

APPENDIX E

Officer response to Cllr Tim Kent, Cllr Graham Morris, Cllr Harriet Clough, Cllr Steve Jones, Cllr Gary Hopkins.

Response of Alistair Reid – Service Director, Economy

Call in – Hengrove Park and Hartcliffe Campus Housing Delivery Cabinet Decision 7 March 2017, Item 11.

1. Consultation

The report to the Cabinet referred to external consultation having taken place with the Hengrove and Stockwood neighbourhood Partnership, the Hengrove and Whitchurch Park Planning Forum and some local interested bodies.

The report did not give any indication of the result of the feedback, the amount of people involved nor the strength of feeling of those involved.

During the Cabinet debate the relevant Cabinet member for Housing stated that he believed the 'residents of Hartcliffe and Hengrove supported the proposals and cited evidence of this belief that 200 people are not here waving placards.'

He nor relevant officers present did not inform the meeting that around 150 residents attended the September Neighbourhood Partnership meeting and were strongly opposed to the proposals presented. He also did not inform the meeting that at a meeting of the Hengrove and Whitchurch Park Planning Forum around 50 residents called for the current proposals for Hengrove Park to be halted and for the development of a full master plan be adopted instead.

The failure to inform the Cabinet about the outcome of previous consultations within the community and to mislead the Cabinet into thinking there was not strong public opinion that had already been expressed to the council undermined the proper decision making process.

Officer Response:

- The Cabinet Report states that officers attended Neighbourhood Partnership meetings in September 16 and December 16. Information presented at these meeting was then made available on the project web pages www.bristol.gov.uk/sbhz. Whilst not explicit within the Cabinet Report, the number of attendees and a record of the discussion of each meeting is detailed in the minutes of the Neighbourhood Partnership meeting that are available on the Council's website.
- The Cabinet Report (Para 5.4) identifies the main concerns raised by the local community and notes the need to address these as the project progresses towards securing Outline Planning consent to allow the Council to:
 - "Address local residents concerns regarding the size, location and quality of park by confirming its size and quality of provision through the planning process prior to development on site
 - Lead and manage the community engagement to provide residents clarity on a number of key issues prior to development on site including but not limited to;

health provision, education provision, strategic movement and access arrangements.”

- As noted, officers have attended Neighbourhood Partnership and Neighbourhood Planning Forum meetings and discussions have informed the feasibility study. In addition, the report states in the Consultation and Scrutiny section that “*The Council will need to ensure there is an ongoing dialogue with residents of South Bristol and key stakeholders to ensure there is a transparent, common and consistent understanding of what is being proposed at all times*”.
- The primary purpose of the Cabinet Report is to seek authorisation for officers to develop proposals leading to the preparation and submission of planning applications for both Hengrove Park and Hartcliffe Campus. Between now and the date the planning applications are submitted, there will be a number of opportunities for the community to engage with the design team to help shape the proposals. A full report on the consultation including how the proposals have responded to the consultation will be set out in the Statement of Community Involvement which will form part of the planning application.
- The Call-In makes reference to a meeting of the Hengrove Park and Whitchurch Neighbourhood Planning Forum. Whilst the report authors have attended two Neighbourhood Planning Forum meetings, the report authors were not invited to the meeting referred to and are unable to comment on the outcome .

2. Clarity of Aims and Desired Outcomes

The report is contradictory and its aims are not clear.

The report claims that Hengrove Park will have 1000-1500 units subject to consultation, ground conditions, planning etc yet Appendix 3 states that there is 31ha of developable area (excluding the Kier proposal) and section 4.4.3 states the site would deliver c1400 units plus Kiers 259 units.

The report also goes on to state that there is a potential to create a range of parkland/open space totalling 29ha at Hengrove Park (this would replace the agreed policy of 30ha from 2005).

The decision is unclear as it sets a maximum size for park at 20ha, gives a density for development at 54 units per ha but implies that the total number of units could fluctuate between 1000 and 1500.

Only at a delivery of around 1500 units would the density and park figures be achievable.

It would seem the claim that the final number of units is not yet fixed is misinformation. In addition, at the meeting the relevant Cabinet Member tweeted to the Evening Post that the unit numbers were ‘1700 –300 on Hartcliffe Campus’.

Officer Response:

- The primary purpose of the Cabinet Report is to seek to secure a project budget to progress the design work which will lead to planning applications for both Hengrove Park and Hartcliffe Campus. The Cabinet Report does not seek to ‘set’ a number of housing units or the size of the park at this stage. It offers indicative figures to provide the Cabinet with sufficient information to make a decision to progress this project.
- Para 4.1.11 of the report makes it clear that further work is required before the mix of uses and quantum of development is defined. Para 4.1.11 states “The site has the potential to deliver 1000-1500 housing units (subject to consultation, ground conditions, planning etc)” and “The site has the potential to create around 20ha of open space (subject to consultation, ground conditions, planning etc)”.

- Appendix 3 confirms this. The drawing is entitled “Potential Site Capacity” and states “Plans are subject to: public consultation, relocation of rugby club, market context, infrastructure studies, planning consent, site investigations”.
- Development at Hengrove Park and Hartcliffe Campus will be subject to normal planning procedures leading to a planning consent(s) and will be determined in the usual way through the council’s Development Management function. During this process the proposals will need to have regard to the Councils Local Plan policies, including the appropriate density levels, the quantum of development, the number of residential units, mix of uses and response to public consultation.
- Reference is made to there being an “agreed policy of 30ha from 2005”. This figure comes from 2005 Outline Planning Consent (Planning Application Reference 05/00461/PB) which has now expired. The Bristol Local Plan, including the Site Allocations document (adopted in 2014) is the policy that will guide development at Hengrove Park and Hartcliffe Campus – see further comment on policy below.

3. A14.03 Decisions reserved to the full council

b) Key Decisions

- (ii) A decision Taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules (EPR) set out in part 4 of this constitution A4.02 Functions of the full Council section (d)

Only Full Council can make a decision about a matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework...

The decision taken by the Cabinet was in conflict with the Council’s own adopted policy framework. In particular, the local plan. A specific conflict recognised at the meeting was that the local plan states that future development plans for Hengrove park are to include playing fields but the decision by the Cabinet is to relocate the current playing field facilities off Hengrove Park. The local plan requires a large, high quality park but the feasibility plan proposes severing open land into 3 or 4 smaller pockets not one singular large high quality park as stated in the local plan. The local plan estimates 1,000 homes and uses throughout the document a formula of 50 units per hectare. This would mean the local plan authorises development of up to 20 ha not the 31 proposed.

The decision taken is in conflict with the local plan, an adopted policy of the council, so was not a lawful decision that the executive could take.

Officer Response:

- This Cabinet report does not seek to ‘set’ a number of housing units or the size of the park for the Hengrove Park site. The report offers indicative figures to provide the Cabinet with sufficient information to make a decision to progress this project and to fund an exercise to develop the proposal that will lead to planning applications. The planning applications will then be determined through the normal Planning Process.
- The report does not ask the Cabinet to approve a planning application. This will be the role of the Development Control Committee once the planning application has been submitted to and considered by the Local Planning Authority in the normal way.
- It is acknowledged that the Cabinet Report anticipates the relocation of the playing fields that are currently used by St Bernadettes Rugby Club. However this will be subject to agreement with the existing rugby club and again would have to be assessed against local plan policies, and would only be implemented if acceptable to the Development Control Committee.

- The Site Allocations Document identifies the total site size of 49.7ha at Hengrove Park. It does not determine the number of hectares for housing development or the number of hectares for open space / park.