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Bristol City Council Minutes of the Development Control A Committee



26 April 2023 at 2pm

Members Present:-

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

Officers in Attendance:- Gary Collins – Head of Development Management, Allison Taylor – Democratic Services

1. Welcome, Introductions and Safety Information

All parties were welcomed to the meeting.

2. Apologies for Absence and Substitutions.

There were no apologies.

3. Declarations of Interest.

Councillor Varney declared that he was an employee of Clifton College. He had not pre-determined the application and he had no pecuniary interest.

Councillor Hance declared that she, along with the other Green members of the Committee, had attended a briefing with residents. She had not pre-determined the application.

4. Minutes of the previous meeting held on 21 December 2022.

Resolved – These minutes were agreed as a correct record of the meeting.

5. Appeals



Officers explained the process under which appeals operated and were brought to Development Control Committee meetings for information. In response to questions the Head of Development Management made the following comments:-

1. Brislington Meadows – DC B Committee had been briefed on this appeal. The appeal was for non-determination and an inquiry was held and the decision was to allow the appeal for outline planning consent for 260 dwellings. Weight was given to the allocated adopted Local Plan and that there was not a 5-year housing supply against the harms of the proposal. An expert witness had attended regarding the loss of hedgerows and trees and the Inspector agreed that the trees were not veteran trees;
2. It was noted that the Secretary of State had consulted Local Authorities regarding a relaxation of the 5-year housing supply and had received significant numbers of responses. The 5-year housing supply currently still applied;
3. He confirmed that there had been increase in non-determination appeals in the last 2/3 years and this had spiked recently. The Planning Authority was still able to make a case but in an accelerated way. The backlog was being tackled but there had been a resources and processing issue. Councillor Eddy pointed out that there had been 2 cancelled Committees which would add to delays in the system;
4. The former Wyevale Garden Centre was a high priority and the timeframe would be reported back to the next Committee under the Action Sheet;
5. Councillor Eddy stressed the importance of listening to Officer advice when determining applications, especially defensible grounds for Refusal.

6. Enforcement.

The Head of Development Management reported that there had been an increase in formal notices being served which was a positive sign. It was noted that the national fees regulations were subject to consultation and he hoped that the retrospective planning work was factored into future fees.

7. 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.

Councillor Eddy emphasized that Public Forum was limited to 30 minutes and one minute per speaker so it was important that speakers focused on material planning considerations in that limited time.

Supplementary Questions.

David Redgewell – What level of green travel plan is attached to this application?

Officer Response - A travel plan was part of the recommendation.

Andrew Paten – What information was given to the public about the zoo being listed as a Community Asset?

Officer Response – The Officer's original response in the Public Forum Bundle was read out.



Iain Boyd – Had Member Briefings always been informal?

Officer Response – Yes. Members were invited to briefings for major applications with the applicant outlining the application to them. There was no pre-determination and Officers were present and would step in if such comments were made.

8. Planning and Development

The Committee considered the following applications below.

a. Planning Application Numbers 22/02737/F & 22/02889/LA - Bristol Zoo Gardens Guthrie Road Bristol .

The Case Officer summarized the key aspects of the application for the benefit of the Committee and the following points were made from questions and clarifications:-

1. In reference to transport and road safety at the Northcote Road elevation it was stated that Transport Development Management had worked carefully with the applicant since last year and had agreed to extend the Section 278 Agreement and any extra works required by road safety had been included in the agreement. There would be an independent road safety audit during the whole of the project and any extra measures required as a result of it would be agreed. The Travel Plan contributions would focus on road safety and the exact details were dependent on the audit though safety of children and residents would be very important;
2. Angled and obscured windows as well as acceptable distances would ensure safeguarding for Clifton College. The Committee were shown images to demonstrate this;
3. The Committee's Legal Advisor assured the Committee that the S106 Agreement was entirely capable of securing public access to the gardens as it was a statutory measure and such an obligation was enforceable by the courts. Any breach would bring about proceedings;
4. Officers had reached a decision along with the Nature Conservation Officer and in line with guidance that it was disproportionate to ask the applicant to change the metric for biodiversity from the 3.0 metric part way through the application process despite their being 2 updates in April 2022 and March 2023. The Head of Development Management was unable to define the metric of 4.0 as it was an extremely complicated assessment other than to state that it was a different method of calculating future biodiversity net gain;
5. Officers had negotiated greater public access to the gardens but it was not possible to provide 24-hour access because of the concerns of ASB between the homes and open spaces;
6. In response to a question concerning the change of use of the site the Head of Development Management stated that the Committee was being asked to weigh up if the quantum of the development was acceptable. Officers had assessed the viability and believed that it did add up. He noted the special policy that existed for pub closures but that was linked other pubs in the area. A zoo was very specialist and limited in



numbers and no other zoo operator had come forward to express an interest in taking on the zoo site. He added that he had not seen the KPMG with alternative options and noted that alternative options for development were not material, however they were in this case due to the unique nature of a zoo. There had been 2 pre-applications for the site but they had not come forward as full planning applications. Officers advice was based on those facts and the reasonable timescale when no alternative proposal had come forward;

7. Historic England's judgement was not definitive but as a statutory consultee on heritage matters significant weight should be given to their opinions though officers were not bound to align with their assessments;
8. In response to question as to whether a management company was the best body to uphold access and whether a charity could do this best the Committee's Legal Advisor stated that a management company was a recognized approach and the prior approval of a management company was a required aspect of a S106 Agreement. Financial guarantees could be built into a S106 if the company's finances were insufficiently robust. It was standard procedure for the LA to require a certain level of financial background from day one;
9. In response to a question concerning the gates being unwelcoming it was noted that it was possible to secure details of signage and that animal motifs would be a design detail to welcome visitors. He added that there needed to be a balance between welcoming visitors and acknowledging the residential aspect of the site;
10. The heritage benefits were taken into account when assessing the application and were given weight;
11. Distances between nearby buildings should be assessed on a case-by-case basis and not on a held distance;
12. Image S1 showed the worst shadowing impact. The daylight assessment showed a medium adverse impact but officers accepted the justification that the building was not a house or a dormitory. There was a reduction of daylight in Northcote Road but there were justifications for that and it was for the Committee to consider if this was acceptable or not;
13. The framework for the Management Plan would set out how the public access and opening & closing of the gates would be managed;
14. Regarding design, the first question for officers was whether it conformed to the Development Plan and its negatives would have to significantly outweigh its benefits. It was a planning judgement call for officers and for the Committee;
15. It was difficult to state what the bio net gain was in respect of urban trees without the assessments. 10% was the legal target;
16. It was confirmed that if 20% affordable housing was not signed up to by the applicant the decision would be required to come before the Committee again.
17. The need for social housing was a citywide issue and set out in the Local Plan with outer areas requiring 30% and central 40% but was reviewed down some years ago to 20% on basis of at pace delivery.

The following points arose from debate:-

1. Councillor Eddy stated that Bristol Zoo Gardens had been at the heart of Bristol life for 186 years and had been a flagship for education, conservation, tourism and leisure. He acknowledged Bristol Zoological Society's need to align with 21st century standards for



animal welfare and that relocating to an appropriately sized site and seeking to utilize the vacated site would achieve this. The application was a significant investment. He accepted the housing use as part of the application and that it would be policy compliant with 20% affordable housing and was lower in density than elsewhere in Clifton. 80% of the site would be for communal use as an open space and would be difficult to find from any other applicant on a redevelopment. He welcomed over 36% biodiversity net gain which was four times what was originally planned. The 470 trees that would be replanted went beyond Bristol's tree standard. He accepted the gated entry. The application was well designed with not excessive scale and massing on the elevation of the Downs side. He would be voting for approval and wished the zoo well for its positive investment;

2. Councillor Hance did not accept aspects of the application namely the management of the public space, the scale and massing which was excessive and made for an indiscreet development, unacceptable design and insufficient level of affordable housing;
3. Councillor Goggin accepted the gated arrangement and the free access in perpetuity as many of the buildings were being retained and restored. He was content with the biodiversity metric retained throughout the course of the application. He also supported the housing which would sit in a beautiful environment, there would be less traffic, the use of air source heat pumps, the provision of toilets and 470 new trees. He would vote for approval;
4. Councillor Plowden commended the free access to the gardens and noted that the applicant had worked hard to embed its principles and values into the application. However, the site was not an allocated site for housing which brought different funding mechanisms and the application did not protect or enhance the heritage of the site. The best value paper failed to address environmental, social and moral aspects of the application. He urged the Committee to refuse the application;
5. Councillor Hathway stated that the application was not acceptable as it failed to use the new biodiversity metric and so he would vote for refusal;
6. Councillor Geater acknowledged the overbearing design and the older biodiversity metric being used but noted all the benefits as listed by Councillor Goggin so he would vote for approval;
7. Councillor Varney acknowledged that attitudes to animal welfare had changed and the numbers visiting the zoo had declined. He was concerned about the scale and massing and the vehicles on site and as a conservation charity carbon neutral housing would have been appropriate. However, on balance he believed the benefits outweighed the harms and he would vote for approval;
8. Councillor Hulme accepted the need for housing in Bristol and that English Heritage had found there was less than substantial harm. She recognized there was a difficult balancing act but would vote for approval;
9. Councillor Hussain accepted the biodiversity metric being retained through the life of the application. She was content with the public access and the S278 and S106 agreements being embedded into the consent and would vote for approval.

There were no further comments and Councillor Eddy moved the officer recommendation in relation to PA No. 22/02737/F and this was seconded by Councillor Goggin. On being put to the vote it was:-

RESOLVED (6 for, 3 against) That the application be granted subject to a Planning Agreement.



Councillor Eddy moved the officer recommendation in relation to PA No. 22/02889/LA and this was seconded by Councillor Goggin and on being put to the vote it was:-

RESOLVED – (6 for, 3 against) That listed building consent be granted subject to Condition(s).

14. Date of Next Meeting

31 May 2023 at 2pm

The meeting ended at 4.40pm.

Councillor Eddy took the opportunity to thank the Planning Case Officer for his hard work as he would leave BCC the following day. He wished him well for the future and this was echoed by the Committee.

Councillor Eddy also noted that Councillor Goggin would be leaving the Committee in order to fulfil the role of Lord Mayor and he thanked him for his service on the Committee and this was echoed by the Committee.

Finally, Councillor Eddy stated that Gary Collins, Head of Development Management, who had been in post for 16 years would be leaving BCC. He personally thanked him for all his skills and hard work keeping Committees' on the straight and narrow and wished him well for the future and this was echoed by the Committee.

CHAIR _____





