

Bristol City Council
Minutes of the Call In Sub-Committee
(of the Overview and Scrutiny Management Board)



27 March 2017 at 4.00 pm

Present:

Members of the sub-committee: Cllrs Gollop (Chair), Beech, Bolton, Bradley, J Clark and M Davies

Councillors who called-in the 7 March Cabinet decision – Hengrove Park and Hartcliffe Campus housing delivery: Cllrs Clough, Hopkins, Jones, Kent and Morris

Relevant Cabinet member: Cllr Smith, Cabinet Member for Housing

1. Welcome, introductions and safety information

The Chair welcomed everyone to the meeting and explained the emergency evacuation procedure.

Councillors, officers and other attendees introduced themselves.

2. Declarations of interest and whipping

Cllr J Clark advised that she had been the ward councillor for the former Hengrove ward between 2003 - 11.

Members of the sub-committee confirmed that there had been no whipping from the respective political groups in relation to this meeting.

3. Public Forum

The Sub-Committee received and noted statements from the following:

1. Mr N & Mrs K Maynard



2. Mark Fear
3. Avril Parker
4. Mr & Mrs Prytherch
5. Mrs Jo Cox
6. Jane Hewer
7. Rita Youseph
8. Mrs L A Morrison
9. Nigel Stoneman
10. Stephen Hall
11. Andy Hunt
12. Kelly Webster
13. Andrew Gamlin
14. Philip Tonkin
15. Angus McCoy
16. Ruth Andrews
17. Philip Smith
18. David Barr
19. Raymond Youseph
20. Daniel Fear (statement advising details of a current on-line petition entitled "Save Whitchurch airport (Hengrove)").

Those in attendance presented their statements.

4. Call in Mayor's Decision - Hengrove Park and Hartcliffe Campus Housing Delivery.

In accordance with the prescribed procedure, the sub-committee reviewed the call-in of this decision as follows:

1. Explanation of procedure:

The Chair explained the procedure to be followed at the meeting. The purpose of this meeting was to specifically review and assess the reasons why this key decision had been called-in, and then to determine one of the 3 options available to the sub-committee, as follows:

- a. to take no further action; or
- b. to refer the matter back to the Cabinet, identifying specific issues for the Cabinet to consider before a final decision was taken.
- c. to refer the matter to the Full Council for a wider debate, on the basis that Full Council could decide to take no further action or to refer specific issues/recommendations for the Cabinet to consider before a final decision was taken.



2. Presentation of case by councillors who called-in the decision:

With reference to the call-in form included with the agenda papers, those councillors who had called-in the decision presented their case, as follows:

It was noted that there was a typographical error in the call-in form as follows: in the fourth sentence of the section headed "Clarity of aims and desired outcomes", the figure "29 hectares" should read "20 hectares."

The callers-in then highlighted the following main points and expressed views as follows:

Cllr Morris:

a. Having chaired a neighbourhood partnership meeting attended by 150-200 residents in September 2016, he was aware of local concerns about these proposals. Concerns had been raised in relation to environmental impact from the scale of the development proposed, and the loss of community facilities including local rugby pitches.

b. In his view, the Council had not effectively engaged residents in advance of the 7 March decision and the Cabinet report had not adequately reflected the strength of feeling from local residents on these issues.

Cllr Jones:

a. He acknowledged and supported the need for housing development but not to this extent. At the September 2016 neighbourhood partnership meeting, the view had been expressed that whilst there should be some housing development at Hengrove Park, this should not be at the expense of losing large areas of local park and open space.

b. In his view, there had been insufficient information made available in the local area to advise people in advance about the decision taken at the 7 March Cabinet meeting.

Cllr Clough:

a. She expressed concern over the proposed scale of housing development.

b. She had further concerns that the park as currently proposed would not offer sufficiently suitable and accessible local facilities.

Cllr Hopkins:

a. The proposed development at Hengrove Park affected and had implications for not only the immediate wards affected, but also wider areas of south Bristol.

b. The Bristol Local Plan / Site Allocations agreed by Full Council in July 2014 had envisaged a large 30 hectare park / open space at Hengrove Park; the 7 March Cabinet report referred to creating a range of



parkland / open space totalling 20 hectares. In his view, any changes to the policies agreed in 2014 needed to be discussed in detail by and agreed at Full Council.

Cllr Kent (with particular reference to the call-in form included with the agenda papers, and to those articles of the constitution that the callers-in considered had been breached by this decision):

a. Consultation:

* There had been some consultation but where it had taken place, local people's views had not been listened to, in his view. The Cabinet report had not adequately reflected the strength of feeling expressed at the September 2016 neighbourhood partnership meeting.

* At this point, Cllr Kent circulated copies of a "snapshot" survey he had recently conducted among local residents, based on 650 respondents mainly living in the BS 14 postcode zone. He advised that this survey indicated that most residents accepted the need for housing development at Hengrove Park, but also wished to ensure a large park and open space was provided. Also, a recent meeting of the Hengrove and Whitchurch Park Planning Forum had called for the current Hengrove Park proposals to be stopped to enable a full master plan to be produced.

b. Clarity of aims and desired outcomes:

The report's aims were unclear in his view. In particular, among the issues listed, the report seemed to set a maximum park size of 20 hectares, and a density for development of 54 units per hectare, but also suggested that between 1000 – 1500 housing units could be developed.

c. Decisions reserved to the Full Council:

In his view, the decision taken was in conflict with the Bristol Local Plan / Site Allocations agreed by Full Council in July 2014; the Cabinet report proposed more homes than had been envisaged in the Local Plan and smaller, fragmented pockets of park rather than a singular, large, high quality park as referred to in the Local Plan. The callers-in felt that the Executive should not have been permitted to take a decision on this, as it was a Full Council matter.

Concluding point:

On behalf of the callers-in, Cllr Kent concluded by suggesting that in their view, a debate should take place at Full Council, to discuss the range of issues raised.

3. Questions asked by members of the sub-committee of those councillors who called-in the decision:

The following main issues were raised in light of questions asked by the sub-committee members:



- a. There were approximately 16-17,000 residents in the Hengrove and Whitchurch Park ward, and approximately 10,000 residents in Stockwood ward who were most directly affected by the Hengrove Park proposals. The development and future of the park could be argued, however, to affect a large area of south Bristol.
- b. As indicated above, the callers-in confirmed that, in their view, it would be appropriate for the issues raised by the call-in to be referred for a Full Council debate. The callers-in also indicated that they would additionally be prepared to meet separately with Cllr Smith, Cabinet Member for Housing but also felt that the issues were significant enough to merit a Full Council debate. Cllr Kent indicated that in meeting the Cabinet Member, it would be useful in particular to discuss the issues around potentially increasing housing density in taking forward the development proposals. There should not though be any deviation, in his view, from the key issue of the need to ensure a 30 hectare high-quality park / open space. The callers-in advised that they had previously sought a meeting with Cllr Smith.
- c. The callers-in confirmed their concerns about the feasibility plan proposing park / open space over 3 or 4 smaller areas of land rather than one singular, large, high quality park as indicated in the Local Plan.
- d. The issue was raised about the fact that the Cabinet had not been asked to approve a planning application and that the proposals would be progressed through the usual planning process, including detailed future consultation. The callers-in indicated that in their view, the starting point for the development of the detailed plans and planning applications was compromised by the assumptions made in the Cabinet report, which were in conflict, in their view, with the 2014 Full Council decision, and did not reflect what local people wanted.
- e. The callers-in felt that the Cabinet report recommendations were inter-related; therefore they had called-in the Cabinet decision in its entirety.

At this point in the meeting, the Deputy Monitoring Officer advised that if these matters were referred to a Full Council meeting for debate, all councillors, at a relevant future point in time, would need to carefully consider whether their participation in such a debate, and in voting on this matter at a Full Council meeting might have created a prejudicial conflict of interest affecting whether they should appropriately take part in the formal determination of any relevant planning application(s).

4. Explanation of Cabinet decision by relevant Service Director and Cabinet member, including responding to issues raised by the councillors who called-in the decision:

The Service Director - Economy (with particular reference to the written officer report set out at Appendix E) highlighted in particular the following points in response to the areas of the constitution that the callers-in considered had been breached by the Cabinet decision):



a. Consultation:

* Officers had attended neighbourhood partnership meetings in September and December 2016 and were therefore aware of the issues raised. Whilst a detailed account of those meetings had not been included in the Cabinet report, the minutes of these meetings were published and available as a matter of public record. Para 5.4 of the Cabinet report had nevertheless sought to flag the main concerns expressed by the local community.

* It was important to recognise that the main purpose of the Cabinet report had been to authorise officers to develop proposals leading to the preparation of planning applications for Hengrove Park and Hartcliffe Campus. The detailed planning process and consultation process would flow from this further work; a Statement of Community Involvement would form part of the eventual planning application(s). Officers were committed to ensure effective dialogue and engagement with the local community in developing the proposals.

b. Clarity of aims and desired outcomes:

* In light of the future development and consultation process to come, the report had only included indicative, *potential* future housing figures (of between 1000 – 1500 housing units) at this stage.

* The report had also referred to the *potential* to create approx. 20 hectares of park / open space subject to consultation.

* It was important to recognise that the 30 hectare park size figure referred to by the callers-in was included in the 2005 Outline Planning Consent, which had now expired.

* As well as being committed to local consultation, officers must ensure the financial viability of development proposals, hence the reference to potential outcomes at this stage.

* The density figure of 54 housing units per hectare was essentially a “modelling” figure at this stage.

c. Decisions reserved to the Full Council:

* As above, the Cabinet report had been submitted to authorise officers to develop proposals leading to the preparation of planning applications for Hengrove Park and Hartcliffe Campus. This was a matter that was appropriately taken to the Executive for decision.

* The Site Allocations document approved by Full Council in 2014 had identified a total site size of 49.7 hectares at Hengrove Park. It did not determine the number of hectares for housing development or the number of hectares for park / open space.



Councillor Smith then made the following additional comments:

a. It was important to recognise that the Council was the landowner in this case. In his view, it would not be appropriate for the Cabinet or Full Council to seek at this stage to “lock down” key factors ahead of the extensive consultation that would take place in taking forward these proposals. The primary purpose of the Cabinet report had been to seek approval of the resources required to take this work forward and achieve a viable scheme with the support of the local community.

b. Officers had attended the neighbourhood partnership meetings in September and December 2016 in order to share information about possible future options ahead of the consideration of the 7 March Cabinet report. This had never been intended to be a consultation exercise in itself and it was unfortunate that some misunderstanding had taken place locally about this. The 7 March decision should in reality be seen as the start of the detailed development process. The call-in of the decision was, in his view, bringing an unnecessary delay to the start of the detailed work to come.

c. His aim was to achieve the best possible, high quality development for the area, in consultation with the local community. Moving forwards, this could include a full conversation about an appropriate level of housing density and the appropriate balance between different types of housing unit (e.g. the number of houses compared to the number of flats), and discussions about the type of park and open space that would meet the community’s aspirations. The 7 March Cabinet report contained a modelling assumption in relation to housing density and an officer view about how the park / open space might be realised, but all of the detail was fully open for discussion. If local people did not want a “disaggregated” park, the proposal would not be taken forward in that form.

d. In terms of employment use, it was important to first look to fill currently vacant employment sites.

5. Questions asked by members of the sub-committee of the relevant Service Director / Cabinet member

The following main issues were raised in light of questions asked by the sub-committee members:

a. The history of previous consultation about Hengrove Park development was raised, with particular reference to previously expressed community views about the need for a high quality park and good quality housing. Cllr Smith stressed that he was looking to ensure a higher level of community engagement in taking the current proposals forward – e.g. he was keen to ensure opportunities for community developed housing and direct involvement from local people in developing planning applications. Officers stressed that the views from previous consultations had been taken account of, but it was necessary to achieve the best possible scheme in the current financial climate, and further consult in that context.

b. It was important to recognise that the Cabinet report had been presented from the perspective of the Council as the landowner and developer. Much more detailed work was required to develop the



feasibility around development options. It would appropriately be the role of the Council's development control function to judge if the emerging plans met Local Plan requirements. The Council "developer" view was that the scale of the development proposed accorded with the Local Plan but this would be tested by the development control function.

c. The development should bring significant local employment opportunities.

d. Cllr Smith again confirmed that he was committed to an extensive and open consultation process, recognising that the proposals would be developed and implemented over a number of years. He was happy to meet with the immediate ward councillors, other councillors as appropriate across south Bristol, local residents and with the Hengrove and Whitchurch Park neighbourhood planning forum.

6. General debate and decision

Main points raised:

a. The Chair suggested that in terms of the 7 March Cabinet report, whilst noting that the main purpose of the report had been to approve the release of resources to enable detailed work to begin, it would nevertheless have been useful for further information to have been included in the report to reflect the public views expressed at the relevant neighbourhood partnership meetings.

b. The Chair added that given the very full opportunity given for all parties to comment at this meeting, and the comments and commitments given about future consultation by the Cabinet Member and Service Director – Economy, the sub-committee needed to very carefully consider whether anything could be meaningfully added by recommending a Full Council debate at this stage. It may be more effective for councillors to engage in an ongoing, meaningful dialogue with the Cabinet member as the development proposals were taken forward. The commitment given by the Cabinet member to meet with the immediate ward councillors, other councillors as appropriate across south Bristol, local residents and with the Hengrove and Whitchurch Park neighbourhood planning forum was noted in this context. Councillors expressed the view that the opportunity should be taken to ensure an exemplary consultation moving forwards.

The Sub-Committee then considered the particular areas of the constitution that the callers-in considered had been breached by this decision:

a. Consultation:

The majority view of the sub-committee was that, in light of today's review of the decision, and the commitment given by the Cabinet member to further, meaningful consultation, there was no merit in recommending a Full Council debate on this particular point. However, the sub-committee requested that a report should be brought to the Overview and Scrutiny Management Board at the earliest opportunity to provide assurance on the proposed consultation and engagement plan.



b. Clarity of aims and desired outcomes:

The majority view of the sub-committee was that, again, in light of today's review of the decision, and the commitment given by the Cabinet member to further, meaningful consultation, there was no merit in recommending a Full Council debate or further action on this particular point. The 7 March Cabinet report referred to *potential* outcomes in relation to housing development and the future provision of the park and open space. As indicated in the report, the technical development of the plan and associated consultation would be progressed and it was premature to assume a breach of the constitution in this regard.

c. Decisions reserved to the Full Council:

The majority view of the sub-committee was that there was no merit in recommending a Full Council debate or further action on this particular point. The purpose of the Cabinet report had been to authorise officers to develop proposals leading to the preparation of planning applications for Hengrove Park and Hartcliffe Campus. This was a matter that had appropriately been taken to the Executive for decision. There was no evidence that the information included in the 7 March Cabinet report was in breach of the Local Plan and it would appropriately be the role of the Council's development control function to judge if the emerging plans met Local Plan requirements.

In light of the above, in terms of the options available, the Sub-Committee

RESOLVED – that no further action be taken in relation to this call-in.

(Note: the above resolution was supported by the Chair and Cllrs Beech, Bolton, Bradley and Davies. Cllr Clark voted in favour of the issues raised by the call-in being referred for a Full Council debate).

Meeting ended at 7.35 pm

CHAIR _____

