

Bristol City Council

**Minutes of a meeting of the
Development Control (Central) Committee
held on 14 May 2014 at 2 pm**

P Councillor Woodman (Chair)
P Councillor Abraham
P Councillor Hance
P Councillor Hickman
P Councillor Khan
A Councillor Lucas
P Councillor Morgan
P Councillor Payne
P Councillor Pickup
P Councillor Telford

DCC

66.5/14 Apologies for absence and substitutions

Apologies were received from Councillor Lucas.

DCC

67.5/14 Declarations of interest

None declared.

DCC

**68.5/14 Minutes – Development Control (Central) Committee – 19
March 2014**

**Resolved – that the Minutes of the meeting of the
Development Control (Central) Committee held on 19 March,
2014 be confirmed as a correct record and signed by the
Chair.**

DC

69.5/14 Appeals

The Committee considered a report of the Service Director, Planning and Sustainable Development (agenda item no. 4) noting appeals lodged, imminent public inquiries and appeals awaiting decision.

Updates given were items 6,7,8,9 outcome awaited following appeal hearing, items 17, 18, 20 appeals were dismissed highlighting the benefits of proactive enforcement action, item 21 appeal dismissed on all grounds. In respect of items 5 and 14 enquiries would be made and committee members to be kept informed.

RESOLVED – that the report be noted.

DC

70.5/14 Enforcement notices

The Committee considered a report of the Service Director, Planning and Sustainable Development (agenda item no. 5) noting any enforcement notices.

Resolved – that the report be noted.

DC

71.5/14 Public Participation

Members of the Committee had received the public forum statements in advance of the meeting.

The Statements were heard before the application they related to and were taken into consideration by the Committee when reaching a decision. *(A copy of the Public Forum submissions are held on the Minute Book).*

DC

72.5/14 Central Area Planning and Development

The Committee considered a report of the Service Director, Planning and Sustainable Development (agenda item no. 7) considering the following matters for the central area:-

- (1) Plot 3A Harbourside ‘Canons Gate’ Anchor Road, Bristol Development of building 3A for residential (Use Class C3) use and associated car parking and landscaping. (Major application) Application 13/05704/F (Cabot Ward)**

The Service Director Planning & Sustainable Development representative gave a detailed presentation on the applications and drew Members attention to the amendment sheet circulated at

the meeting, which detailed changes since publication of the original reports (copies of which are contained in the Minute Book and are on the Council's web site). An additional Advice Note was also recommended in respect of ensuring that future residents of the development would not be eligible for a residents parking permit.

During the debate the following points of concern/interest were made –

- The number of allocated parking spaces was higher than expected given the sustainable location of the development;
- The lack of affordable housing provision was not acceptable;

Referring to the number of parking spaces the Service Director Planning & Sustainable Development representative explained that the development needed to be seen in context of other similar developments which had similar levels of parking provision. The Council's highway team had also agreed with this level of Provision and as it was below the maximum standard in a central location. It was therefore considered that the level of parking spaces did not conflict with the sustainable aims of the development.

With regard to affordable housing the Service Director Planning & Sustainable Development representative clarified that the applicants had submitted a Viability Report in order to demonstrate that the economics of the development prevented any contribution of planning obligations. An independent consultant had been employed to verify this. The consultant had concluded that at the current time the economics of the development did prevent any contribution of planning obligations however it was advised that it would be appropriate for the Local Planning Authority to review the viability position if sufficient time had elapsed which might show an improvement in the housing market. In light of this officers had recommended that any consent should be time limited (i.e. less than the usual 3 year permission) in order to encourage the developer to progress the scheme. This would also obviate the need for a s.106 agreement. Officers also clarified that the alternative option of a viability review clause was not possible in these circumstances because this clearly was a single phase scheme and published national guidance advised against viability review clauses in single phase developments.

It was moved and seconded that the recommendations in the report (as amended) and including the additional advice note in respect of ensuring that future residents of the development would not be eligible for a residents parking permit, be approved.

On being put to the vote there were eight in favour and one against.

Resolved –

That permission be granted subject to the conditions and advices listed in the report and the amendment sheet and that an advice note be added to ensure that future residents of the development would not be eligible for a residents parking permit.

- (2) **Paintworks (Phase III) Bath Road, Bristol**
Application for approval of Reserved Matters (layout, scale appearance and landscaping) following outline approval 09/04693/P, which approved the retention of Endemol buildings, demolition of other existing buildings and erection of new buildings of 2-7 storeys built on top of new undercroft car park to provide employment floor space (B1); Retail floor space (A1, A3 & A4); up to 11 live/work units; and up to 210 residential units (C3); with revised vehicular access off Bath Road. (Major application).
Application no. 13/04275/M (Brislington Ward)

The Service Director Planning & Sustainable Development representative gave a detailed presentation on the applications and drew Members attention to the amendment sheet circulated at the meeting, which detailed changes since publication of the original reports (copies of which are contained in the Minute Book and are on the Council's web site).

The Committee gave full regard to the comments made during the public forum in connection with the concerns about tree planting, the disturbance that would be created by the development and in particular the alleged lack of public engagement by the developers with local residents.

During the debate concerns expressed centred on the following key areas –

- Tree planting;

- Building Research Establishment Environmental Assessment Methodology (Breeam) and Code for Sustainable Homes (CSH) standards to achieve 20% renewable energy savings;
- The mix of affordable housing provision;

The Service Director Planning & Sustainable Development representative clarified as follows –

- Planting proposals had been improved by negotiation during the assessment of the application and subject to conditions relating to the provision of improved planting pits and the replacement of failed trees/shrubs for a period of 10 years the landscaping scheme could be supported;
- With regard to Breeam and CSH the applicant was offering lower standards than required by the outline permission due to financial viability factors and on-going monitoring impact on tenants, however it was considered that retaining the conditions to secure 20% renewable energy, Breeam Excellent and CSH level 4, would not impact the overall viability to the extent that it would prevent the scheme from proceeding; the applicant's proposal to cap the cost of £225,000 for Solar PV will need to be assessed alongside the energy savings due to the centralised boiler. The amendment sheet set out a number of advices to be included in the reserved matters approval, setting out the Council's expectations for CSH Level 4, Breeam Excellent (minus the monitoring requirements) and the anticipated cap on the cost of solar PV. This allows for the reserved matters approval to be issued separately, whilst providing clear advice for future applications to discharge related conditions attached to the outline permission.
- With regard to affordable housing the s.106 agreement would be amended to allow for a change to the housing mix and it is reasonable to retain the viability review clause and allow any additional affordable housing to be in the form of a commuted payment rather than additional units on site;

The Committee acknowledged the balance between achieving environmental objectives and financial viability but felt that CSH level 4 should be supported. It was felt that officers should continue negotiations with the Applicant and when complete bring

a report back to the Committee with regard to the Breeam standard and the level of Solar PV that could be secured for the suggested capped cost of £225,000 having regard to the site wide energy strategy. These issues would be brought back to Committee before the relevant conditions, attached to the outline planning permission, were discharged.

On being put to the vote it was unanimously -

Resolved –

(1) That Reserved Matters approval be granted subject to conditions and advices in the report and amendment sheet;

(2) That further negotiations be held between officers and the Applicants to finalise matters relating to the outline permission conditions covering the Breeam standard and the Energy Strategy, including an assessment of the level of Solar PV that could be secured for the suggested capped cost of £225,000 and bring a report back to the Committee with this information.

(3) That the Head of Legal Services be authorised to conclude, at the applicants expense, an agreement or deed to vary the s106 agreement in the following terms only:

- 1. The initial Affordable Housing requirement to comprise 4 x 2-bed flats and 7 x 1-bed flats and to agree that any additional affordable housing justified by the second review is provided as a commuted payment for off-site provision;**
- 2. The Affordable Housing service charge to be increased from £515 to £600 per annum per unit;**
- 3. A reduction in the number of local new construction trainees to 3, each to be employed for at least 52 weeks;**
- 4. To hold a Meet the Buyer event at a time and to a format agreed with Bristol City Council to ensure local suppliers benefit from this development, with the aim that a minimum 10% of suppliers will be local to the development;**
- 5. To monitor employment on a quarterly basis and provide to Bristol City Council to show:**

- **Number of apprentices employed on the site with their postcodes**
- **Number of persons employed on the site with their postcodes (including those employed by sub-contractors)**
- **Number of vacancies which have arisen on site**
- **Postcodes of subcontractors/suppliers to this project.**

(The meeting ended at 3.45 pm)

CHAIR