

# Bristol City Council

## Minutes of the Development Control A Committee

9 August 2023 at 2pm



### Members Present:

**Councillors:** Richard Eddy (Chair), Jonathan Hucker (substitute for John Geater), Guy Poultney (substitute for Fi Hance), Tom Hathway, Philippa Hulme (Vice Chair), Chris Jackson, Ed Plowden and Andrew Varney.

### Officers in Attendance:

Peter Westbury – Team Manager - Development Management, Pip Howson - Transport Development Manager and Allison Taylor - Democratic Services

## 1 Welcome, Introduction and Safety Information

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

## 2 Apologies for Absence

These were received from Councillor Geater (Councillor Hucker as substitute), Councillor Hance (Councillor Poultney as substitute) and Councillor Hussain.

## 3. Declarations of Interest

None were received.

## 4. Minutes of the Previous Meeting held on 31<sup>st</sup> May 2023

The Committee noted that 31 May Minutes had not been agreed at the last meeting and was therefore before the Committee for approval. It was noted that it had not been possible to bring the minutes of the last meeting (5 July) to this Committee for approval but they would be available for the 20 September meeting.

There was some discussion regarding the wording of the resolution for the Broadwalk Shopping Centre application within 31 May minutes. Councillor Eddy agreed that the Officers review the wording outside of the meeting and the 31 May minutes come back to this Committee for approval on 20 September meeting.



At this point, Councillor Plowden announced his intention to resign from the committee.

## 5. Action Sheet

It was agreed that Action No. 3 could now be removed from the Action Sheet.

In reference to an outstanding action on the Action Sheet, the Team Manager, DM agreed to update the Committee at its meeting on 20 September.

## 6. Appeals

Item 61 – Grass verge of Passage Road, Westbury, Bristol. The Committee noted that the Inspector had taken the view that as this was replacing an 11.5m mast which was part of the street furniture he would allow the appeal.

## 7. Enforcement

No Enforcement Notices were listed as having been issued.

## 8. 22/01221/F - St Christophers School Westbury Park Bristol.

An Amendment Sheet was provided to the Committee in advance of the meeting, detailing changes since the publication of the original report.

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

1. The application had been originally submitted in 2022. The current scheme before the Committee was a revised version from that originally submitted and included some reduction in height. Officers advice regarding concerns over height and scale had been consistent since the pre-application stage and throughout the determination of this application. This advice was outlined in Appendix A of the Committee Report. However the concerns had not been addressed by the applicant;
2. The arboriculture officer had assessed one tree on the site, using the biodiversity net gain metric, as veteran and therefore objected to the location of development within the root protection area of the tree. The applicants undertook their own assessment and concluded they it was not veteran. Officers therefore sought 3<sup>rd</sup> party advice which concluded that the tree was veteran. Besides this, the tree in question was a category A and along with the two other category A trees were therefore unacceptable for removal;
3. The C2 Class was a judgment and not conclusive decision. Officers had commissioned a research report and it was concluded that, as there was an element of care it was, on balance, C2;
4. This was a unique application in terms of how the contribution was determined and there had been lengthy discussions with commissioning team and project officers in Education. In the last 5 years data



showed that BCC had commissioned on average 7.25 places per year, although there were more self-funded places. National benchmarking determined a cost of £74, 920 per place in a new school. This was a cost for the infrastructure for a new place – and not the teaching. BCC places were only considered as that was the only reliable data. It wasn't possible to get firm data from the previous management of the school. The loss of these school places was referenced in the Equalities Impact Assessment at para. 2.88;

- 5 Wessex Water had not confirmed if the run-off rates [to the surface water sewer connection] were acceptable. A condition had been included in the Amendment Sheet should the Committee be minded to approve the application;
- 6 Whilst the final acceptance of the waste provision had not been confirmed by Bristol Waste, Transport Development Management (TDM) managed refuse and recycling management and they were satisfied;
- 7 The Transport Development Manager stated that the option of a Residents' Parking Scheme to deal with overspill parking as a result of the development was the choice of residents. The applicant had indicated that they would be willing to contribute towards this and that could not be considered a 'severe' impact upon the highway and a reason for refusal should not be included;
- 8 The biodiversity net gain assessment was a metric based system with a quantitative approach which was dependent on how much weight & value put into the metric. There was technically a net gain on site but officers were not satisfied with the loss of trees and irreplaceable habitat. The preference in policy was to retain habitats onsite, and then replace if required.

The following points arose from debate:-

1. There was disappointment that the issues with the application could not have been resolved so that officers could recommend approval. There was support in principle for the development in this locality and there was a need for care giving and this location was appropriate. The loss of SEND places was concerning but supported a scheme at the Claremont School. The additional employment in the area was positive and the applicant supporting a residents parking scheme was welcomed. It was, however, difficult to argue against the officer conclusions regarding the harm to conservation area in terms of the scale, height and massing and the category A trees proposed to be lost. Refusal was supported;
2. The Committee was reminded that officers had recommended 2 grounds for refusal which were defensible. Adding additional reasons which could not be defended had previously resulted in appeals against refusal being upheld but costs still being awarded to the applicant;
3. Some elements of the application were positive and the applicant's engagement with members had been welcomed. The public benefits of the scheme did not outweigh the harm. The scheme was not landscape-led and the loss of the veteran trees was unacceptable;
4. Officers had recommended the most defensible reasons for refusal. With the current state of SEND provision in Bristol, the £500k contribution was not considered to be sufficient mitigation for the loss of places. This, along with the lack of onsite parking, should be added to the reasons for refusal;
5. The Committee noted that education officers had advised that the loss of SEN was not a ground for refusal. Also an LPA did not have the power to enforce a residents' parking scheme, only to encourage it;



6. The principle of the development was supported but reasons for refusal were compelling. The development was overbearing, out of keeping and the loss of trees unacceptable. Refusal was supported;
7. On completion of the debate, Councillor Eddy moved the officer recommendation and this was seconded by Councillor Varney and on being put to the vote it was unanimously carried;
8. Councillor Poultney then moved the officer recommendation with the additional two reasons of loss of SEND provision and the unacceptable impact on parking in the local area and this was seconded by Councillor Hathway;
9. Before voting the Team Manager, DM advised extreme caution regarding the loss of SEND provision as a reason for refusal as it was not a planning reason and could not be defended at appeal. He accepted the parking impact as a reason;
10. On being put to the vote it was lost (3 for, 5 against) and it was therefore:-

**Resolved – (Unanimously) That the application be refused for the following reasons:-**

**1. The proposed development would be out of scale and context with the Downs Conservation Area and the Grade II Listed building 'Grace House'. The quantum and massing of development would result in a loss of the site's verdant character and would crowd and overbear existing buildings and create a harmful relationship between proposed buildings. This would fail to preserve or enhance the designated heritage assets on site contrary to Policies BCS22 and DM31, fail to contribute positively to the area's character and identity, contrary to Policies BCS21, DM26 and DM27 and fail to provide a high-quality living environment for future occupiers contrary to Policy BCS21.**

**2. The proposed development would fail to integrate important existing trees by causing the loss of T52 and T65 and would likely cause T7 to deteriorate by undertaking works within the Root Protection Area. This would be contrary to Paragraph 180 of the NPPF and Policy DM17.**

## **9. Date of next meeting.**

20 September 2023 at 6pm.

Councillor Eddy wished to take the opportunity to wish Peter Westbury well for his forthcoming sabbatical and this was echoed by the Committee.

The meeting ended at 3.40pm.



Chair \_\_\_\_\_

