

# Development Control B Committee Agenda



**Date:** Wednesday, 3 August 2022

**Time:** 6.00 pm

**Venue:** The Council Chamber - City Hall, College Green, Bristol, BS1 5TR

## **Distribution:**

**Councillors:** Ani Stafford-Townsend (Chair), Chris Windows (Vice-Chair), Lesley Alexander, Marley Bennett, Fabian Breckels, Andrew Brown, Lorraine Francis, Katja Hornchen, Guy Poultney and Andrew Varney

**Copies to:** Zoe Willcox (Director: Development of Place), Gary Collins, Matthew Cockburn, Norman Cornthwaite, Rachael Dando, David Fowler (Members' Office Manager (Conservative)), Stephen Fulham, Paul Shanks, Stephen Peacock (Executive Director for Growth and Regeneration), Philippa Howson and Kayleigh Pearse

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**Issued by:** Norman Cornthwaite, Democratic Services  
City Hall, PO Box 3399, Bristol, BS1 9NE  
Tel:  
E-mail: [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk)  
**Date:** Tuesday, 26 July 2022

# Agenda

## 8. Public forum

Any member of the public or councillor may participate in public forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Please note that the following deadlines will apply in relation to this meeting:

**(Pages 4 - 52)**

### Questions:

Written questions must be received three clear working days prior to the meeting. For this meeting, this means that your question(s) must be received at the latest **by 5pm on Thursday 28<sup>th</sup> July 2022.**

### Petitions and statements:

Petitions and statements must be received by noon on the working day prior to the meeting. For this meeting, this means that your submission must be received at the latest **by 12 Noon on Tuesday 2<sup>nd</sup> August 2023.**

The statement should be addressed to the Service Director, Legal Services, c/o The Democratic Services Team, City Hall, 3<sup>rd</sup> Floor Deanery Wing, College Green,  
P O Box 3176, Bristol, BS3 9FS or email - [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk)

**PLEASE NOTE THAT IN ACCORDANCE WITH THE NEW STANDING ORDERS AGREED BY BRISTOL CITY COUNCIL, YOU MUST SUBMIT EITHER A STATEMENT, PETITION OR QUESTION TO ACCOMPANY YOUR REGISTER TO SPEAK.**

In accordance with previous practice adopted for people wishing to speak at Development Control Committees, please note that you may only be allowed 1 minute subject to the number of requests received for the meeting.



**11. Amendment Sheet**

**(Page 53)**



# Public Forum

## D C Committee B

3<sup>rd</sup> August 2022 at 6.00 pm



**1. Members of the Development Control Committee B**

Councillors: Ani Stafford-Townsend (Chair), Chris Windows, Fabian Breckels, Andrew Brown, Lesley Alexander, Marley Bennett, Lorraine Francis, Katja Hornchen, Guy Poultney; and Andrew Varney (for Cllr Brown)

**2. Officers:**

Gary Collins - Development Management, Peter Westbury, Zoe Willcox, Matthew Cockburn, Luke Phillips, Stephen Rockey, Laurence Fallon, Jeremy Livitt

<b>Application</b>	<b>State ment No.</b>	<b>Request To Speak Made Where Indicated S = Speaker</b>	<b>Name</b>
Use of Private Ecology Consultants	Q1		Danica Priest
21/00842/F – 149/149A and Land at Rear of Marksbury Road	1	S	Becky Davies and Rich Williams
	2		Mark CD Ashdown
	3		Cllr Lisa Stone
	4	S	Ellie Freeman
	5	S	Helen Webley
	6	S	Susie Hawkins
	7		Shabnam Komayli
	8		Stephen Wickham
	9	S	Gerrida Olivier
	10		Elaine Kington
	11	S	Helen Faye
	12		Maureen Ponting (e-mailed by Lisa Cole)
	13	S	Lisa Cole
	14	S	Cllr Ed Plowden
	15		Brendan Whitmore
	16	S	Joanne Hall
	17	S	Peter Hall
	18	S	Amber Dawkins
	19	S	Danica Priest
	20	S	Jane Tolhurst
	21		Catrina Moss
	22		Darren Tolhurst
	23		Liz Bramley
	24	S	Helen Priddis
	25	S	Jessica McLean
	26	S	Emilie Harryman

Danica Priest

Q: I've heard Bristol City Council has hired a new wildlife conservation officer to replace Becky so if that's true then why is the council still using a private ecology consultant for planning applications? When can we expect the council to use their own experts again instead of a private company.

**A: Following the recent replacement of Bristol City Council's Ecology Officer, we are no longer employing consultants on planning applications.**

## STATEMENT TO COMMITTEE

21/00843/F 149/149A & Land to Rear of Marksbury Road

My name is Becky Davies and my partner is Rich Williams, and we are both residents of 135 Marksbury Road. We strongly object to the above application.

Our main reasons for this objection are as follows:

- Adverse effect on the properties backing on to the land (of which there are a significant amount. This adverse effect includes noise (currently we can hear a lot of birdsong, soon to be replaced with the residential noise of more families which particularly in the summer months would be unbearable), disturbance (particularly for the houses either side of the proposed access point to the site), overlooking and loss of privacy (the land is currently on a slope, and as such the houses furthest away from ours would be able to see into our back garden and house by means of the patio doors, as well as into the houses joined to us in our terrace. Even if the ground is levelled, all surrounding houses would be overlooking the new properties, and they would be living entirely in our shadow.) The planning officer's report states that there is no risk of overbearing or impact on privacy, however this is incorrect. A risk of crime is also present, as currently the rear of our homes is entirely secure. Building these new properties and the access could attract criminals, and give them an easy route into our back gardens.
- Over-development of the area. The area is already incredibly populated and we live at close quarters - from my upstairs windows I can see directly into all neighbouring houses. Many of the houses have been split into flats, or have additional garden developments. The green space between our houses characterises the area and breaks up our urban view, and this view is shared and enjoyed by every single house that backs on to the land. It would entirely change the feel of the area to be looking down on a strange and ugly shanty town that feels completely out of keeping with the houses in which the rest of us live - it is completely and without question out of scale and character. The planning officer's report states that this should not be a concern as it will not be visible from the street, but I ask you who this legislation is meant to protect? Is it for passersby or the residents themselves? We, as residents of the area, would have a clear view of the new development - and so it very clearly would have an adverse effect on the character and appearance of the area in accordance with policies BCS21, DM27 and DM29.

- Lack of support from the community. None of my neighbours that I have spoken to are in favour of the development, and as such it would be devaluing our mental health and well-being, plus the enjoyment of our own homes, to go ahead. Crucially, the land was sold under strict and absolutely clear terms that it was not to be developed. Had this not been the case, the community would likely have purchased the land from the council as a joint venture. There was not more interest for the land at the time because of this covenant, and going back on this after the opportunity for purchase has passed would be a gross betrayal of very serious degree. The intention of the council when they sold this land was to protect it for the benefit of the community, that's why they placed a covenant on it. To grant planning permission completely negates this, and it is immoral and disingenuous to state that granting planning permission does not affect the covenant.
- Bad planning and lack of access. Because there is no road to the properties, where will the cars go from the new residents? What about the cars of visitors, the second vehicles? All will be directed to our busy road, which is already packed full of cars on either side. How will emergency vehicles access the site? What about food shopping deliveries, furniture deliveries, deliveries of any kind? It's just not well thought through, and there's a complete lack of infrastructure.
- Flood risk. We live in an area considered to be at high risk of flooding - very clear to all of us due to the high cost of our house insurance, and the map of the flood zones from the Malago which we have all seen. Please follow this link to see clearly that the area is in Flood Zone 2 <https://flood-map-for-planning.service.gov.uk/confirm-location?eastings=358523&northing=170609&placeOrPostcode=bs3%205ld>. There is clear guidance here that developing in an area at risk of flooding is completely inappropriate. I'm not a flood expert but extra houses will certainly cause pressure on the drainage system if nothing else, which also then increases the risk of flood to all neighbouring properties. From the flood reports I have seen, my understanding is that there is a limitation placed on existing infrastructure: SW drainage discharge zone: Limit discharge to capacity of existing sewer network or existing discharge rate. The planning officer's report does not consider this sufficiently, and demonstrates either a disregard for or complete misunderstanding of the criteria involved in developing on a flood site. The report states 'The submitted test has searched other sites in South Bristol in accordance with LPA guidance and found no suitable sites of a similar size that are suitable for the scale of development proposed. Therefore it is concluded that the test is passed.' This is a ridiculous leap in logic - firstly, I cannot fathom that there is not, anywhere in south Bristol, the space to build three new homes. This is categorically untrue. Secondly, stating that no other site is available does not therefore mean that the test is passed - it's not a loophole to be wriggled through,

it is to ensure that at risk areas are not developed on needlessly. Myself and all of my neighbours pay a ridiculous amount of money to insure our properties exactly because they sit in a flood zone. The flood officer is not satisfied with the plans for the development and this should be taken very seriously.

- Impact on wildlife. The ecological report associated with the application states that there is no evidence of foxes and badgers in the space. Please find attached videos from our garden, both taken in April this year, showing a fox and a badger respectively. Our back garden is lined by walls and fences on all sides, and the only possible point of access is from the rear - that is, from the land relating to the planning application. There is no access possible from either neighbour. The ecological report previously undertaken did not note any presence of badgers (unsurprising since it was carried out in the daytime), but this now needs to be revised in light of this evidence.
- The Planning Officer has recommended that this plan be approved, largely on the strength of it offering 'a small but valuable contribution to the supply of housing'. However, it falsely represents the true numbers. This is not FIVE new homes, nor even is it FOUR new homes - both numbers mentioned in the report. As 149a Marksbury Road has now officially been recognised as the separate dwelling that it is, what is under discussion here is THREE new homes. Considering the substantial objection from the community, and all of the points and risks already mentioned, the impact is completely disproportionate to any benefit that THREE new homes will provide. It makes no sense to disrupt and disturb a community, pollute the environment in construction, uproot trees and kill wildlife, demolish two perfectly good homes (might i add, displacing rental tenants in favour of private buyers), all so the developer can profit. The efficient and effective use of land is meant to be considered when looking at new developments, in accordance with policy BCS20, and I cannot see how the planning offer considers this to be acceptable. There is also a preference to build on previously-developed land, which this is not. Again, the planning officer states 'the creative of five dwellings would make a small scale but valuable contribution towards housing supply...'. But after knocking down TWO houses, the total number of new dwellings is only THREE.
- I'm well aware that you can't consider this final point legally, however I would also like to communicate our disgust at the previous behaviour of the applicant. Based on facts clearly evidenced in the planning portal, he has previously used loopholes to navigate around planning decisions made for the good of the community. He was REFUSED planning permission for an extra house to adjoin 149 Marksbury road, and with good reason, and so submitted a fraudulent application for what he claimed to be an extension. This being granted he proceeded to flout the rules, and go ahead with his original plan of building a separate property (entirely different from the approved plans), claiming legal planning for it some years later

on the basis that it had already been used as such. He has a track record for overpopulating his residences (across the road is another example, where a bungalow has been built in the garden), resulting in cramped living conditions, noise pollution and disturbance, an influx of waste and more. I would like the council to hear this objection even if they can't consider it, because it will help you understand our desperation in this matter. It is not just a community opposed to planning in our back yards, it is also the fear with very good cause that this land would be in the hands of an unscrupulous individual who has not an ounce of respect for the residents of his or any other property.

I urge the council members to consider what is best for the local community. Filwood ward is considered one of the most deprived areas in the UK, and there are so many better choices for that land that will improve the living environment of residents. Turn it into a conservation area or allotments! The northern slopes is already being developed into housing, and much of the area's green space has already been developed upon. If there is a need for more housing in the area, it is necessary that more appropriate land be found. There is other land and dilapidated buildings in our area that would be ideal for rejuvenation as well as supplying more homes.

Best wishes,

Becky Davies and Rich Williams

**21/00843/F | Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear. | 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD**

**Statement to Development Control B Committee - 3 August 2022 - Mark CD Ashdown 29 July 2022**

Part of the proposed development site - the land to the rear of Marksbury Road (Title No. BL95371) - is subject to the following restrictive covenant imposed by Bristol City Council when it transferred the land to Alex Fry Rental Properties Ltd on 5 October 2017:

*Not at any time to carry on or permit to be carried on upon the Property any trade or business whatsoever nor to use or permit the same to be used for any other purpose than as garden or amenity use ancillary to the use of 149 Marksbury Road Bedminster Bristol BSB SLD as a house for residential use nor to do or suffer to be done in upon or to the Property any act or thing which shall or may be or become a nuisance or annoyance to the Transferor or any person for the time being owning or occupying any adjoining or neighbouring property.*

Officers have advised you that the existence of this covenant is not a material consideration. Be that as it may, I invite the Committee to take account of the following facts:

1. The land to the rear of Marksbury Rd, which forms a part of the application site, was owned by Alex Fry Rental Properties Ltd 21 days before this application was submitted on 5 February 2021. I believe it still is. Alex Fry Rental Properties Ltd is not the applicant.
2. The applicant is Alexandra Melanie Elizabeth Fry (called Alex Fry on the application form). She is the registered freehold owner of 149 Marksbury Road (Title No. BL50360), the remainder of the application site. She does not own the land to the rear of Marksbury Rd. The applicant and Alex Fry Rental Properties Ltd are, of course, separate legal persons.
3. The Land Registry holds no title information for 149A Marksbury Road. It appears that 149A remains part of the title of 149 and so is owned by the applicant.
4. On this basis, the section 25 Declaration (CERTIFICATE OF OWNERSHIP - CERTIFICATE A etc.) of the Application for Planning Permission form (PP-09493084) made by the applicant's agent is untrue when it certifies that 'on the day 21 days before the date of this application nobody except ... the applicant was the owner of any part of the land or building to which the application relates.' This means that the Declaration at section 26 is also untrue. An application based on an untruth must not be entertained.
5. Alex Fry Rental Properties Ltd appears to have no Right of Way over the land comprising 149/149A Marksbury Road.
6. The applicant was recently obliged to apply for a Lawful Development Certificate (22/00888/CE) after a two-storey, self-contained dwelling house was unlawfully erected (in around 2016) at 149A Marksbury Road, rather than a two-storey extension of 149 that was approved in August 2013 (13/02446/H). This building will need to be demolished if this application is to proceed.
7. Alex Fry Rental Properties Ltd paid £6,009 for the land to the rear of Marksbury Rd in 2017. This price reflected the true value of the site given that it was subject to this restrictive covenant. Should you grant this application, Alex Fry Rental Properties Ltd will enjoy a substantial windfall because the value of the site it owns will be significantly enhanced as a result.
8. When the Council decided to sell this land in July 2017, it wrote to the adjoining landowners offering them an opportunity to buy the site. It made it clear that 'the land is to be used for garden or amenity purposes only' and that the sale would be subject to a restrictive covenant 'against any development except any building in connections with a garden or amenity uses such as sheds etc.' No doubt this 'promise' served to reassure those who chose not to, or could not afford to, take up the offer that their current quiet enjoyment of their property would not be compromised by the site being developed for purposes other than garden or amenity use. I believe this covenant was designed for this express purpose and so should be exercised solely to that end. This is a material consideration under general planning principles. Even if it is not, the Council is still obliged to keep its promise.
9. The Council has made it clear to the applicant 'that they would not remove the covenant' on a number of occasions. Despite this, the applicant persists with her application.
10. I recently asked the Council: 'If this planning application is granted and the developer proceeds to develop the site, will the Council proceed to enforce the benefit of its covenant to prevent this?' The Council responded by saying: 'Council officers are writing to the landowner to remind them of the covenant and that any works which are not a feature of garden or amenity use would be a breach and **may** result in legal action' [my emphasis]. This is an equivocation.
11. The word 'may' is ambiguous; it could mean that the Council **may** take legal action because the covenant permits it to or, it could mean that the Council **may** take legal action if it so chooses (but it **may** equally choose not to). Either way, just because it **may** act, does not mean that it **will** act. This needs to be clarified.

**21/00843/F | Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear. | 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD**  
**Statement to Development Control B Committee – 3 August 2022 – Cllr Lisa Stone 29 July 2022**

I would like to point out that there is an obligation for the council to protect and enhance the biodiversity of the city. The Bristol biodiversity action plan directed by Helen Holland provides a means by which national and regional biodiversity strategy can be translated into effective action in the city. It also provides the opportunity to consider local conditions and distinctiveness, this planning application will completely disregard the Bristol biodiversity action plan. *This is a material consideration*

The action plan states that more urbanised parts of the city also support a rich and characteristic biodiversity. The richness of ferns such as black spleenwort and rusty-back mingled with garden escapes such as ivy-leaved toadflax on older walls is a particular feature of Bristol. Open mosaic habitats, which develop on previously developed land, can be exceptionally rich in wildlife but very few good examples now survive in Bristol. Therefore, we have a need to protect such areas, this is where the Planning Policy Statement 9 is referred to, it requires that local authorities should take an integrated approach to planning for biodiversity when preparing Local Development Frameworks, including: identifying areas for the restoration or creation of new priority habitats and ensuring that the policies in the Local Development Frameworks reflect national, regional, and local biodiversity priorities.

I feel that this has been considered with the implementation of the restricted covenant. *Therefore, this is a material consideration, and should not be overruled.*

This particular piece of land is a rich source of biodiversity, and this has been evidenced by the residents who live in the area, and if it is removed, we will not get it back. No number of green roofs can compensate for this loss.

As you will know that one of several factors within the Environmental Act 2021 is that there needs to be a biodiversity net gain, this has the intention of counteracting harm caused by the development on the land, the aim of the biodiversity net gain is to increase the overall state of biodiversity by a minimum of 10% post development compared with pre-development. It is ironic to say that the UK government gave local authorities a 2-year transitional period to implement this rule, however Bristol City Council has waived this and publicly stated that it will be implementing the rules early, like now.

I cannot see how this development can substantiate and evidence this requirement, so clearly it will be in breach of these planning rules. *This is a material consideration.*

**Having considered this application thoroughly a sincerely object.**



Cllr Lisa Stone

Hello

I am co-chair of BS3 Planning Group and wish to make a written statement in relation to this planning application on the group's behalf: Application no. 21/00843/F Site address: 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD Proposal: Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear.

There are a number of concerns with this application.

- There is a covenant on the site which would be breached if this application went ahead. This would potentially create a dangerous precedent for other plots of land with apparent protective covenants, meaning valuable green spaces could be developed. If residents had been aware of this, they could have bought the site to protect it.
- The site is within a flood risk zone. There is concern that the development would not only be vulnerable to flooding but would increase the risks to the surrounding houses.
- There will be a huge impact on the ecology of the site. Local residents report seeing foxes, badgers and bats as well as several other wildlife species. Given the council's One City Ecological Emergency Strategy, and our Ecological Emergency Action Plan, this seems like an important consideration. Small pockets of green space within developed residential areas like this are invaluable for the health and well-being of residents and also wildlife.
- The process of developing the site will also have a massive impact on the residents in the surrounding houses
- There is not sufficient access for emergency vehicles.

This site could be a valuable community and ecological asset. Developing it in this way will not allow for that in the future.

Kind regards  
Ellie Freeman

I don't agree with it taking place in the land behind Marksbury Rd, Dawlish Rd, Lydford Walk and Brixham Road.

Helen Webley

To whom it may concern.

I am writing to express my objection to Application no. 21/00843/F. 149/149A & land rear of Marksbury road, Bedminster, Bristol

BS3 5LD and the proposal to demolish 149A of Marksbury road and Erect 5 single story dwellings on the land at the rear.

We are fast loosing all our green spaces and the amount of wild life that would be impacted is terrible. There are Foxes,

Badgers and other smaller wildlife such as Hedgehogs and field mice, also I have personally seen Bats though out this area. I live on

Lynton Road.

The amount of pollution at the moment flowing through Bedminster with all the work going along the Malago Road is already intolerable.

On a bad day the wind carries the dust and dirt at least as far as my part of Bedminster. I have a fine layer of dust over my garden which has killed many of my plants all of which will need to be replaced.

This has also effected my health and the health of my elderly Mother. I have also heard many of my neighbours complain of breathing problems too.

I have a Degenerative Heart condition and Asthma. My mother also has Athma and is recovering from Cancer. In the recent heat we have had,

It is unreasonable to ask us to keep our windows shut to stay safe air pollution. Bristol is supposed to be an environmentally friendly green city aimed at reducing pollution, not making more.

Now it has been suggested that another building developer should be allowed to start building even closer to me. I would like to add my vote to the NO to the application.

Yours sincerely

Susie Hawkins

Dear Sirs,

I would like to object to the following application:

Application no. 21/00843/F. 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD.

Proposal: Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear.

Many thanks,

Shabnam Komayli

Stephen Wickham

Id like to support the local neighbours group in their objections regarding the following :

Impact on ecology

- Impact on trees
- Impact on drainage and additional flood risk
- Impact on parking
- Impact on privacy
- Additional noise disturbance
- Inadequate access for emergency vehicles
- Overdevelopment of site
- Gradient of site is not appropriate for wheelchair access

Covenant on land restricting development of site

Further to which I'd expect that once the principle of development was established with a permission then more ambitious applications would follow in due course,

## Comments for Planning Application 21/00843/F

Application Summary

Application Number: 21/00843/F

Address: 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD

Proposal: Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear.

Case Officer: Richard Sewell

Customer Details

Name: Mrs Gerrida Olivier

01/08/22

Stance: **Customer objects to the Planning Application**

**Comment Reasons:** I strongly object to the above application.

As per all previous public forum statements I object for the same reasons. The site was advertised for sale for private amenity use only and was advertised on the pretence that it **will never be developed**. This is very clear in your correspondence to residence on the 5th July 2017. This should never even be considered for planning. The neighbourhood feels utterly misled by the council who previously confirmed in the letter date 5<sup>th</sup> July 2017 that there was a restrictive covenant.

I wish to express some concerns for wildlife; the site was bulldozed before an ecological survey could be undertaken, this alone speaks volumes and highlights the irresponsible and scrupulous behaviour of the developer. Any respective developer will follow the rules and guidance. This area is a valuable part of the green corridor and is much needed in this already crowded area of housing.

There is some dispute about the reliability of the claim that the flood risk is low. I understand that in 1968 the area experienced serious floods. My house insurance is affected due to the potential of flood risk in this area.

There is no parking planned and with the traffic control systems in Marksbury road, those residents now already park in Brixham Road, including the ongoing issue with commuters parking in the area. This leave an ongoing issue with parking daily for those residents in Brixham Road. With parking not being considered in the proposed housing estate, the only option for those residents will be to park in Brixham road. This can lead to anti-social behaviour due to tensions with parking. The residents in this area have worked hard to improve the area.

Considering the amount the developer paid for this land, the council as a moral obligation to purchase this land by compulsory purchase and give it back to the community for safeguarding, allotments, green space, and a place for our children.

Yours Sincerely

Gerrida Olivier

Elaine Kington

Subject: Objection to building. Application no. 21/00843/F. 149/149A and land to the rear of Marksbury Road BRISTOL BS3 5LD

I dont no why this is yet again even being considered when you the council sold this to him with a condition that it was not to be built on as it has a covenant placed on it. This application needs to be rejected once and for all with the covenant kept in place.

The council has mislead us by saying it cannot be build on as it has a covenant yet you are considering this planning.

This must be rejected and Mr fry told it can never be built on and he can no longer put planning in ever again.

> Dear Committee Members,

> I am writing in response to the recommendation for development of the land to the rear of my property. I have raised my objection every time an application is made and I struggle to understand why after the undertaking residents were given in 2017 that the land would never be built on, we are still needing to do this.

> This piece of land bought for a pittance could have been developed as a community space but instead is now being considered to build houses. The space is not large and will make the entire area feel overcrowded. Noise, pollution and additional parking illing into the neighbouring roads will change our quality of life. I do not believe any representative from the council has visited the neighbouring streets to see the already congested parking at key times such as evenings and weekends - with even parking on pavements! This would only worsen.

> Our substantiated concerns regarding risk of flooding is backed by the objection by flood risk officers as the drainage is not considered adequate. Indeed we all pay higher insurance premiums already because of historical flooding in this area!

> The development of this land will bring nothing positive to the area and will hugely affect those of us who live here and trusted what the council told us when they decided to sell off this land!

> Please do not agree it.

> Kind regards

> Helen Faye

Maureen Ponting

"He's taken all the wildlife away from us, we had foxes, all different birds and squirrels and badgers, the badgers have gone. He churned up all the ground twice.

I object to being over looked, my privacy will have been gone. My kitchen window is the closest than any of the others to that back field. I won't be able to sit in my garden in the summer and have people over the wall. We are going to have more noise. It was completely under water in the 60's, it was so high that a fridge floated down the road. It's my privacy I'm worried about, they are right on top of my wall. "

Please find below my written Public Forum Statement for Application no. 21/00843/F  
Site address: 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD  
Proposal: Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear.

As a local resident who's property backs onto this land I object for many reasons.

The protective covenant:

This land was sold for agricultural use only and should be used as such, not for an intensive and greedy plan to make money from a developer. Over 120 people live in houses that back onto the space, their lives will be negatively affected to benefit the developer and the 5 new residents of the planned buildings. Is that fair? I realise the covenant is not a point of planning but I appeal to you on this matter. If the covenant for this land is lifted, that puts all green spaces in Bristol at risk of development.

Maintenance:

The land has not been maintained in accordance with the covenant so how can we trust that it will be maintained after any building works? The owner bulldozed the site and left piles of debris which has since been covered in weeds. Bindweed is getting into our gardens from the land.

Flooding:

When I moved here in October 2021 the water table at the bottom of my garden was 12 inches down. I built a pond to cope with the 4 inches of flooding we experienced through the autumn and winter and now my water table is just 10 inches down in midsummer. It will be higher in winter. If a 2 metre long pond can displace water to this extent then building on the land just behind my garden is going to make us all vulnerable to flooding. Floods in our gardens risk the health of existing trees and the suggested planting scheme for the land will fail. The revised drainage strategy shows green roofs which I applaud but it also says "should ground conditions be found to not be suitable we proposed to use an attenuation tank to collect the water and restrict the flow rate into the storm water drain in Marksbury Road, subject to Wessex water consent". This will put a huge strain onto the already worrying flood defences and put all our properties at risk. The drains on Marksbury Rd opposite where the intended entrance to the building will be, already block and flood regularly. BCC's flood officer agrees that this land floods, saying **"In terms of surface water and river/tidal flooding, the land to the rear of 149 Marksbury Road is also at high risk and in flood zone 2."** If as Richard Sewell suggests, the Sequential Test is passed, then the Exception Test needs to be applied as per the para 164 of the NPPF. The best thing to do on this land is to plant trees to absorb some of the water table and save the surrounding properties from flooding.

Parking:

The planned development has wider implications to residents on both sides of Marksbury Road when it comes to parking. There is no parking planned so the 5 dwellings will need to find parking on Marksbury Road. It is already packed and cars park on the corners of the street making it dangerous for drivers and pedestrians. If we have resident's parking permits in the future there will be no space. The plans show an access road through the site and a bollard to be removed only for emergency vehicles. Without this bollard in place the new residents could park outside their bungalows, this would increase the noise and air pollution to the rear of our houses.

Security:

At the moment it is very difficult for any of our homes to be broken into from the back since the space is landlocked. Opening the space up with an access road that backs up to our fences leaves us vulnerable and we will all have to spend money on extra security measures. This should not have to come out of our pockets.

#### Misleading sale:

The original letters sent out by BCC property manager Ceri Thomas on 5th July 2017 made no mention that the covenant could be removed. Residents have been misled that the wasteland was protected. This is the wording of the letter:

“The land is to be sold with a restrictive covenant placed on it against any development except any building in connection with a garden or amenity use such as sheds etc.”

The residents have been misled into thinking the land was safe from development. Had they known it was possible to remove the covenant they would have formed a community group and bought it to protect it.

#### Wildlife:

The owner bulldozed the land before an ecology report was done but there is still evidence of hedgehogs, squirrels, foxes, badgers, bats, slow worms and more. My pond has newts, a recent bat survey in my garden gave so much activity data it will take a while to work out which species of bats we have, they are very active here. Five small dwellings at the cost of the diverse and threatened local wildlife and tree cover is not a reasonable trade. Bristol is illegally polluted and we need the tree cover, this space would be an ideal place for Replant Bristol (who want to plant 250000 trees by 2030) instead of building more houses.

<https://bristolgreencapital.org/bristol-aims-plant-250000-trees-2030-biggest-ever-campaign/#:~:text=Bristol%20aims%20to%20plant%20250%2C000%20trees%20by%202030%20in%20biggest%20ever%20campaign,-25th%20November%202019&text=An%20ambitious%20new%20campaign%20launched,in%20the%20city%20by%202030.>

#### Air quality:

Our local air quality particulate monitor is already reading high and more buildings and cars will make it worse. Our city is illegally polluted already, these little green lungs make a big difference in the health and wellbeing of residents. I am worried about the dust created during the planned demolition and build, how will that be mitigated?

<https://aqicn.org/station/@191824#/z/15>

#### Privacy:

New neighbours close to us will impact upon our privacy in our gardens and in our homes. All the dwellings have roof windows, this will mean that all the surrounding residents will be able to see into their homes from our upstairs windows.

#### Quality of housing:

These are small dwellings, not fit for a family and there is no mention of affordability. If the land owner is intending to rent them out, they will be for single people or couples who will not have the space to raise families there. This will result in short term lets which in turn leads to littering at the end of the tenancy.

#### Light pollution:

This will impact upon our quality of life and will disrupt the wildlife corridor. I notice the bollards are planned to be low but we will still have light from roof windows, doors and vertical windows. To block that out will require higher fences and each roof window will require shading at night.

Noise:

The noise from demolition and building work will go on for a long time, followed by the noise of people coming in and out of the land and living so close to our gardens. I have PTSD and need a quiet living environment, if this build goes ahead it will be very difficult for me to live here.

I object to this application on the grounds that it is overly dense housing that will increase air pollution and destroy a peaceful environment. The plot of land has a covenant on it that restricts buildings to agricultural only and that covenant should not be reversible. These 'homes' are in no way agricultural. The road at the back of the properties on Lydford Walk will affect residents quality of life. Those homes were bought as quiet residences and traffic to the rear of them will seriously impact upon the people who live there. Many gardens have established planting with root systems that go under the proposed access road. That planting will be affected and current trees will be damaged. This is an irresponsible and greedy planning application that should not be approved.

We have a petition opposing this planning application signed by over 500 people. None of the local residents we spoke to while gathering signatures think this planning application should be approved.

Lisa Cole

Application no. 21/00843/F

Site address: 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD

Proposal: Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear.

My garden backs onto the land.

I wish to object to this planning application for many reasons, here are some

**The covenant**

I know the covenant protecting this land is not a point of planning but I appeal to your sense of fairness. 120 people live around the land, if we had known it was at risk of development we would have incorporated and bought it ourselves, at £50 each it was affordable.

**Wildlife**

I have newts, slow worms, foxes, hedgehogs and bats in my garden. Badgers have been seen on and around the land itself. The owner bulldozed the land and created fly tips where nature was previously flourishing.

**Flooding:**

There is photographic evidence of a flood that took lives in 1968 and Flood Data Requests confirmed this saying **“In terms of surface water and river/tidal flooding, the land to the rear of 149 Marksbury Road is also at high risk and in flood zone 2.”**

In heavy rain my garden floods to 4 inches. I dug a pond to cope with that flooding and my water table rose 2 inches to 10 inches. This will be higher in the winter. The drain on Marksbury Road blocks and flood regularly. Building on the land will displace more water and risk all our properties.

**Privacy:**

The buildings in the plans have windows in their roofs which will result in a lack of privacy for the tenants. All the buildings around them will be able to look directly into their homes. These are small dwellings, not suitable for raising a family so the residents will not be able to settle there for long. This will not help the community.

**Lisa Cole,**

*Maker of Things, Rescuer of Worms*

*Collaborative Designer*

*Associate Artist of [Bricks in Bristol](#), UK*

Councillor Ed Plowden

**Subject:** Re: Statement to DCB regarding 21/00843 149a Marksbury Road

I object to this application of the following grounds: I intend to attend the committee to make this statement. Ideally I would also like to speak to Councillor Stone's objection statement on her behalf as she is on holiday so unable to present her objection directly, but has agreed that I can do it on her behalf if that is allowable.

Flood risk;

1. there is a significant risk of flooding, indeed in living memory this area was subject to flooding that almost reached the first floor of some houses and the proposed development is in an identified flood zone, leading the flooding officer not to recommend approval of this site.
2. The officers report states that the sequential test is passed, when this is patently untrue as the report identifies other sites of 8 and 5 units that could be considered. The report states that this does not compare favourably with "the 9 dwellings proposed" (para 4.5 of the sequential test report) but this relates to a previously refused application for 9 dwellings and this current application is for only 5 units, which does mean the other sites compare favourably with this application. A further updated sequential test report is required as this one is clearly not fit for purpose as it has not been satisfactorily updated.
3. The sequential test relies on reasonably available land that would provide an alternative; by this test then this site would have failed the test as it is not available for development due the covenant placed upon it. Whilst the covenant may not of itself be a material planning consideration, the fact that this land would fail the very test being used to justify it should indeed be a consideration for this committee
4. Further under paragraph 164 of the NPPF the land needs to pass both a sequential test and an exception test. Under this section of the NPPF the applicant has failed to demonstrate that the development provides sustainability benefits that outweigh the flooding risk nor that the development will reduce flooding elsewhere, and it therefore fails the exception test. In fact the development would not appear to alleviate the risk of flooding for its neighbours whose occupants already pay additional insurance premiums due to the risk of flooding.

Biodiversity:

1. Since the publication of the Local Plan, Bristol City Council has declared an ecological emergency and passed a motion in Full Council to prevent development on valuable green spaces. Whilst this has not yet been reflected in an updated Local Plan, the age of the current Local Plan means that other factors such as this may be taken into account.
2. This development takes away valuable local green space, and does not contribute to biodiversity net gain, which should be given more weight in the planning process due to the increased weight to be imminently given to it by National Policy.
3. The ecological report was undertaken after the site was "tidied up" by bulldozers which is under investigation as a potential breach of the maintenance agreement signed by the current landowner with the City Council. I recommend that this application is refused or at least deferred pending more time for the site to recover from this shock and an updated and more accurate assessment of the ecology on the site to be produced
4. This site was sold with a covenant that it can only be used as garden land and must be managed and maintained as such. Whilst this is not in itself a material condition, the covenant would indicate that the Council felt that the site was sufficiently valuable as a much needed ecological resource to place a covenant on it, and/or that any building on it would affect the quiet enjoyment of the neighbours.

Brendan Whitmore

I was appalled to hear a property developer is proposing to build on land that has a protective covenant. This land supports wildlife in the area and needs to be protected. Please take this into consideration and don't let developers override what is precious (and getting rarer ) wildlife spaces for us all to appreciate .

21/00843/F 149/149A & Land to Rear of Marksbury Road

As a resident of Lydford Walk, BS3 5LJ, I strongly object to the above application.

**The land was sold under strict and absolutely clear terms that it was not to be developed with a covenant. Bristol Council misled the residents, sold it for a pittance to a greedy developer with a history of riding roughshod over Planning and Housing regulations. Now it must be the duty of the Committee to do the right thing and return this green space to the local wildlife which has always lived there and to our community as a site of Edible Bristol allotments or plant trees there.**

### **Wildlife**

My garden is connected to this piece of land. In our garden there are slow worms (a rare orange full grown albino one was found just last week), a buzzard landed on our fence in April/May (I have video evidence of this), there are foxes, badgers and frogs that come through our garden as well as other birdlife and insects/butterflies. About three months ago we had a hedgehog here. Bristol is supposed to be committed to it's One City Ecological Emergency Strategy and the Ecological Emergency Action Plan.

My main concern is for the wildlife. This is a very built-up area and the wildlife need this space to survive. There aren't many places for creatures to exist undisturbed and this spot of land is the only one in this direct area where that can occur. The lives of badgers, hedgehogs, slow worms, frogs, birds, foxes and insects should be more highly valued in this instance than the profit from a sub-standard development in an already highly-developed area. In particular, slow worms are a protected species and their habitat needs to be protected.

The way that this developer bulldozed the land before any ecology report could be done, tells us a great deal about the way they operate. They have clearly proved that they cannot be trusted to take any care or consideration of the land, its wildlife or nearby residents. The proposed environmental plan is not going to save the situation in any way. You cannot simply 'replace' trees – and install bird and insect boxes to rectify stripping away an entire natural environment which has been existing and growing its own ecosystem for centuries.

This green corridor is much needed in this already crowded area of housing. Shame on the developer for stripping the land in this way and shame on the Planning Officer for supporting it!

### **Flooding Risk**

Without any doubt whatsoever, the flood risk for the neighbouring properties will be much worse if development takes place. The flood report was incorrect and the flood officer, Dan Fry has confirmed that this area is in a high risk flood zone. In a letter to a

resident he says, "in terms of surface water and river/tidal flooding, the land to the rear of 149 Marksbury Road is also at high risk and in flood zone 2."

At present this scrubland holds much of the moisture for the area. We don't need 'work arounds' so that this individual can get away with making a profit at the cost of the environment and residents, we need the grass and soil that is present to remain and soak up the water. Any building on this land will have a major effect.

### **Blatant disregard for proper rules and protocols by Landowner and Council Planning Committee**

This developer has already demonstrated unscrupulous behaviour with no regard for our community. He paid vulnerable Council tenants cash to access their gardens with his diggers, which chewed up council gardens and knocked down council fences in order to get access to this land and bulldoze the important green space before an ecology report could be carried out. According to previous applications which were passed, he has illegally erected buildings elsewhere in Marksbury Rd that only had plans for a shed and instead he built living accommodation. While the Planning Officer (preposterously!) supports to the scheme due to its current reduced size, we have no doubt whatsoever that this individual will, either come back with a bigger scheme once he turns the covenant or simply follow what he's done before and simply go ahead and build it bigger without permission.

An FOI shows that the Planning Officer, Richard Sewell is helping the developer to get this Planning Application over the line – this is against what should be a neutral stance. One argument for developing it was that there had been flytipping....well the flytipping was from the landowner's own tenants! Seems like tactical moves all the way. We want an ecology report to be completed and the Council must stop that man from bulldozing it again.

NB I have attached the email thread between the developer's planning consultant and the planning officer which my neighbour obtained via Freedom of Information. It turns out that they are old colleagues – they both worked at Planning together. As such, the manner of communication between them does not support a neutral stance from the Planning Officer in our opinion. According to legislation, planners "must always act impartially and in a politically neutral manner."

### **Parking**

There is no parking planned. The parking situation around here is terrible already with a lot of large work vans and trucks as well as cars. The homes will have their own cars plus visitors and extra family cars. It's already difficult to come out of the end of our street as views are restricted both ways due to cars parking right up on the corners of the streets and all the way down them. It's the same on Marksbury Rd. Too many people living in an area which is very built up and many of the houses around here have now been made into flats. You've got 3 and 4 cars for just one house around here as a result.

### **Council Misled the Community**

The Council completely misled the neighbourhood when they stated that there was a covenant and the land could only ever be used for agricultural purposes. They owe it to the neighbourhood to protect the land from this individual. Given his previous actions re development and planning, they should never have sold it to him, and given the current situation and his behaviour thus far, they should certainly not be supporting his actions.

### **The argument for Housing**

I understand that the Council are desperate to build homes but he will be knocking down two decent sized houses to make way for a sub standard five dwellings which are overlooked, to the detriment of the whole community. This green space is needed more by the wildlife here and the job it does to mitigate flooding. Look for other spaces that have been previously built upon and please protect this space.

### **Here's what should happen:**

This land should be bought back off this man by the Council by compulsory purchase for the amount he paid and it should given back to the community for safeguarding of the natural environment and wildlife and with potential for Edible Bristol allotments and/or children's safe place space or plant trees to mitigate the high risk of flooding. Between the residents, we will agree to work to arrange access for the community.

I appeal to you to please do the right thing. The Council have already massively let us down and you know what the right and just outcome is here. If this development is supported by the Committee it sets a dreadful precedence in Bristol for other green spaces which are much needed by wildlife and the community.

Mrs Joanne Hall

I write to object to this application based on grounds of loss of amenity, damage to ecology, flood risk, poor design quality, disruption to existing houses, requirement of BCC to stand by the restriction on development and risk of any approval opening the door to a larger scheme being resubmitted or simply built.

The present application is reduced in numbers and mass from the previous ones but they were unfeasible and would never have been acceptable, this makes the current proposal look more acceptable but this is simply a planning tactic to make contentious schemes look better.

Despite being flat roof single storey the proposed scheme is still overly dense given the surrounding context and will still have a negative impact and overbearing impact on adjoining properties due to the density and potential for noise from the development. The buildings will be about 3m high, still about 1.2m higher than a typical garden fence and will be clearly visible. The green space provides a buffer between houses that is consistent across the area. The quality of the proposed housing will be poor, due to the attempt to squeeze as many units as possible into the site and it being overlooked. Councils have a duty as set out in the NPPF to refuse poorly designed schemes that do not fit well with their contexts and can refuse schemes on this basis.

The proposed site access is narrow and cannot be relied upon to provide access in emergencies. Residents will either park on neighbouring streets and cause issues there or park in the site access itself. Deliveries will also cause issues.

If this scheme is approved we expect the applicant will either apply for a revised scheme for larger or more units or simply build larger or more units and wait for enforcement action. Unfortunately we don't know if we can rely on the council to enforce the approved scheme in this situation. The applicant has a track record of breaching planning and enforcement action being required. An argument for economic viability may be used to justify larger or more units, partly no doubt due to the cost of excavation and providing a SUDS attenuation tank because of the poorly draining clay soil. This is a standard play by developers: first come in with an unfeasibly dense scheme, whittle it down to be just acceptable and when permission is received use the economic viability argument to justify increasing density again. The site was bought very cheaply and no economic leeway should be considered.

The site is in a flood risk zone, the applicant should provide evidence that the scheme can be drained properly in advance and that Wessex Water are happy with any proposal rather than be left as a condition.

A thorough ecology assessment should be submitted in advance and not be left as a condition.

The site is very tight and overlooked, any construction works will be very disruptive and there will be major issues with deliveries, movement of vehicles and parking. Contractors will have to park in adjoining streets causing disruption.

Bristol City Council have a duty to stand by the restriction on development of the site. The site was advertised for sale for private amenity use only, this obviously gave the impression that development would not be possible and so even people who were not interested in buying it but would have been concerned about possible development saw no need to worry. If it was made clear at the time that development would in fact be considered then other residents would have been able to bid to buy the land to see this risk off.

While there is a need for housing in the city this site has not been developed before and was never intended to be. This should not be an opportunity for people to make money by providing substandard housing on unsuitable sites. The Council should use their powers to refuse the scheme on the basis of poor quality design.

Peter Hall

To whom it may concern,

As a resident of Marksbury Road on a property that backs onto the land in question on two sides, here are some of the reasons I object to this planning permission being obtained:

The Covenant:

This land was sold by the council with a covenant protecting the land from being built upon - it was sold for agricultural use only and should therefore be used as such. I appreciate the covenant is not a point of planning, but I appeal to you on this matter. If the covenant for this land is lifted, that puts all green spaces in Bristol at risk of development. This land should be purposed for the community that surrounds it, for example, by means of allotments. It was sold under a set of conditions of which the owners are not being held to.

Wildlife:

We have seen wildlife such as newts, slow worms, badgers, foxes, hedgehogs, bats and birds on and near this land. The owner has bulldozed the land which has had a negatively impacted upon these supposedly protected plots. The land was sold under the condition that the land was properly maintained when instead it is left to become very overgrown and repeatedly bulldozed without care for anything that lives there.

Flooding:

Flood Data Requests confirm the following "In terms of surface water and river/tidal flooding, the land to the rear of 149 Marksbury Road is at high risk and in flood zone 2." We all pay higher insurance because of this risk. The revised drainage states "should ground conditions be found to not be suitable we [propose] to use an attenuation tank to collect the water and restrict the flow rate into the storm water drain in Marksbury Road, subject to Wessex water consent". The drain on Marksbury Road blocks and floods regularly - I have been working with the council to try and maintain this in heaving rainfall. Building on the land will displace more water and up risk to surrounding properties which are already at high risk.

Privacy:

We are overlooking the new development and in turn, they will be able to see into our home. This is the case for all properties surrounding the land. The proposed access and path also run alongside my garden, so I will have people passing regularly/daily who will be able to look into my garden and my office greatly lessening privacy and security.

Misleading sale:

The original letters sent out by BCC property manager Ceri Thomas on 5th July 2017 made no mention that the covenant could be removed. Residents have been misled that the wasteland was protected. This is the wording of the letter:

"The land is to be sold with a restrictive covenant placed on it against any development except any building in connection with a garden or amenity use such as sheds etc."

The residents have been misled into thinking the land was safe from development. Had they known it was possible to remove the covenant they would have formed a community group and bought it to protect it.

Light pollution:

This will impact upon our quality of life and will disrupt the wildlife corridor. There will be light from side windows, skylights, doors and outdoor lighting.

Noise:

The noise from demolition and building work will go on for a long time, followed by the noise of people coming in and out of the land. Being next to the access, and having an office that backs onto the fence adjoining the development, I worry greatly about how the noise pollution will affect our quality of living and wellbeing.

Other:

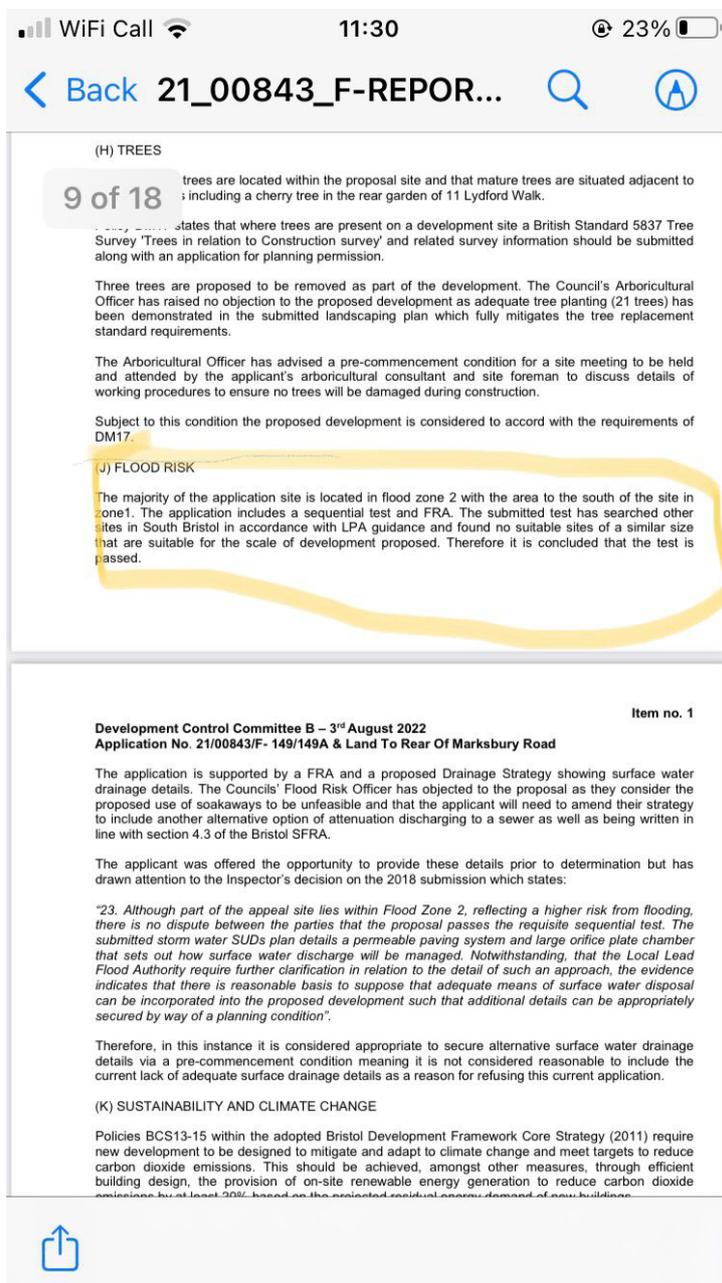
There is not adequate parking for additional residents in the area. There is not adequate easy access to the development, particularly considering it is at high risk of flooding.

Amber Dawkins

Marksbury Road

I would like to showcase a few serious problems with this application.

First off, this section about flood risk claims there is nowhere in all of south Bristol that could fit 5 market rate houses.



I could name several off the top of my head so I can't help but feel the officer went into this search and the whole Sequential Test with a predetermination to pass. If the Sequential Test has passed as he is stating here then Exception Test needs to be applied as per para 164 of the NPPF- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.
164. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
165. Both elements of the exception test should be satisfied for development to be allocated or permitted.

'To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

165. Both elements of the exception test should be satisfied for development to be allocated or permitted'

I've seen no evidence supplied that supports that the application will provide wider sustainability benefits to the community. The flood risk officer has already objected due to lack of suitable drainage information so there is no way section 164b has passed. Therefore this is a clear violation of National planning policy.

I disagree that the statement from a planning inspector 4 years ago for a completely different application for completely different design and number of homes is a sufficient excuse for the applicant to refuse to provide the required information. They were given ample opportunities to

**From:** John Rooney  
**Sent:** 05 May 2022 08:49  
**To:** Richard Sewell  
**Subject:** RE: 21/00843/F | Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear. | 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD

HI Richard

Where are we with this one now? I see ecology have commented and now appear to be happy. Is the access we've provided now acceptable?

On the SUDS, we'd stand our ground on that one, and if councillors vote to refuse on that basis, we'll have to take it to appeal.

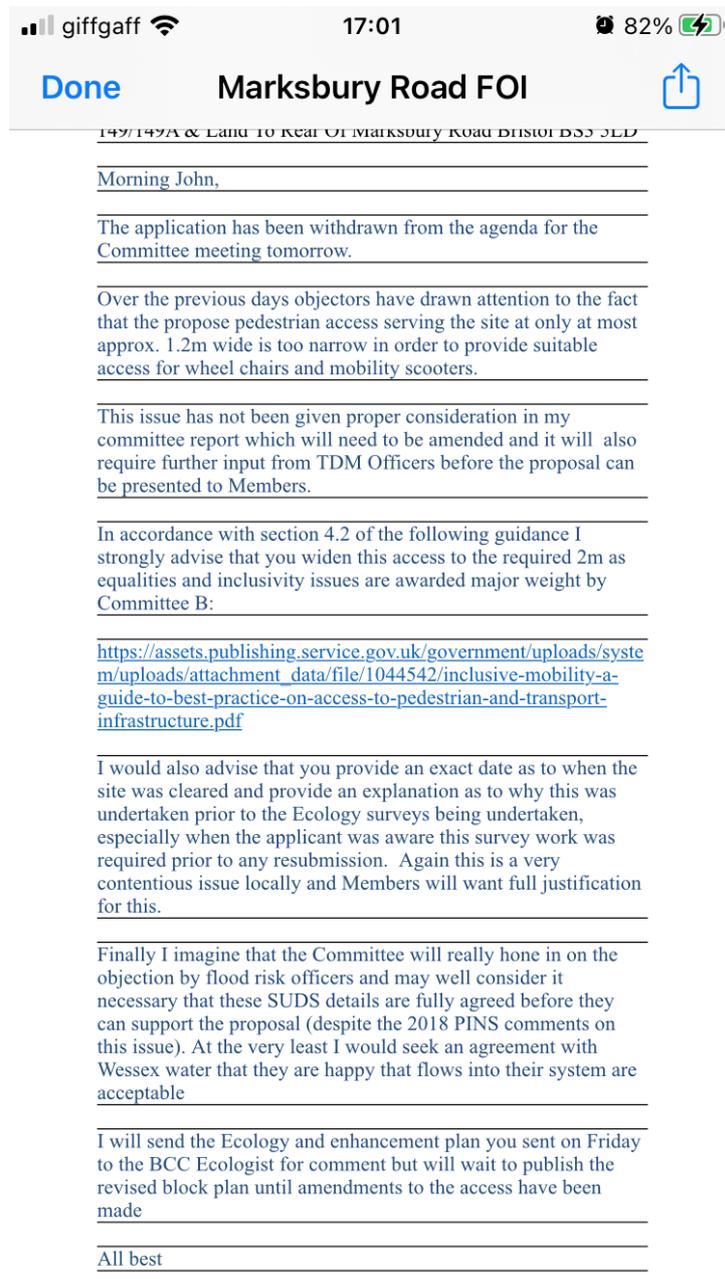
Do you know when we'll be going back to committee?

Kind regards

**John Rooney MRTPI**  
 Principal Planning Consultant

provide the information but threatened appeal instead of cooperating.

It seems the officer is only considering the benefit of housing in his decision and has blinders on to all other issues. That is obviously my opinion however there is evidence to my claim in the email exchanges where the officer admits to not taking disability access into consideration in his initial



report.

I'm not a flood risk expert but my father is and he teaches storm water management for construction at our local university. He gave me the course material to his class and I really urge the committee to listen to the advice taught in Storm water management 101 and refuse this application.

additional stormwater infrastructure is needed.

**At the state and local level:**

- Risks to public safety should be prioritized:
  - People living in floodplain areas and within potential dam break inundation zones should be educated risks (current and future), and steps they can take to prepare for potential floods.
  - Governments should consider strengthening land-use and building codes in these areas.
  - New development in flood-prone areas should be discouraged.
  - Natural systems (natural hydrologic flow patterns, natural retention areas, riparian zones) that help buffer against floods should be protected.
- Taking advantage of the natural water storage capacity of the floodplain provides benefits in terms of providing solutions that can overall function more efficiently and at lower costs to communities, localities, and the public.

1. CHANGES IN TOPOGRAPHY AND LAND COVER

Soil Compaction

You should know:

Construction equipment can cause such profound soil compaction (topsoil and subsoil) that the soil's bulk density can approach that of concrete and as a result, come functionally impervious (Figure 23, Figure 24 and Table 2-2 below).



**Figure 23. Construction soil compaction**  
(Source: Virginia Tech archived photos, <http://cllc.cses.vt.edu>)



**Figure 24. Compacted Soil**  
(Source: Center for Watershed Protection)

Table 2-2

**Common Bulk Density Measurements**

Land Surface/Use	Bulk Density
Undisturbed Lands Forest & Woodlands	1.03 g/cc
Residential Neighborhoods	1.69 to 1.97 g/cc
Golf Courses - Parks Athletic Fields	1.69 to 1.97 g/cc
Concrete	2.2 g/cc

I. CHANGES IN TOPOGRAPHY AND LAND COVER

Loss or Change of Vegetation

What about residential lawnscape?

The largest crop grown in the Chesapeake Bay watershed is **turfgrass** – more than 3.8 million acres covering a staggering 9.5% of the watershed's total land area (**Figure 19** and **Figure 20**).



75% of all turf grass in the watershed is home lawns (3.8 million acres)

Turf produces more runoff than natural open space and forestland

Turf management involves application of large amounts of fertilizer and pesticides (delivered by urban runoff to the bulk pollutant load that must be treated to protect our waterways

Amount of turf cover in the watershed has tripled in the last 30 years

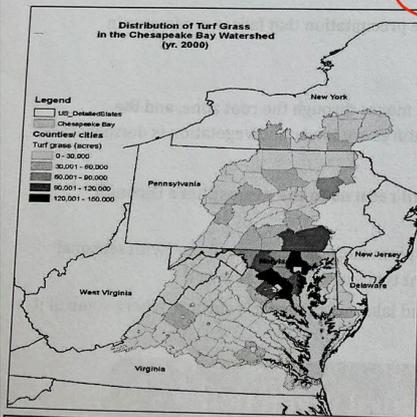


Figure 19. Distribution of Counties with High Turf Cover in the Chesapeake Bay Watershed. (Source: Schueler, 2009a)

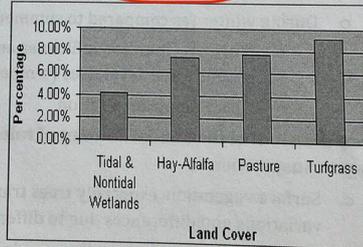


Figure 20. Comparative Land Coverages in the Chesapeake Bay Watershed (as a percent of total land area). (Source: Schueler, 2009a)

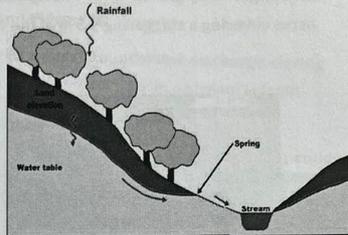
**I. CHANGES IN TOPOGRAPHY AND LAND COVER**

*Loss or Change of Vegetation*

As illustrated in **Figure 6** (above) and **Figure 18** (below), vegetation in natural areas such as Virginia woodlands and meadows contributes to the natural management of stormwater:

- **Rainfall and runoff is intercepted and slowed down (reduces erosive capacity, decreases overland flow, opportunities for infiltration)**

- Root systems of plants provide pathways for downward movement of water into soil
- Water that moves down through soil (percolates) moves vertically or laterally
  - Vertical flow reaches the ground water table or aquifer
  - Lateral flow often emerges as springs or seeps (provides base flow for streams)



**Figure 18. Relationship of infiltration to groundwater storage and stream base flow**  
(Source: PA DEP, 2006)

- **Very little rainfall leaves as runoff:**

- Compared to developed sites, considerably more rain must fall before runoff will occur from wooded sites
- Trees can effectively transpire most of the precipitation that falls in summer rain showers
- During winter (as compared to summer):
  - More precipitation infiltrates and moves through the root zone, and the groundwater level rises (temperatures are lower and vegetation is dormant)
  - Less evapotranspiration

- **More than half of the annual amount of rainfall returns to the atmosphere through evapotranspiration:**

- Surface vegetation, especially trees transpire water to the atmosphere (with seasonal variations and differences due to different types of vegetative cover)
- Water is also stored in puddles, ponds and lakes on the earth's surface, where some of it will evaporate



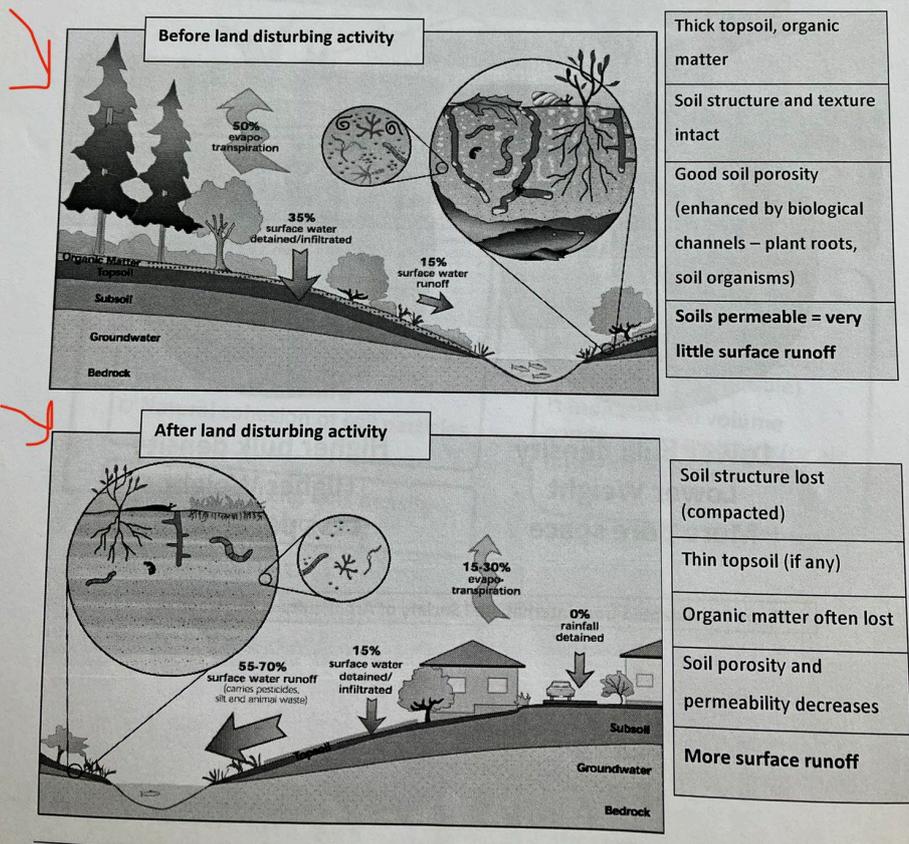
**Removing natural vegetation reduces evapotranspiration, reduces infiltration and increases the amount of stormwater runoff**

I. CHANGES IN TOPOGRAPHY AND LAND COVER

Soil Compaction

During land disturbing activities, soil is compacted and loses permeability;  
**surface runoff increases.**

Figure 22. Soil Compaction in Urban Soils. (Source: <http://chesapeakestormwater.net/wp-content/uploads/downloads/2012/01/SoilsforSalmonLIDrev9-16-04.pdf>)



## 2f. Understanding Stream Evolution and Urban Stream Syndrome

From land development and urban sprawl to Urban Stream Syndrome (putting the pieces together):



While the Chesapeake Bay watershed population increases by about 1 million per decade, impervious cover also continues to increase (increased more than 30% between 1990 and 2007) (Source: USEPA, 2010)

*"We're waiting for the city to come to us..."*

Urban Stream Syndrome is the consistently observed degraded ecological condition of streams draining urban areas.

**Characterized by:**

- Increased flash flooding
- Elevated nutrient and pollutant levels
- Altered stream morphology
- Sedimentation from eroded stream banks
- Loss of biological diversity



Figure 17. A natural (left) and urban stream (right) ecosystem (Source: USGS, 2013)

P.S. Who is going to enforce all these Planning conditions? Does BCC planning really have the capacity for that? It took months for planning enforcement to finally stop an illegal building near Manor Woods Valley and that didn't even have any planning permission at all. How are the ecology conditions going to be enforced when BCC doesn't even have a wildlife conservation officer? Is the private consultant going to be hired to enforce the conditions?

P.P.S I agree with Edible Bristol that this site would make a fantastic community growing space. The benefits to the community and nature of this would greatly outweigh 5 market rate houses with no car access for disabled people.

Jane Tolhurst

Objection to Application no 21/00843/F.

149/149a & Land to the rear of Marksbury Road Bristol BS3 5LD. Demotion of 149a Marksbury Road and election of 5no. Single storey dwellings on land to the rear.

I would like to strongly object to the above application on the following grounds:

#### Covenant

When the land was sold we, the local residents and neighbours, understood that the covenant on the land would not be able to be lifted. Unfortunately the neighbours were misled about this fact and the land was sold with development in mind to someone with a history of taking this course of action.

#### Wildlife and previous demolition

The piece of land has been a wildlife haven which will be permanently lost if this land is developed. Slow-worms, foxes, hedgehogs, bats and badgers have been sighted and some of this wildlife made their way along our driveway to return to their dens.

The buyer has in the last year or so levelled the land before waiting for an Ecology report and most likely has caused irreparable damage to this area, particularly the wildlife.

#### Flood plane

The land if built upon, would hugely put our homes at risk of being flooded. Evidence is there via our high insurance premiums to validate that this could happen.

#### Environmental factors

I work very early mornings and fear that by the time I finish work there will be no parking, a huge amount of construction noise which will prevent me from sleeping and air pollution which will affect everyone in the area.

Also the more trees etc that are removed, or damaged will impact the natural shelter from the sun we get for our houses and gardens.

#### Privacy & Security

In our house, privacy and security is paramount. My mother in law is 80, lives with us and not in the best of health. Her "Go To" place is her garden and she spends most of her time out there in the summer watching over grandchildren. If this development takes place it will remove her safe place. It will also make us all feel vulnerable about our security especially if the properties are not managed carefully.

Please reconsider the development of this land, it can be used so much better if bought back from the developer.



21/00843/F 149/149A & Land to Rear of Marksbury Road

I strongly object to the above application.

Firstly, the land was sold under strict and absolutely clear terms that it was not to be developed. While I appreciate that this will not be a material consideration for the planning committee, it has to be mentioned. It is very disappointing that yet another planning application is being considered given this piece of land has a covenant placed on it. We have all seen or received the letters from Bristol Council, Ceri Thomas in 2017, stating that this land could not be used for development. There was no mention that this could be potentially challenged or lifted. Had the community been made aware that there was a potential risk of this being overturned, then we would have bought it.

My main concern is around the flood risk. This development will take away an important piece of land to buffer against the impacts of flooding. We know the flood risk assessment is wrong, having consulted flood Officer Dan Fry from Bristol City council who confirmed that the area is in a 'high risk zone', which of course is reflected in the flood risk premiums that we pay and the fact that we know that this area has flooded in the past (despite the FRA saying there is 'no history of the site flooding'). We know that overall with the impacts of climate change, the risk of flooding has increased with wetter winters and summers. For the sake of 5 dwellings, the flood risk and therefore potential damage to the surrounding houses does not seem worth it.

I would also like to see further ecology reports. In the committee report the case officer states that 'The Council's consultant Ecologist has raised no objection subject to pre-commencement conditions securing a Construction Environmental Management Plan (CEMP)'. This is a bit misleading, given the objections in the original report. Despite the applicant bulldozing the area, there have been multiple sightings of different wildlife including badgers, foxes, slow worms. I also share my concerns with other residents, that having bulldozed the site, I do not have much faith that any of the requirements to 'enhance' the area will actually be met.

My final concern is around parking. I am not sure when your Transport Development Management Officers visited the area to conclude that there is 'adequate on street parking within the local vicinity', however it must have been when most people are at work. I have noticed that parking around here has actually worsened, with many people now forced to park right up onto the drop curbs limiting access for disabled people and buggies. You will also find many of the work vans/trucks parking at the top of Lyford Walk at the end of the day, as they cannot find parking on the main street. With 5 other dwellings, there is no doubt that the parking situation will worsen.

Thank you for considering my statement.

Regards,

Catrina Moss.

Hello,

Once again we are having to object to a plan to build on land that was sold with the clear condition that the land could not be developed. Why are you still accepting applications for this land?

Darren Tolhurst

Re: Application no. 21/00843/F Site address: 149/149A & Land To Rear Of Marksbury Road  
Bristol BS3 5LD Proposal: Demolition of 149A Marksbury Road and erection of 5no. single  
storey dwellings on land to the rear.

I wish to object to this application as it is in complete contravention to a covenant agreed for  
the land.

There is no security for any of our green spaces if covenants can just be ignored.

Liz Bramley

Application No: 21/00843/F  
Site Address: 149/149A & land to rear of  
Marksbury Rd Bristol BS35LD

Proposal: Demolition of 149A Marksbury Rd  
and erection of no 5 single storey  
dwellings on land to the rear.

I would like to register my objection to the above proposal. This land was sold with a covenant saying that it would not be built on and to go back on this would be a total betrayal to all the surrounding homeowners, whose property back onto this land. They were not given the opportunity to purchase the land, when it was originally being sold, as if they were there would have been an opportunity for them to buy and keep it as a protected nature reserve. My fathers family grew up in Lydford Walk, they moved in to their property in the early 1930's, and my aunt still lives there in the house she was born in 80 years ago. Lydford Walk backs directly onto the proposed development site.

If this land is allowed to be developed, Bedminster will lose yet another piece of green space that is frequented by a vast array of wildlife. Despite being illegally bulldozed already, nature has prevailed and foxes, bats, badgers, birds, slow worms, squirrels and a vast array of birds inhabit this space.

If this land is built upon, air and noise pollution will increase. There is not enough space for more vehicles to access the surrounding area, let alone emergency vehicles if there was a need for them. The proposed buildings are so close to existing properties there will be an invasion of privacy for many of the homeowners.

There is also a massive flood risk to this area. Homeowners backing on to this land already pay higher insurance rates due to previous flooding. In years gone by, flood levels have reached the first floor of homes on either side of the piece of land being proposed for development. This is not a safe area for development.

There are so many reasons NOT to develop this piece of land. Making money is not a good enough reason to be ignorant of facts. Please consider the environment, the animals and the world we live in when making your decision.

Regards

Helen Priddis

Dear Sir / Madam and whomever else this concerns,

This land was sold for agricultural use only with a covenant on it saying so!

So why on earth was this developer even able to apply for planning?

The locals who's gardens back onto the land have been totally misled, if they'd had any inkling that the land was not protected and that the protective covenant could be in any way lifted and the huge stress impact on their mental health in fighting for the land, then they would most certainly have got together and applied to buy the land between themselves for its safe keeping.

Why was this land sold to this notoriously unscrupulous developer?

If this build was to get the go ahead, I feel that there must be something very suspect going on that really does needs investigating?

I've seen other builds in the area by this developer not go according to plan, so how do they get away with it?

This land and the tree's living on and around it have been a wildlife sanctuary for (red-listed) Badgers, Fox's, Hedgehogs, Squirrels, Hedgehogs, Bats, Slow Worms, Insects, Etc, and many different varieties of Birds including Owls, Red Spotted Woodpeckers, Song Thrushes, Sparrow's & Sparrow Hawks, Etc for a very long time.

I have spoken with a couple who's garden backs onto the land, and they have had many sightings of badgers and fox's over the last 40 years, their garden backs onto the land and the badgers and fox's come into their garden from there, last year they saw both a family of badgers, and a family of fox's too living on there, they have had more recent sightings of them too.

But disgustingly and extremely sadly, the new land owner, before any ecology report, or planning, without any thought to the wildlife, birds and people already living there, or the trees etc, they went ahead and bulldozed the land, destroying their habitat, so whether or not the huge pile of cleared rubbish that they left in the middle of the land is now blocking up a badger set and or a fox's den, I dread to think :/

Obviously this unscrupulous developer is just out to make money and cares nothing for wildlife, the environment or the people already living there :/

What this precious land so desperately needs is to be allowed to return to and stay the treasured wildlife sanctuary / corridor that it is, with more tree's planted to replace the ones that were bulldozed and for it to be in the hands of our caring community and the deserving families who's gardens back onto it :)

There have been so many / far too many builds in this area over the last few years, which means that these treasured pieces of wildlife sanctuary / corridor land are now sadly very fast depleting and extremely scarce, the cities badgers, fox's and other wildlife are all really struggling to survive :/

This land is definitely waterlogged, it is prone to flooding, any build there would put the houses that are already there in jeopardy of flood and subsidence!

There is plenty of proof in the reports and pictures of the flooding in this area in the past, the water table is already very high.

There are already so many houses / homes packed into this very small area, this build would lead to more poor air quality in an already polluted area, more noise pollution, more parking issues, and more destruction of green land :/

The bollards put in for safety at the entrance to Marksbury Open Space and opposite on the Brixham Road side, they have mostly been knocked down, this is a huge indication that there are already far too many vehicles trying to both park and negotiate the exact area of this ridiculous proposed demolition and therefore entrance to this proposed build onto this extremely precious land.

Even one house / dwelling built there let alone five, would negatively impact in a massive way both physically and mentally on hundred's of people and their families that already live backing onto the land and in the local vicinity to it too, the houses would be devalued, the build demolition, dust pollution and noise would go on for a long time, let alone the upset and possible deaths of the wildlife that rely on the space to live in/on too :/

To demolish two family homes to build these 5 small dwellings for single occupancy, with such huge negative impact's this would bring in multiple ways to hundred's of people, it would be beyond lunacy :/

So please please I hope with all my heart that you will do the right thing and say no, and let this farcical planning application go no further, returning the land to the local residents and its wildlife, setting a precedence for future planning application's by unscrupulous developers trying to destroy our cities precious green spaces.

There are nearly 500 signature's and still rising, on a petition to ask the council to protect the covenant on this land!

I thank you for your time in reading this and taking it all into consideration, its very much appreciated!

Your sincerely,

One very concerned local resident

Jessica McLean

OBJECTION TO Application no. 21/00843/F Site address: 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD

To whom it may concern;

I am registering my objection to application no. 21/00843/F.

The land was sold with an agreement stating:-

"The land is to be sold with a restrictive covenant placed on it against any development except any building in connection with a garden or amenity use such as sheds etc." (this was sent out on 5th July 2017 by Ceri Thomas, BCC property manager)

This looks as though it will be overturned with the proposal to build 5 bungalows on it and given the site has already been bulldozed.

Here are some of the reasons this is a bad place to build:

Flood risk: We pay extra insurance because we are in a flood zone and gardens that back onto the wasteland flood in heavy rain. The drain on Marksbury Rd already blocks and flood regularly. Building on this land will increase our flood risk

Trees: The building work will damage roots of existing trees and may kill them. These trees provide homes and food for birds and shelter our gardens from the sun.

Air quality: Our local air quality particulate monitor is already reading high and more buildings and cars will make it worse <https://aqicn.org/station/@191824#/z/15>

Wildlife: The owner has bulldozed the land but there is still evidence of hedgehogs, squirrels, foxes, badgers, bats, slow worms and more.

Parking: There is not enough space on the main streets for new residents to park and the plans show access roads only.

Security: Opening up the space behind our homes would leave our back gardens vulnerable to intruders. We shouldn't have to pay more for extra security.

Privacy: New neighbours close to us will impact upon our privacy in our gardens and in our homes.

Light pollution: This will impact upon our quality of life and will disrupt the wildlife corridor.

Noise: The noise from demolition and building work will go on for a long time, followed by the noise of people driving in and out of the land and living so close to our gardens.

House value: Houses that are near green spaces are worth more money. This build will devalue our homes.

Misleading sale: We have been misled into thinking the land was safe from development. If we had known it was possible to remove the protective covenant we could have formed a group and bought it.

The application is for 5 bungalows that are too small to bring up a family in, this will mean short term lets which means an increase in fly tipping. The owner has an arrangement with BCC to provide halfway houses so this could quickly become an area for ex offenders and drug abusers which is unacceptable with so many young families in the area.

Regards,

Emilie Harryman

## Amendment Sheet 3 August 2022

### Item 1: - 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD

Page no.	Amendment/additional information
4	<p>Since publication of the Public Report Pack a total of 10 further comments have been submitted in relation to this application. All further submissions raised objections to the development. This brings the total number of objections received to 51 at time of publication of this amendment sheet</p> <p>Grounds of objection submitted in the additional comments raise similar concerns and themes to those summarised and present within the original report.</p>