

Decision Pathway Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 05 March 2019

TITLE	Bedminster Green Framework	
Ward(s)	<i>The area covered by the Framework is within the Southville ward. The proposals are also relevant to the adjacent Windmill Hill and Bedminster wards</i>	
Author: Oliver Roberts	Job title: Project Manager	
Cabinet lead: Cllr Beech	Executive Director lead: Colin Molton	
Proposal origin: <i>Other</i>		
Decision maker: Cabinet Member Decision forum: <i>Cabinet</i>		
<p>Purpose of Report: To note the development of the Bedminster Green (BG) Framework (Framework) and confirm the Council's support of the Framework document for the purposes of regeneration of the BG area, including delivery of affordable housing; bolstering existing traders and new enterprises within East Street; and creation of employment and skills opportunities. To approve the allocation of Strategic Community Infrastructure Levy funds for strategic transport and river restoration and flood alleviation works and approve an extension of the area and the period of effect of the Affordable Housing Practice Note (AHPN) 2018, as a measure to incentivise developers to increase the supply of affordable housing in the Greater Bedminster area. To note the status of a development agreement entered with Dandara for plot 5 (as shown in plan 1 of Appendix I) covering the Council's land ownership and obligations for the acquisition of leaseholder interests on this land.</p>		
<p>Evidence Base: Bedminster Green (BG) is referred to within the 'Central Bedminster – Focus for new homes' section of the Local Plan Review document which was published for consultation in February 2018. This emerging policy approach identifies potential for the BG area to become a focus for urban living; emerging proposal CDS7 notes the potential for new homes and affordable homes which would include the redevelopment of some industrial and warehousing land and improvements to connections within the area. The Council has been working collaboratively with BG developers and the Nash Partnership, who have produced a framework and infrastructure strategy known as the '<i>BG Framework</i>' (attached at Appendix I).</p> <p>The Framework identifies BG as a major urban regeneration project centred around the existing railway station, Dalby Avenue and Malago Road over five separate development plots (see plan 1 at Appendix I). The location of BG Framework Area adjacent to East Street will compliment improvements being delivered through the Bedminster Business Improvement District (BID), by bringing an increased population to the area that will bolster existing traders and encourage and sustain new enterprises. Effective land use, as proposed in the BG Framework relieves pressure on green and open space for development and communities and allows for increasing good quality green space and public realm provision within the area. A Framework approach to Flood Risk Assessment allows a joined-up approach to flood risk management across the various development Plots, covering surface water management and flood mitigation.</p> <p>The Council is a key land owner within the BG Framework area and has entered a development agreement with Dandara Limited relating to the Council's land ownership around Hereford Street, Dalby Avenue and Whitehouse Lane, as shown on Plan 1 of Appendix I. Under this agreement the developer could acquire Plot 5, once conditions relating to parking strategy, affordable housing target, planning, price and viability have been satisfied. The Council is required to use reasonable endeavours to satisfy obligations relating to tenants, title and ground condition.</p>		

The BCC Housing Delivery Plan (approved in March 2017), recognised that urgent action was needed to address the falling proportion of completed affordable homes delivered through the planning system in Bristol. The gross proportion of affordable homes to market homes had fallen from the highest levels of 25% in 2009/10 to only 13% in 2017/18. Research by Tetlow King housing and planning consultants in 2017, confirmed that the greatest undersupply of affordable housing was in the central areas of Bristol. Since that date evidence in the Greater Bedminster area has shown a similar pattern of undersupply of affordable homes due to the lower sales prices achieved in the BG area than those achieved in the central areas but similar build costs to the central areas, resulting in lower returns for developers. It is considered that an extension of the area and the period of effect of the Affordable Housing Practice Note (AHPN) to include Greater Bedminster could incentivise developers to bring forward schemes that deliver a minimum of 20% affordable housing. The AHPN would not apply to land owned by Bristol City Council, where the existing Development Agreement for Plot 5 requires a minimum of 30% of the residential units available in perpetuity for Affordable housing (77% Social Rented and 23% Shared Ownership.)

The opportunity to increase and encourage the use of public transport focussed on development around existing stations is recognised in local and national policy, including the West of England Joint Transport Strategy (JTS) and developed West of England Joint Spatial Plan. In addition the enhancement of the A38 corridor for public transport, including future bus priority and new and enhanced active travel cycling and pedestrian routes through the area could combine to facilitate development that could encourage low car ownership and usage.

It is proposed that the Director Development of Place, in association with briefing the Cabinet Member (Strategic Planning and City Design), considers proposals following consultation to update the CIL Regulation 123 List to include highway works to the A38, East Street and Whitehouse Lane; and river restoration and flood alleviation works to the River Malago as shown in the proposed plan included in Appendix I of this report.

Consultation is currently underway in the form of a six (6) weeks web-based consultation, ending on 8 March 2019 focussed specifically at those persons and parties with an interest in the development of the Bedminster Green area. The opportunity has also been taken to remove Metrobus related infrastructure items from the Regulation 123 list, as these have been funded and completed.

Subject to an update of the CIL Regulation 123 List this paper recommends allocation of up to £6m of strategic CIL funding to help facilitate the regeneration of Bedminster Green; support the overall viability of developments and deliver wider strategic benefits. The detail of works that could be delivered with this funding are subject to development of detailed proposals, including designs, cost information and analysis of match funding opportunities; and might not include works to all areas shown on the proposed CIL Regulation 123 plan in Appendix I. Further details on the proposed uses of the CIL funding are provided in Appendix A of this report.

Cabinet Member / Officer Recommendations:

That Cabinet

1. Notes the joint work in developing the Framework document and supports it being a material consideration in determination of future planning applications.
2. Approves in principle the allocation of up to £6m Strategic CIL funds for the design and delivery of Bedminster Green strategic highway works and river restoration and flood alleviation works, subject to proposed amendments to the Regulation 123 list. It is noted that this will be done through existing delegated authority by the Director (Development of Place) in association with the Cabinet Member (Strategic Planning and City Design) following completion of consultation on the proposed amendments.
3. Notes that a further report will be brought to Cabinet for the approval of detailed project proposals for the Bedminster Green strategic highway works and river restoration and flood alleviation works, including outline designs, costs, match funding proposals and the Strategic Transport Assessment for the Bedminster Green area.
4. Approves the proposal to extend the area and period of effect of the Affordable Housing Practice Note 2018

to (i) March 2021, or (ii) the date of the adoption of the new Local Plan, whichever is the earlier, to include the Greater Bedminster area, recognising that the AHPN is an interim measure that does not introduce new policy but provides guidance and supports the implementation of the existing Bristol Local Plan.

5. Notes

- a. the details of the development agreement for Plot 5 of the Bedminster Green Framework area (as detailed in plan 1 at Appendix I), including present negotiations for the acquisition of interests to satisfy the tenant and title obligations under the development agreement.
- b. that if the acquisition of the interests on Plot 5 by agreement cannot be achieved within the time frame officers judge necessary to efficiently progress and support the regeneration of the Bedminster Green area, the [Executive Director for Growth and Regeneration] will bring a further report to Cabinet outlining the alternative options that the Council could consider in relation to acquiring such interests.
- c. the benefits of the proposed developments within the Bedminster Green Framework for bringing an increased population to bolster existing traders and encourage and sustain new enterprises within the Bedminster Business Improvement District (BID) and confirms the Council's ongoing commitment to working with Bedminster BID to forward the regeneration of East Street.
- d. the opportunity Bedminster Green brings for investment in employment and skills – to help equalise and diversify employment opportunities and to achieve both inclusive and sustainable economic growth.

Corporate Strategy alignment:

The BG Framework aligns with Corporate Strategy commitments to creating a fairer more equal city for everyone and seeks to address inequalities, unemployment and poverty in the city through access to warm, secure affordable homes, to achieve a higher quality of life. A priority for the city is finding innovative ways of increasing the availability and affordability of a range of housing types and creating mixed and balanced communities where people want to live and work. The BG Framework will support the Strategy's target of building 2000 new homes, of which 800 are affordable, in Bristol each year by 2020. In addition the BG Framework supports the Well Connected objective of improving physical and geographical connectivity; tackling congestion and progressing towards a mass transit system and reducing social and economic isolation and helping connect people to people, people to jobs and people to opportunity.

City Benefits:

Good quality housing, including affordable housing tenures will help create greater equality of opportunity and quality of life. Creating a mixed and balanced community with a strong sense of place and liveable environment, can help benefit mental and physical health, social interaction and security.

More people living close to East Street will increase the number of people using the shops and services and help bolster and rejuvenate the high street, including bringing ideas for new enterprise. The development will facilitate investment in public transport through proposals for a new Bedminster Station building and entrance; enhanced A38 corridor for buses, local and city wide transport; enhanced and improved pedestrian and cycle routes to encourage active travel both for residents of the new developments as well as the surrounding neighbourhoods.

Local regeneration proposals provide an opportunity for investment in employment and skills – to help equalise and diversify employment opportunities and to achieve both inclusive and sustainable economic growth. The Council's Employment, Skills and Learning Team can work collaboratively with Developers to ensure that these opportunities are maximised and any agreed employment and skills targets are realised. Further details are provided in section 6 of Appendix A.

Effective land use, as proposed in the BG Framework relieves pressure on green and open space for development and

communities, including increasing good quality green space and public realm provision within the area. The Framework looks for opportunities to enhance air quality, ecology, biodiversity, waste handling, water use, flood risk management and energy efficiency, including potential for a heat network to serve developments coming forward in the Framework area.

Consultation Details:

A presentation was given by Nash Partnership to Cabinet members (Housing, Planning) and local members as well as members of both Planning Committees on Wednesday 7th November 2018. Feedback provided on the draft document was recorded and collated with Officers’ comments on the draft document.

Public consultation on a draft revision of the BG Framework was undertaken between early December 2018 and 13th January 2019, by the Nash Partnership on behalf of the BG Developers. The consultation report, which includes details of how the Framework document has responded to stakeholder responses, is provided at Appendix B.

Revenue Cost	£0	Source of Revenue Funding	N/A
Capital Cost	£6m	Source of Capital Funding	This report seeks allocation of up to £6m Community Infrastructure Levey Funding. The capital costs of the infrastructure works will be determined following production of outline designs. Any additional funding requirements may be secured through grant applications to other bodies, such as the Environment Agency and West of England Combined Authority.
One off cost <input checked="" type="checkbox"/> Ongoing cost <input type="checkbox"/> Saving Proposal <input type="checkbox"/> Income generation proposal <input type="checkbox"/>			

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice:

The report seeks approval to allocate £6m of CIL funding for highway/River restoration and flood alleviation infrastructure schemes within the Bedminster area. To return to Cabinet following the development of detailed project proposals for the Bedminster Green strategic highway works and river restoration & flood alleviation works, including outline designs, costs and match funding proposals. There is currently £13.7m of CIL funding available of which £2.1m has been committed and the balance have been earmarked for schemes that enable Growth & Regeneration which align to the desired outcomes of the Bedminster Green area framework. Actual allocation to specific projects, which must accord to the Regulation 123 list, will be subject to a further report and business case being presented back to Cabinet for approval. The earmarking this sum will reduce the availability of CIL for other infrastructure projects.

The report seeks approval to expand the area of effect of the Affordable Housing Practice Note 2018, to include the Greater Bedminster area to March 2021, or the date of the adoption of the new Local Plan, whichever is the earlier. There is no immediate financial implication of this recommendation if approved, other than to state that this will enable any further proposals put forward from the area to be achievable and to deliver against the Council wider vision of promoting affordable housing.

The majority of existing work relating to Bedminster Green has been led and paid for by the developers, only BCC Officers time on this project has been covered through BCC revenue budgets.

With regard to recommendations 5b and c all costs associated with ‘acquiring’ leasehold interests to secure vacant possession of the site through the Development Agreement referred to are paid for by the developer. Any further comments are set out within that appendix. There is no cost implication for BCC, and no new approval is being sort.

The new BG framework would bring much needed regeneration to the Bedminster area and this would release

benefits for the council and the community at large, and there is no known reason why some of the existing CIL funds cannot be earmarked for this proposal.

Finance Business Partner: Kayode Olagundoye, Interim Finance Business Partner, Growth & Regeneration, 25th February 2019

2. Legal Advice:

BG Framework Document:

It is noted that the intention is for the Bedminster Framework to be a material consideration in the determination of planning applications for development of sites within the Bedminster Green area.

The Framework is not a statutory local development document (LDD) and, as such, does not form part of the Council's adopted Local Plan or existing policy (but this report notes that the development of the BG area is the subject of emerging policy CDS7 in the draft Local Plan review).

The final Framework document, taken to Cabinet will represent the outcome of significant consultation of not only developers with an interest in sites in the BG area but also the public and local communities, to promote a co-ordinated approach to the development of the BG area.

An approach which does not take the Framework into account in the determination of planning applications for sites in the BG area could therefore be perceived as contrary to the spirit of the outcome of public and developer engagement. What weight is to be accorded to the Framework document will be a matter of planning judgement on any one planning application on its own merits.

Extension of the Affordable Housing Practice Note (2018) area and period of effect:

The AHPN was published in April 2018, and provides interim guidance to support the implementation of Bristol's adopted Local Plan in the delivery of Affordable Housing. As applies to the BG Framework, the AHPN is not a statutory LDD but represents the outcome of consultation of registered providers of affordable housing and is a developer's guide to the Council's approach to boost the delivery of affordable housing in specified central areas of Bristol. An extension to the central areas specified in the AHPN and an extension of the period of effect of the AHPN to (i) March 2021, or (ii) the date of the adoption of the new Local Plan, whichever is the earlier, would not require public consultation and would be a matter for Cabinet acting reasonably to decide.

Updating of the Council's Regulation 123 List:

The Community Infrastructure Levy was introduced by the Planning Act 2008. The Community Infrastructure Regulations 2010 (as amended) govern how the levy is spent and provide for the preparation of a Regulation 123 List. Items on the List cannot be funded under Section 106 obligations. The Government's Planning Practice Guidance (PPG) makes clear that local planning authorities (charging authorities) may amend the List subject to consulting the public.

The PPG states that charging authorities must ensure that any changes to their Regulation 123 List are clearly explained and the public consulted. This report makes clear that the public will be consulted for a period of 6 weeks prior to the decision being taken on a delegated basis by the Director Development of Place, following a briefing of the Cabinet Member (Planning), who must take the PPG advice into account in making his decision

Consultation

The Framework has been consulted on between December 2018 and January 2019, for a minimum period of 6 weeks, in accordance with the following principles of consultation :

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;
- The degree of specificity regarding the consultation should be influenced by those who are being consulted;
- The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.

The consultation responses on the Framework are discussed at Appendix B.

In addition it is noted that a presentation on the Framework was given by Nash Partnership to Cabinet members (Housing, Planning) and local members as well as members of both Planning Committees on Wednesday 7th November 2018.

Equalities

The Public Sector Equality duty requires the decision maker to consider the need to promote equality for persons with “protected characteristics” and to have due regard to the need to i) eliminate discrimination, harassment, and victimisation; ii) advance equality of opportunity; and iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The Equalities Impact Check (as set out at Appendix E to this Report) is designed to assess whether there are any barriers in place that may prevent people with a protected characteristic using a service or benefiting from a policy. The decision maker must take into consideration the information in the assessment before taking the decision.

Legal Team Leader: Gillian Dawson, 25 February 2019

3. Implications on IT: As a high level framework, there are no direct IT implications in the proposals laid out in this paper

IT Team Leader: Ian Gale, Head of IT, date of advice: 23rd November 2018

4. HR Advice: No HR implications evident.

HR Partner: James Brereton (People & Culture Manager), 5th December 2018

EDM Sign-off	Colin Molton	9th January 2019
Cabinet Member sign-off	Cllr Nicola Beech	14 th January 2019
Cabinet Board Sign-off	Colin Molton	12th February 2019
For Key Decisions - Mayor's Office sign-off	Mayor's Office	12 th February 2019

Appendix A – Further essential background / detail on the proposal	YES
Appendix B – Details of consultation carried out - internal and external <ul style="list-style-type: none"> • Bedminster Green Framework Consultation Report 	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening assessment	YES
Appendix F – Eco-impact assessment	YES
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Combined Background papers <ul style="list-style-type: none"> • Part 1 - Plans <ul style="list-style-type: none"> - Plan 1 – Bedminster Green Framework Area - Plan 2 – Bristol City Council – Land Interests - Plan 3 – Proposed Regulation 123 Plan • Part 2 - Bedminster Green Framework • Part 3 - Bedminster Green Flood Options Report 	Yes

Appendix J – Exempt Information Exempt and not for publication by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (Information relating to the financial or business affairs of any particular person (including the authority holding that information))	YES
Appendix K – HR advice	NO
Appendix L – ICT	NO