

**Bristol City Council**  
**Minutes of the Development Control A**  
**Committee**



**5 October 2022 at 6.00 pm**

**Members Present:-**

**Councillors:** Richard Eddy (Chair), Paul Goggin (Vice-Chair), Andrew Brown (substitute for Andrew Varney), John Geater, Fi Hance, Tom Hathway, Philippa Hulme, Farah Hussain and Ed Plowden

**Officers in Attendance:-**

Gary Collins, Philippa Howson, Jim Cliffe and Roy Pinney

**1 Welcome, Introductions and Safety Information**

Councillor Richard Eddy welcomed all parties to the meeting and reminded everyone of the arrangements in the event of an emergency evacuation procedure.

**2 Apologies for Absence and Substitutions**

Apologies for absence were received from Councillor Andrew Varney (Councillor Andrew Brown substituting).

**3 Declarations of Interest**

Agenda Item 9(a) Planning Application Number 21/03165/F – Land To West of Ashton Gate Stadium - Councillor Ed Plowden indicated that, in his previous capacity as an officer of Bristol City Council, had negotiated the trigger points for Ashton Gate parking.

**4 Minutes of the previous meeting held on Wednesday 24th August 2022**

Upon being moved by Councillor Richard Eddy and seconded by Councillor Phillipa Hulme, it was

**RESOLVED - that the minutes of the meeting held on Wednesday 24<sup>th</sup> August 2022 be approved as a correct record and signed by Councillor Richard Eddy.**



## 5 Action Sheet

It was noted that 5 members of the Development Control A Committee had submitted Public Forum Statements to the Growth and Regeneration Scrutiny Commission on 29<sup>th</sup> September 2022 in relation to their discussion on Planning Enforcement.

Councillor Varney was the Vice-Chair of this Scrutiny Commission. As a member of DCA Committee, Councillor Eddy anticipated that Councillor Varney would provide a verbal update on this at the next DCA Committee.

## 6 Appeals

The Service Manager, Development Management introduced this report and made the following point in relation to Item 8 within the report:

493 to 499 Bath Road, Brislington: The hearing took place on 31<sup>st</sup> August 2022, followed by another day a couple of weeks later. The Committee had made the decision on this application before the last election with reasons for refusal on the grounds of design / amenity and also heat hierarchy issues. Officers had been advised that the decision was likely to be made by the end of this month and awaited the outcome of this.

## 7 Enforcement

The Service Manager (Development Services) introduced this report and made the following points:

- A number of the decisions related to the re-served Wyevale Garden Centre site notices
- It was anticipated that there would be more in future in relation to Houses in Multiple Occupation (HMOs)

## 8 Public Forum

Members of the Committee received Public Forum Statements in advance of the meeting.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision.

## 9 Planning and Development

The Committee considered the following Planning Applications:

### **(a) Planning Application Number 21/03165/F - Land to the West of Ashton Gate Stadium**

The case officer for this Planning Application introduced this report. He explained that this item, whilst separate from the subsequent Planning Application listed as Agenda Item 9(b), was dependent on its approval.



He made the following points during the presentation:

- This site will provide a wide range of community benefits which would justify building on the Green Belt in the exceptional circumstances which applied
- It would only be viable if it was part financed by the subsequent Planning Application 9 (b)
- The details of the demolition of the existing site and the proposed application were set out in detail
- It was noted that the proposal was set out in 6 blocks, with details of Plot 1 comprising a multi storey car park with 536 parking spaces and some wheelchair accessible, as well as Plot 2 comprising a Hotel and 232 Guest Rooms. Details of Plot 4 and Plot 6 (comprising 2 residential blocks) were also provided
- It was noted that there would be three access points to the site and details of these were provided
- Different viewpoints of the proposed development were provided to members
- There had been 53 letters of support and 16 objections mainly relating to concerns about traffic congestion, the lack of affordable housing and some negative aspects of the design

The Committee noted that officers were recommending approval of the scheme due to the benefits it would provide including the commercial space and the significant biodiversity net gain.

In response to Councillor's questions, officers made the following comments:

- In relation to the concerns expressed by the Walking Alliance relating to provisions for walking, it was explained that there were green sections within the development and referred to the biodiversity net gain. There were no longer any official road safety objections. The walking concerns were more closely linked to the site at Agenda Item 9 (b)
- The Winterstoke Road crossing required significant modelling to satisfy road safety issues. Since the applicant had deemed the proposed "super crossing" too expensive, an alternative approach had been adopted which met these concerns
- The day parking figures did not currently merit any objection but these would be reviewed and could reach a cumulative trigger point in future. However, the current evidence was not sufficient to challenge the assessment and as a result the developer's proposal had been deemed worthy to pursue. There would need to be a complete re-consultation once activity had been observed involving an origins and destination parking survey on both match and non-match days and, if necessary, some form of parking controls introduced following this.
- Viability of affordable housing – This was an unusual scheme of large mixed use with a range of components. It would generate a lot of revenue since the land value was reasonably high. The landowner would need to have a reasonable return and there would high build costs and high public realm costs. It was important to understand that planning viability was not the same as general viability since it was predicated on planning guidance stating that developer's profit should be 15 to 20%
- Plans around traffic congestion included an improvement in the pedestrian crossing and Section 278 works
- Sustainability of the proposed 125 Residential Units – The non-residential units achieve a BREEAM excellent score and the priority for the site is a District Heat Network connection with a back-up of air source heat pumps. Any approval could be conditioned to ensure that the appropriate energy source is provided. No controls were currently available as to who buys the housing as this would be available on the open market



- Since the scheme was not viable without the application under Agenda Item 9 (b), there was a good reason for this application not to require the minimum level of affordable housing. Therefore, there was no mechanism to offset the scheme with the other application
- The proposed development is approximately 10 metres taller than the existing West Stand of the stadium
- There was likely to be a community access plan to allow access to the gym for local people and school children. The multi storey car park will be available for users of the stadium, hotel, SCC and Office block
- The delivery of the highways aspects of the development will be through Section 278 works as per the normal process. It remains negotiable until the exact works of all the costs are made available and the technical processes take place, following which the bond will be created to ensure the works are safe
- The viability Review will be a clause within the Section 106 agreement
- Privacy Screens – the condition will require these on the side of certain balconies
- There will be conditions for noise mitigation. On match days, the arena will be closed off for security reasons which will prevent supporters swamping residential development

Committee Members then made the following points:

- The city and people of Bristol owed sporting bodies an enormous debt of gratitude for their support over the years and provided a local and sub-regional degree of excellence. Bristol Sport had provided business confidence. The proposed convention centre, basketball court, gym, parking and housing would complete these objectives. The issue of viability appeared to have been addressed. Whilst the transport issues were the most difficult, the arrangement concerning the Winterstoke Road crossing appeared to have addressed many of these, albeit further work was needed in respect of residents parking. The application should be supported
- This development would bring jobs and skills to the city and should be supported. It was a brownfield site and would enhance and improve the biodiversity net gain
- A lot of people were employed within the stadium in question. This is a completely brownfield site. Bristol Sport was a really good employer locally and this would provide a greater footfall and trade. This will also contribute to a healthy biodiversity net gain
- There remained concerns about the lack of affordable homes, the height of the tower block but some of the responses from officers had been reassuring. The development provided good opportunities for jobs, community engagement and leisure facilities
- There was a great deal that was positive about this application including the regeneration of jobs, the cultural aspects of it and the proposed housing. However, there remained some concerns such as the very dense and high levels of housing and the impact of operations on match day through the Section 106 agreement. In addition, there needed to be a more direct walking route on the desire lines. It was important to commit to affordable housing and not offset it against the other application
- Whilst the transport arrangements were disappointing, Historic England did not oppose it. The scheme should be supported
- The application should be supported

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



**RESOLVED (8 for, 0 against, 0 abstentions) – that the application is granted subject to referral to the Secretary of State, conditions and Planning Agreement (8 for, 0 against)**

**Councillor Farah Hussain was unable to vote in accordance with Standing Orders as she has arrived after the commencement of the item.**

**(b) Planning Application Number 21/03166/P - Land West of Silbury Road**

The case officer for this Planning Application introduced this report and made the following points as part of the presentation:

- This was an outline application with all matters reserved except access and egress to the site
- The development proposed up to 510 dwellings
- The proposed development area was within the Green Belt and the southern section partly within a site of nature conservation interest
- The Long Ashton Park and Ride was near the site
- The view of the proposed development was shown from various locations
- It was noted that this had been the subject of careful negotiations with the applicants
- Details of the size of the development and its access arrangements were provided. It was noted that future pedestrian links could be brought forward
- Potential commercial spaces were indicated
- The issue of the location of the site within the Green Belt had been a key aspect of the objections. However, it was noted that the site only made a limited contribution to the purposes of the Green Belt and that under the very special circumstances which applied, development could be allowed.
- There would be pedestrian and cycle lanes on the site
- A biodiversity net gain assessment had been made and a further assessment would be required at the next stage if the application was approved
- Historic England had raised some concerns about the impact on the Ashton Court site, this was unlikely to be substantial. Neither Historic England nor the Environment Agency had raised any objection to the site
- Only cumulative effects needed to be considered as part of the assessment of the application. Officers believed that the benefits of the site outweighed the less than substantial harm

The Legal Officer in attendance for this planning application made the following comments:

- In reaching its decision, the Committee needed to do so in a legally correct way. In terms of decision making, this included the need to take all material considerations into account, and also to avoid taking account of considerations which were immaterial.
- Legal advice had been provided for this application at various stages by Bristol City Council Legal Team and Counsel
- The report reflects legal advice received from Counsel. There were four areas subject to legal input
- Green Belt Test – Since this application would normally be deemed an inappropriate development, it requires special circumstances to apply and a substantial weighting in favour of it with the benefits clearly outweighing the harm. Both legal advice and Counsel confirm the community benefit to meet the requirement of special circumstances
- Relationship with the Previous Application – Earlier advice had been received from Counsel. It would not be sufficient simply to deliver a financial contribution for the AGSQ scheme. There



would also need to be a tangible practical connection between the two schemes. Advice had been received in respect of this, and this was reflected in the officer report.

- Section 106 Agreement – The Planning obligations were listed in the report. Whilst this was yet to be finalised, Counsel had confirmed that the proposed mechanism to link the application of proceeds from the housing scheme to the delivery of the AGSQ scheme were acceptable as planning obligations, within the context of the applicable tests for such obligations under Reg 122 of the CIL Regs 2010 as amended.
- Noise Issues – It was clear that the housing development proposed in this instance would represent an agent of change in the context of assessing the living conditions for future occupants of the development, which would need to be integrated effectively within the locality. Accordingly there was a requirement to produce a suitable mitigation which would address any adverse noise effects which would be experienced by occupiers of the development, with such mitigation needing to be approved by the Council before any reserved matters approval in respect of this development could be granted. A pre commencement condition achieving this was set out in the report. Counsel was satisfied that this was the appropriate way forward concerning the agent of change principle
- The Tree Forum's concerns were noted as part of their late submission to the Committee. However, these were expanding on the existing information and had already been addressed within the report

The Head of Development Management made the following additional points:

- The outline planning permission identified the site and provided a description of the development which would be subject to an Environmental Impact Assessment.
- The parameter plans have an indicative layout which indicate where the development will take place
- If this application was successful, the applicant would need to make a further application in respect of reserved matters. There were requirements to address issues of noise and dust, biodiversity and proximity to the ETM site

In response to members' questions, officers made the following points:

- The two sites are intrinsically linked since the proceeds of this site are needed to fund the site at Agenda Item 9(a). However, this was not in itself a reason to approve the application. There were improvements to the site which were judged to outweigh any harm that would be caused by the development.
- Any financial loss suffered by the developers on Agenda Item 9(a) to help ensure approval of this application was at the developers' own risk
- Since the ETM site took commercial skips, smells from the site were not a major concern
- The Planning obligation would secure approval of the required 30% affordable housing on the site. Government guidance clarifies that 30% affordable housing would have to be secured before reserved matters were agreed and this could not be re-visited at reserved matters stage.
- The concerns of the Friends of Suburban Railways were noted concerning the recent announcement for the Portishead line and their concerns that this development might imperil it. However, there had never been any plans for a station at Ashton Gate and the outline design of the application did not prevent future consideration of various options.



This situation would be closely monitored and any design for this would have to be in place prior to any reserved matters being agreed. In addition, confirmation was still awaited from the Government as to whether or not the hourly service would be agreed to so further issues needed to be resolved on this issue

- A Community Access Plan would link two sites and would form part of Section 106 negotiations between various partners
- North Somerset Council were primarily concerned with the issue of access arrangements in any forthcoming application linked to any future Portishead rail service
- Any decision relating to the Portishead rail line service being a half-hourly service would be in the future, as the existing proposals were for an hourly service, and was not a material consideration of significant weight in respect of this application
- Whilst previous planning applications on this site were noted, officers advised that the only Planning Inspectorate ruling related to the issue of the Town and Village Green
- It had been commented on during public forum that the assessment during noise had been made under some COVID restrictions but not during the full lockdown. Officers were satisfied that a proper assessment had been made
- It was noted that one option for the Portishead Railway Line might be provision of different road access to the industrial site. Whilst this was one alternative amongst others, there was currently no policy provision for this
- Subject to the appropriate conditions being implemented, the living conditions near to the ETM site would be acceptable. This issue would need to be addressed in detail at the reserved matters stage. Pollution Control had raised no objection to this application
- It was noted that there were different professional opinions between the report and the Tree Forum concerning Biodiversity Net Gain (BNG). However, the most recent assessment had confirmed a BNG of 5%. A further assessment of this would be made at the reserved matters stage
- The ecologist had provided conditions following concerns raised by Natural England about arrangements to protect horseshoe bats at the development. Any further issues relating to this would be addressed at the reserved matters stage
- Whilst the issue of 30% affordable housing was one element for this application, there were others for the Committee to consider such as the linkage of this application to the viability of the application for Agenda Item 9(a).

Committee Members then made the following points:

- The key issue in this application was that of land use. The existing plan indicated that special circumstances applied in relation to the Green Belt and the proposals for housing. There remained a housing crisis in the city and unless brownfield sites such as this were developed, a greenfield site would need to be approved albeit that some sites did need to be safeguarded from development. The objections relating to flooding and Natural England had been removed. In addition, it was clear the 30% requirement for affordable housing could not be removed for the scheme to proceed. Furthermore, the development would be subject to approval by the Secretary of State.
- This application would not set a precedent as there were special circumstances that applied in this specific case
- There were too many loose ends with this application to support it
- The application should not be supported as there was not enough information to do so.



Recent legal advice has been received very late. There remained concerns about noise and biodiversity and was still a lack of clarity on access. In addition, it was possible that North Somerset Council would object following the announcement of the Network Rail proposal

- Special circumstances did not apply in this case. However, there was an urgent need for housing and therefore the scheme should be reluctantly supported

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

**RESOLVED (5 for, 1 against, 3 abstentions) – that the application is GRANTED subject to referral to the Secretary of State, conditions and Planning Agreement.**

### **(c) Planning Application Number 21/05402/FB - Claremont School**

The case officer for this Planning Application made the following points during his presentation:

- Details of the location for this school were provided. It was noted that the school currently operated on two sites and that the development would bring the whole school under one site – the historic Claremont House and other additions and extensions
- Henleaze Infant school and was located to the south of the site and residential areas to the north and east
- The development would include the demolition of existing structures and construction of a 2 storey extension alongside the general refurbishment and an alteration to the front entrance
- There would be the creation of new designated minibus bays and staff cycle parking
- The existing school capacity was indicated, together with the increased capacity for both students and staff
- Windows would include obscured glazing to address concerns about overlooking at the site
- There had been objections to the proposal on the grounds of amenity, highways, noise and design
- Amenity – whilst it was acknowledged that there would be some overbearing and overshadowing to nearby properties which was not ideal, the applicant had minimised these as much as possible. Details were provided to the Committee of planning guidance in relation to planning applications for schools. It was considered not sufficiently harmful to refuse on these grounds
- Highways – there was no objection on highways safety grounds from the Council’s Transport Development Management Team

In response to members’ questions, officers made the following points:

- The request for a Traffic Management Plan by the local Councillor was noted. Road safety was a very important part of any proposal for a school. Most pupils were brought to school by minibus and the number of trips involved would be minimal. However, this situation would be closely monitored. It would also be possible to apply for Safer Schools funding if this was required. There was very little traffic generation from this application
- There would be a condition relating to noise to help avoid disturbance on surrounding residential properties
- Whilst it was not ideal that some category A trees would be removed, this was unavoidable. There would be a Tree Replacement Plan
- It was also noted that the scale and massing of part of the development had been reduced from the previous proposal to one storey which would be sufficient to avoid any harm on



the amenities of surrounding properties

- The distance between the development and the neighbouring properties was approximately 19 metres
- It was noted that there were concerns about potential pollution via the roof top plant. However, the control of these had been assessed and this was deemed acceptable subject to technical changes

Councillors made the following comments:

- This development would double the number of special needs children to be schooled and provide them with a building with modern conditions. Whilst there remained some concerns about access and egress, there were not sufficient grounds to refuse the application
- Additional SEND places at schools were badly needed. The development would also provide jobs for staff. The conditions would mitigate any concerns. Therefore, the scheme should be supported
- Whilst there was some sympathy for neighbours, this was a good development which complied with planning policy
- The scheme should be supported, although the inclusion of a strong travel plan and a re-siting of machinery would also help

Councillor Richard Eddy moved, seconded by Councillor Philippa Hulme and it was

**RESOLVED (unanimously – 9 for, 0 against, 0 abstentions) – that the application be granted subject to conditions.**

#### **(d) Planning Application Number 21/04208/F - 1A to 1C Colston Yard**

The case officer for this Planning Application made the following points during his presentation:

- This was an extremely constricted site
- The site location plan was shown and the access details provided, along with the elevation details
- The proposal had been significantly reduced to be similar to the approved 2007 application
- Proposed views of the development were provided
- There had been 58 objections, together with 12 further objections after the revised proposals had been submitted, including from the Conservation Advisory Panel, the Bristol Civic Society and concerns from transport colleagues about the increased use of the arch way
- The development would include a lift and stair access.
- There would be no restrictions into Colston Street so the number of vehicles could increase
- Following the revisions to the scheme, officers felt the scale was now appropriate
- Part of the site was overgrown and had been cleared in the past
- There were no grounds for objection arising out of the ecological survey
- A Construction management Plan and Environmental Management Plan would be required
- This was a landlocked brownfield site and would help to meet the needs caused by the lack of temporary accommodation in Bristol

Councillor Richard Eddy noted a number of concerns about the scheme, including those raised in the Public Forum. He moved, seconded by Councillor John Geater and upon being put to the vote, it was



**RESOLVED (unanimously – 9 for, 0 against, 0 abstentions) – that a decision on this planning application be deferred pending a Site Visit.**

NB: The Committee was reminded that any formal Committee resolution for a Site Visit required them to attend to be able to participate in and vote when it was reconsidered at a future meeting (in accordance with the Council's Standing Orders for Committee Members on Planning Matters).

### **10 Date of Next Meeting**

It was noted that the next scheduled meeting would be held at 2pm on Wednesday 16<sup>th</sup> November 2022 in the Council Chamber, City Hall, College Green, Bristol.

The meeting ended at 9.55 pm

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

