- Gary Collins, Laurence Fallon, Susannah Pettit, Lewis Cook, Jess Leigh, Jeremy Livitt

1. Apologies for Absence and Substitutions

Apologies for Absence were received from Councillor Kye Dudd (Councillor Olly Mead substituting) and Councillor Steve Pearce (Councillor Donald Alexander substituting).

2. Declarations of Interest

Councillor Breckels declared an interest in Planning Application Number 16/02271/F relating to Lyppiatt Road and stated that he would withdraw from the meeting for the duration of this item. He indicated that he had submitted a Public Forum Statement on this application.

Councillor Stevens referred to the O + M Sheds Planning Application Number 16/00828/F and stated that he had objected to previous schemes at Welsh Back. However, he pointed out that he retained an open mind in respect of this application and would be participating and voting on this item.

Councillor Davies stated that, whilst he had been a candidate for his constituency, he had attended two meetings of the Brooks Planning Group, which is a local community group, to find out more about Planning Application Number 15/06475/P relating to Land and Buildings at Ashley Grove Road. He had also discussed the application with the Highways Officer and the Planning Officer to pass on some of the concerns from the local community. However, he retained an open mind about this application and would be participating and voting on it.

The following Councillors pointed out that, since they had not attended the Site Visit for the application for Bristol Zoo (Planning Application Number 16/02986/F), they would not be participating or voting in the debate for this application:



Councillor Clive Stevens
Councillor Mark Wright
Councillor Olly Mead
Councillor Chris Windows

3. Minutes of the previous meeting

Resolved – that the Minutes of the above meeting be approved as a correct record and signed by the Chair subject to the inclusion of Councillor Stephen Clarke as having given his apologies for the meeting.

4. Appeals

The Committee noted the Appeals in the report

5. Enforcement

Officers advised the Committee that there had been no enforcement notices since the last meeting.

6. Public Forum

Members of the Committee received 38 Public Forum Statements in advance of the meeting. The Chair allowed an additional verbal Public Forum Statement in respect of Planning Application Number 16/02271/F Lyppiatt Road (set out below).

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision. (A copy of the Public Forum statements is held on public record in the Minute Book).

7. Planning and Development

Item 1 - Planning Application Number 16/02986/F – Bristol Zoo Gardens Demolition of Existing Canopy and Creation of Single-Storey Restaurant Extension. Alterations to Existing Pedestrian Entrance from Northcote Road and Creation of Pedestrian Crossing

Officers introduced this report and explained that the floor plans for this application remained the same since the last meeting. They stated that they believed that the issues raised in the original reasons for deferral of the scheme had now been addressed through the re-location of the exit from the premises (via the Zoo's main entrance) and that the scheme should now be approved. Members' attention was also drawn to the issues raised in the Amendment Sheet.

Councillors made the following comments:



- (1) The scheme should now be supported. The two additional conditions proposed by one of the speakers under the Public Forum facility relating to pedestrian access and that the windows remain fixed during the evening should be included within the decision;
- (2) The scheme was strongly supported. The Site Visit showed that the zoo could now be kept viable;
- (3) It was encouraging that it would now be possible to view the clock on the site. Whilst there were some concerns about the welfare of the animals on the site, the experts' view that these needs could be met was acknowledged.

Officers indicated that the issues relating to pedestrian access were addressed under existing conditions but agreed that an additional condition could be added indicating that the windows should remain fixed shut after 6pm for any evening event.

Councillor Breckels moved, seconded by Councillor Sergeant and it was

Resolved (7 for, 0 against, 0 abstentions) – that the Planning Application be approved including an additional condition indicating that the windows remain fixed shut after 6pm for any evening event.

Item 2 - Planning Application Number 16/00828/F O+M Sheds, Welsh Back Proposed Retention and Repair of the Two historic buildings O & M sheds, including reconstruction of the northern gable wall of O Shed, provision of new roofs, and associated surrounding landscaping for the purpose of providing three restaurants (within A3 use class) and outdoor seating area to Welsh Back.

Officers gave a presentation on the application and made the following points:

- (1) Planning Permission had been given in 2009 to a similar proposal
- (2) The outdoor seating area would not be used after 9pm
- (3) Additional Conditions set out on the amendment sheet were proposed;
- (4) It was proposed to re-lay the area outside the site with cobblestones and repair the area outside the restaurants. There would remain a minimum 5.5 highway width, with proposed iron kerb wedges;
- (5) Storage for refuse would be provided through Eurobins and storage space being provided within the sheds;
- (6) 7 official parking spaces would be removed from the site;
- (7) The Plane Tree would be retained with Tree Protection conditions;
- (8) Delegated Authority would be sought to amend Condition 21 to require a technical highway drawing and required installation of metal windows;
- (9) Conditions were proposed to control when the units were serviced;
- (10) Using the cantilevered decking system, this could be cantilevered over the existing historic fabric;
- (11) There would be a kitchen extraction fan for each restaurant;
- (12) Whilst the 2012 renewal application had been refused due to lack of sustainability information, the applicant had submitted an in depth sustainability report on this occasion. Four conditions were proposed for the sustainability of the restaurant;
- (13) There was a flood risk evacuation plan.

Officers showed an artist's impression of what the site might look like with the proposed application.

Officers re-iterated the key points in respect of this Application:



- (14) There was an existing 2009 Planning Permission which must be given sufficient weight;
- (15) The site has been allocated in the Central Area Plan since the last permission has been granted development which has strengthened support for development including leisure
- (16) The Council is the freehold owner of the site (although this is not a planning consideration);
- (17) The Committee should consider the proposals as set out in the existing application

Councillors made the following points:

- (1) The Committee should support the need for the buildings to be maintained and not rot away. There was a great deal to be commended in the plans. However, the Committee should not support the encroachment of non-maritime use onto the harbour side at the expense of existing maritime use at the site.
- (2) There continued to be difficulties with the outside decking;
- (3) It was difficult to see how the cantilevered walkway could be viable with glazed windows;
- (4) The proliferation of bars in the area was a cause for concern. There might not be enough cash generated from the proposal to save the existing buildings;
- (5) The proposal could impact on the continued existence of family restaurants in the area;
- (6) Unless there was Anti-Social Behaviour, residents should expect a degree of noise and disturbance in the middle of a city;
- (7) Councillor Paul Smith's statement as Ward Member should be taken account of which expressed his view that this was not a good development for a residential area;
- (8) The buildings needed to be saved and, with the exception of the windows, the design was good. However, a restaurant was not the right use for the site and the community should be developing alternatives such as business start-ups;
- (9) 2009 was 7 years ago. Since then, there had been a change in the development at the site;
- (10) The proposal to remove the houseboats was not acceptable. Whilst some aspects of the 2009 development such as the fixing shut of windows and the walkway could be accepted, the displacement of people should not be;
- (11) Whilst this development was in central Bristol, there were some parts of the city centre that were much quieter than others. It may be that, since 2009, the Committee might be perceived as better at listening to the public on issues such as the impact of noise on local residents;
- (12) Policy DM10 could be breached if rubbish was not properly disposed of and there was a proliferation of rats;
- (13) Consideration of DM31 should be made – removing boats from the site would not improve the Conservation Area;
- (14) Whilst the sheds needed to be saved, it was disappointing that one of the houseboat owners appeared to have been so badly treated;
- (15) Whilst there were concerns about many of the issues raised by the Committee, members needed to bear in mind that many of these issues were Licensing matters and not Planning ones. Individuals who had made representations to this Committee could also do so via Avon and Somerset Police for any Licensing hearing;
- (16) The Committee should defer a decision pending investigations into the situation concerning the houseboats and to allow residents to put forward a viable alternative use;



- (17) There were issues of sound, nuisance and pollution to be considered – a refusal could be made on these grounds in respect of Policies DM26 and DM31;
- (18) There was a difference between the Local Plan and the current plan;
- (19) It was noted that there were 3 conditions if the boats remained in place and there was no proposal to remove the boat. It was also noted that, in the event that the residential mooring was in place, there was no decking proposed on the harbour walkway. However, this was not sufficient;
- (20) The proposal should be deferred to look at the issue of the houseboats but also other issues such as the walkway, windows, the obscured glazing, privacy and noise

Officers made the following responses to the issues raised by Councillors:

- The house boats were not present in 2009 but it is likely that the current scheme was not commercially viable with houseboats retained;
- Conditions were proposed which meant that, in the event that the houseboats stayed, the walkway would not be in place, there would not be outdoor seating on the harbourside and obscure/fixed shut glazing would have to be installed;
- The most appropriate method of preserving historic assets was through finding new uses. Any refusal of the application using this Policy (ie DM31) was likely to be considered unreasonable.

In response to Councillor's questions, the Service Director (Property Services) confirmed that it was currently only proposed to move one of the houseboats at the moment (the Ebenezer). However, whilst a proposed site had been identified, there was opposition to this and no definitive agreement had yet been reached.

In response to the issues raised by Councillors, officers stated that they could provide an assessment of how the planning permission situation has changed since the previous decision to grant planning permission in 2009.

Councillor Wright moved, seconded by Councillor Breckels and it was

Resolved (10 for, 0 against, 1 abstention) – that a decision on the application for the proposals be amended to accommodate the existing residential mooring, including removal of the proposed walkway and outdoor seating on the harbour side of the site, plus ensuring that the windows on this elevation are obscurely glazed.

Item 3 - 16/03029/F Somerset House 18 Canynge Road Demolition of a three storey office block and erection of 8 no. residential dwellings in two separate blocks with access and egress to Canynge Road. Block one to comprise 1 no. 3-bedroom and 2 no. 4-bedroom townhouses with two dedicated, garage parking spaces per dwelling; Block two to comprise 5 no. 2-bed flats with 8 no. parking spaces (including 1 no. disabled). Provision of secure refuse and bicycle spaces and associated hard and soft landscaping.

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

- (1) The concerns made by objectors to the application included loss of office, loss of light, overshadowing, privacy, loss of trees, parking and inaccurate plans;
- (2) The site was in the Clifton Conservation Area with a number of Grade 2 Listed Buildings close to the site;



- (3) Land Use – proposed new town houses would extend land use
- (4) Trees – It was proposed to provide 21 new trees. There was also an existing Yew Tree in the car park;
- (5) Car Parking – 14 car parking spaces would be provided which is a maximum standard;
- (6) A Waste Management Plan was required by a condition;
- (7) There would be a condition ensuring a one way restriction on access to the site;
- (8) Details of the key characteristics of the building were set out;
- (9) A BRE assessment had been submitted with the application. It had been concluded that, whilst there would be some reduction in daylight, it would not be so significant as to be harmful;
- (10) The scheme would still deliver and be energy complaint. On balance, it was considered to retain the rear building and for there to be no glass balustrade;
- (11) The layout of the drawings was shown, together with a view of the application site from Canynge Square.

Councillors made the following comments:

- (1) It was acknowledged that there were very stringent criteria in the Conservation Area. This development would be appropriate to the area since more housing was required;
- (2) The issues set out in Page 64 of the report suggested that it would not be appropriate to have residential parking;
- (3) Loss of employment in the area was a concern – DM12 was a Policy Area that needed to be considered as it did not appear to meet local employment policy;
- (4) The development was contrary to Policy BCS9 in relation to Trees – there was a street tree at the front which would need to be felled and should be retained unless there were good reasons not to do so;
- (5) The existing building should be opposed as it impacted on the character and appearance of the Conservation Area;
- (6) The proposed PV Panels were disappointing. The current design was not appropriate and needed further consideration – sash and bay windows would be more in keeping with the surrounding area;
- (7) Whilst it was an ugly building being demolished, there were concerns about the proposed application;
- (8) The building would be better than what existed at the moment – however, the loss of the tree should be avoided if possible;
- (9) It would be good to see houses being developed on this site. Whilst the loss of sunlight for the end house was a concern and could be resolved by the proposed final house being scrapped, it would be difficult to challenge the design;
- (10) There should be affordable housing on the site – the proposed houses should either be bold or blend in, not be bland;
- (11) The high building would overshadow Canynge Square – the removal of the proposed end house for the development should be supported.

In response to the issues raised by Councillors, officers made the following points:

- PV Panels – the scheme had to comply with Council policy on energy efficiency;
- Policy DM29 – the characteristics of the area needed to be taken into account in applying this policy;



- Officers stated that they believed the drawings to be accurate. The issue of their accuracy had been raised in the public consultation. However, the key dimensions had been provided to meet the required standard;
- Trees – officers had looked at this issue very closely. The developer was going through BTRS tests in respect of this issue;
- Councillors were required to determine the scheme in front of them rather than an alternative scheme that they would prefer.

Councillor Olly Mead moved, seconded by Councillor Jo Sergeant that “the application is refused on the following grounds:

- (a) It is in an unsustainable location for housing**
- (b) The impact of the design in a Conservation Area**
- (c) Loss of employment**
- (d) Impact on Car Parking**
- (e) Loss of Light**
- (f) Loss of Privacy**
- (g) Loss of The Plane Tree on the site**

Upon being out to the vote, this was **LOST** (3 for, 6 against, 2 abstentions).

Councillor Fabian Breckels moved, seconded by Councillor Clive Stevens and, upon being put to the vote, it was

RESOLVED (5 for, 2 against, 4 abstentions) – that the application be deferred for the officers to look at

- (i) The design of the proposals in terms of their location in a Conservation Area and their scale given the context;**
- (ii) Loss of the Plane Tree on the site**

and to re-consult with residents when revised plans are received.

Item 4 - 15/06475/P Land and Buildings at Ashley Grove Road Application for Outline Planning Permission - Redevelopment of former commercial laundry site to provide 102 residential units, commercial/community space (B1/D1), enlargement of Mina Road Park and associate infrastructure improvements (Major Application)

Officers introduced this report and made the following points as part of their presentation. The Committee’s attention was also drawn to the proposed amendments to conditions listed in the amendment sheet:



- (1) Details of the application were provided;
- (2) Concerns had been raised by some objectors about highways issues for the surrounding streets. Following extensive negotiation, a package of highway works was proposed – a revised Condition 17 was proposed which would help to mitigate the impact on local junctions;
- (3) The diagram showed the Montpelier Conservation Area and Local List;
- (4) The diagram showed that buildings would be retained on Ashley Grove Road and fronting on to Morley Street;
- (5) There were 2 main vehicle accesses, plus additional accesses for pedestrian, cycles and to the car park;
- (6) A Parking Strategy was proposed, and it was recommended that condition 10 should be amended to add this;
- (7) Whilst developers had offered up to 20 units, officers believed that 24 units of affordable housing could be provided.

It was noted that the developers did not agree with the Council's assessment and had requested a review of the mechanism for reviewing affordable housing at reserved matters stage on the grounds that the proposal would affect its viability. Officers did not agree and believed that it was viable and that if the Section 106 Agreement was not completed, this could lead to a loss of heritage assets.

Councillors made the following comments:

- (8) If possible, the chimney should be preserved;
- (9) Officers should be congratulated on holding the line concerning affordable housing. It would not be appropriate to trade preservation of the chimney for affordable housing. The application should be supported;
- (10) The redevelopment of the site to retain historic elements and retention of affordable housing should be welcomed;
- (11) The car parking strategy was a good suggestion. The affordable housing was welcome and should be supported;
- (12) It was disappointing that the development would be affected by the air quality management zone. However, it was noted that there might need to be a trade-off with affordable housing which was needed.

Councillor Harriet Bradley moved, seconded by Councillor Fabian Breckels that the officer recommendation, with the amended condition on the amendment sheet, and the further addition to condition 10, and it was upon being put to the vote

RESOLVED – (10 for, 0 against, 0 abstentions) that the application (as amended by the amendment sheet) be approved.

Item 5 - 16/02271/F 20-34 Lyppiatt Road Part demolition, part conversion and part extension of existing factory buildings to create 8 apartments, 4 townhouses and 2 commercial units with associated car parking at 20- 34 Lyppiatt Road

Councillor Breckels withdrew from the meeting for the duration of this meeting and sat in the public gallery in order to make a Public Forum statement on this issue.



The Chair agreed to a verbal statement from the applicant being heard in respect of this application made by Steve Mitchell (PADD Limited). He made the following points:

- A site which was currently unsuitable for industrial use was being brought into use;
- Off Site parking would be provided;
- There were opportunities for business and commercial office properties on the site;
- Obscure glazing would be provided on the site
- The site would offer modern housing for the area.

Officers gave a presentation on this application and made the following comments:

- (1) Details of the application were provided;
- (2) Consent had been provided in 2013 which had since lapsed;
- (3) Details of the site layout were given;
- (4) An artists' impression of the development was shown;
- (5) There had been widespread consultation during which a number of key concerns had been raised – traffic impact and impact on privacy and severity, loss of employment use and noise and disturbance;
- (6) There had been concerns raised about the impact on the highway – however, if this was not used for housing, it might be used for something that would result in increased traffic;
- (7) There were satisfactory parking facilities for the development;
- (8) All proposed apartments met the nationally proscribed space standards.

Councillors commented that consideration should be given to including conditions to make the boundary wall at least 2 metres in height, to ensure the car parking gates being controlled electronically and to ensure the provision of obscure glazing.

In response, officers pointed out that there were already conditions in respect of the parking gates and obscure glazing. However, Councillors could specify a minimum height for the boundary wall to reinforce an existing condition (for example, 2.5 metres).

Councillor Olly Mead moved, seconded by Councillor Mike Davies and, upon being put to the vote, it was

RESOLVED (unanimously) that the application be approved and including an amendment to the proposed condition for the boundary wall which would require it to be at a minimum height of 2.5 metres.

8. Date Of Next Meeting

It was noted that the next meeting would take place at 2pm on Wednesday 30th November 2016 in the Council Chamber, City Hall, College Green, Bristol.

Meeting ended at 10.00 pm

CHAIR _____

