

# Bristol City Council

## Minutes of the Development Control A Committee



27 April 2022 at 6.00 pm

### **Members Present:-**

**Councillors:** Richard Eddy (Chair), John Geater, Paul Goggin, Fi Hance, Tom Hathway, Philippa Hulme, Steve Pearce, Ed Plowden and Andrew Varney

### **Officers in Attendance:-**

Gary Collins

## **1 Welcome, Introductions and Safety Information**

Cllr Eddy welcomed everyone to the meeting and issued the safety information.

## **2 Apologies for Absence and Substitutions**

None received.

## **3 Declarations of Interest**

None received.

## **4 Minutes of the previous meeting**

RESOLVED the minutes of the previous meeting on 16 March 2022 are agreed as a correct record.

## **5 Action Sheet**

Councillor Eddy updated the committee on the enforcement briefing. This was brought to the Development Control leads meeting last Wednesday. It was agreed that it should be investigated by Growth and Regeneration Scrutiny Commission. Councillor Eddy has spoken to the Chair of the committee to facilitate this for the June scrutiny meeting and hopefully include it onto their work programme. Development Control members may wish to contribute their views to scrutiny.



## 6 Appeals

- **Items 28 – 31 (Wyvedale Garden Centre):** at the last committee, officers reported that enforcement notices had been served on this site. The owners have since appealed those notices. They are made on written representations so hopefully there will be a fast resolution.
- **Item 34 – 35 (Silverthorne Lane):** The Council has received Secretary of State (SoS) decision on Silverthorne Lane, those applications were considered by committee and granted some time ago. SoS called in the decision but has decided to grant permission. GC will circulate a report to members as important principles were endorsed in this decision, especially regarding flood risk. [ACTION]
- **Item 36 (Clanage Road):** Officers felt that flood risk on this site was significant, but committee decided to grant permission. The application was called in by the SoS. The planning inspector recommended grant, but the SoS thought the risk was too high and refused permission.
- **Item 37 (Feeder Road):** Officers thought this application had significant flood risk and refused it under delegated powers. The SoS granted permission on appeal, subject to Grampian permissions on flood mitigation. The flood evacuation plans were complex and relied on off-site land. Officers viewed that as unreasonable at the time. Following the decision, they are working with the developer to utilise nearby council land.
- **Item 47 (Swift House):** This application was considered by committee in April 2021. The proposal is a waste transfer station on former van hire site. Officers recommended approval, but committee refused based largely on the potential disruption to a nearby nursery. The planning inspector has permitted the appeal, explaining that some environmental issues are not for the committee to decide but for the Environment Agency. This is a reminder to members that they cannot control all elements of an application.
- **Items 52 – 54 (South Liberty Lane):** This was an officer delegated decision, which was appealed with costs. This was an application that was controversial locally, but officers admitted they had been too stringent and conceded the case.

## 7 Enforcement

No Enforcement Notices to report.

## 8 Public Forum

Members of the Committee received Public Forum Statements in advance of the meeting, details of which are included as a supplementary dispatch for the meeting.



## 9 Planning and Development

The Committee considered the following Planning Applications:

### 1 21/02976/F - 46 & 47 Coronation Road & Castlemead House St Johns Road, Southville 0 Bristol BS3 1AR

Officers introduced this report and made the following points:

- The site is a 1960s office block with some other houses. It is within the Bedminster conservation area. The office building is identified as a negative feature and the houses as neutral in the conservation area appraisal.
- The trees on site are subject to protection orders. On the eastern side of the site there is a culvert for the Malago river, so the applicant cannot develop on that section of site.
- There was an earlier 2019 application that was refused as set out in the report. 70 units have been reduced to 46. The massing has also been significantly reduced.
- Potential loss of employment is an issue. The site is not specifically designated for employment but would be considered an employment site and therefore the applicant needs to demonstrate a lack of demand. The existing building lacks quality, however, the land itself could be used for employment in future. We would normally expect an exercise to demonstrate lack of business demand, but this has not taken place. Given the lack of a five-year land supply in accordance with para 11 of the NPPF, there is a presumption in favour of approving applications for housing unless there is a conflict with other policies in that document. Accordingly, on balance this is not a reason to refuse per se.
- Affordable housing percentage is another issue. The developers have undertaken a viability assessment which was independently reviewed. This assessment stated that affordable housing would make this site unviable. The developer has recently offered three affordable units which is welcomed by officers.
- The housing mix is better than in the 2013 application, comprising one, two and three bed properties. The design is good, using quality materials and removes a negative building.
- In calculating the Biodiversity Net Gain of the site there is a difference in approach to the value given to urban trees between the consultant acting for the applicant and the Tree Forum. The application does comply with Bristol tree replacement standards. Officers could condition long term maintenance plan for ecology.
- Officers recommend approval and seek delegated authority to negotiate conditions.

Officers then responded to Councillors' questions as follows:

- The applicant did not carry out a marketing business assessment. Although this is not a legal requirement, officers would expect to see it normally. The demand for residential property in the area likely outweighs the commerciality concern.
- The initial viability assessment stated that no affordable housing was possible, but this has been revised to three units (9% of the total).



- Planning viability is not same as practical viability. Planning viability is based on policy and guidance, what is expected in terms of margins. The developer may have a different appetite for risk that changes viability.
- There are three viability related planning conditions. First is works must commence within 18 months, second must re-examine viability at the end of the build before occupying, third if the developer sells the site for more than its agreed value there is 50/50 profit share with BCC. The three affordable units have been offered without prejudice on the understanding that BCC drops the profit share condition.
- Officers assessed the value of the three properties at £215k. For the profit share to give better returns, the site would need to sell for £430k more than its £1.6m valuation. Officers took the view that three units were more likely to provide value.
- For the 18-month condition, 'commencement of works' does not mean a lot of building. The definition is any material operation to progress the scheme. For this application, that is likely to be demolition of the office block.
- If members are minded to approve, the Chair has requested to see the conditions prior to discharge [ACTION].
- The site will be on the district heat network for the nearby Bedminster Green development. Overheating may be an issue. The developer is using material with low environmental impact and high levels of insulation. Solar panels are included.
- The application complies with the 20% residual carbon reduction target.
- All affordable units are one bedroom. Affordable housing is measured by percentage of units, not site population. It is common for first homes to be one bed properties.
- On the east elevation diagram, the church is not to scale. The impact on St Pauls is lower now due to the reduced mass of the design.
- There are four expert consultants on the BCC viability panel. BCC pays for independent assessments of viability on applications where it is claimed that the full amount of affordable housing cannot be provided. BCC then recoups its costs from the applicant following the determining of the planning application. This avoids accusations that the developer is instructing both their viability consultant and the consultant advising BCC.
- It is not unusual for the independent assessment to state more affordable homes are possible. In extreme cases there have been adjustments from 0% to 30%.
- If a scheme changes during the assessment it may need to be reassessed. A viability assessment process can be repeated several times during application.
- The previous application includes office space at ground level. The applicant has removed that now. There have been scenarios where planning officers have asked for active ground floor usage, which ends up redundant and converted to housing anyway.
- The without prejudice offer of three affordable units becomes a formal offer if agreed.
- If the site is sold and the buyer implements this scheme, planning will not have to revisit it. If a different scheme is proposed it will need to go through the planning process.
- For biodiversity net gain officers can condition an ecology management plan with short, medium and long-term aims. It is unrealistic to put in a very detailed scheme. The open part of this site is small. Landscaping conditions are applied as standard with the management plan.
- Community Infrastructure Levy allocation is estimated at circa £300k.



During debate, Councillors made the following comments:

- This is about 2 issues. The first is the loss of employment space. I would normally treat this very seriously if the applicant does not do market research. However, I do accept this is a very old building that would not provide suitable employment space or improve the environment. The second is about affordable housing, originally zero units proposed which is now up to three. If we turn this application down, I think an appeal is likely to succeed.
- Some things have disappointed on this application, including a lack of trust over the affordable housing assessment and not carrying out a marketing exercise on employment. The ward councillors say in their statement that they were not engaged, developers should do this to create better applications.
- The lack of affordable housing bothers me. In the context of a housing crisis, I am minded to refuse.
- Many developments give with one hand and take with the other. Employment land lost is bad as local businesses have less environmental impact (e.g. lower travel distance). Lack of affordable housing is a big issue. We need more affordable housing, so I will refuse.
- This application has put members in an uncomfortable position. There are issues around economy, affordable housing and ecology. The legislation will not support us refusing this, as much as we do not like it. I will approve with a forced hand.
- If we refuse on affordable housing, we are stuck on policy. Affordable housing is subject to viability and the viability work on this application is extensive. I expect the planning inspector would approve based on three affordable units.
- I was minded to refuse the application until the amendment came in with three affordable housing units and I thank officers for challenging. It leaves a bad taste to change affordable housing provision at the last minute. The only way to reduce housing costs in the city is to increase the general supply. I think a refusal would be overturned on appeal.
- This feels like a slap in the face, with poor affordable housing, a lack of engagement with members and the public, a lack of commitment to ecology, employment and housing mix. I will refuse.
- This is a “bare minimum” application. All of it is disappointing on affordable housing, biodiversity and lack of engagement. I am mindful of construction inflation and this site never being viable. I am disappointed but feel I must approve.

Councillor Richard Eddy moved, seconded by Councillor Andrew Varney and upon being put to the vote, it was

**RESOLVED (5 for, 4 against, 0 abstentions) – that the application be approved as per officer recommendations in the report.**

## **1 Date of Next Meeting**

**1**

The date of the next meeting is 8 June 2022 at 1400 in City Hall.



Meeting ended at 7.20 pm

**CHAIR** \_\_\_\_\_

