

Bristol City Council
Minutes of the Development Control B Committee

6 September 2023 at 6.00 pm



Members Present:-

Councillors: Ani Stafford-Townsend (Chair), Chris Windows (Vice-Chair), Lesley Alexander, Amal Ali, Sarah Classick, Lorraine Francis, Katja Hornchen, Guy Poultney and Steve Pearce (substitute for Fabian Breckels)

Officers in Attendance:-

Jeremy Livitt, Philippa Howson, Simone Wilding and Lewis Cook, Fern Kenyon-Hamp

25 Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting and drew attention to the emergency evacuation procedure in the event of an emergency.

26 Apologies for Absence

Apologies for absence were received from Councillor Fabian Breckels (Councillor Steve Pearce substituting).

27 Declarations of Interest

There were no Declarations of Interest.

28 Minutes of the previous meeting held on 19th July 2023

RESOLVED – that the minutes of the above meeting held on 19th July 2023 be confirmed as a correct record and signed by the Chair.

29 Action Sheet

There were no issues arising from the Action Sheet.



30 Appeals

Officers made the following comments concerning appeals:

Number 69 - 29 Hobhouse Close, Bristol BS9 4LZ: The application related to its use as a small HMO. The application had been reported to committee in December 2022, but following an appeal for non-determination being made, was held in abeyance. The Inspector had refused the appeal and the enforcement team were now actively liaising with the applicant to ensure the required action was taken.

31 Enforcement

There were no issues reported.

32 Public Forum

Members of the Committee received Public Forum Statements in advance of the meeting. The statements were published online prior to the meeting. Each statement was heard before the application it related to and taken fully into consideration by the Committee prior to reaching a decision.

The Chair advised the Committee that due to administrative reasons some statements had not been included which had previously been submitted to Development Control A Committee on 9th August 2023.

Responses Supplementary questions were asked as follows:

QA1 – Mark Ashdown - I don't believe that my question has been answered. Please can you explain why the passage I quoted from DM19 has been omitted.

A: It has answered it since evidence is required and it is relevant in planning terms. The mitigation would enable a small positive uplift.

QA2 – Danica Priest – 1st Question: Why have additional sites not been explored and why has the reference to other sites not being considered not been mentioned in the report?

A: The applicant explored additional sites to the extent that it was necessary. The report sufficiently addresses all the key issues for consideration by the Committee and does not need to go into detail on all points raised in connection with a planning application.

QA2 – Danica Priest – 2nd Question: Why is the commitment to honour nature as required in the green motion, which specifically referenced Yew Tree Farm, not being honoured?



A: This commitment is not mutually exclusive with the approval of this development. The report cannot mention every detail but the omission of this specific point does not make a material difference in this instance.

QA3 – Amanda Barrett – 1st Question: Since the search for sites for crematoria started in the 1960s, is planning being undertaken for future sites?

A: A plan is being developed for the future which would consider the requirements for the next 15 years and beyond.

QA3 – Amanda Barrett – 2nd Question: Since so much has changed over the last 20 years in terms of biodiversity and climate change, what actions are being taken to avoid repeating the same problems.

A: Since the city was running out of burial space, the proposal plus ongoing considerations address the key issues, including the need for an uplift in biodiversity.

It was also noted that many of the issues in this question were strategic planning issues which were more suited to the Cabinet and the Mayor.

QA4 – Maddy Longhurst – 1st Question: Should some of the issues connected to planning be considered under the duty to co-operate with the combined authority, which is required to cover strategic issues such as urban growth , and the food system along with space for burials

A: There is a duty to co-operate at a *strategic* level which we are working with the neighbouring authorities on to address. The requirement to provide burial space should be provided as close to where people lived as possible so that these can be visited without creating substantial cross-boundary movements.

QA4 – Maddy Longhurst – 2nd Question: Since people in Bristol look to Bristol City Council as a Gold Award Food Centre, it is now classified as a regenerative Gold City. Are the reputational dimensions of the impact of this decision being fully considered or accounted for?

A: It is considered as part of Bristol City Council’s planning process. Evidence is considered as part of an assessment of whether or not the claimed impact will materialise. Since the amount of area affected is very small and the land was not formally leased to Yew Tree Farm, it had not been demonstrated that this was a likely significant planning matter

QA4 – Maddy Longhurst – 3rd Question: In view of the need to protect food production in the city and since both food strategy and crematoria strategy are being considered at next week’s Communities Scrutiny Commission, why not wait until discussions take place there prior to making a decision?

A: City strategies were constantly evolving and if decisions were deferred pending discussion of them, there would be a risk of no decisions being made



QA5 - Steph Wetherell – Not Present

QA6 - Catherine Withers - 1st Question: Despite paying rent for 56 years on site and being advised that this was SNCI land that would be protected, I wasn't included in the consultation or as a stakeholder but Mark Ashdown was. Why is this?

A: We don't recognise this interpretation of events and believe you were consulted.

The Committee received each of the Public Forum Statements published as a supplementary dispatch on the Bristol City Council website.

33 Planning and Development

The Committee considered the following Planning Application:

33a 22/05714/FB - South Bristol Crematorium and Cemetery, Bridgewater Road

Planning officers introduced the report and made the following comments as part of their presentation:

- The Application is for the expansion of the existing cemetery to allow additional burial space
- The new site is divided into 3 plots – the southern plot, the northern plot by the railway and with an additional plot of land allocated for a new drainage pond and various drainage runs across the site
- Details of the Local Plan allocations were set out on the screen. All the land in question is within the green belt
- The proposed development would be delivered in phases – with the southern area being used prior to the northern plot
- The site neighboured two listed buildings, including the Pavilions, a 1970s low level office block, officers had assessed that it would not impact on this as a fairly substantial hedge meant there was no visible link between the sites. The other listed building could be identified on the plan as Honeyfield Personal Training and would also not be impacted by the development as there is limited visual interaction
- Section 38(6) stated that the Local Planning Authority should have regard to the development plan unless material considerations indicated otherwise
- Key issues were the urgent need for burial capacity in the city – at current usage it was estimated this would run out after 2 years. In addition, it had been assessed that there were no other opportunity to expand in other cemeteries
- The impact in the green belt was deemed acceptable. Officers' view is that the SNCI can be mitigated with the amendment sheet providing further details of this
- There had been three further objections since the issuing of the amendment sheet, including from the Avion Wildlife Trust
- The land contamination officer had also recommended some additional conditions to have a further assessment of the site



- Therefore, the recommendation contained in the report was to approve subject to the issuing of delegated authority to officers to finalise the proposed conditions

Officers responded to Councillors' questions as follows:

- The biodiversity net gain was set out in the amendment sheet. Following a number of revisions, the BNG assessment had now been set as positive 2.93% gain in area habitats, 107% gain in hedgerow units and 0.19% gain in river units
- Councillors' concerns were noted about the impact on Yew Tree Farm and its viability. Officers confirmed that mitigation to enable it to continue through improvements in the remaining land and that the Council would be directly involved in negotiations to enable Yew Tree Farm to continue to use it. In addition, it should be noted that the amount of land affected was a comparatively small area of land
- Members' concern was noted that there had been an apparent lack of consultation with Yew Tree Farm as the adjacent land user and current tenant. Whilst the specific list of consultees was not available at the meeting, officers could confirm that consultation involved the neighbours, erection of site notices and notices in the local paper, two of which were statutory requirements. Yew Tree Farm were consulted as part of the Community Involvement Statement – even though they had not been listed specifically as stakeholders, they had been consulted and their views given the appropriate weight. Officers had been advised by the applicant that there had been extensive negotiations
- Officers read Policy DM19 in detail – they key issue was that the site was policy compliant, with a positive uplift and with mitigation provided
- The southern plot of land was outside the SNCI whilst the two northern plots were wholly inside it with the SNCI boundary being drawn around the existing cemetery
- The Committee needed to assess Policy DM17 concerning potential harm to the urban landscape against the need for a cemetery with the urgent need for burial space being a material consideration
- The proposed development was in line with DM19 and achieved a positive balance. The cemetery consideration also comes in through legislation. As a public body we are under the Public Sector Equality Duty. If, as a public body, we were to allow the city to run out of burial space it would have an impact on equalities because different faith groups would be disproportionately impacted. That's another reason it would actually be quite important to bring in and attach substantial weight to the consideration of running out of burial space. An Equalities Impact may be a material planning consideration and needs to be considered in all relevant planning applications.
- All issues which had planning impact needed to be treated as a planning consideration. The impact of harm on the site was considered on a net basis rather than gross
- Officers explained the impact of previous planning history on the site as follows – the site had been granted in 1963 for use as a cemetery with a further application made in 1969 for specific works. In 2022 an application for a certificate of lawfulness was submitted which was intended to demonstrate that continued use of the site in accordance with the original planning permission would be lawful. At the time that the application was made, it was not entirely clear whether planning permission was extant hence they were advised to withdraw it and put in a new full application for the development. Whether extant or not, this is not material to your decision either way.
- Whilst the original crematorium was built within the required timescale, it was not clear whether subsequent developments had been. Whilst officers had been advised that the site was originally farmland that had been the subject of a Compulsory Purchase Order, it had not been possible to



confirm this

- There was a hedge situated between Triangle Plot 1 and the farmhouse but this was not as significant as other hedgerows and therefore did not appear on the plan on Slide 8. Regardless of how robust the hedge was, the ability to view one from the other and the harm incurred would be negligible
- Network Rail had very specific requirements concerning infrastructure and would be unlikely to accept the proposed drainage runs linking to their infrastructure
- The drainage officer had confirmed that what is proposed was satisfactory
- A Construction Management Plan could be drawn up to ensure proper controls over the time and impact of the construction period, which could be secured by condition
- The Environment Agency had confirmed they were satisfied with the proposal and had no concerns about the possible impact of embalming fluid on the brook or land

Committee Members made the following comments:

- The Chair of the Committee set out the key issues that members needed to balance in forming a decision
- The importance of this cemetery needed to be acknowledged as a site not just for the dead but also for visitors. There was also an important equality issue at stake since different cultures required different methods of burial. Whilst the environmental impact was less of a concern since the mitigation seemed satisfactory, the impact on Yew Tree Farm remained the biggest concern. The apparent lack of discussion with the owner to find a solution was a cause of great concern and further effort was needed to find a compromise between the two
- This is a sensitive and difficult application. Members expressed a great deal of sympathy with Yew Tree Farm in view of the great work they carried out and their wish to continue. However, this was not a planning consideration and there was an urgent need for more burial space. If Bristol City Council were to be so short of space that they needed to stockpile coffins, this would rightly create an outcry. However, the potential impact on Yew Tree Farm was embarrassing given the importance that the local authority attached to Gold Standard Food and its environmental credentials. Councillors indicated that they were very unhappy with the applicant's approach on this and that no alternative sites had been identified. However, the application showed a net environmental gain and had to be determined on its merits
- The application had not been handled properly. If the Committee supported the application, it would not be able to protect sites that it should be. Therefore, the application should not be supported
- The key issue was not the applicant's approach but one of political leadership since they had pursued what they had been requested to do. In this case, there had been a very rigid policy of ensuring that the lines between development control and planning strategy were not in any way blurred. Whilst the SNCI policy allows for a net determination following mitigation, the rules around heritage do not allow for mitigation. The Grade 2 Listed Farmhouse overlooks a field containing some very old trees. While the loss of these can be mitigated under the Council's tree policies, this is the context in which this valuable history sits and may provide a material consideration that overrides the need for cemetery spaces and a strong case to refuse the application
- Although the situation was not satisfactory, the application should be supported as there is an urgent need for burial space.



- This was a very difficult application in which priorities needed to be balanced. Whilst Yew Tree Farm had been treated appallingly and continued support for it was needed, there was a desperate need for burial space and therefore with a heavy heart it should be supported
- Landowners' rights also needed to be protected in this case. In view of the acute embarrassment concerning the situation and the impact on Yew Tree Farm, the applicant would be very likely to ensure that the continued prosperity and viability of it was maintained going forward
- This was the first application that had come forward on this site and no alternative sites appeared to have been considered. It appeared to have been made purely on the basis of administrative convenience. If there genuinely are no other sites, this might be a reasonable decision but in the absence of this, it should be opposed
- It was unfortunate that this application had come to Committee before a strategy had been approved at Cabinet. It would shortly be discussed at the Communities Scrutiny Commission and it would be preferable to consider their views before making an irreversible decision with potential long term implications since there was lots of other land available that needed to be fully explored
- There was a vital need for more land to be used for this purpose. It was a human right to be buried
- It was understandable that this issue provoked a great deal of emotion. If the application was approved, there would need to be a great deal of effort made to ensure mitigation for Yew Tree Farm. It was acknowledged that Bristol was short of land or housing and that this development was badly needed. It would not be acceptable to require residents to bury relatives outside the city boundary when there were options available to prevent this.

The Committee noted that they had the option to defer the application pending reconsideration at a future meeting (usually the next meeting). Officers would be requested to draw up possible reasons for refusal within the report in the event that the Committee decided to proceed with a refusal.

Councillor Steve Pearce moved that the recommendations contained in the report be approved, seconded by Councillor Lesley Alexander and upon being put to the vote, it was **LOST (2 for, 7 against)**.

Councillor Guy Poultney moved, seconded by Councillor Chris Windows and upon being put to the vote, it was

RESOLVED (7 for, 2 against) – that the application be deferred pending a further report to be resubmitted to a future meeting. This should include possible reasons for refusal based on the issues suggested by Councillors at the meeting.

35 Date of Next Meeting

The next meeting is scheduled for 2pm on Wednesday 18th October 2023 in the Council Chamber, City Hall, Bristol.

The meeting ended at 8.00 pm

CHAIR _____

