



cornerstone barristers

Members and Substitutes of Planning Committee A

Bristol City Council

PO Box 3399

Bristol

BS1 9NE

20th April 2026

BY EMAIL ONLY: Cllrs Rob Bryher (Chair), Cllr.Rob.Bryher@bristol.gov.uk; Katja Hornchen, Cllr.Katja.Hornchen@bristol.gov.uk; Kye Dudd, cllr.kye.dudd@bristol.gov.uk; Richard Eddy, richard.eddy@bristol.gov.uk; Serena Ralston, Cllr.Serena.Ralston@bristol.gov.uk; Andrew Varney, Cllr.Andrew.Varney@bristol.gov.uk; Louis Martin, Cllr.Louis.Martin@bristol.gov.uk; Zoe Peat, Cllr.Zoe.Peat@bristol.gov.uk; Lisa Durston, Cllr.Lisa.Durston@bristol.gov.uk; Patrick McAllister, Cllr.patrick.mcallister@bristol.gov.uk; Toby Wells, Cllr.Toby.Wells@bristol.gov.uk; Guy Poultney, Cllr.Guy.Poultney@bristol.gov.uk; Ellie Freeman, Cllr.Ellie.Freeman@bristol.gov.uk

Dear Councillors,

**LPA REF: 25/11778/F – LAND SOUTH OF PRINCESS STREET, BEDMINSTER
BRISTOL BS3 4AG**

1. I write on behalf of a group of local residents in advance of the Committee's consideration of the above application on 22nd April 2026.
2. Having considered the Committee debate and decisions from the January and March Committee meetings (and associated reports), the Report for the meeting on 22nd April 2026, my clients remain concerned that the Committee is being asked to determine the application in circumstances where key matters have not been satisfactorily resolved, and where there is a real risk that any decision to grant permission would be vulnerable to challenge by way of judicial review.
3. In particular:
 - a. The application is proposed for approval notwithstanding acknowledged heritage harm, where the reasoning as to justification and the application of the required weight remain open to question;



- b. There is clear evidence from the NHS Integrated Care Board that the development will give rise to additional healthcare demand requiring mitigation, yet the basis upon which such mitigation is not being secured (or is said to be unnecessary) remains insufficiently explained, given the non-disclosure of legal advice to the public.
- c. The Committee is being asked to approve the development while the terms of the section 106 agreement and key conditions (including affordable housing delivery) remain unsettled, raising a legitimate concern as to whether the development can properly be regarded as acceptable in planning terms at this stage;
- d. With regard to the s.106 Agreement, Members are being asked to approve the application in circumstances where the approach to securing affordable housing remains unresolved. The April Report makes clear that officers have not reached an agreement with the applicant on the wording of the relevant condition, and that alternative formulations remain under consideration, including options which raise concerns as to enforceability and delivery. In those circumstances, there is a real question as to whether the Committee can properly conclude that policy-compliant affordable housing will in fact be secured or delivered.
- e. Those conditions proposed in the April Report (and in earlier Reports) by Officers clearly need careful scrutiny to consider whether they address the harms sufficiently that have been identified. The Committee will undoubtedly be aware that an applicant to a planning permission can seek to appeal conditions that they consider inappropriate and/or seek an amendment to a planning permission to vary or remove them.
- f. The proposed condition relating to the commercial strategy raises further concern. Whilst it purports to secure adherence to the strategy “in perpetuity”, it expressly allows for variation by agreement with the Local Planning Authority. Given that the underlying Commercial Strategy is described as a “live” document, there is a real prospect that the nature and mix of commercial uses could change over time without further scrutiny by the Committee. That raises a legitimate concern as to whether the development, as approved, would in fact deliver the employment and commercial benefits relied upon in the planning balance.



- g. Finally, it appears from the March Report and the recording of the Committee meeting held on 11th March 2026, that discussions about appeal risk and potential costs have featured prominently in the consideration of the application. While Members are entitled to be advised on the defensibility of proposed reasons for refusal, such matters are not material planning considerations and must not displace the exercise of planning judgement on the merits. The mere possibility of an appeal, or of a costs award, does not of itself justify the grant of permission, and Members will be aware that costs are only awarded in limited circumstances where unreasonable behaviour is established. The guidance on costs awards found in the PPG does not seek to rob a Planning Committee of its own view of the planning merits (as opposed to that of its Officers) or require a Committee to slavishly follow its Officers' advice; it can have its own view, and that will not automatically result in an award of costs during an appeal.

The recording of the March meeting shows that members expressly articulated that their voting position was influenced by the perceived likelihood of an appeal and the risk of a substantial costs award. Members adopted a “reluctant approval” position for that reason. In accordance with *R (Miles) v Tonbridge and Malling BC [2020] EWHC 1608 (Admin)*, such considerations are not material planning considerations and must not influence the exercise of planning judgment. On the evidence, they did so here.

4. Taken individually, each of the above matters gives rise to concern. My clients consider that each gives rise to a potential ground for judicial review should a grant of permission be issued. Given the importance of this proposed development and the adverse impact it would have on the local area, my clients are prepared to bring such a claim if needs be. Should such a claim be successful, then they will seek to recover their costs from the Local Planning Authority.
5. In those circumstances, my clients respectfully invite Members to reconsider the position at the forthcoming meeting, and in particular to consider whether it is appropriate to grant permission at this stage. As the Committee is aware, it would be open to it to resolve to refuse permission on properly reasoned planning grounds, or alternatively to defer the application to enable the outstanding issues particularly in relation to healthcare mitigation, affordable housing delivery, and the section 106 agreement to be considered further at a later meeting.



6. Finally, in respect of the s106 agreement, my clients are very concerned that they will not be properly consulted (and nor will Committee members) on the final s,106 agreement when it is agreed. They endorse comments made last month at the Committee that the s.106 Agreement should come back to Committee for final approval (and to allow it to be addressed as part of the comments made in the public forum). Any suggestion that as a legal agreement, there is little for a Committee to consider and debate would clearly be unfounded, given the nature of a s106 Agreement. Councillors are more than capable of understanding what a s106 Agreement is and what the effects of the clauses in such an agreement are and to discuss them in Committee to ensure that they meet with its approval and address the issues of concern to the Committee, and indeed, the public.

7. I trust this is of assistance to Members in advance of the meeting. A copy of this letter has been sent to the relevant Officers for their information via the development management email address.

Yours sincerely

Simon Bell
Counsel

CC: development.management@bristol.gov.uk