

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



**31 May 2023 at 2.00 pm**

**Members Present:-**

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

**Officers in Attendance:-**

Philippa Howson, Jim Cliffe, Roy Pinney and Jeremy Livitt

**1 Welcome, Introductions and Safety Information**

The Committee noted the evacuation procedure in the event of an emergency.

They also noted that Planning Application Number 22/01221/F – St Christopher’s School, Westbury Park, Bristol BS6 7JE had been withdrawn from the agenda to be reconsidered at a future meeting with the agreement of the Spokespersons of the Committee.

**2 Confirmation of Chair**

It was noted that Councillor Richard Eddy had been appointed as Chair of the DCA Committee for 2023/24 Municipal Year.

**3 Confirmation of Vice-Chair**

The Committee noted that Councillor Philippa Hulme had been appointed to act as Vice-Chair for the 2023/24 Municipal Year.

**4 Membership of Committee**

The Committee membership was noted as follows:

Councillor Richard Eddy (Chair)

Councillor Philippa Hulme (Vice-Chair)



Councillor John Geater  
Councillor Fi Hance  
Councillor Tom Hathway  
Councillor Farah Hussain  
Councillor Chris Jackson  
Councillor Ed Plowden  
Councillor Andrew Varney

The Committee noted that Councillor Sarah Classick and Councillor Steve Pearce had been incorrectly recorded as members on the Agenda Sheet.

## **5 Terms of Reference**

**RESOLVED – that the Terms of Reference for Development Control Committees be noted.**

## **6 Proposed Dates of Future Meetings**

The Committee noted the proposed dates of DCA Committee for the remainder of the 2023/24 Municipal Year as follows:

(all on Wednesdays alternating between 2pm and 6pm)

6pm on 5<sup>th</sup> July 2023 (replacing the date listed in the papers – 6pm on Wednesday 28<sup>th</sup> June 2023 – due to a potential clash with a PROWG Committee on 28<sup>th</sup> June)

2pm 9th August 2023

6pm 20th September 2023

2pm 1st November 2023

6pm 13th December 2023

2pm 24th January 2024

6pm 6th March 2024

2pm 24th April 2024

**RESOLVED – that the above dates be approved.**

## **7 Apologies for Absence and Substitutions**

There were no apologies for absence.

## **8 Declarations of Interest**

There were no Declarations of Interest.



## 9 Minutes of the previous meeting held on 26th April 2023

**RESOLVED – that the minutes of the above meeting be confirmed as a correct record and signed by Councillor Richard Eddy.**

## 10 Action Sheet

The Committee were advised that no update was yet available for the Wyevale Garden Centre Appeal but stated that he would advise the committee concerning progress as soon as practical.

It was noted that there were growing concerns in the community about this issue which needed to be addressed as soon as possible.

Action: Peter Westbury

## 11 Appeals

**Item Number 45 - Land To Rear Of 44 & 46 Wrington Crescent Bristol BS13 7EP Appeal against non-determination: Construction of 2no. three bedroom semi-detached dwellings – appeal dismissed and costs awarded.**

The Committee noted the situation concerning the above item.

In response to a member's question, officers advised that they would report back to the Committee on the details concerning this.

**ACTION: Peter Westbury**

## 12 Enforcement

In responding to a member's question concerning an update on the situation concerning enforcement, it was noted that it had not been possible to obtain a comparator record.

Therefore, a written update would be provided by officers at a future meeting, as indicated in the action sheet.

## 13 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. Since the number of requests to speak had exceeded this limit, the speakers had been preselected to speak.

The following supplementary questions were asked by David Redgewell in response to the formal questions that he had submitted concerning Planning Application Number 22/03476/F – The Vassal Centre, Gill Avenue, Fishponds:

**Supplementary Question 1: What progress has there been on a Section S106 Agreement for a public bus service to the centre of the city for a conference centre to enable disabled people to have a right of access and what discussions have taken place with WECA concerning this?**

Officer Response: David Redgewell was referred to the presentation that would shortly be provided on this Planning Application. He also stated that work on Section 106 will begin if members were minded to approve the application.

**Supplementary Question 2: As the adjacent Authority to South Gloucestershire, what discussions have taken place concerning a travel plan and access for disabled people for residents of both Local Authorities and also involving the West of England region (through WECA)?**

Officer Response: We will consult with colleagues at S Gloucestershire and WECA as required.

## **14 Planning and Development**

The Committee considered the following Planning Applications:

### **a 22/03476/F - The Vassal Centre, Gill Avenue, Fishponds**

Officers introduced this report and made the following points during their presentation:

- The planning application was for a C2 residential development with 14 units for the elderly and some office facilities, together with uses for a nursery, creche or day centre, a café and landscaping
- The Committee was provided with information about Phases 1 and 2 of the development with primarily social housing
- A plan showing the development was shown
- 91 objections had been received to the application



- There were concerns related to overlooking at the site, the height of buildings, the fact that it was not in keeping with the street scene, parking and loss of community facilities, together with overlooking and overshadowing
- A study commissioned by the agent showed that most shadowing was along the boundary
- Concerns had been raised about the bus service and travel plans had been conditioned accordingly
- The site was considered to be in a sustainable centre and was in keeping with what was required. The Committee was advised that it met sustainability targets
- The benefits for the scheme were deemed to outweigh the negatives

The application was therefore deemed acceptable and recommended for approval.

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

- The Construction Management Plan was the key to ensuring that the effects of construction traffic and disturbance arising from it would be kept to a minimum
- The travel plan would be conditioned to examine bus provision in liaison with South Gloucestershire and WECA as appropriate. There were Section 106 provisions available which could be used for this purpose
- There was a positive net gain for biodiversity and carbon reduction included a 20% saving which met policy standards
- The distance window to window from Willow Bed Close was around 30 metres which was deemed acceptable from a security point of view. In addition, the site would be floodlit. The main parts of the site will be public open space with passive surveillance from the staff office
- The issue of disabled parking spaces would be controlled through condition 33 which required a Car Park Management Plan. The design was a scale flat roof
- It would be possible within existing conditions to discuss usage with users and increase any blue badge facilities at that point. The Committee requested that officers ensure arrangements include sufficient provision for disabled parking on site **ACTION: Pip Howson**
- The lighting plan will include a limit to the amount of luminescence and lux. There would be visual landscaping around the boundary
- There would be a significant amount of tree planting and a landscape plan creating a green buffer with trees of differing heights

Councillors made the following comments:

- It was important that this site should continue to have a key role for people in community uses in the area
- Bristol charities should be congratulated for coming forward with an imaginative scheme which also provides social affordable housing.
- It was important that disabled parking is adequately protected
- The implementation of a travel plan by officers was important



- Any development in a residential area needs a Construction Management Plan to limit disturbance and noise.
- Issues such as shadowing and impact on residential amenity were of concern but did not appear to breach our policies
- The application should be supported subject to conditions being properly followed through to ensure adequate safeguarding of the community
- The benefits of the scheme outweighed the negatives
- Whilst there was sympathy for neighbours to the scheme, a three storey development is difficult in a neighbourhood. However, the benefits outweighed the concerns – it was a brown field site, it would improve community facilities, there was specialist elderly accommodation and there would be carbon reduction
- Although the concern of neighbours was noted, the Site Visit was reassuring that any potential issues would be addressed
- There needed to be an assessment of the required amount of parking and a transport plan together with the possibility of support through a Section 106 agreement for a bus service and adequate parking controls. On balance, the scheme should be supported
- Most of shadowing would be limited due to the building. If a Section 106 Agreement can be made to improve it, this would be helpful. On balance, this is a good development and should be supported

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

**RESOLVED: (unanimously) – that the application be approved subject to the conditions set out in the report.**

### **b 22/03924/P - Broadwalk Shopping Centre**

The Committee noted that it should only include issues that are germane to an outline planning application in its consideration of this item.

Officers introduced this report and made the following presentation:

- The scheme was for outline planning permission only with only access to the site being a key feature
- All matters related to scale, detail design and landscaping are reserved for subsequent approval
- The red line indicated those parts of the site not included in the proposed shopping centre
- The site would provide a mix of uses including up to a maximum of 800 homes with F2 community uses
- The indicative layout was set out. In principle the site could accommodate what was proposed
- The areas highlighted in green on the plan set out the areas given over to public space.



- The route through from Wells Road to Redcatch Park was set out, including details of height and planning permission
- Following a viability assessment, 80 affordable homes were proposed. Any buildings that were demolished would be subject to a Section 106 agreement, planning conditions and reserved matters and would not be cleared until some time in the future
- The site was within the Knowle/Broadwalk Town Centre and would result in a very small increase in shop frontage
- There would be an economic benefit of a £200 Million investment with up to 500 jobs, a new pedestrian route and new community facilities including a library. The development would be phased with an initial development of 30 commercial units
- The site was identified on the plan showing the area where height concentrated. The adopted policy says that new housing would be directed towards south Bristol with a staging post to establish if it could be accommodated in principle and how it would overlook the site

Officers recommended approval of the planning application subject to a legal agreement.

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

- No detailed design was yet available. Whilst an initial assessment was that 420 dwellings could be achieved on site, this would be subject to a more detailed assessment including a financial feasibility study
- The application had been accompanied by a viability appraisal with information from Savills broadly in accordance with this. Bristol City Council will appoint its own consultant to assess if the scheme is viable or not – the main area of difference is in benchmark land value, with the amount expected to receive about £4 Million less than estimated by Savilles which amounted to approximately 50 to 80 affordable units.
- BCC's affordable policy has a target percentage (30%) to be sought through negotiation subject to scheme viability. Although we might approve 10/20% housing, this does not confirm if it is housing compliant. This is the maximum it can afford but it will be reassessed to see if can get to 30% target
- Since there is currently no detailed design, it was not yet possible to assess the accuracy of the energy design with conditions to be secured at a later date
- Officers noted members' concern about the provision of information relating to this development on the site when the Committee was only being asked to confirm whether or not it agreed with outline planning permission
- If approved in principle it could deliver the amount of development set out. Whilst the application of numbers on the site for 850 units enabled an assessment of viability, it was not yet possible to assess further detail with the information available. Officers had assessed that it could be approved in principle
- The full application could not be considered until an outline application had been approved
- Viability had been assessed based on 817 units with floor space a key factor in this since this could affect the number of dwellings. Demolition costs were very high on the site with no tenders



known for this work at the moment. There was not enough detail to assess whether or not this was based on the cost of each individual unit or a 12 storey building

- Officers noted that the possibility of using Section 106 funding had not been assessed. The Committee was advised that when Bristol City Council became a CIL charging authority in 2013, this reduced the scope of the use of S106 Agreements. Since then, a Section 106 agreement had not been sought for parks which was a policy decision at the time. Under the current circumstances, the CIL levy would be a minimum of £4 Million and could be more with 15% of CIL going to Area Committees to decide. Bristol City councils could always allocate strategic CIL for parks
- Whilst no assessments had yet been made on the impact of size and density of the development on health, this would be addressed as the development had to comply with national space standards. The Health Impact Assessment Development would be used as a means of assessing this.
- Since the density was the worst case scenario taking into account the size of the site and likely numbers of dwelling, it was reasonable to assess this with some indicative information. However, any proposal would need to comply with the required policies
- Whilst it was likely that any proposed scheme would be large given the scale of the outline application, any development would be assessed against policy in the same way. Officers had balanced the benefits of the outline application against the impact and had concluded that it was achievable.
- Members' attention was drawn to Paragraph 9.58 of the report setting out details of the Vertical Sky Component assessment
- The Committee's concerns were noted about the existing supermarket, cinema provision and the role of Redcatch Park. However, officers pointed out that these were not part of the current application process
- Whilst affordable housing was a key material consideration, all developers were required to comply with a development plan proposal. The Committee were able to assess the design as well as amenity
- The issue of commercial space was a commercial issue for the developer and not within the planning remit
- It was usual practice for a builders plan to be prepared for schemes using the Building Cost Association Service (BCIS) which assesses this on the basis of pound per square metre. Following a request from BCC's affordable housing team, Housing Associations were approached to assess the base build costs. The estimated base build was greater than the BCIS medium but also greater than that estimated by the developer
- Any proposal for funding through a Section 106 scheme was not supported by planning policy and would be difficult to defend at appeal
- It was noted that there was reference in the report to developer's comments to the urban living document which stated that offsite provision for children's play can be provisioned if not provided on site. Officers pointed out that there was no mechanism to secure these funds
- The Committee was advised that Redcatch Park was not assessed as part of the development
- It was a planning obligation to provide a certain amount of affordable housing. However, the Planning Authority could not require a developer to pay funds before the scheme commenced and since it was not known when the scheme would start, it was not possible to require this to be carried out within a certain date.





Committee members made the following comments:

- It was important that Broadwalk should not end up like the scheme in St Catherine's Parade in Bedminster. Whilst there would be difficult decisions to be made in future, outline planning consent was required for the scheme to progress to the next stage and to signal a willingness to invest in Broadwalk and to provide certainty in allowing the required improvements to be made.
- Whilst there may be concerns about the level of affordable housing, schemes with zero affordable housing had been approved in the past
- Strategic CIL could be allocated to the park area and a marker for a residents parking scheme could be provided with approval of the scheme
- There were a number of elements of this scheme which had merit such as the regeneration of a very run down area, the arrangements for street scene, the proposals for recycled and embedded carbon and helping traders who were struggling in the area. However, since the viability assessment could only contain what was included within the report, there was a lack of balance. Height, density and mass were well in excess of what had been recommended for national research. Further concerns related to the impact of such a potentially large development on health and the lack of affordable housing
- The application should be opposed. There were concerns relating to the lack of Section 106 agreement and the need for an assessment for a residents' parking zone

Councillor Plowden indicated that, whilst he retained an open mind concerning the application, he was yet to be persuaded the full scheme was yet acceptable for approval and would therefore be voting against the outline application.

He further stated that, in the event there was a vote to approve the outline planning allocation, he would be proposing the following amendment which he had checked with legal officers in advance to ensure the wording would be appropriate: " that there is a provision of an obligation to instruct legal officers to come up with a form of wording that outs in place an obligation to Bristol City Council to design and undertake informal consultation on a Residents Parking Zone prior to commencement".

He added that he believed the existing parking was already affecting residents of Bedminster Green as he believed the Construction Management Plan was unenforceable and construction workers would need to park in local streets.

The legal officer provided the following advice to the Committee:

- Planning obligations are necessary for the scheme to be made acceptable



- In the past, obligation required a S106 contribution to be provided in 3 instalments. However, the difficulty is first instalment is not payable until the development has commenced so it would not be possible to carry out work in advance without funds to support it in the event that the Committee determined such funding was required
- Therefore, the issue of staging of the funds was important to establish to assess whether funding could support any work. If funding was not received within 5 to 10 years, it could be reimbursed. This was not subject to a specific obligation to pay for a specific requirement since this could create a precedent that did not operate within other Local Authorities. Such proposals would only be enacted by the developer and therefore could never be enforced by the Local Authority.

Further comments were made by Councillors as follows:

- The area is failing and there are merits to the scheme such as pedestrianisation, biodiversity net gain and the building of energy efficient buildings. However, the proposal for 850 units would lead to the buildings being unacceptably tall up to 12 storeys in a Victorian/Edwardian suburb. In addition, the buildings were unacceptably dense and there was a lack affordable housing. Therefore, the application should not be supported
- Whilst the need for development on this site was recognised, an outline development for such a dense development should not be supported
- Whilst the work from officers on this scheme was appreciated, it should be opposed
- This application could not be supported
- Whilst the principle could be agreed, the outline application in its current form could not be supported
- There were concerns about density and affordable housing and the scheme should be opposed on these grounds

In accordance with convention, Councillor Richard Eddy asked for any Councillor to propose the officers' recommendation for approval but no Councillor moved it.

Councillor Fi Hance moved, seconded by Councillor Andrew Varney and it was

**RESOLVED: (unanimously) – that the Committee is minded to refuse the application on the grounds of the likely proposed density of housing per hectare and that the application is deferred to a future meeting including suggested reasons for refusal on this basis.**



## 15 Date of Next Meeting

Following the decision made under Minute Number 9, it was noted that the next meeting would be held at 6pm on Wednesday 5<sup>th</sup> July 2023 in the Council Chamber, City Hall, College Green, Bristol.

The meeting ended at 5.20 pm

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

