

Bristol City Council
Minutes of the Development Control B Committee

29 November 2023 at 6 pm



DRAFT

Members Present:

Councillor: Ani Stafford-Townsend (Chair), Lesley Alexander, Amal Ali, Sarah Classick, Lorraine Francis, Katja Hornchen, Farah Hussain (sub for Fabian Breckels), Guy Poultney

Officers in Attendance:

Steve Gregory, Philippa Howson, Simone Wilding, Lewis Cook

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 who was substituted by Councillor Farah Hussain. Noted that Councillor Chris Windows (Vice-Chair) was not present.

27 Declarations of Interest

Councillor Ani Stafford-Townsend declared that she had been lobbied by the applicant regarding this application.

28 Minutes of previous meetings

RESOLVED –

- a) That the minutes of the meeting held on 6 September 2023 be confirmed as a correct record subject to the last sentence on page 13 bullet point 8 being amended to read 'An Equalities Impact is a planning consideration that needs to be considered in all planning applications.'
- b) That the minutes of 18 October 2023 be confirmed as a correct record.

29 Action Sheet

There were no issues arising from the Action Sheet.



30 Appeals

Officers gave the following comments concerning appeals:

1. 91 - 101 Church Road Redfield Bristol - Appeal against non-determination had been dismissed.
2. Ever Ready House Narrowways Road Bristol - Appeal against non-determination had been postponed until February 2024.

31 Enforcement

There were no enforcement issues reported.

Members were assured that everything possible was being done to recruit more enforcement officers and despite the significant work pressures, there had been some improvement thanks to the hard work of the enforcement team.

32 Public Forum

Members of the Committee received Public Forum Statements and Questions & Answers in advance of the meeting. The public forum business had been published online prior to the meeting. All public forum was taken fully into consideration by the Committee prior to reaching a decision.

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 gave a detailed presentation to members of the committee.

The application was for full planning permission for the use of land designated as Green Belt for the expansion of the existing cemetery to provide new burial and memorial plots with associated roads, footpaths, parking, drainage infrastructure, fencing, landscaping and furniture. This included an extension of the cemetery into two currently undeveloped areas, and the provision of an attenuation pond in a further area.

The application was of significance to the city and had been subject to high levels of representation, both for and against the development. The application was previously reported to planning committee on 6th September 2023, with a recommendation for approval, however, following debate on the application the committee deferred a decision pending a further report being resubmitted to a future meeting which would have regard to possible reasons for refusal based on the issues suggested by members at the meeting.

The concerns raised were –

- a) Whether the strategic need for the cemetery was justified and what other areas had been explored.



- b) Whether there was a harmful impact on heritage assets.
- c) Whether the correct test had been applied in respect of the impacts on Biodiversity Net Gain and the SNCI, and whether late representations, including those from Avon Wildlife Trust had been fully addressed.
- d) Whether the impact on the viability of the neighbouring Yew Tree Farm had been properly assessed.

It was noted that the Applicant had since provided further evidence to justify the development, and address the concerns raised at the Committee meeting.

In response to the concerns raised officers were of the view that the previous recommendation was sound, subject to a revised suite of conditions. The updated report also provided further guidance on the issues raised by Members at the 6 September 2023 meeting.

Clarifications made following committee members questions:

1. Since the previous committee meeting the Publication Version of the revised Local Plan had been agreed by Full Council and was now available for public comment. It would therefore be a material consideration and have some limited weight in the decision-making process although it was emphasised that the current Local Plan would have overriding authority.
2. There were more ecology policies in the emerging Local Plan and it was now a material consideration. There were no additional protections in the emerging local plan that would indicate a different decision than the one recommended.
3. A Cemetery Strategy had not been subject to formal scrutiny as a formal strategy was not currently available. Regardless of this, members were reminded that the key function of the committee was to consider the Application before them on its own merits.
4. A new site for a cemetery was not considered to be realistically deliverable due to higher costs, greater land take and timescale issues. In addition, a new cemetery site would need to be subject to evaluation by the Law Commission. For these reasons the Application site was deemed to be the favoured option by Bristol City Council (BCC).
5. BCC had looked for other potential sites including other cemeteries but had found that they were already full to capacity. A Bristol site was preferred regarding the Council's climate policies, including reducing environmental impacts by reducing traffic movements in and out of the city. The Application was fully compliant with the Council's climate policies. The Committee was reminded that the consideration of alternatives was not necessary in planning terms and that the applicant had done everything they needed to do to satisfy planning requirements.
6. Biodiversity Net Gain as far as was known had not been settled in law by a case study. Notwithstanding this, members were reminded that the Application had to be considered as it stood and as a whole. It was explained that maintaining the specific characteristics for which the SNCI was designated and BNG were separate issues in law. The Application was fully compliant with SNCI policy and therefore did not require mitigation as the site would be managed and improved. The Council's ecologists had confirmed that the Application was in line with council policy.
7. Reference to loss of biodiversity in the November 2022 report would be counterbalanced by the overall site management plan. It was clarified that currently there was no legal requirement requiring 10% uplift for biodiversity, only an undefined amount of net gain was required to be policy compliant.
8. The Grade 2 listed Farmhouse did not require additional conditions to protect it as this would be regulated by the management plan which limited what could be put on graves. The regulations regarding this were strict and contained powers to remove objects if they were not compliant.



9. The onsite Management Strategy as submitted would ensure that conservation measures overall would negate any potential, small-scale specific biodiversity loss.
10. Proposed hedgerow removal as part of the development would be limited to the encroaching scrub of lesser biodiversity value which is not part of the specific characteristics of the SNCI designation. In addition, there would be substantial planting of new hedgerows, the aim of which would be to increase the overall biodiversity of the site.
11. Ancient trees on the site would be fully protected as enforcement by tree officers was well resourced and it had been confirmed that enforcement would be well managed.
12. The estimated future capacity of burial plots on site due to ground conditions was debated, and Members were advised that this was difficult to predict. Members were informed that burial capacity was currently under review nationally which would inform future use of cemetery sites. There was no conflict with planning policy.
13. Regarding comments by the Avon Wildlife Trust about biodiversity net loss, members were reminded that protected species were subject to special legislation and the council's ecologists had reviewed the comments and concluded that the scheme would not impact on protected species on the site.

Committee Members debated the application and made the following comments:

14. No formal evidence had been provided about alternative sites and a lack of a formal cemetery strategy available for proper scrutiny meant approving the application could not be done in a balanced way. Members were forced to rely on an agreement of a bespoke management plan. If SNCI species had to be moved, it was unclear how this would work, this appeared to be heavily reliant on good will.
15. Not enough weight had been given to equalities impacts. People who cared about burial sites were not well represented at the meeting. It appeared that not all other potential options had been fully explored.
16. There had not been enough time to analyze the ecology report, more time was needed for an in-depth analysis on this.
17. There had been no obvious public support for the vaunted gain of biodiversity on this site, and no new protections had been applied. EIA impact derived from running out of cemetery space, and the site appeared to be selected as it was administratively and financially convenient and no other alternatives given and no apparent strategic case.
18. The Bristol area was the best site for practical reasons and there was a clear need for balance between cemeteries and conservation.
19. It was clear that more burial sites were needed, the only question being, was the site the only real option given its conflict with nature conservation. The Council had not made a strong case that this was the only site possible for future burial needs and there had not been a formal report detailing that the council was running out of burial spaces. More evidence was needed that wider research for alternative sites had been done to justify progressing the proposal in an SCNI.

In accordance with standard procedure Councillor Ani Stafford-Townsend moved the officer recommendation contained in the report to grant planning permission and this was seconded by Councillor Katja Hornchen.

On being put to the vote there were five in favour and three against.

RESOLVED - that the application be granted subject to conditions and delegations to officers.



35 Date of Next Meeting

The next meeting is scheduled for 2pm on Wednesday 10 January 2024 in the Council Chamber, City Hall, Bristol.

The meeting ended at 8.40 pm.

CHAIR _____

