

Bristol City Council
Minutes of the Development Control B Committee
Meeting
3rd August 2022 at 6.00 pm



Members Present:

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

Officers in Attendance:

Peter Westbury (Planning Co-ordinator, Development Management) and Norman Cornthwaite (Democratic Services)

1 Welcome, Introduction and Safety Information

The Chair welcomed everyone to the meeting and issued the safety information.

2 Apologies for Absence

Apologies were received from Cllrs Andrew Brown (substitute Andrew Varney) and Marley Bennett.

3 Declarations of Interest

None were received.

4 Minutes of the previous meeting

Resolved – that the Minutes of 18th May 2022 be agreed as a correct record and signed by the Chair.



5 Action Sheet

This was noted.

6 Appeals

The Planning Co-ordinator, Development Management introduced the report.

In response to question from Councillor Hornchen concerning the site known as the Old Nursery in Brislington, he stated that he would arrange for a written update to be provided for her. Cllr Poultney requested an update on Item No. 21 Alfred Place and it was confirmed that he would receive this.

7 Enforcement

The Planning Co-ordinator, Development Management introduced the report.

In response to request from Cllr Poultney for a Members' Briefing on HMOs, he confirmed that he would take this back.

8 Public forum

Members of the Committee received Public Forum Statements in advance of the meeting.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision.

9 Planning and Development

The Committee considered the following applications.

1 21/00843/F - 149/149A & Land to Rear of Marksbury Road **0**

(It was noted that for technical reasons it was not possible to display the Officer's presentation on the screens. The Members of the Committee were provided with a copy of the presentation by email.)

The Case Officer introduced the report, summarised it for everyone and gave a presentation.



The application is for the demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear.

The following answers were provided to questions:

- Although access to the site for fire engines would be slightly difficult, they would be able to fight any fire on the site with hoses and additionally there would be a sprinkler system installed; this was not therefore a reason to refuse the application; it meets the standards set by the Fire Service
- The site is to be car free and the access arrangements meet the equalities standards
- There was no biodiversity net gain calculation carried out as it was not required at the time
- Although there is some risk of flooding it is not considered to be high risk; the site is 60 metres from the river, which should allow adequate time for residents to leave the site if the flood risk became real; there will be relevant conditions attached to any permission relating to flood prevention
- It is not possible to prevent future residents owning cars but it would be made clear it is a car free area and residents would be encouraged to use other forms of transport
- Although the land was sold by BCC, Officers could not comment on the covenant issue as it is not a planning issue
- The sequential test submitted covered the whole of the south of Bristol; the applicant consulted local property agents and identified the sites that could accommodate the proposed sized development; for various reasons this was the only site that is available for the proposed development
- It was noted that the developer had cleared the site prior to carrying out an ecological study and although this was not considered to be good behaviour, it did not require planning permission and could not be taken into account when assessing the application; the ecological report submitted with the application was taken into account, further information was also sought and received from the applicant
- Flood Zone 2 is not considered to be a high enough risk to merit refusal
- There is no evidence to say that the ecologist visited the site
- The land was cleared in November 2019
- The ecological report was carried out in January 2021
- There was no evidence of a badger set on the site
- The history of the area includes something being built at 149 with planning approval but which was not a dwelling but someone was living there for more than 4 years meaning that enforcement action could not be taken
- An application for 7 dwellings was refused in 2018 for a number of reasons
- An application for 9 dwellings was refused in 2020 for a number of reasons
- The site is considered to be sustainable and there is sufficient public transport available to enable residents to not require the use of a car; the application was judged using the same criteria as other applications



- Any planning approval cannot override the covenant; the Committee can only determine the application on planning criteria; covenants are a Land Registry issue and are governed by a separate set of rules from planning regulations; planning and landownership are separate issues and the reason for the disposal of the land is not relevant to planning; the covenant is not being overridden or discarded by the planning process
- It is common practice for applicants to not provide drainage proposals with their applications, normally for reasons of costs; if permission is granted the drainage requirements are governed by conditions attached to the permission
- Waste and recycling collections will be made from the road; when moving into the properties people will have to make their own arrangements for the getting their belongings to the properties

Debate

- Concerns about emergency services having difficulties accessing the properties and concerns about the ecological information provided by the applicant; the reasons for not developing this site previously are not known
- Concerns about the risk of flooding issue; access for disabled people; an applicant clearing a site prior to receiving planning permission is not a “good look”
- Flooding can happen with little or no warning; should take a dim view on the destruction of ecological sites before a survey is carried out; need bungalows for people with mobility problems, but this may not be the right site; the need for more houses has to be considered
- Concerns about whether the ecological survey submitted accurately reflects the true nature of the site; concerns about the flood risk; concerns about the sequential test and its conclusion provided by the applicant – it is not to be believed that there is no other site in south Bristol that could accommodate this development
- Do not consider the answers provided answer the questions satisfactorily

The Chair moved the Officer Recommendation to approve the application; this Motion was not seconded so was not put to a Vote and was therefore Lost.

Members considered whether not to defer a decision (pending a further report on proposed reasons for refusal) or whether to refuse the application with specified reasons for refusal.

Members were generally agreed that the application should be refused. The reasons for refusal were as follows:

1. As the submitted ecological assessment was undertaken post clearance of the site, it is not considered that the proposal is informed by an appropriate survey and assessment of the potential impacts on protected species and their habitat contrary to policy DM19 of the Site Allocations and Development Management Policies 2014



2. Given the significant distance of the proposed dwellings from the highway and the lack of vehicle access serving the site, it has not been demonstrated that an adequate means of access for emergency vehicles and lesser able bodied members of the community is achievable. The proposal therefore fails to accord with the requirements of policies BCS10 and BCS21 of the Bristol Development Framework Core Strategy 2011 and DM23 of the Site Allocations and Development Management Policies 2014
3. Insufficient information has been provided to demonstrate that adequate flood risk mitigation has been incorporated into the proposed development. Further to this, it is not considered that the applicant has provided adequate surface water drainage details. As such, the application does not comply with requirements of policy BCS16 of the Bristol Development Framework Core Strategy 2011

Cllr Francis moved that the application be refused for reasons specified above. Cllr Varney seconded this Motion.

On being put to the Vote it was

Resolved – (Voting 8 for (Cllrs Alexander, Breckels, Francis, Hornchen, Poultney, Stafford-Townsend, Varney and Windows), 0 against) that the application be refused for the following reasons:

1. **As the submitted ecological assessment was undertaken post clearance of the site, it is not considered that the proposal is informed by an appropriate survey and assessment of the potential impacts on protected species and their habitat contrary to policy DM19 of the Site Allocations and Development Management Policies 2014**
2. **Given the significant distance of the proposed dwellings from the highway and the lack of vehicle access serving the site, it has not been demonstrated that an adequate means of access for emergency vehicles and lesser able bodied members of the community is achievable. The proposal therefore fails to accord with the requirements of policies BCS10 and BCS21 of the Bristol Development Framework Core Strategy 2011 and DM23 of the Site Allocations and Development Management Policies 2014**
3. **Insufficient information has been provided to demonstrate that adequate flood risk mitigation has been incorporated into the proposed development. Further to this, it is not considered that the applicant has provided adequate surface water drainage details. As such, the application does not comply with requirements of policy BCS16 of the Bristol Development Framework Core Strategy 2011**

and that Officers bring a further report to a future meeting of the Committee detailing the reasons for refusal of the application.

1 Date of Next Meeting

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Wednesday 14th September 2022 at 2.00 pm.

Meeting ended at 7.55 pm.

Chair _____

