

Development Control B Committee Agenda



Date: Wednesday, 5 April 2023

Time: 6.00 pm

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

Members of the public attending meetings or taking part in Public Forum are advised that all Development Control meetings are filmed for live or subsequent broadcast via the council's webcasting pages. The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years.

If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

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

Copies to: Gary Collins, Matthew Cockburn, Norman Cornthwaite, Allison Taylor (Democratic Services Officer), Jeremy Livitt, Rachael Dando, David Fowler (Members' Office Manager (Conservative)), Stephen Fulham, Paul Shanks, Stephen Peacock (Chief Executive), Philippa Howson and John Smith (Executive Director: Growth & Regeneration)

Issued by: Jeremy Livitt, Democratic Services
City Hall, PO Box 3399, Bristol, BS1 9NE
E-mail: democratic.services@bristol.gov.uk

Date: Tuesday, 28 March 2023



Agenda

1. Welcome, Introduction and Safety Information

6.00 pm

(Pages 4 - 7)

2. Apologies for Absence

3. Declarations of Interest

To note any interests relevant to the consideration of items on the agenda.

Any declarations of interest made at the meeting which are not on the register of interests should be notified to the Monitoring Officer for inclusion.

4. Minutes of the previous meeting held on 8th March 2023

To agree the minutes of the last meeting as a correct record.

(Pages 8 - 12)

5. Action Sheet

The Committee is requested to note any outstanding actions listed on the rolling Action Sheet for DCB Committee.

(Page 13)

6. Appeals

To note appeals lodged, imminent public inquiries and appeals awaiting decision.

(Pages 14 - 21)

7. Enforcement

To note enforcement notices.

(Page 22)

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:

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 30th March 2023.**

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 4th April 2023.**

The statement should be addressed to the Service Director, Legal Services, c/o The Democratic Services Team, City Hall, 3rd Floor Deanery Wing, College Green,
P O Box 3176, Bristol, BS3 9FS or email - 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.

9. Planning and Development

To consider the following applications for Development Control Committee B - **(Page 23)**

- a) 22/02320/F - 10 Melvin Square and 1 Illminster Avenue (Pages 24 - 52)**
- b) 22/05628/LDO - Various Sites Across the City (Pages 53 - 130)**

10. Date of Next Meeting

The next meeting is currently scheduled to be held at 2pm on Wednesday 10th May 2023 in the Council Chamber, College Green, Bristol but may need to be changed if the Full Council Annual General Meeting is held before this date.



Public Information Sheet

Inspection of Papers - Local Government (Access to Information) Act 1985

You can find papers for all our meetings on our website at www.bristol.gov.uk.

Public meetings

Public meetings including Cabinet, Full Council, regulatory meetings (where planning and licensing decisions are made) and scrutiny will now be held at City Hall.

Members of the press and public who plan to attend City Hall are advised that you may be asked to watch the meeting on a screen in another room should the numbers attending exceed the maximum occupancy of the meeting venue.

COVID-19 Prevention Measures at City Hall (June 2022)

When attending a meeting at City Hall, the following COVID-19 prevention guidance is advised:

- promotion of good hand hygiene: washing and disinfecting hands frequently
- while face coverings are no longer mandatory, we will continue to recommend their use in venues and workplaces with limited ventilation or large groups of people.
- although legal restrictions have been removed, we should continue to be mindful of others as we navigate this next phase of the pandemic.

COVID-19 Safety Measures for Attendance at Council Meetings (June 2022)

We request that no one attends a Council Meeting if they:

- are required to self-isolate from another country
- are suffering from symptoms of COVID-19 or
- have tested positive for COVID-19

Other formats and languages and assistance for those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.



Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee Members and will be published on the Council's website before the meeting. Please send it to democratic.services@bristol.gov.uk.

The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **5pm three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, it may be that only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the Committee and published within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

During the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.
- Under our security arrangements, please note that members of the public (and bags) may be searched. This may apply in the interests of helping to ensure a safe meeting environment for all attending.



- As part of the drive to reduce single-use plastics in council-owned buildings, please bring your own water bottle in order to fill up from the water dispenser.

For further information about procedure rules please refer to our Constitution <https://www.bristol.gov.uk/how-council-decisions-are-made/constitution>

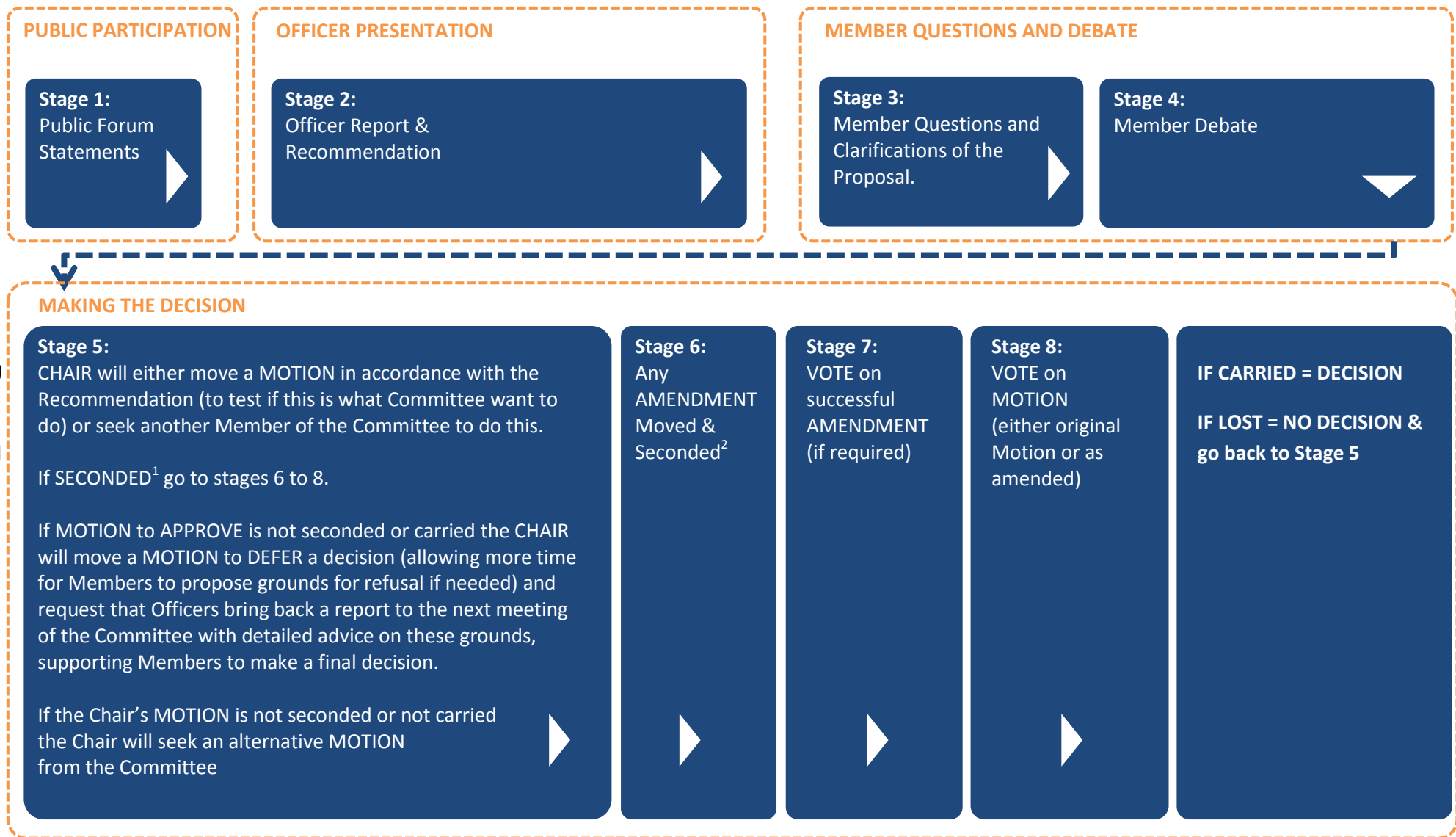
Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items). If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

The privacy notice for Democratic Services can be viewed at www.bristol.gov.uk/about-our-website/privacy-and-processing-notice-for-resource-services



Development Control Committee Debate and Decision Process



Page 7

¹ A Motion must be Seconded in order to be formally accepted. If a Motion is not Seconded, the debate continues

² An Amendment can occur on any formally approved Motion (ie. one that has been Seconded) prior to Voting. An Amendment must itself be Seconded to be valid and cannot have the effect of negating the original Motion. If Vote carried at Stage7, then this becomes the Motion which is voted on at Stage 8



Bristol City Council
Minutes of the Development Control B Committee

8 March 2023 at 2.00 pm



Members Present:-

Councillors: Ani Stafford-Townsend (Chair), Fabian Breckels, Andrew Brown, Katja Hornchen, Guy Poultney, Chris Jackson and Richard Eddy

Officers in Attendance:-

Philippa Howson, Jonathan Dymond and Norman Cornthwaite

37 Welcome, Introduction and Safety Information

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

38 Apologies for Absence

Apologies were received from Cllrs Lesley Alexander (substitute Richard Eddy), Lorraine Francis and Chris Windows.

39 Declarations of Interest

None were received.

40 Minutes of the previous meeting held on Wednesday 18th January 2023

Resolved – that the Minutes of 18th January 2023 be agreed as a correct record and signed by the Chair.

41 Action Sheet

There was nothing to report.

42 Appeals

The Team Manager, Development Management introduced the report.



Item 9 Broom Hill/Brislington Meadows. He updated Members on the progress of the Public Inquiry. The third week of the Public Inquiry took place last week and the session for closing submissions was due to take place.

Item 34 149/149A and Land to the rear of Marksbury Road. He advised that the Appeal had been upheld and therefore planning permission had been granted. Costs had also been awarded against BCC. The decision had only recently been received, so Officers would consider the Inspector's conclusions and report to Members at the next Meeting. (The decision notice was circulated to Members of the Committee the following day.)

43 Enforcement

The Team Manager, Development Management introduced the report.

He noted that 3 notices have been issued.

44 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.

45 Planning and Development

The Committee considered the following applications.

46 21/02794/F 86 to 92 and 96 to 102 Stokes Croft, Croftdale, Hepburn Road

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

The application is for the demolition of Croftdale and other industrial buildings on site and redevelopment of 86-92 and 96-102 Stokes Croft and Croftdale to provide 9no. residential units (Class C3), 2no. workshop units (Class E(g)) and 59no. bedrooms of student accommodation with associated development, including retention of existing ground floor retail units on Stokes Croft and the existing student accommodation at 86-92 and 96-98 Stokes Croft.

The following answers were provided to questions:

- Some of the information relating to Refusal Reason No. 3 was not received in time so could not be considered



- The reasons for refusal were clarified and confirmed; if the application was granted the developer could develop the site; the application had been assessed in accordance policies
- Historic England had not objected to the demolition of Croftdale as it only comments on proposals affecting Grade 1 and Grade II* listed buildings; comments on other buildings are normally delegated to the BCC Conservation Team who considered that this building should be retained due to its heritage value
- Neither the applicant nor agent were present at site visit earlier in the day as the visit was to allow the Members to view the site
- The loss or harm to a heritage asset has to be justified before public benefits can be considered
- There is no affordable housing provision; 9 flats are proposed and the minimum threshold for affordable housing is 10 units
- No viability information was requested or provided
- If the scheme was to be approved by the Committee, Officers could draw up appropriate conditions including any that Members particularly wanted included
- The alleyway beneath number 92 Stokes Croft is to be gated so that only residents could use it, although this arrangement could be reviewed in the future
- A lot of work went to agreeing the arrangements for access and servicing the site from the rear
- Safety aspects relating to transport were the subject of technical approval and there are minimal transport concerns
- Since the committee report and recommendation was finalised the applicant has stated that the proposal can achieve a BREEAM Excellent rating, but there not been time to assess whether or not this claim is valid; if the application was approved by Committee it may be possible include BREEAM Excellent as a condition
- It was confirmed that there are concerns about existing residents and future occupants being overlooked by the proposed development
- It was noted that there could be more improvements to the site than the developer is proposing

Debate

- The site visit was very helpful
- Something needs to be done to this site, there is huge potential
- Most of the scheme is very good, but there is a trade off between losing the historic building and improving the site for the local community; there are a lot of benefits for the local community with this scheme
- There is a lot of support for the scheme from local Members and the local community; the scheme provides housing and employment; it is on a brownfield site and it will help regenerate the area; it will also help reduce crime; do not support reasons for refusal
- Local support for the scheme was noted; the positives for the scheme outweigh the negatives
- Scheme is not perfect but is good for the community
- It would be good to see the shop fronts restored
- Scheme could be better in a number of ways, but not convinced by the Officer reasons for refusal
- It was suggested that should the Committee approve the application, the choice of appropriate conditions be delegated to Officers



Officers stated that they would need time to come up with the appropriate conditions and noted that Members wanted to see conditions relating to the BREEAM Excellent rating and the choice of materials; there will also need to be a S106 Agreement.

Councillor Stafford Townsend moved the Officer recommendation that application be Refused.

Councillor Eddy seconded the Motion.

On being put the Vote the Motion was Lost – Voting 0 for, 7 against.

Councillor Eddy moved that the application be Granted with the choice of appropriate Conditions and an S106 Agreement delegated to Officers.

Councillor Breckels seconded the Motion.

On being out to the Vote it was

RESOLVED (Voting 7 for, 0 against) – that the application be Granted with the choice of appropriate Conditions and an S106 Agreement delegated to Officers.

47 22/02730/X 83 Hartcliffe Way

The Case Officer introduced the report, summarised it for everyone and gave a presentation. The Case Officer also drew members attention to the amendment sheet and its content.

The application is for the amendment of conditions following consent granted under application no.21/03335/X - 30 (hours of operation) and 32 (list of approved drawings) - now proposed change to hours of opening to 06:00 - 19:00 Monday to Fridays and 08:00 - 19:00 Saturday, Sundays & Bank Holidays to allow street cleansing staff to collect their vehicles at 06:00 and at 07:00 to allow staff to enter the site to ensure the HRRC is ready for opening to the public at 08:00. Changes to site layout relating to modular building moved south with addition of ramps, firewater tank moved, addition of diesel tank and addition of substation.

The following answers were provided to questions:

- Noisier operations on the site are not to be undertaken during the proposed more sensitive hours as set out in the report; there is also a Noise Management Plan conditioned which sets out exactly which operations happen at which time and also mechanisms for review if complaints are received.



Debate

- Live near the site and there are no issues
- In Ward and there are no issues

Councillor Stafford Townsend moved the Officer recommendation that the application be Granted subject to Conditions.

Councillor Brown seconded this Motion.

On being put to the Vote it was

RESOLVED (Voting 7 for, 0 against) - the application be granted subject to Conditions.

47 Date of Next Meeting

The next meeting is scheduled to be held on Wednesday 5th April 2023 at 6.00 pm.

The meeting ended at 3.55 pm

CHAIR _____



Action Sheet – Development Control Committee B

| Date of Meeting (s) | Item/report | Action | Responsible officer(s)/Councillor | Action taken / progress |
|---------------------|-------------|------------|-----------------------------------|-------------------------|
| 08.03.23 | | No Actions | | |

DEVELOPMENT CONTROL COMMITTEE B

5th April 2023

REPORT OF THE DIRECTOR: DEVELOPMENT OF PLACE

LIST OF CURRENT APPEALS

Householder appeal

| Item | Ward | Address, description and appeal type | Date lodged |
|------|-----------|--|-------------|
| 1 | Lockleaze | 22 Elmcroft Crescent Bristol BS7 9NF Single storey rear extension. Appeal against refusal Delegated decision | 02/02/2023 |
| 2 | Ashley | The Cottage 28 Ashfield Place Bristol BS6 5BF Retention of enclosed roof terrace. Appeal against refusal Delegated decision | 16/02/2023 |

Informal hearing

| Item | Ward | Address, description and appeal type | Date of hearing |
|------|-----------------------------|---|-----------------|
| 3 | Avonmouth & Lawrence Weston | 8 - 10 Station Road Shirehampton Bristol BS11 9TT Redevelopment of the site to include 18no. houses and 3no. apartments with associated access, parking and landscaping. Appeal against non-determination | 21/02/2023 |
| 4 | Lawrence Hill | 11 - 17 Wade Street Bristol BS2 9DR Outline application for the demolition of buildings and erection of student accommodation, with access, layout and scale to be considered. Appeal against non-determination | 19/04/2023 |

Public inquiry

| Item | Ward | Address, description and appeal type | Date of inquiry |
|------|------------------|---|-----------------|
| 5 | Brislington East | Land At Broom Hill/Brislington Meadows Broomhill Road Bristol BS4 4UD Application for Outline Planning Permission with some matters reserved - Development of up to 260 new residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking, public open space and associated infrastructure. Approval sought for access with all other matters reserved. (Major) Appeal against non-determination Committee | 31/01/2023 |

Written representation

| Item | Ward | Address, description and appeal type | Date lodged |
|------|------------------|---|-------------|
| 6 | Brislington West | 515 - 517 Stockwood Road Brislington Bristol BS4 5LR Outline application for the erection of a five-storey building comprising 9no. self-contained flats, with Access, Layout and Scale to be considered at part of the outline application. Appeal against refusal Delegated decision | 10/12/2021 |
| 7 | Frome Vale | Strathmore Pound Lane Bristol BS16 2EP Appeal against High hedge at 4 metres in height in rear garden. Appeal against high hedge | 09/09/2022 |
| 8 | Brislington West | Wyevale Garden Centre Plc Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal for hardstanding. (C/22/3306445). Appeal against an enforcement notice | 04/10/2022 |
| 9 | Brislington West | Wyevale Garden Centre Plc Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal for builders yard. (C/22/3306441). Appeal against an enforcement notice | 04/10/2022 |
| 10 | Brislington West | Wyevale Garden Centre Plc Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal for bunds & portable buildings. (C/22/3306446). Appeal against an enforcement notice | 04/10/2022 |

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|----|-----------------------------|--|------------|
| 11 | Brislington West | Wyevale Garden Centre Plc Bath Road Brislington Bristol BS31 2AD Enforcement notice appeal for plant equipment. (C/22/3306444). Appeal against an enforcement notice | 04/10/2022 |
| 12 | Lockleaze | 36 Stothard Road Bristol BS7 9XL Enforcement Notice enforcement for the erection of detached building in garden without planning permission. Appeal against an enforcement notice | 17/10/2022 |
| 13 | Bishopston & Ashley Down | 21 Oak Road Bristol BS7 8RY Change of use from residential dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 residents (Use Class C4), with associated cycle and refuse/recycling storage. Appeal against non-determination Committee | 25/10/2022 |
| 14 | Bishopsworth | Land To Rear Of 44 & 46 Wrington Crescent Bristol BS13 7EP Construction of 2no. three bedroom semi-detached dwellings. Appeal against non-determination | 26/10/2022 |
| 15 | Westbury-on-Trym & Henleaze | 10 Rylestone Grove Bristol BS9 3UT Demolition of existing detached house and erection of 6 bedroom replacement detached dwelling with integral garage, associated landscaping and adjusted access. (Self Build). Appeal against refusal Delegated decision | 17/11/2022 |
| 16 | Stoke Bishop | 2 Bramble Drive Bristol BS9 1RE Enforcement notice appeal for front boundary not completed as per plans approved as part of planning permission 21/00431/H and additional planting. Appeal against an enforcement notice | 22/11/2022 |
| 17 | Lawrence Hill | St Gabriels Court St Gabriels Road Bristol BS5 0RT Change of use of existing commercial building to create 8 no. residential flats (Use Class C3) with parking and associated works. Appeal against non-determination | 13/12/2022 |

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|----|-----------------------------|--|------------|
| 18 | Hillfields | 11 The Greenway Bristol BS16 4EZ Erection of two storey, 2 bed detached dwellinghouse, with landscaping and parking. Appeal against non-determination | 14/12/2022 |
| 19 | Cotham | 71 Arley Hill Bristol BS6 5PJ Enforcement notice appeal for change of use of the building to large HMO with 8 bedrooms. Appeal against an enforcement notice | 15/12/2022 |
| 20 | Cotham | 71 Arley Hill Bristol BS6 5PJ Change of use of the upper floors residential unit from small 6 bedroom HMO C4 to large HMO (Sui Generis Use) for 8 bedrooms (Retrospective). Appeal against refusal Delegated decision | 15/12/2022 |
| 21 | Lockleaze | 357 Filton Avenue Bristol BS7 0BD Change of use of existing office (Use Class E) to takeaway (Use Class Sui generis) with the addition of a new extract flue. Demolition of buildings to the rear and the construction of one new building housing 3.no flats over three storeys and associated amenity space, bin and cycle storage. Appeal against refusal Delegated decision | 09/01/2023 |
| 22 | Henbury & Brentry | 7 Bidwell Close Bristol BS10 6RJ Proposed new dwelling. Appeal against refusal Delegated decision | 17/01/2023 |
| 23 | Westbury-on-Trym & Henleaze | 65 Henleaze Road Bristol BS9 4JT Change of use of existing ground floor rear storage area to shop unit into 2 bedroomed HMO. Addition of first floor over rear storage area to form 1 bedroomed flat. Appeal against refusal Delegated decision | 26/01/2023 |
| 24 | Hartcliffe & Witherwood | Telecommunication Mast Opposite 787 Bishport Avenue Bristol BS13 9JQ Application to determine if prior approval is required for a proposed 5G telecoms installation: H3G 16m street pole and additional equipment cabinets. Appeal against refusal Delegated decision | 26/01/2023 |

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|----|-----------------------------|--|------------|
| 25 | Southville | 20 Mount Pleasant Terrace Bristol BS3 1LF Enforcement notice appeal for change of use to HMO (C4) without planning permission. Appeal against an enforcement notice | 01/02/2023 |
| 26 | Bishopsworth | 71 Dangerfield Avenue Bristol BS13 8DX Proposed new dwelling to side. Appeal against refusal Delegated decision | 01/02/2023 |
| 27 | Ashley | Telecommunication Mast York Street St Werburghs Bristol BS2 9XS Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision | 02/02/2023 |
| 28 | Clifton Down | All Saints Court All Saints Road Bristol BS8 2JE Erection of an additional floor, creating two additional flats. Appeal against refusal Delegated decision | 20/02/2023 |
| 29 | Avonmouth & Lawrence Weston | Land At Rear Of 2 Woodwell Cottages Woodwell Road Bristol BS11 9UP Revised application for planning permission for the erection of residential dwellings, access road, refuse/ recycling stores, cycle parking and ancillary development (Use Class C3). Appeal against non-determination Delegated decision | 21/02/2023 |
| 30 | Southville | Outside 291 North Street Bedminster Bristol BS3 1JP Application to determine if prior approval is required for a proposed development by or on behalf of an electronic communications code operator - Proposed 5G 15m telecoms installation: H3G street pole and additional equipment cabinets. Appeal against refusal Delegated decision | 22/02/2023 |
| 31 | Redland | 186 Redland Road Bristol BS6 6YH Retention of stainless steel/glass balustrade, at roof level. Appeal against refusal Delegated decision | 03/03/2023 |

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|----|---------|---|------------|
| 32 | Redland | 186 Redland Road Bristol BS6 6YH Enforcement notice appeal for an installation of stainless steel/glass balustrade at roof level to form roof terrace without planning permission. Appeal against an enforcement notice | 03/03/2023 |
|----|---------|---|------------|

List of appeal decisions

| Item | Ward | Address, description and appeal type | Decision and date decided |
|-------------|-----------------------------|--|---|
| 33 | Eastville | Merchants Arms Bell Hill Bristol BS16 1BQ Change of use from public house (Sui Generis) to mixed use Class F2 (Local Community Uses), Class C3 and Class C4. Appeal against non-determination Delegated decision | Appeal dismissed 21/03/2023 Costs not awarded |
| 34 | Westbury-on-Trym & Henleaze | 15 Westfield Road Bristol BS9 3HG Demolition of existing buildings and erection of 4no. dwellinghouses, with parking and associated works. Appeal against refusal Delegated decision | Appeal dismissed 10/02/2023 |
| 35 | Westbury-on-Trym & Henleaze | Land Opposite Car Park Westbury Court Road Bristol BS9 3DF Application to determine if Prior Approval is required for proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works. Appeal against refusal Delegated decision | Appeal dismissed 14/03/2023 |
| 36 | Central | 40 Baldwin Street Bristol BS1 1NR Erection of a building containing 9 residential flats and office space. Appeal against refusal Delegated decision | Appeal dismissed 27/02/2023 Costs not awarded |
| 37 | Clifton Down | Land At Home Gardens Redland Hill Bristol BS6 6UR Outline planning application for the redevelopment of the site comprising demolition of existing buildings (1-4 Home Gardens, 1-2 The Bungalows and associated garages and outbuildings) and the erection of two new buildings to provide up to 60 residential units (Class C3) (including 20% affordable housing) and up to 262sqm of flexible office space (Class E) to Whiteladies Road frontage and associated works. Permission sought for Access, Scale and Layout). Appeal against refusal Committee | Appeal dismissed 20/03/2023 Split cost decision |

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|----|-----------------------------|---|---|
| 38 | Bishopston & Ashley Down | 37 Maple Road Bishopston Bristol BS7 8RD Change of use from small house in multiple occupation (C4) to a large house in multiple occupation for up to 7 people (sui generis). Appeal against refusal Delegated decision | Appeal dismissed 03/03/2023 Costs not awarded |
| 39 | Westbury-on-Trym & Henleaze | 9 Abbey Road Bristol BS9 3QN One proposed detached dwelling to the side of No. 9 Abbey Road. Appeal against refusal Delegated decision | Appeal allowed 23/03/2023 |
| 40 | Clifton | Granby House Granby Hill Bristol BS8 4LT Replacement of all sash windows of Granby House that were manufactured and installed during 1972-74 on the front (north), side (west) and back (south) elevation with matching style wooden double glazed units and repair window casing and mouldings. Appeal against refusal Delegated decision | Appeal allowed 07/03/2023 |
| 41 | Southville | 8 Acramans Road Bristol BS3 1DQ Change of use from registered nursing home (C2) to a 14-bedroom emergency accommodation unit for up to 20 people (sui generis), including ancillary office. Appeal against non-determination | Appeal dismissed 22/03/2023 |
| 42 | Southmead | Grass Area Near Arnside Road Greystoke Avenue Bristol BS10 5NZ Application to determine if prior approval is required for a proposed telecommunications installation: Proposed 15.0m Phase 9 slimline Monopole and associated ancillary works. Appeal against refusal Delegated decision | Appeal dismissed 02/03/2023 |
| 43 | Hotwells & Harbourside | 1 Ashton Avenue Bristol BS1 6XH Application for Outline Planning Permission - For a single apartment (studio) on the ground floor besides no 1 Ashton Avenue. Approval sought for Access, Landscaping, Layout, and Scale. With all other matter reserved. Appeal against refusal Delegated decision | Appeal dismissed 09/03/2023 |
| 44 | Filwood | 149/149A & Land To Rear Of Marksbury Road Bristol BS3 5LD Demolition of 149A Marksbury Road and erection of 5no. single storey dwellings on land to the rear. Appeal against refusal Committee | Appeal allowed 06/03/2023 Costs awarded |

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|----|--------------|--|--------------------------------|
| 45 | Southville | 21 Lydstep Terrace Bristol BS3 1DR Proposed loft conversion with rear dormer. Appeal against refusal Delegated decision | Appeal allowed 27/02/2023 |
| 46 | Cotham | 16 Clyde Road Redland Bristol BS6 6RP Demolition of side extension, housing staircase and insertion of new window to side elevation. Creation of access steps/balcony from main entrance level to garden and reconfigure rear garden. Appeal against refusal Delegated decision | Appeal dismissed 01/03/2023 |
| 47 | Stoke Bishop | 53 Shirehampton Road Stoke Bishop Bristol BS9 2DW Proposed two storey side extensions and single storey rear extension. Appeal against refusal Delegated decision | Appeal dismissed 01/03/2023 |

DEVELOPMENT CONTROL COMMITTEE B
5th April 2023

REPORT OF THE DIRECTOR: DEVELOPMENT OF PLACE
LIST OF ENFORCEMENT NOTICES SERVED

| Item | Ward | Address, description and enforcement type | Date issued |
|-------------|-------------|--|--------------------|
| 1 | Cotham | 18 Alfred Place Kingsdown Bristol BS2 8HD Use of property as small hmo use class c4 without planning permission. Enforcement notice | 22/03/2023 |

Development Control Committee B 5 April 2023

Report of the Director: Economy of Place

Index

Planning Applications

| Item | Ward | Officer Recommendation | Application No/Address/Description |
|------|------------------------|------------------------|--|
| 1 | Filwood | Refuse | 22/02320/F - 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ Ground, first and second floor extensions to 10 Melvin Square to create 6no. self-contained flats, and first floor side extension to 1 Ilminster Avenue, to create flat at first floor level, with cycle storage and retail storage at ground floor level. |
| 2 | Hotwells & Harbourside | Other | 22/05628/LDO - Various Sites Across The City Local Development Order relating to District Heating. To provide additional permitted developments rights to allow district heating pipework and small above ground cabinets across the city. |

index
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Development Control Committee B – 5 April 2023

ITEM NO. 1

WARD: Filwood

SITE ADDRESS: 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ

APPLICATION NO: 22/02320/F Full Planning

DETERMINATION DEADLINE: 21 April 2023

Ground, first and second floor extensions to 10 Melvin Square to create 6no. self-contained flats, and first floor side extension to 1 Ilminster Avenue, to create flat at first floor level, with cycle storage and retail storage at ground floor level.

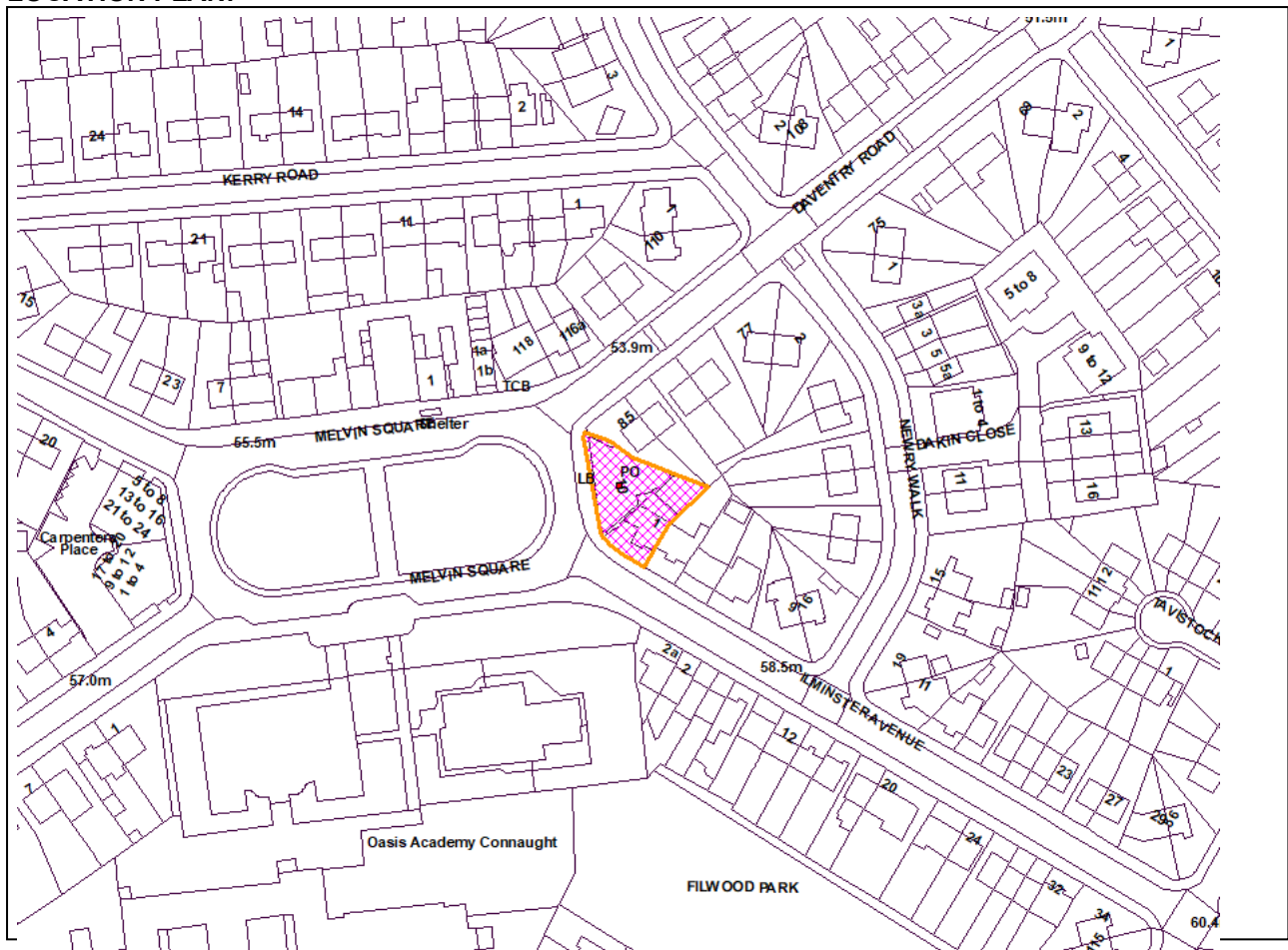
RECOMMENDATION: Refuse

AGENT: Mr John Rooney
c/o 10 Melvin Square
Bristol
BS4 1LZ

APPLICANT: Mr Kevin Patel
10 Melvin Square
Bristol
BS4 1LZ

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ****SUMMARY**

The application site concerns the properties to 10 Melvin Square and neighbouring 1 Ilminster Avenue Filwood, which comprises of a convenience store, with some storage to the rear and residential accommodation to the first floor. The existing property has been previously extended as such that the ground floor of the property goes up to the boundaries of the site and covers the total site area. The property is located to the eastern side of Melvin Square, with the surrounding area characterised by residential development.

The proposal would see the part demolition of the existing property to facilitate the erection of seven self-contained flats, resulting in a re-configured ground floor shop, along with refuse and cycle storage for the proposed upper floor flats. This application follows on from a previous application for the part demolition of the property and erection of the six self-contained apartments along with associated refuse and cycle storage that was refused and dismissed at a subsequent appeal (20/01745/F).

Officers remain of the view that the latest proposal which effectively creates a three-storey building, does not reflect anything else in the immediate vicinity of the site, which is characterised by two storey, semi-detached pairs and terraces with associated open green spaces. The existing property whilst slightly different in its design still draws from this overall character in terms of scale, design, and setting. As such officers remain concerned that the combination of the bulk and projection of the development would be out of character with the surrounding form of development.

With regard to amenity, whilst the latest proposal has sought to reduce the scale and alter the layout of the upper floor flats to bring the building away from the adjoining properties compared to the previous scheme, the development would have an overbearing impact to the rear of 85 Daventry Road. Furthermore, it has not been fully demonstrated that the level of overshadowing would not be to the detriment of 85 Daventry Road.

It is acknowledged that the latest application has generated a lot of public interest including a petition in support of the proposals, contrary to officers' concerns. Therefore, the planning application is being reported to committee. Whilst it is acknowledged that the proposed development would bring benefits, these have to be balanced against the harmful impacts of the resulting design on the area and amenity on neighbouring properties. It is for these reasons that officers recommend the planning application for refusal.

SITE DESCRIPTION

The application property comprises of a retail unit on the ground floor and non-self-contained residential accommodation comprising of three bedrooms above. The property frontage comprises of small forecourt with bollards delineating the boundary to the adjacent to the public highway. The site has been altered over the years, most notably the ground floor has been extended to the northern and southern boundaries of the site such that it covers the total site area apart from a small rear yard (2.4m²) which does not have any direct access to it. The ground floor extensions are rendered with flat roofs.

The existing extensions are approximately 3.0m in height on the southern side of the site, and 3.8m in height on the northern side. There is an extension at the rear of the site which projects from the rear wall at first floor level and roof level. The extension has a flat roof which is higher than the existing roof ridge. The first floor of the property is clad in red bricks and the roof level extension is rendered. The main roof of the property is hipped and clad in red roman concrete tiles. Windows are framed in white uPVC.

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

According to the plans, neighbouring 1 Ilminster Avenue which is owned by the applicant, is used for storage at ground floor and non-self-contained residential accommodation comprising of three bedrooms above. However according to the property's planning history, there is no evidence to demonstrate the use is lawful. Therefore, the property's established use is as a single dwelling, as described in the applicant's supporting Planning Statement.

RELEVANT PLANNING HISTORY

55/01626/U_U - Erect 2nd storey extension. Granted.

08/01898/F - Double storey front and side extension to shop and living accommodation. Refused for the following reasons:

- The front extension of the building encroaches upon the footway of Melvin Square. The southern corner in particular would restrict the free flow of pedestrian movement by narrowing the width of the footway. As such the proposal is contrary to Policy M1 of the Adopted Bristol Local Plan (December 1997).

- The proposed extension and alterations to the shop and living accommodation would appear over-scaled and incongruous within the local area. As a result, they would harm the appearance of the building and the local area. As such the proposal is contrary to Policies B1, B2, B6, B9 and B10 of the Adopted Bristol Local Plan (December 1997).

10/02320/F - Construction of a double storey front and single storey side extension to shop, additional shop unit and living accommodation including 2no. dormers to front elevation. Granted.

13/03926/R - Application for a new planning permission to replace an extant planning permission 10/02320/F, which approved the construction of a double storey front and single storey side extension to the shop, an additional shop unit and living accommodation, including 2no. dormers to front elevation, in order to extend the time limit for its implementation. Granted.

15/00495/F - Proposed single storey left side, right side and rear extensions to enlarge existing shop unit (retaining post office) with new shop signage plus two storey side extension to create additional living accommodation to existing flat. Refused for the following reasons:

- The application proposal by reason of the addition of a three storey, flat roof development, would create development which would be out of context with the character of the existing building and the appearance of the local area. The application proposal is therefore contrary to Core Strategy Policy BCS21, Local Plan Policies DM26, DM29, DM30 and SPD2 - A Guide for Designing House Alterations and Extensions.

- The application proposal by reason of the failure to provide suitable cycle and car parking facilities would create a development which would fail to provide suitable transport provisions, causing harm to the residential amenity of the local area and future occupants. The application proposal is therefore contrary to Local Plan Policies DM23 and DM30.

15/02617/F: Single storey extensions to enlarge existing shop unit (retaining post office) and one storey extension over, including rooms within new roof to create additional living accommodation to the existing flat. Granted.

It should be noted that the applications for the extension of the shop unit which were approved (10/02320/F, 13/03926/R and 15/02617/F) included rear first and second floor extensions to the host property. However, the permissions were only partially implemented with the ground floor extensions built out, and the upper floor extensions to the rear not.

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Illminster Avenue Bristol BS4 1LZ**

20/01745/F - Part demolition of existing building and erection of 6no. apartments (use class C3) with secure cycle parking and refuse/recycling store. refused for the following reasons:

- The proposed first and second storey extensions are found to be of excessive form, scale and massing relative to the local context which is defined by prevailing two storey scale. In this regard, the proposed extensions would fail to present an appropriate response to patterns of scale which define local appearance and character. Furthermore, the proposed form of the extensions would fail to integrate comfortably with the scale and proportions of the existing building and as a result the local area. The proposed extensions would be built out to the northern, southern and western boundaries of the site, resulting in an overdevelopment of the site area. These factors result in a form of development which would be harmful to local appearance, character and distinctiveness. This is contrary to Section 12 of the National Planning Policy Framework, Policy BCS21 of the Bristol Core Strategy as well as Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies Local Plan.

- The application has failed to demonstrate that the proposed extensions would safeguard an acceptable living environment for all adjacent sites. Specifically, this is by way of creation of an overbearing sense of enclosure, loss of light as well as loss of privacy via overlooking of private outdoor amenity areas. Harm to amenity would relate to adjacent properties nos. 83- 85 Daventry Road and nos. 1-3 Illminster Avenue. Development which fails to safeguard acceptable living conditions and amenity at adjacent properties is contrary to Section 12 of the National Planning Policy Framework, Policy BCS21 of the Bristol Core Strategy as well as Policies DM27 and DM30 of the Site Allocations and Development Management Policies Local Plan.

- The proposed facilities for cycle parking and bin storage would not meet local requirements with regard to quantum and siting. Convenient and easily accessible cycle parking has not been provided. This would at minimum cause users difficulty accessing cycle parking facilities, discouraging cycle use, and at maximum exclude this as a viable transport option for occupants. Resultantly, the development would fail to offer future occupants a full range of sustainable transport options and genuine choice about how they travel. In the case of bin storage, the proposed residential refuse storage would not be accessible due to the narrow width of access. The lack of provision of a suitable refuse store for commercial bin storage will potentially result in waste and recycling receptacles being stored on the public highway, which would hinder the safe and free flow of the highway, also to the detriment of the appearance and character of the area. The aforementioned factors are contrary to Section 9 of the National Planning Policy Framework, Policy BCS10, of the Bristol Core Strategy and Policy DM23 of the Site Allocations and Development Management Policies Local Plan.

- The proposal fails to meet the standards required for parallel parking spaces (end to end parking) as outlined in Appendix 2 of the Site Allocations and Development Management Local Plan Policies (adopted July 2014) and therefore will not provide useable parking provision. Vehicles would be located on a junction with limited visibility and safe manoeuvrability. Therefore, the proposal has failed to demonstrate that the proposed works would not impact highway safety with regard to other road users. The development is therefore contrary to Policy BCS10 (Transport and Access Improvements) of the Bristol Core Strategy and Policy DM23 (Transport Development Management) of the Site Allocations and Development Management Local Plan.

- The sustainability statement as submitted is unclear and fails to demonstrate that the proposed development would meet the required 20% reduction in residual carbon emissions via on site renewable energy generation as it has incorrectly been prepared using Part L1B of the Building Regulations. The renewable energy equipment shown on the plans as submitted has been discounted as being unviable in the submitted sustainability statement and the proposed air source heat pump has not been shown on the plans. It is therefore unclear whether any of the options for renewable heating systems are viable onsite and the assessment is considered to be incomplete. Consequently, it cannot be concluded that the proposed development would take account of the

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

impact of climate change or take all available steps to minimise carbon dioxide emissions, thus minimising the environmental impact of the development and prejudicing sustainable development. In this regard, the proposed development fails to accord with the Section 14 of the National Planning Policy Framework, Policies BCS13, BCS14 and BCS15 of the Bristol Core Strategy as well as guidance found within the Bristol Climate Change and Sustainability Practice Note (2012).

This above planning decision was then subject of a planning appeal (APP/Z0116/W/20/3272674). The Inspector decided that:

- The proposed three storey building of the retail store with two floors of flats above would appear very prominent in the street scene. The scale, siting and overall bulk of the building would appear well above and beyond the scale and proportions of the adjoining two storey buildings. There would also be a significant projection out into the established building lines along both the Daventry Road and Ilminster Avenue frontages. This building bulk and projection would visually dominate the public realm of the square and would not result in a scale of redevelopment that would integrate well with its surroundings.

- The height and projection of the building in the appeal scheme would be a prominent and visually dominant structure on this corner site. It would be of a scale which would be out of proportion with its setting with neighbouring development, notwithstanding the benefit of the demolition of the existing rear box extension. The building would not integrate well with its surroundings but would be visually harmful to the townscape of the square.

- The three-storey building on the other side of Melvin Square to Carpenter's Place has less of an impact than the appeal proposal because there are bigger gaps between the building and the neighbouring two storey dwellings. On this basis, it was considered that the three-storey building at Carpenter's Place did not set a precedent in favour of the appeal proposal.

- In policy terms, the proposed building would not meet the requirements of Policy BCS21 as it would not contribute positively to the character of the area and reinforce local distinctiveness. It would also not meet the requirements of SADM Policies 26 and 27 for similar reasons. The harmful visual impact that would result means that the proposal would be at odds with the emphasis placed on achieving well designed places as set out in section 12 of the National Planning Policy Framework (NPPF).

- With regard to the effect on living conditions, juxtaposition of the sites is unusual in that the appeal site tapers to a point at the rear as does the rear garden of No.85. The rear facing windows in No.85 are already affected by this building bulk and the existing box extension and the proposed three storey extension will not extend rearwards much more than the existing structures. While the Daylight and Sunlight Report (DSR) provided concludes that the windows to rear facing habitable rooms in that property will not materially lose daylight, the scale of the new three storey building and its proximity to the boundary would overshadow the garden/amenity space of that property.

- The photographs in the DSR show the position of the rear facing windows and the plans show the extent of 'garden' for No.1. The proposed three storey building would be sited back from the rear wall alignment of 1 Ilminster Avenue and the single storey rear building would not be dissimilar to the present (apparently lawful) structures on the appeal site itself. Overall, the Inspector was satisfied that the proposed building would not have a materially greater impact by causing a loss of aspect or overshadowing of the house and garden, compared to the lawful present structures, and therefore would not harm the living conditions of the occupiers when in residential use.

- In summary on this issue the proposal would harm the living conditions of the occupiers of neighbouring properties but only in terms of the dominating effect on the rear garden of No. 85 Daventry Road, contrary to the same policies on layout and design as mentioned.

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

- The Council sets out an objection to the form of parking spaces shown on the submitted plan, but these are on the highway and exist apparently for the benefit of the public/shoppers. The Inspector considered the proposed scheme as 'car free' which is appropriate given the location of the site on a local centre in a developed area.

- The proposed cycle storage area will not result in a visually attractive and useable space that is safe and will function well over time. This part of the proposal is at odds with the emphasis placed on achieving good design in the NPPF and in particular the factors that indicate high quality development are not met by the proposal.

- The appellant has now provided a Sustainability Statement and Energy Strategy (SSES) which advocates mainly an air source heat pump sited on the flat roof of the building as an appropriate means of achieving the standard. The Inspector was satisfied that all other aspects in regard to sustainability were satisfied, and that this issue could be addressed by a planning condition.

The Inspector concluded that the proposal would make more efficient use of land already developed and in a local centre and add 6 flats to the provision of new housing which has been shown to be under-delivered in Bristol recently. The Inspector had also taken account of the letters of support for the proposal including for the new residential units; the improved retail facilities and the financial investment in the area. Nevertheless, the dominant visual impact of the proposal and the failure to create a well-designed layout would significantly outweigh the benefits and that the scheme conflicts with the Framework when this is read as a whole. The other considerations that arise do not outweigh the conflict with the development plan and this indicates that the appeal should not be allowed.

Therefore, the appeal was dismissed.

APPLICATION

Planning permission is sought to extend the ground, first and second floor of the property to 10 Melvin Square. This would increase the overall floorspace of the existing retail unit from 147sqm to 234sqm, create 6 self-contained flats at first and second floor, a first floor side extension to 1 Ilminster Avenue, to create a further flat at first floor level, with cycle and retail storage at ground floor level. The existing front extension would be extended upwards by two storeys with a new projecting double-width, central three-storey bay erected. The first and second floors would be stepped in at the corners to create balcony areas at first floor level, with Juliet balconies at first and second floor level to the central bay, and Juliet balconies to the sides and rear.

There would be a metal-clad floating side extension at first floor oversailing the existing garage to 1 Ilminster Avenue, thereby connecting the two buildings and providing access to a first floor flat within the existing dwelling. The existing front extension and canopy would be demolished and replaced with an entrance canopy. The ground floor of 1 Ilminster Avenue would be repurposed as a cycle store for the development and as a staff room and storage for the retail unit, with a new entrance door created for the bike store adjacent to the original front door. The existing outbuilding to the rear garden of 1 Ilminster Avenue would also be used as storage.

The proposed flats would be accessed via a new entrance to the side of the retail unit from Ilminster Avenue. Ramped access would also be provided utilising the existing driveway to 1 Ilminster Avenue. A secondary door, to comply with Building Regulations, would be inserted into the existing roller shutter door to the garage, which would continue to provide access for deliveries into the retail unit. Refuse storage would be located within the front garden of 1 Ilminster Avenue. There would be no parking as a car-free development is proposed.

The proposed development would comprise of a palette of brick to the central bay, with white render to the side elevations and to the remainder of the front elevation. The extension to Ilminster

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

Avenue would be clad in zinc. Brick soldier courses, feature heads and window heads are proposed, with recessed brickwork vertically between windows, which would be aluminium-framed. The existing shopfront would be updated as part of the redevelopment.

Since the application was submitted, the applicant has revised parts of the proposed development to address objections from Highway Officers, and Officer objections to the design and scale of the development. This includes the following:

- The infill section between the existing kitchen and bedroom has been removed from the scheme.
- The party wall would be reduced from 10 metres to 3.7 metres, and all towards the front of the site in an attempt to reduce overbearing impact.
- Fenestration to northeast elevation reduced with one sole window to the front of the building angled, and roof height reduced.
- Swept Path Analysis to the loading bay for a large transit added
- Acknowledgement that the post box and lamp post will need to be relocated
- Visitor cycle parking added
- Commercial waste arrangements clarified

The alterations would also change the layout of the flats resulting in 2 x 2-bed flats and 4 x 1-bed flats along with a 1-bed flat to the first floor of Ilminster Avenue. This is a reduction from the previous mix comprising of 4 x 2-bedroom flats and 3 x 1-bed flats.

(Please refer to plans and supporting documents for details)

RESPONSE TO PUBLICITY AND CONSULTATION

Neighbouring properties were notified about individual letter and 29 letters in support of the proposals were received. One letter of objection was received on the following grounds:

- Loss of privacy to 85 Daventry Road
- Concerns about increased disturbance to the detriment of neighbours
- Previous works has led to damage to the neighbouring gardens

Following revisions to the application, neighbours were re-consulted by individual letter. There was a petition received signed by 200 people in support of the proposals. One letter of objection was received, however this was not from the previous objector. The objections raised were on the following grounds.

- Alleged that the applicant has repeatedly breached previous planning rules with unauthorised additions to the property.

[It should be noted as discussed earlier under the planning history, that whilst it is the case that the previous consents have not been fully implemented, there has not been any Enforcement involvement on the site to date. Whether or not Enforcement action has been taken on this site is not a material planning consideration, and the application has to be determined on its merits]

- That the boundary has been moved encroaching onto neighbouring land [private legal matter]

OTHER COMMENTS

Contaminated Land Environmental Protection has commented as follows:-

The proposed development is sensitive to contamination but is situated on land not thought to have been subject to a potentially contaminating land use. In light of this and the nature of the development, a condition for the reporting of any unreported contamination is recommended in the event of granting planning consent.

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Illminster Avenue Bristol BS4 1LZ**

Pollution Control has commented as follows:-

No objection to this application but do have some concerns with regards to noise and disturbance from construction works at the development and the potential for noise from plant on the roof. I would therefore ask for conditions for a Construction Management Plan and for restrictions on noise from plant if the application is approved.

Transport Development Management has commented as follows:-

Following considerations of the revised plans, there is no objection on highway grounds.

RELEVANT POLICIES

National Planning Policy Framework – July 2021

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

(A) IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE IN THIS LOCATION?

The site has no designation under the Provisions of the Site Allocations and Development Management Policies. However, the area is residential in character, with the property providing a local shopping provision to this part of Filwood.

According to the plans, the proposed development would result in a re-configured and larger retail floorspace to the existing convenience shop. This would be facilitated through the removal of the storage within the 10 Melvin Square curtilage and the relocation of the office, together with the incorporation of the garage adjacent, into the existing retail store. The retail floorspace would increase from 147sqm to 234 sqm, an increase of 87 sqm.

Policy BCS7 of the Bristol Development Framework Core Strategy, states that retail shop uses will predominate in the designated primary shopping areas of the City and Town Centres, supported by a wider range of appropriate uses in the other parts of these centres. Local shopping and service provision in smaller frontages or single shops away from the identified centres should be retained where it remains viable and provides an important service to the local community. The provision of new small scale retail facilities will be encouraged where they would provide for local needs and would not be harmful to the viability and diversity of any nearby centres.

Policy DM7 of the Site Allocations and Development Management Policies states that uses including retail development outside of centres will not be permitted if it would be liable to have a significant adverse impact on the vitality, viability and diversity of existing centres; or it would impact on existing, committed and planned investment.

The proposed alterations and extensions to the property would create a retail unit in excess of 200sqm which is categorised as “larger scale retail development” in the Local Plan, and which therefore could be harmful to the retail functions of designated centres in conflict with the above policies. However, consideration is also given to the following factors. The applicant states that the

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Illminster Avenue Bristol BS4 1LZ**

retail unit including a Post Office, has been serving the areas continuously since 1979 providing 24 access to the local community. The applicant argues that the store has strong footfall and can become overcrowded at times due to limited floorspace and the resulting narrow aisles. It is likely that, with the opening of the new secondary school on Daventry Road, footfall will become greater, further increasing the need for more retail floorspace.

The nearest designated local centre is at Filwood Broadway, the edge of which is approximately 1600 metres from the application site. This is in excess of the reasonable distance that people are expected to travel in terms of accessibility to daily/regular local amenities. Furthermore, the applicant states that Filwood Broadway currently lacks a supermarket, with the current store smaller than the existing convenience store to the applicant site. The lack of local retail facilities and the distance from Filwood Broad is reflective of the high footfall and use of the existing retail unit at 10 Melvin Square. Given the above it is concluded that the proposed development in respect of the retail extension would not impact vitality and viability of the nearest established local centre.

Whilst only limited weight can be given to the Emerging Local Plan policies, it is noted that Melvin Square including the application site, is identified as becoming a new local centre under the provisions the Draft Policies and Development Allocations in the Bristol Local Plan Review. The need for this review appears reflective of the aforementioned issues above.

Given the above considerations which include the fact that the proposed alterations amount to a relatively small extension to the retail unit to a convenience store clearly aimed directly to local residents, a refusal of the application on this basis could not be justified.

With regard to the proposed residential units to the site, this is assessed as follows.

Section 5 of the National Planning Policy Framework (NPPF) outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. The Local Planning Authority (LPA) should deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

Policy BCS5 (Housing Provision) of the Bristol Development Framework Core Strategy outlines that delivery of housing to meet the Council's housing targets will primarily be focused on previously developed sites however some open space will be utilised for housing development. The strategy by which the Council will allow development of open space is set out within the Site Allocations & Development Management Policies (SADMP) Local Plan.

Policy BCS18 (Housing Type) of the Core Strategy states that all new residential development should maintain, provide, or contribute to a mix of housing tenures, types, and sizes to help support the creation of mixed, balanced, and inclusive communities.

Policy DM1 (Presumption in Favour of Sustainable Development) of the SADMP outlines that the city's approach to development proposals will be positive and reflective of the presumption in favour of sustainable development as referenced throughout the NPPF.

The results of the government's Housing Delivery Test of 2020 confirmed that Bristol is unable to demonstrate a five-year housing land supply. In view of this, the presumption in favour of development in the NPPF will apply, paragraph 11(d) of the NPPF is engaged, and the tilted balance applies.

There are two aspects to understanding whether planning permission as prescribed by Paragraph 11(d) should be granted and whether policies which are most important to determining the application are out of date:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [6]; or

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Illminster Avenue Bristol BS4 1LZ**

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this case it is considered that the principle of further residential development would be acceptable in this location, providing needed residential accommodation in Bristol in accordance with BCS5 of the Core Strategy, and Section 5 of the NPPF. The re-configuration and extension of the retail unit would be to the benefit of local shopping provision in the area in accordance with Policy BCS7 of the Core Strategy. However, notwithstanding the above, the adverse impacts arising from the incongruous and harmful development would significantly and demonstrably outweigh the wider benefits of the scheme, which officers consider to be sufficient to justify the refusal of permission, even when the tilted balance is applied. The rationale for this will be set out in more detail in the following key issues below.

(B) IS THE MIX OF HOUSING ACCEPTABLE?

The National Planning Policy Framework (2021) reflects the need to significantly boost the supply of housing and to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities. Policy BCS18 of the Bristol Development Framework Core Strategy requires that all new residential development should maintain, provide, or contribute to a mix of housing tenures, types, and sizes to help support the creation of mixed, balanced, and inclusive communities. Policy directs decision-makers and developers alike to the existing housing profile of the area to define the composition of housing sizes and types expected of a development.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character, and quality. Housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower-Level Super Output Area (average of 1,500 residents). The application site falls within the Wedmore Vale Lower Super Output Area (LSOA) of the Filwood ward. As of 2022 using the most recent census data, houses account for 91.2% of the overall housing stock compared to 8.8% for flats and maisonettes. With regard to bedroom numbers, 3-bed properties account for 72.6% of units within the LSOA, with 1 and 2 bed units comprising of 3.2% and 11.3% of the overall housing stock respectively. Therefore, it can subsequently be concluded that the area around the application site is dominated by family sized housing, whilst there is an under-prevalence of flats at both lower super output area and ward level, and of both one and two-bedroom units.

The proposal for 2 x 2-bedroom flats and 5 x 1-bedroom flats would add to the mix of housing in the area and therefore contribute to the provision of a better mix and balance of the housing stock and help address the imbalance of smaller dwellings locally.

(C) IS THE PROPOSED DESIGN AND LAYOUT ACCEPTABLE?

Requiring good design is at the heart of National and Bristol planning policy. Section 12 of the National Planning Policy Framework (2021) outlines that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Section 12 of the NPPF also states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents".

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

Policy BCS21 of the Core Strategy expects a high-quality design in all developments, which contributes positively to an area's character and identity, creating or reinforcing local distinctiveness.

Specifically in relation to infill development, Policy DM26 of the Site Allocations and Development Management Policies, requires development to respond appropriately and respond to local patterns of development. It also expects development to respond appropriately to the height, scale, massing, shape, form, and proportion of existing buildings, building lines and setbacks from the street, skylines and roofscapes. Development is expected to reflect locally characteristic architectural styles, rhythms, patterns, features, and themes taking account of their scale and proportion. It says development will not be permitted if it would be harmful to the local character or where it fails to take opportunities to improve it.

Policy DM27 (Layout and Form) requires the height, scale, and massing of development to be appropriate to the immediate context, site constraints, character of adjoining streets and spaces, the setting, public function and/or importance of the proposed development and the location within the townscape.

Policy DM30 requires alterations to existing buildings to respect the overall design and character of the host building, its curtilage and the broader streetscene. As such the extensions should be physically and visually subservient to the host building, including its roof form, and not to dominate it by virtue of its scale. It also requires sufficient external private space to be left for the occupiers of the building.

The application site forms part of the planned estate of Knowle, which was built during the interwar period. As such, Melvin Square, and the surrounding roads form part of the planned street layout. Individually, the built fabric is unremarkable, but the uniformity of design is a defining characteristic of the area. The design principles of the estate include: the planned layout and interrelationship between buildings and spaces; the low-density urban grain; the relationship to local topography; the planned, public green spaces and the extent of other green spaces, including residential gardens. The open, low-density character of the area is derived from the uniformity, or the rhythm and balance compared with planned gaps. When viewed collectively, the homes in the estate retain the clearly defined and consistent pattern of urban grain which was associated with the original estate design.

With regard to the immediate context, the site is adjoined by predominantly two storey, semi-detached or terraced dwellings which are faced in brick or render and have hipped roofs, clad in red roman concrete tiles. According to the applicant's supporting information, number 10 Melvin Square was originally built as a detached property forming a post office to the ground floor and residential over. The curtilage of the property was believed to be T-shaped withing a triangular plot to the junction of Daventry Road, Melvin Square, and Ilminster Avenue. 10 Melvin Square has subsequently been altered and extended over time, including the front and side extensions to the retail unit.

It is noted that the application property is not particularly notable or high quality with regard to criteria for infill development outlined in DM26. The original detached form of the property was a departure from the predominately semi-detached housing that surrounded it. Whilst the number of extensions and alterations have diluted the original design of the property. Nonetheless, the townscape remains particularly unified, which produces a need to reproduce the existing pattern, form, and design of existing development. On considering the effect on the character an appearance, the Inspector concluded that "despite the scale of the flat roof retail store the original semi-detached buildings [Number 10 was built as a detached property including a ground floor post office according to the applicant's statement] are clearly discernible in the centre of the site and this maintains the visual relationship with the neighbouring semi-detached properties, notwithstanding

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

the presence of the existing rendered box extension to the rear”.

The applicant argues that the flanks have been dropped, whilst sloping roofs to the side extensions provide a step down to the two-storey dwellings on Daventry Road and Ilminster Avenue compared to the previously refused scheme. The corners of the building have been set back in an attempt to minimise the building's mass when viewed from Melvin Square. The building would incorporate 1 Ilminster Avenue which the applicant states would provide a transition from the contemporary to the traditional through the creation of a zinc-clad first floor extension above the existing garage, set back from the front elevation and overhanging the loading bay to the retail unit. The design includes detailed articulation between the re-designed retail unit and the upper floors above. The rationale behind the design detail and appearance is understood and not objectionable when considered in isolation.

However, the proposed development comprising of three storeys building of the retail store with two floors of flats above would appear very prominent in the street scene. The scale, siting and overall bulk of the building would appear well above and beyond the scale and proportions of the adjoining two storey buildings that surround it. Features such as the projection out into the established building lines along both the Daventry Road and Ilminster Avenue frontages are considered to go against the established urban grain, whilst the combination of the roof design and other building elements would not respect the setting of the original host building. Furthermore, the incorporation of 1 Ilminster Avenue into the extensions would further exacerbate the bulk and scale of the development, whilst unbalancing the pair of semis that at 1 and 3 Ilminster Avenue, detracting from its original character.

The proposed changes to the ground floor of 1 Ilminster Avenue from the established residential use to commercial, would be out of keeping the residential character and layout of the area. This includes the proposed refuse storage areas to the frontage of 1 Ilminster Avenue. Although, this area would be partly enclosed by the existing hedge according to the plans, there is no guarantee that the hedge will be retained. In the event it is not, then the frontage of number 1 would be fully exposed with the unsightly stores to the detriment of visual amenity. Furthermore, the combination of the proposed extensions and alterations would constitute the overdevelopment of the site. In the wider context it is considered that the overall bulk of the building would dominate the public realm of Melvin Square, integrating poorly with its surroundings.

It is acknowledged that the host property has been subject to several alterations over time which have been harmful to the overall appearance of the site. However, the proposed development would only serve to exacerbate the existing issues to the detriment of visual amenity.

Reference has been made to flatted block to Carpenters Place as precedent for the proposed development. However, as the Planning Inspector concluded, while the development is three storeys in height, in visual terms it has a less imposing visual impact on the local street scene as there are greater gaps with the neighbouring two storey development along Galway Road and Leinster Avenue. The circumstances of the application site are not the same and it does not set a precedent in favour of the proposed scheme.

Therefore, it is concluded that the proposed design and layout would be unacceptable.

(D) WOULD THE PROPOSALS HARM THE RESIDENTIAL AMENITY OF ADJOINING OCCUPIERS?

Policy BCS21 in the Bristol Core Strategy advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies, states that proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook, and daylight. This policy, as well as DM27, further states that new buildings will be

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook, and daylight. Policy BCS23 in the Bristol Core Strategy and Policy DM35 in the Site Allocations and Development Management Policy also state that new development should also not lead to any detrimental increase in noise levels.

The proposed development would include first and second floor extensions to the host property to provide a total of six self-contained flats, along with a self-contained flat to the first floor of 1 Ilminster Avenue. The proposed extensions would be built out to the northern, western, and southern boundaries of the site, with a projected extension to link 1 Ilminster Avenue at first floor level. Development at the east of the site would be stepped. The nearest residential properties to the development would be numbers 83-85 Daventry Road and 3 Ilminster Avenue.

The proposed extensions would increase the overall scale and massing of built form on the site. It is noted as per the Inspector's conclusions that the juxtaposition of the sites is unusual in that the site tapers to a point at the rear as does the rear garden of 85 Daventry Road. There is a high single storey wall/rear extension close to the party boundary. The rear facing windows in number 85 are already affected by this building bulk and the existing box extension, and the proposed three storey extension will not extend rearwards much more than the existing structures.

With regard to the previous scheme, the Inspector concluded that that the windows to rear facing habitable rooms to 85 Daventry Road will not materially lose daylight, however agreed that the scale of the new three storey building and its proximity to the boundary would overshadow the garden/amenity space of that property. Whilst the applicant has amended the current scheme to move some of the first and second floor build away from the boundary of number 85 Daventry Road compared to the previous scheme, the scale and proximity of the building remained as such as it still results in overshadowing to the rear of number 85. The applicant has not provided a shadow study in respect to the current proposals to demonstrate otherwise. Furthermore, the proposed extensions which include a higher ridgeline than the existing property, would result in a larger massing at three storeys compared to the present situation and would therefore have an overbearing impact on the amenity and outlook to the side and rear of 85 Daventry Road. As such it is concluded that the latest scheme does not overcome the previous reasons for refusal and the Inspector's decision in regard to the impact on neighboring 85 Daventry Road.

With regard to 1 Ilminster Avenue the applicant states that this is in commercial use, however for the purposes of this assessment there is no evidence to suggest that this use is lawful. The proposed three storey extensions would be sited back from the rear wall alignment of number 1 and the single storey rear building would not be dissimilar to the present structures on the site itself. As such it is considered that there would not be a materially greater impact on the side and rear of number 1 in regard to loss of aspect or overshadowing of the house and garden, compared to the present structures. Therefore, it would not harm the living conditions of the occupiers of number 1 Ilminster Avenue when in residential use.

With regard to issues of inter-visibility, the proposed layout of the flats is such that the windows would mainly face the Melvin Square in regards the front elevation, and the stores of the re-configured retail unit regarding the rear elevation. There are a number of balconies proposed which would not only increase overlooking, but also have the potential to generate noise and disturbance at elevated levels due to the ability for people to congregate on them. However, all the proposed balconies would be to the frontage of the property overlooking Melvin Square and Ilminster Avenue, as opposed to facing the adjoining properties. There would be a couple of side windows at second floor level, however these would look towards the side and roofs of 85 Daventry and 1 Ilminster Avenue respectfully. As such the neighbouring properties would be no more overlooked than they are at present.

Given the overall mass and scale of the building created by the combination of the proposed extensions this would result in an undue sense of enclosure to the existing neighbouring property to

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

number 85 Daventry Road, with an overbearing impact. As such it is concluded that the proposed development would harm the residential amenity of the adjoining properties.

(E) WOULD THE PROPOSALS CONSTITUTE AN ACCEPTABLE LIVING ENVIRONMENT FOR ITS FUTURE OCCUPIERS?

Good design and protection and enhancement of the environment are critical components of central government guidance, as identified in the NPPF. Paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. The NPPF states that policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified. Policy BCS18 (Housing Type) of the Core Strategy outlines that residential developments should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.

The National Described Space Standards requires that for a two-bedroom, three bedspace dwelling flat, a minimum 61sqm is provided, with 50sqm for a one-bed, two bedspace flat. According to the plans all the 1-bed flats would measure at least 50sqm and the 2-bedroom flats a minimum of 64sqm, therefore adhering to the minimum space standards. Six of the flats would be single aspect, although each room would comprise of at least one window broadly facing west and southwest maximizing daylight/sunlight in respect of the front flats. The two rear first and second floor flats would be east facing which would get less direct sunlight, although these would have secondary windows to their respective living rooms. The proposed flat to 1 Ilminster Avenue would be dual aspect with both east and west facing windows.

As the proposed first floor flats would be over the re-configured retail unit, there is the potential for disruptive noise transference given the likely activities associated with the shop, and from noise emitting from plant proposed to the roof. The proposals have therefore generated a concern from the Council's Pollution Control Officer given potential noise from plant and during construction. However, these concerns are not considered as such to warrant a reason for refusal, and the Pollution Control Officer is satisfied that a condition for a Construction management Plan, and for noise control levels on any plant or equipment can be applied in the event of an approval. matters regarding noise transference can be covered under Building Regulations to ensure compliance.

The proposed development would not provide any private amenity space, which is considered to be poor. However, there are some opportunities to access public open space within the surrounding area. Overall, it is concluded that the development would offer an adequate standard of accommodation and amenity for future occupiers.

(F) DOES THE PROPOSAL SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?

The NPPF states that developments should ensure that safe and suitable access can be achieved for all users. It also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy BCS10 of the Core Strategy, sets out development proposals should be located where sustainable travel patterns can be achieved and with more intensive, higher density development at accessible centres and along or close to public transport routes. It requires developments to be designed and located to ensure the provision of safe streets. Policy DM23 of the SADMP expects development to provide a safe and adequate access onto the highway network secure, accessible, and usable level of parking provision having a regard to parking standards, as well as secure and well-located cycle parking and facilities for cyclists. The same policy also expects developments to provide appropriate servicing and loading facilities which make effective and efficient use of land

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Ilminster Avenue Bristol BS4 1LZ**

and be integral to the design of the development. Policy DM32 requires residential development to provide sufficient space for the storage of recycling and refuse containers, and for the need for storage to be acceptable in terms of its visual impact.

The application site is found to represent an accessible and sustainable location for residential development. This is based upon proximity to local shops and services as well as public transport accessibility which would mean that future occupiers are not necessarily dependent on private cars. Pedestrian access would be provisioned from Melvin Square. As mentioned, the applicant has stated that this would be a car-free development. Notwithstanding this there is not an on-street parking issue within the vicinity of the site should any of the occupants own a car.

Cycle storage for up to eleven bicycles is proposed within a secure store to the ground floor of 1 Ilminster Avenue which is considered to be acceptable. There would be a further four cycle spaces provided to the front of the retail unit for visitors to the property. There would be internal refuse storage for both the retail unit and residential units located within the ground floor of 1 Ilminster Avenue, accessed from the frontage. The store would accommodate a 1100l, 660l, 360l and 140l bin in accordance with the Council's adopted standards. The separate store for the retail unit, would accommodate a 1100l bin. Whilst such storage for the retail would not be sufficient, the applicant has stated that the collection of the waste from the retail is carried out by a commercial waste management company.

There is a covered loading bay proposed between the main property and 1 Ilminster Avenue for vans to serve the shop. The applicant has added a tracking diagram to demonstrate that a transit vans or panel van servicing the retail unit, can enter and exit the loading bay in a safe manner without conflict with the highway, including the nearby traffic island.

On reviewing the application following the revisions to address previous concerns, the Council's Transport Development Management raised no objection to the proposal, which would be subject to standard conditions including the requirement of a Construction Management Plan (CMP) in the event of any approval.

(G) DOES THE PROPOSALS SATISFIES THE CITY'S POLICY OBJECTIVES WITH REGARD TO SUSTAINABILITY AND CLIMATE CHANGE?

As embedded in the NPPF, sustainability should be integral to all new development. BCS13 encourages developments to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it. BCS14 expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20% and to follow the heat hierarchy which seeks to ensure that heating and hot water systems are designed and specified in accordance with the heat hierarchy including, where appropriate, connection to a heat network. Policy BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity.

The application includes an Energy Statement, which set out the proposed sustainability measures that would be applied to the development. This includes Part L compliant construction, taking a fabric-first approach with the re-use of existing onsite materials, and recycled materials. It is proposed that there would be a restriction of portable water storage, and soakaways will be utilised wherever ground conditions allow. With regard to sustainable energy solar PV panels are proposed to the roof, with space heating utilising air source heat pumps (ASHPs). According to the Energy Table the proposed measures would yield up to 39.5% savings in residual energy compliant to the policy objectives.

The sustainability response is considered to be acceptable, although full details of the ASHPs and solar panels would be required by condition to ensure compliance with the Energy Statement in the

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Illminster Avenue Bristol BS4 1LZ**

event of an approval.

OTHER ISSUES

The proposed development is sensitive to contamination but is situated on land not thought to have been subject to a potentially contaminating land use. On reviewing the application, the Council's Land Contamination Officer raised no concerns. However, they recommended that any planning consent for the development should be subject of a condition for the reporting of any unexpected contamination that may be encountered through the subsequent re-development of the site.

The proposed development is located within a surface water drainage discharge zone where the existing discharge rate should be reduced. The proposed development would result in an increase in built development on site, however it would not result in the loss of any areas of green, undeveloped land.

Details of a comprehensive site specific sustainable urban drainage scheme taking account of local conditions would be required prior to commencement in order to provide sufficient mitigation for development. Such details would be sought via condition in the event of permission being granted. Subject to this measure however the development would avoid causing any significant increase in flood risk locally.

CONCLUSION

The proposed design is not considered to be suitable as the proposal would disrupt the uniformity of the rhythm and balance of the existing streetscene through its principle form and design. As a result, the proposal would be highly incongruous in the surrounding streetscene. The overall scale, massing, and proximity to the boundary with neighbouring properties would result in the proposal causing unacceptable impacts to neighbouring amenity with regard to overbearing and overshadowing to the neighbouring properties. It is noted that the proposals would provide the local convenience store with an improved layout and some additional floorspace. The creation of the self-contained flats would provide additional accommodation and add to the mix of available accommodation in the area. However, it is not considered that these benefits outweigh the harm to the character of the surrounding area and the detriment to residential amenity that would result. The application is therefore not acceptable and therefore planning permission is recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will this development be required to pay?

The CIL liability for this development is £40,610.53.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

Development Control Committee B – 5 April 2023**Application No. 22/02320/F : 10 Melvin Square And 1 Illminster Avenue Bristol BS4 1LZ****RECOMMENDED REFUSE**

The following reason(s) for refusal are associated with this decision:

Reason(s)

1. The proposed extensions and alterations, by virtue of their excessive form, scale, massing and design relative to the local context, which is defined by prevailing two storey scale, would result in a building that is visually imposing and over dominant on this prominent corner site. It would not integrate well with the adjoining existing developments and would look incongruous in the surrounding streetscene. It would therefore harm the townscape of the square and the character and appearance of the area to the detriment of visual amenity. This is contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2012) as well as Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies (2014), along Section 12 of the National Planning Policy Framework (2021).
2. The application has failed to demonstrate that the proposed extensions would safeguard an acceptable living environment for all adjacent sites. Specifically, this is by way of creation of an overbearing sense of enclosure, as well as loss of light to adjacent property to number 85 Daventry Road. This is contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2012) as well as Policies DM27 and DM30 of the Site Allocations and Development Management Policies (2014), along with Section 12 of the National Planning Policy Framework (2021).

Advice(s)

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

532-PLA-001 Location plan and existing site plan, received 17 May 2022
 532-PLA-010 Existing ground floor, received 17 May 2022
 532-PLA-011 Existing first floor, received 17 May 2022
 532-PLA-012 Existing second floor, received 17 May 2022
 532-PLA-013 Existing roof plan, received 17 May 2022
 532-PLA-020 Existing Northeast elevation, received 17 May 2022
 532-PLA-021 Existing West (Street) elevation, received 17 May 2022
 532-PLA-022 Existing Southwest elevation, received 17 May 2022
 532-PLA-023 Existing East elevation, received 17 May 2022
 532-PLA-030 Existing section AA, received 17 May 2022
 532-PLA-040 Existing 3D Front, received 17 May 2022
 532-PLA-100 E Proposed site plan, received 14 February 2023
 532-PLA-110 D Proposed ground floor, received 13 February 2023
 532-PLA-111 D Proposed first floor, received 13 February 2023
 532-PLA-112 D Proposed second floor, received 13 February 2023
 532-PLA-113 D Proposed roof plan, received 13 February 2023
 532-PLA-130 D Proposed Northeast elevations, received 13 February 2023
 532-PLA-131 D Proposed West (Street) elevation, received 13 February 2023
 532-PLA-132 D Proposed Southwest elevation, received 13 February 2023
 532-PLA-133 D Proposed East elevation, received 13 February 2023
 532-PLA-140 C Proposed section AA, received 13 February 2023
 532-PLA-141 C Proposed section BB, received 13 February 2023
 532-PLA-210 D Proposed front 3D, received 13 February 2023
 532-PLA-211 D Proposed street level 3D, received 13 February 2023
 Energy statement, received 17 May 2022

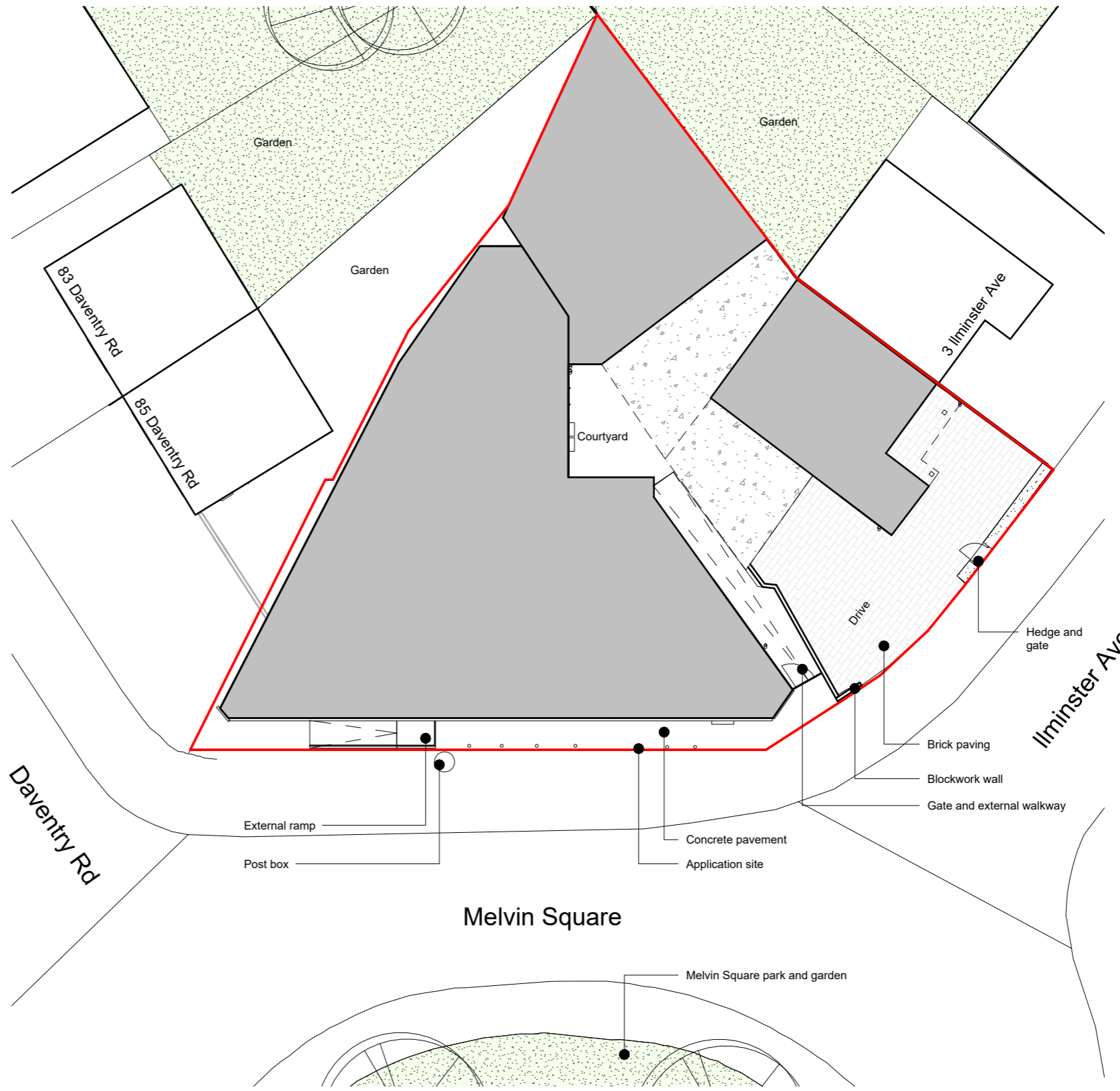
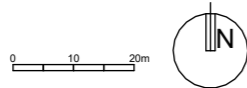
Supporting Documents

10 Melvin Square and 1 Illminster Avenue

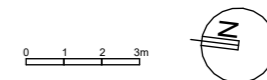
1. Existing site location & site plan
2. Proposed site plan
3. Proposed ground floor plan
4. Proposed first floor plan
5. Proposed second floor plan
6. Proposed roof plan
7. Proposed North-East elevation
8. Proposed West (street) elevation
9. Proposed South-West elevation
10. Proposed East elevation
11. Proposed street level 3D views



1 SITE LOCATION PLAN
SCALE: 1 : 1250



2 EXISTING SITE PLAN
SCALE: 1 : 200



Notes:
 Confirm all dimensions on site prior to any off site manufacturing.
 At construction phase do not scale from drawing, use figured dimensions only.
 Dimensions are in millimetres and to structure unless stated otherwise.
 Report any discrepancies, conflicts or errors to architect prior to proceeding.
 Refer to structural engineers design for all load bearing elements, bracing, movement joints and below ground drainage.
 Refer to mechanical and electrical engineers design for all building services.
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| Rev | Description | Date |
|-----|--------------------|----------|
| C | Issue for Planning | 28/04/22 |
| B | Issue to Client | 05/04/22 |

FOR DISCUSSION

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Client
KEVIN PATEL

Project
**10 MELVIN SQUARE,
 KNOWLE WEST**

Drawing Title
**EXISTING SITE LOCATION
 & SITE PLAN**

Drawing Number
532-PLA- 001

Rev.
C

| Date | Scale | Drawn | Chkd |
|------------|------------------|-------|------|
| April 2022 | As indicated@ A3 | TS | DF |



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|-----|-------------------------------------|----------|
| E | Massing reduced, van turning added. | 09/02/23 |
| D | Van turning added. | 20/12/22 |
| C | Issue for Planning | 05/05/22 |
| B | Issue to Client | 05/04/22 |
| A | Issue to Client | 10/03/22 |

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Client
KEVIN PATEL

Project
**10 MELVIN SQUARE,
 KNOWLE WEST**

Drawing Title
PROPOSED SITE PLAN

Drawing Number
532-PLA- 100

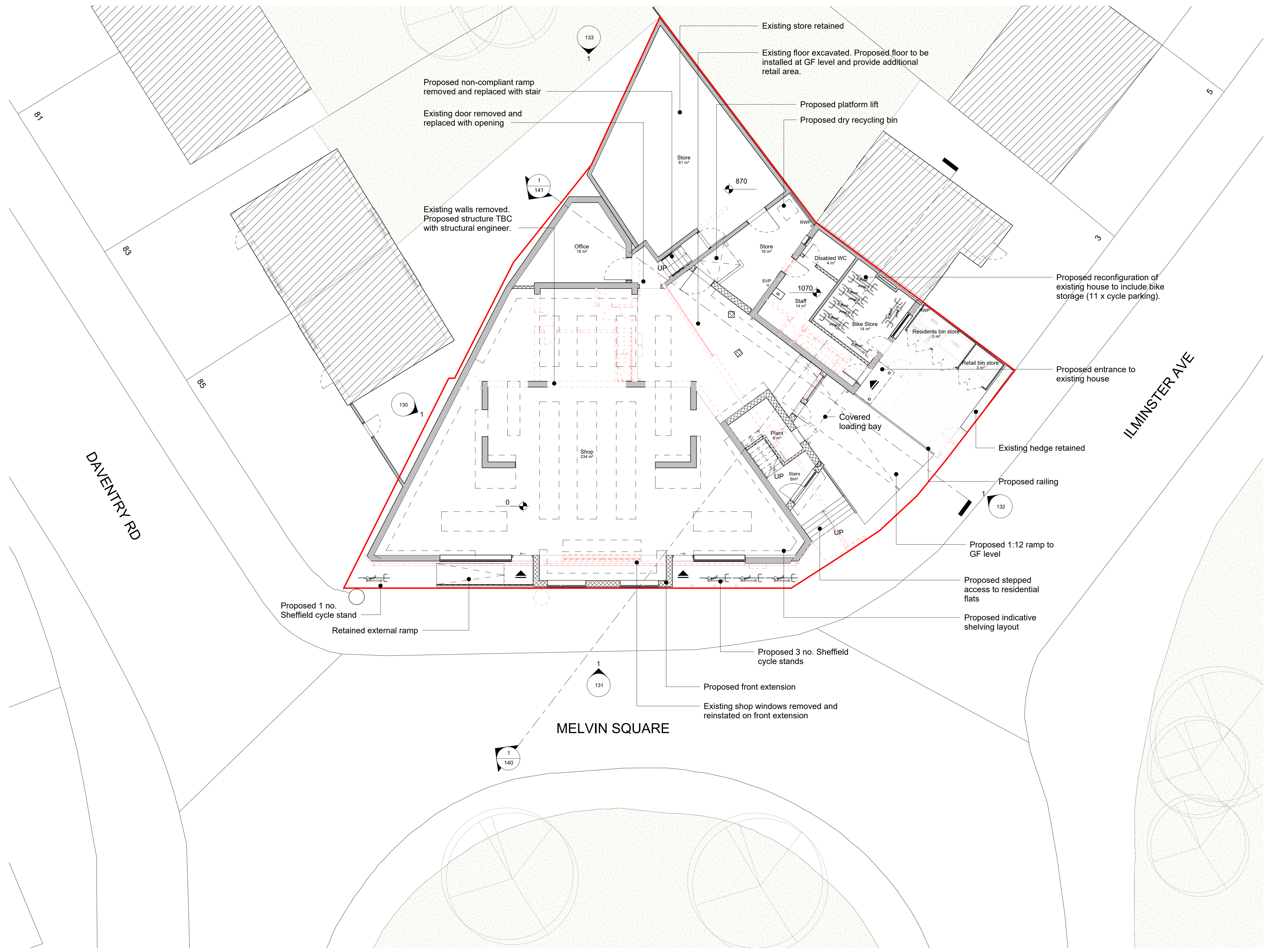
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E

Date
 FEB 2023

Scale
 1 : 200@ A3

Drawn
 TS

Chkd
 DF



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| D | Revised Issue for Planning | 09/02/23 |
| C | Issue for Planning | 05/05/22 |
| B | Issue to Client | 05/04/22 |
| Rev. | Description | Date |

FOR PLANNING

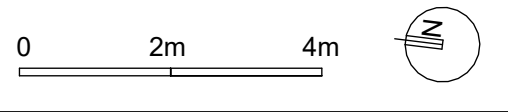
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Client
KEVIN PATEL

Project
10 MELVIN SQUARE, KNOWLE WEST

Drawing Title
PROPOSED GROUND FLOOR PLAN

| | | | |
|---------------------|-------------|-------|------|
| Drawing Number | Rev. | | |
| 532-PLA- 110 | D | | |
| Date | Scale | Drawn | Chkd |
| FEB 2023 | 1 : 100@ A1 | TS | DF |





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Client
KEVIN PATEL

Project
10 MELVIN SQUARE, KNOWLE WEST

Drawing Title
PROPOSED FIRST FLOOR PLAN

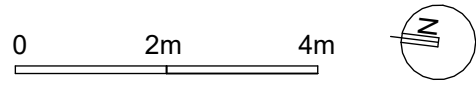
Drawing Number
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Date
FEB 2023

Scale
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Drawn
TS

Chkd
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| Rev. | Description | Date |

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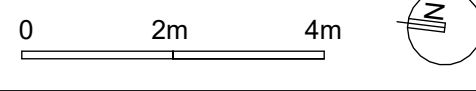
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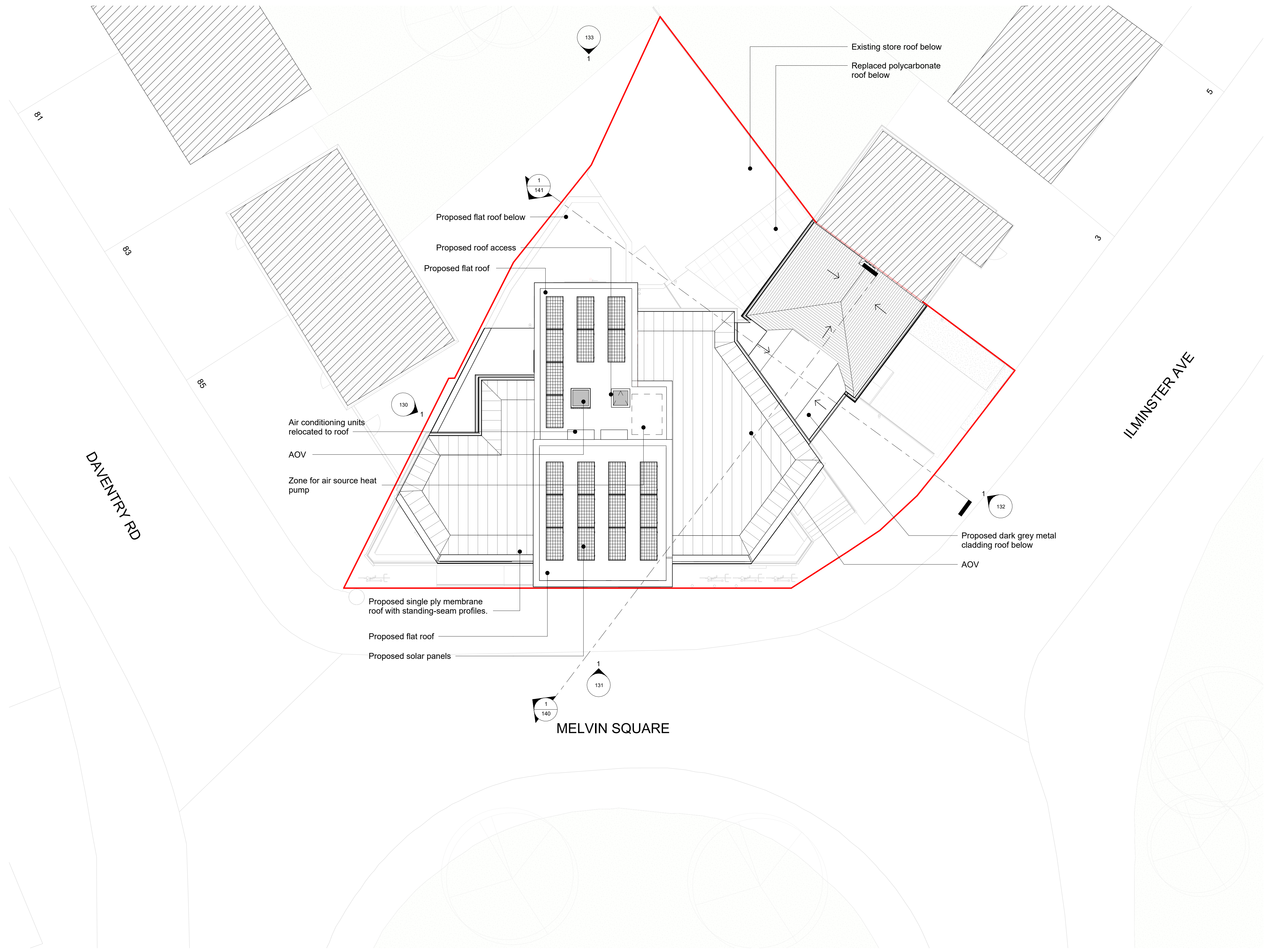
Project
10 MELVIN SQUARE, KNOWLE WEST

Drawing Title
PROPOSED SECOND FLOOR PLAN

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| Drawing Number | Rev. |
| 532-PLA- 112 | D |

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| B | Issue to Client | 05/04/22 |
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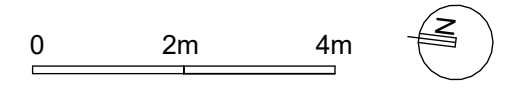
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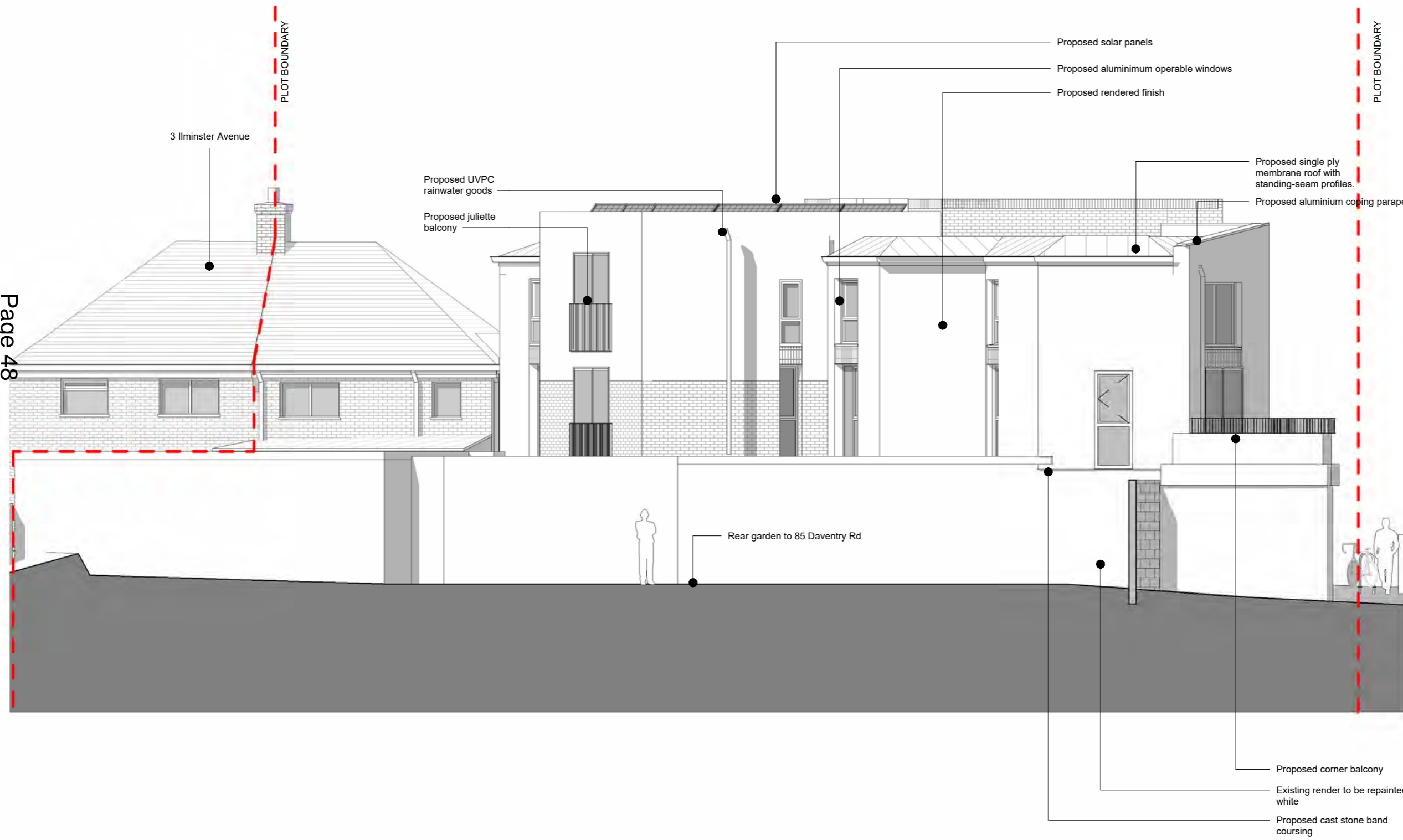
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Project
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Drawing Title
PROPOSED ROOF PLAN

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| Rev | Description | Date |

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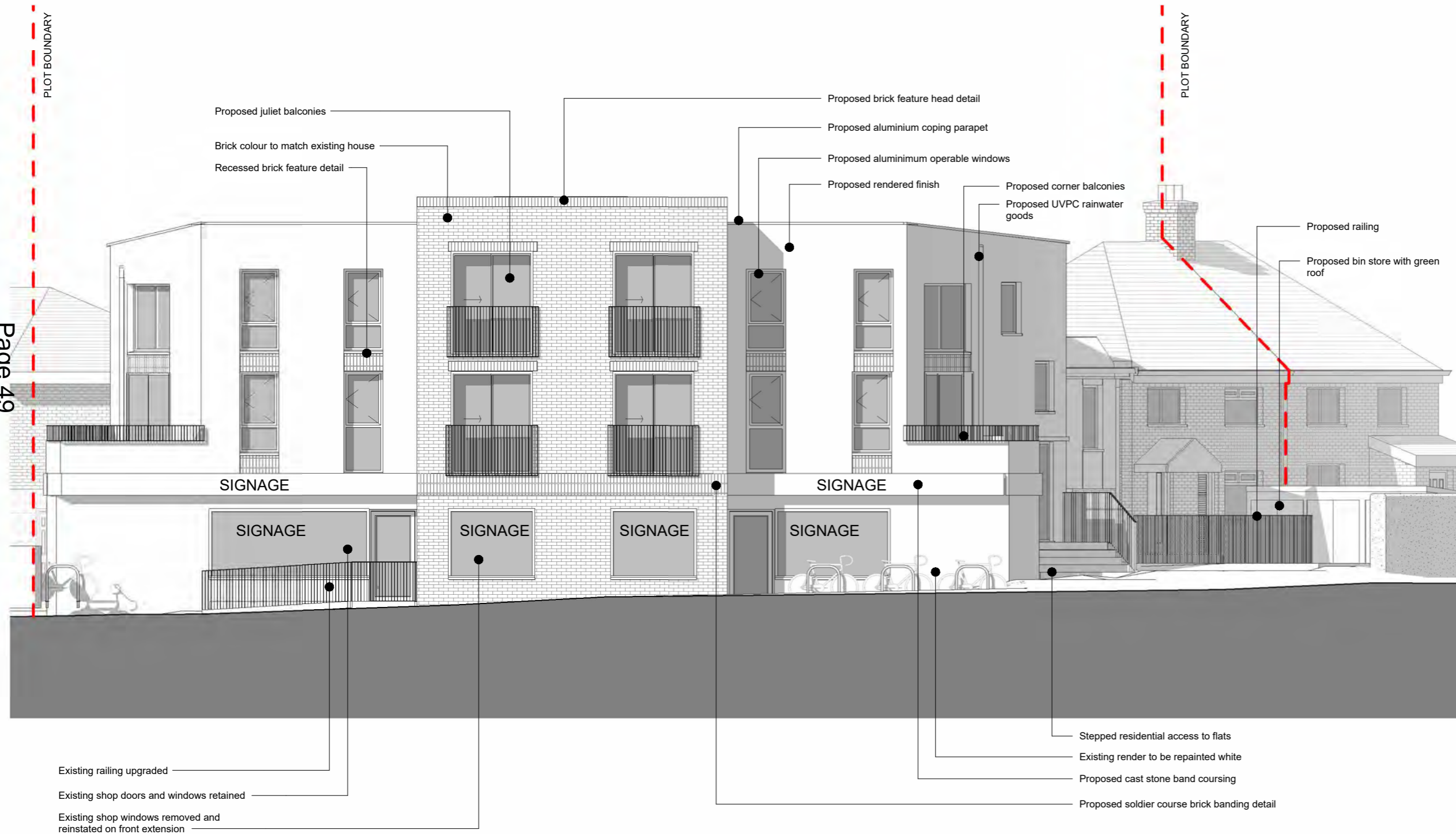
Project
**10 MELVIN SQUARE,
 KNOWLE WEST**

Drawing Title
**PROPOSED NORTH-EAST
 ELEVATION**

Drawing Number
532-PLA- 130

Rev.
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| Rev | Description | Date |

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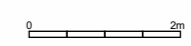
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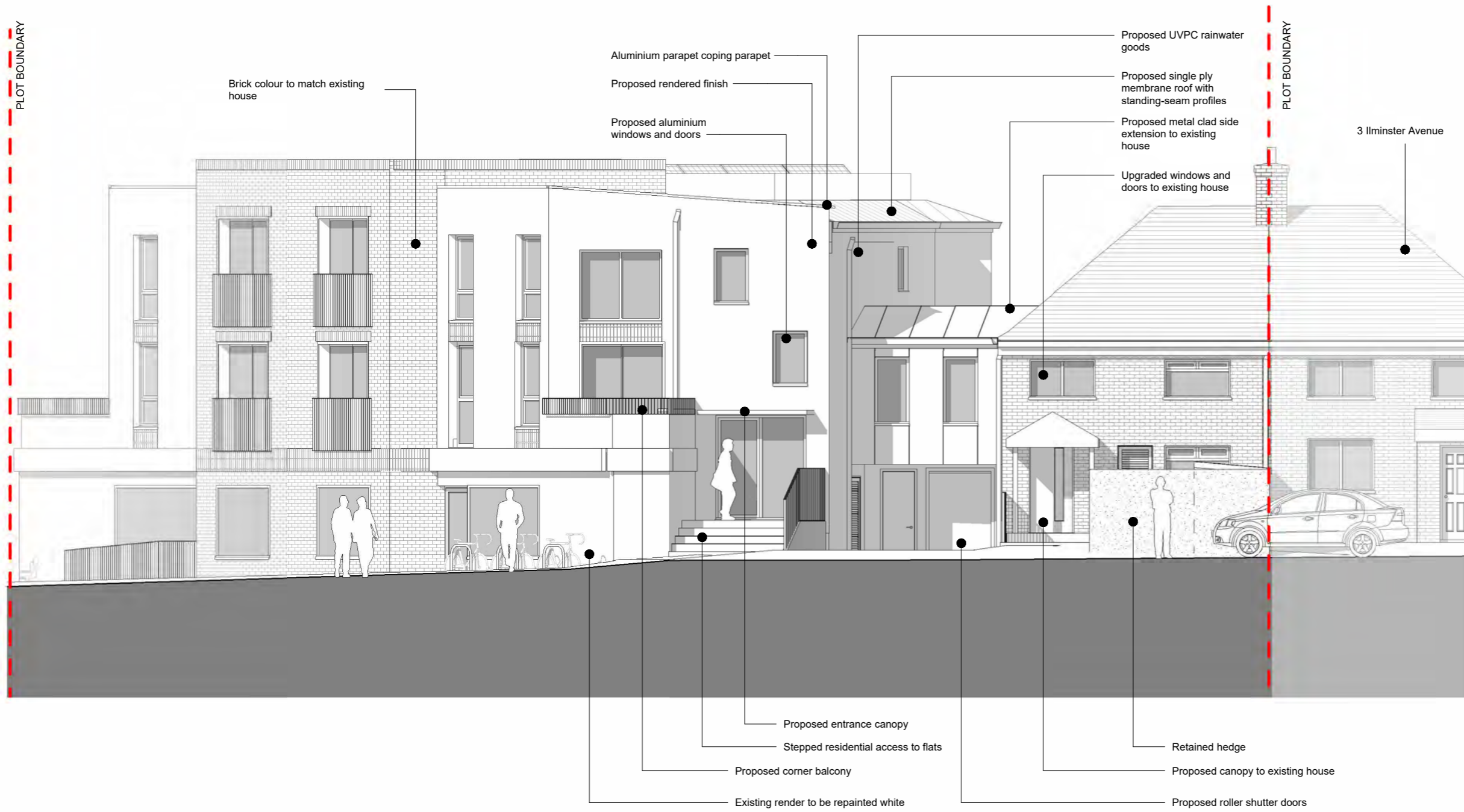
Project
**10 MELVIN SQUARE,
 KNOWLE WEST**

Drawing Title
**PROPOSED WEST
 (STREET) ELEVATION**

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| Drawing Number | Rev. |
| 532-PLA- 131 | D |

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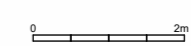
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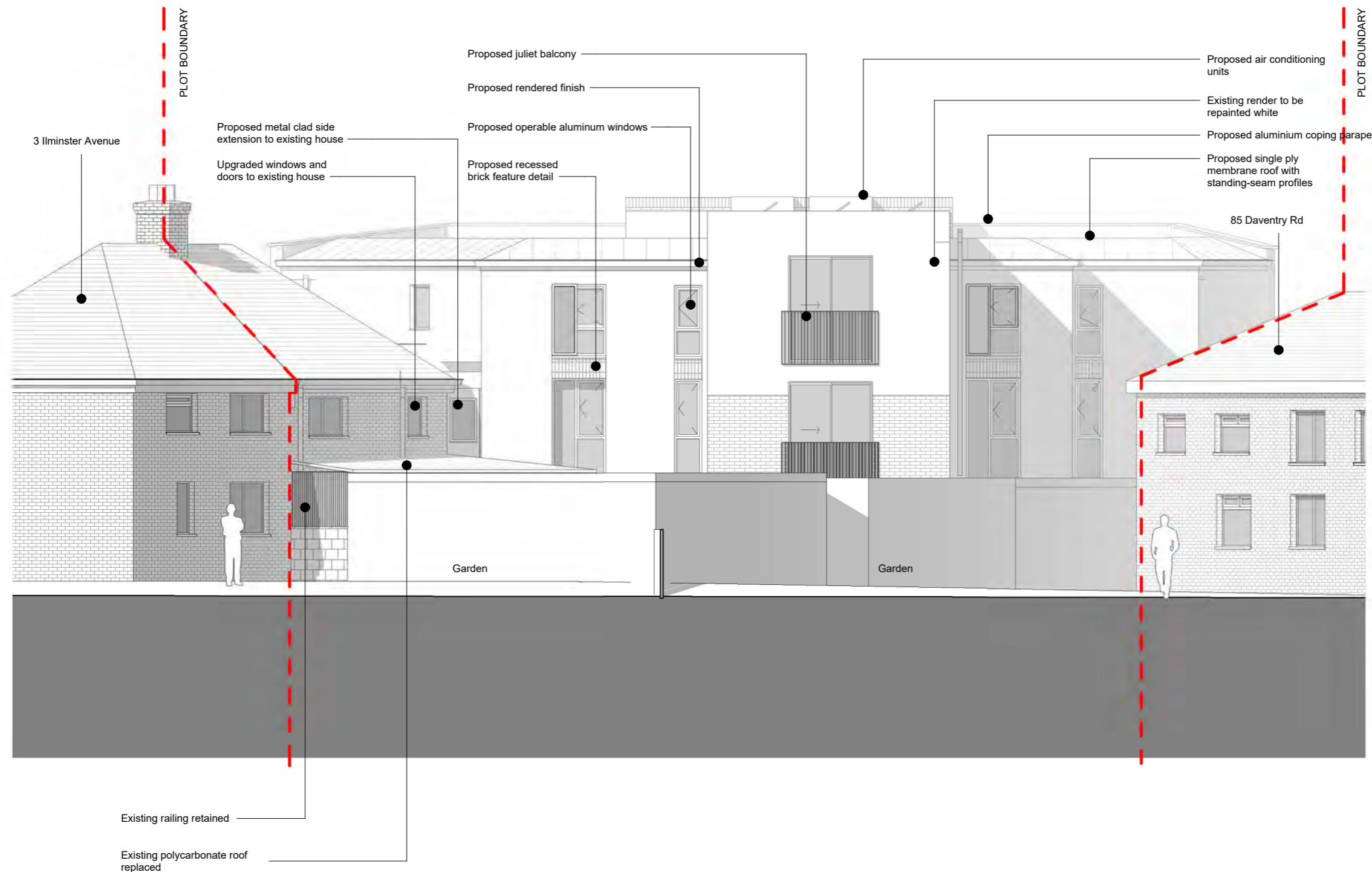
Drawing Title
**PROPOSED SOUTH-WEST
 ELEVATION**

Drawing Number
532-PLA- 132

Rev.
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Client
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Project
**10 MELVIN SQUARE,
 KNOWLE WEST**

Drawing Title
**PROPOSED EAST
 ELEVATION**

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| Drawing Number | Rev. |
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1
211
3D PROPOSED VIEW 1
SCALE:



2
211
3D PROPOSED VIEW 2
SCALE:

Notes:

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Client
KEVIN PATEL

Project
**10 MELVIN SQUARE,
 KNOWLE WEST**

Drawing Title
**PROPOSED STREET
 LEVEL 3D VIEWS**

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Local Development Order

Bristol Heat Network

Committee Report

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

Ward: Various sites across the City of Bristol.

Application No: 22/05628/LDO

Determination Deadline: N/A

Local Development Order relating to District Heating. To provide additional permitted developments rights to allow district heating pipework and small above ground cabinets across the city.

Recommendation: That the Local Development Order is adopted.

Applicant: Bristol City Council (BCC)

BACKGROUND

It is proposed to make a Local Development Order (LDO) to grant permitted development rights for the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure comprising of pipes, cables, wires, ducting, valve chambers and heat exchange equipment, including ancillary above ground infrastructure such as informational signage, cabinets, buildings, structures and enclosures reasonably necessary for the purpose of the development permitted, together with any engineering operations and reinstatement works reasonably necessary for the purpose of the development permitted within the defined areas of land in the City of Bristol as shown on the attached Order map ('the Order Map'), subject to conditions.

The Committee is asked to consider the LDO, statement of reasons and the Order Map to agree that the LDO and supporting documents should be adopted by Bristol City Council ('the Council') as the Local Planning Authority. A draft LDO has been subject to consultation and the final form of the LDO being recommended for approval has been influenced by the comments received.

THE ROLE OF LOCAL DEVELOPMENT ORDERS

A Local Development Order provides permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that Local Planning Authorities can use for the delivery of appropriate development in the right places.

The Bristol Heat Network Local Development Order is proposed to help facilitate the installation of the Bristol Heat Network in appropriate areas.

In areas considered to be more sensitive to development, such as those in close proximity to environmental or heritage designations, development for which the Order grants planning permission will be subject to appropriate restrictions, conditions and prohibitions where necessary. These measures aim to safeguard any sensitive areas and ensure the

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

Order and the resulting installations do not have a significant or detrimental impact on its surrounding environment.

Any development that does not form part of the description of development (Part IA of the Order) and is outside the scope of the Order would still require planning permission and be subject to a planning application being made to the Council. It is also noted that whilst the Order grants planning permission for certain types of development in Part IA and Part IB, it does not grant any other consents that may be required under other legislation.

SITE AND SURROUNDING AREA

The boundary of the Local Development Order would cover the administrative area of Bristol City Council.

The development permitted through the Order is identified on the Order Map¹ that includes only highway land and informal green spaces and is subject to conditions within the Order.

Areas considered to be more sensitive have been identified on the Order Map and have been excluded from the Order. These measures aim to safeguard any sensitive areas and ensure the Order does not have a significant or detrimental impact on its surrounding environment.

¹ <https://bcc.maps.arcgis.com/apps/webappviewer/index.html?id=ea5777a8f0a343aca1e03fef8b6a39f6>

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City



PERMISSION TO BE GRANTED BY THE LOCAL DEVELOPMENT ORDER

Development comprising the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure including above ground infrastructure together with reasonably necessary engineering operations and reinstatement works over, on or under defined areas of land as shown on the Order Map.

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after twenty years from the date of its adoption.

This Order shall be reviewed by the Local Planning Authority at five year intervals from the date on which it is made to ensure the objectives of the Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations.

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

EQUALITIES ASSESSMENT

The public sector equalities duty is a material planning consideration as the duty is engaged through the public body decision making process.

Section 149 of the Equality Act 2010 provides that a public authority must in the exercise of its functions have due regard to:

- a) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relationships between persons who share a relevant characteristic and those who do not share it.

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The consultation period on the Order ran for a period of 38 days from 14 December 2022 to 20 January 2023, a time that extended past the statutory 28 days as required by legislation. During the consultation relevant bodies representing protected characteristics were contacted. The Bristol Disability Equality Forum responded and raised concerns on 10 January regarding the consultation. The Forum raised that the map provided in the Bristol Heat Network consultation did not have any road names on it, making it inaccessible to comment on or give an informed response to the consultation. A request for a version of the map which has street/road names was made. Based on these concerns, the following actions were undertaken:

- A link to an interactive GIS version of the Draft Local Development Order map was embedded on the Ask Bristol web page allowing users to zoom in to view road names and some building names. If the Order is adopted, then a permanent link to the online maps will be embedded on the BCC Bristol Heat Network page.
- Libraries were contacted and provided with a copy of the site notice so it could be displayed for library users access.
- Comments raised by the Bristol Disability Equality Forum regarding ensuring safe and accessible routes are provided where other permitting schemes are not required (e.g., soft dig through parks) were noted as part of a formal representation from the Forum. The Local Development Order Project Officer met with the Forum and noted the Forum's representations raised as part of their formal consultation response.

These actions were undertaken promptly to ensure that the Forum's comments were addressed.

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

The Forum raised representations regarding ensuring safe and accessible routes are provided where other permitting schemes are not required (e.g., soft dig through parks). In response to this (whilst taking into account representations to the Order from other consultees) a decision was made to include a restriction in Part II of the Order whereby *'development is not permitted by the Order where development would be on a site identified as a district park, local park, woodland or playing field'*.

In addition, Part IV ("Other Statutory Requirements") of the Order sets out that whilst the Order grants planning permission for the development described in Part I, it does not grant any other consents that may be required under other legislation. It will remain the responsibility of the developer to comply with all relevant legislation.

Other statutory requirements include Section 50 and 61 licences are required by the New Roads and Street Works Act 1991. Whilst other statutory requirements are out of scope for the Order and will be considered by highways (for Section 50 and 61 licences), decision makers should be aware that the Order will likely result in an increase to works being carried out in the highway. This can be partially mitigated by passing on representations from consultation to those undertaking the works. The Equalities Impact Assessment points out other statutory requirements are out of scope and the works will not be undertaken by Bristol City Council however responses received are noted in Appendix 2 of this committee report and have been acknowledged.

Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

RELEVANT PLANNING HISTORY

An application (reference 22/05572/F) for the installation of pipework and associated works to form part of a wider heat network at Whitehouse Lane in Bedminster, Bristol was approved on 15 February 2023.

There is no other relevant planning history for the site.

COMMUNITY ENGAGEMENT

Before seeking to adopt an LDO, the council must consult on a draft LDO and statement of reasons for no less than 28 days. The council must take account of all responses received during this period in considering what modifications should be made to the draft LDO and whether the LDO should be adopted.

The consultation period ran for a period of 38 days from Wednesday 14 December 2022 and concluded on Friday 20 January 2023. 39 consultation responses were received of which 6 were in support, 26 were neutral and 7 were objections.

Consultation also involved:

- Sending a copy of the documents to statutory consultees on Wednesday 14 December 2022 including government agencies, interest groups and anyone that would be consulted on an application for planning permission;

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

- Making the documents available for inspection in public buildings and on the Bristol City Council website through the 'Ask Bristol'¹ consultation portal and via a dedicated project webpage² from Wednesday 14 December 2022.
- Giving notice by local advertisement in the Bristol Post on Wednesday 14 December 2022; and
- Displaying 351 site notices covering the whole administrative area of the City of Bristol from Wednesday 14 December 2022.

A summary of representations received through the consultation has been provided below, with a more comprehensive review of the responses to consultee comments included in Appendix 2 of this report.

EXTERNAL CONSULTEES

The Environment Agency stated that the proposed local development order will be acceptable if a planning condition is included in the order requiring submission and subsequent agreement of further technical details including land contamination and de-watering. This is to ensure that the proposed development does not harm the water environment and to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

[Wording was added into Condition 11 of the Order for requirements under the Construction Environmental Management Plan to account for this].

Historic England (HE) offered advice and observations noting that the Council should consult Conservation specialists on matters relating to Grade II heritage assets and particularly locally listed buildings and other non-designated heritage assets, including below ground archaeology (as identified in para 203 of the National Planning Policy Framework) and recommend that discussions are held with the Principal Historic Environment Officer for Bristol City Council with a view to developing a robust framework for on-going archaeological mitigation that provides clarity and security to all partners interests.

Based on restrictions of the Order, HE are satisfied that the development covered under the LDO would not have any impact or harm on the historic environment. However, in terms of the setting of heritage assets, HE would expect individual phases of the development to be considered against their guidance on identifying the extent of setting.

Based on Condition 7 and 8, HE are pleased to see that in 2.2.3.4 there is recognition that 'the development may unearth archaeological assets that may not be previously recorded by relevant authorities. Within the scope of the Condition 7 and 8 of the Order, no works shall take place until the developer has secured the implementation of a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority'.

¹ <https://www.ask.bristol.gov.uk/bristol-heat-network-local-development-order-consultation>

² <https://www.bristol.gov.uk/bristolheatnetworkLDO>

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

[Consultation was held throughout the drafting of the Order with the Principal Historic Environment Officer in Bristol City Council to account for the Conditions referred to in the response by HE].

National Highways

For the full response please see Appendix 2. To summarise, key concerns related to how the Order and works permitted would interact with the Strategic Road Network.

National Grid Electricity Distribution (NGED) wish to understand:

- (a) how the proposal will ensure security of NGED and NGT's supply;
- (b) how the proposal will protect NGED and NGT's respective networks during the construction phase of the Bristol Heat Network and following its completion;
- (c) precise details of the design or construction of the Bristol Heat Network and therefore potential operational implications; and
- (d) precise details of the property rights and interests that will be affected by the implementation of the Order.

Due to the nature of the Order, NGED and NGT could be required to divert their assets for the purpose of facilitating the construction of the Bristol Heat Network under the Order.

NGED and NGT's objective is to secure the protection of their assets and reach an agreement on any expected diversions or works necessary in connection with the development pursuant to the Order. The letter from NGED and NGT should be treated as a holding objection to the Order. The objection is framed as a "holding" objection as NGED and NGT would not wish this to be considered as an outright objection to the Bristol Heat Network. The objection is being made in order to protect the NGED and NGT's assets.

NGED and NGT would expect the objection to be withdrawn once discussions are finalised with Bristol City Council regarding solutions to protect NGED and NGT's respective networks and a formal agreement is concluded.

[BCC received notification from NGED on 3 March 2023 with regards to the withdrawal of their holding objection to the Order].

Wessex Water (WW) owns and maintains thousands of kilometres of public sewers. These take away sewage waste, keep the environment clean, and are an essential part of everyday life. The Bristol Heat Network proposes a new network of underground pipes. WW trust that the excavation and reinstatement of trenches will be done by a suitably licensed contractor following NJUG guidance on the relative depths and separation distances between utilities. In addition, the new infrastructure should have regard to the need for maintenance and continued right of access to our sewers.

WW supports the principle of sharing a trench with other utilities recognising that this can allow collaboration with other utilities when excavating roads and avoid repeated disruption to road users. WW are willing to work with BCC to facilitate the sharing of trenches.

Trenching and placement of ducting or other services in a shared trench shall be NJUG compliant and meet WW standards.

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

[NJUG guidelines have been included as an informative to Condition 11 of the Order].

The Coal Authority would expect consideration to be given to the coal mining features present in the vicinity of the district heating system (pipeline and any associated structures or works). An assessment should be made of the risks these features pose to surface stability and the development proposed. Any necessary investigatory and remedial works should be carried out to ensure the safety and stability of the development. Where works to ensure the stability of a site have been identified we would expect any required remedial works to be carried out prior to that part of the scheme commencing.

The Coal Authority were disappointed to note that the draft LDO does not include any conditions relating to unstable land, although Condition 9 does relate to contaminated land. They consider that a condition should be included to ensure that the risks posed to the development by past coal mining activity are properly assessed and the remedial works necessary to ensure the safety and stability of the development are undertaken in a timely manner.

[Since the addition of Condition 12 in the Order (High Risk Coal Mining Areas), the Coal Authority can confirm that the proposed condition would address the concerns raised in earlier comments on the LDO].

Natural England stated that based on the plans submitted, they consider that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Sport England would be concerned if any site for sport (land or building) including 'playing field', past or proposed use is affected adversely by the Order. Any development proposed would need to be compliant with NPPF paragraph 99 and Sport England Playing Fields Policy. Sport England would assess in the light of Sport England's Planning for Sport: Forward Planning guidance.

[A restriction has been included within the Order (Part II, restriction (k)) where development would not be permitted on a site identified as a district park, local park, woodland or playing field].

Bristol Disability Equality Forum state that the provision of safe and accessible alternative routes (must be included, both for parks and other footpaths affected) instances where road closures are required. It was highlighted that in many instances temporary drop curbs are either not provided, or, where they are provided they are not appropriate or suitable for those with mobility issues. Often dropped curbs are either too steep or too narrow for use by wheelchair users.

In instances where permits are not required for road closures, e.g., where Heat Network routes are through green spaces, there needs to be procedures put in place to ensure that suitable and accessible alternative routes (must be included, both for parks and other footpaths affected) are provided. It cannot be relied upon that contractors will provide these routes if the assumption is that they are not required because the route is through a park.

The local planning authority has an obligation to ensure that safe and suitable alternative

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

routes (must be included, both for parks and other footpaths affected) are provided alongside all development with the LDO.

[It was noted to the Bristol Disability Equality Forum that in Part IV (“Other Statutory Requirements”) of the Order, it sets out that whilst the Order grants planning permission for the development described in Part I, it does not grant any other consents that may be required under other legislation. It will remain the responsibility of the developer to comply with all relevant legislation.

In addition, a restriction has been included within the Order (Part II, restriction (k)) where development would not be permitted on a site identified as a district park, local park, woodland or playing field].

Bath and North East Somerset Council (BANES) Planning Team has no objection to the scheme. The highways team at BANES has been consulted and stated the highway team raises no objection to the granting of the Local Development Order permission. However, the delivery of the heating network across the city does have potential to require significant temporary traffic management measures to be installed for lengthy periods of time. It is requested that there is continued liaison between the highway authorities to ensure that road space for temporary highway works within each authority area can be managed and co-ordinated.

North Somerset Council had no comments to make in this instance.

The Health and Safety Executive stated that from the information provided for this planning application, it does not appear to fall under the remit of planning gateway one because it does not relate to a relevant building and therefore there were no further comments.

The Marine Management Organisation stated that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

INTERNAL CONSULTTEES

Bristol City Council Pollution Control stated no objection subject to the condition requiring a CEMP as detailed in draft Order.

Bristol City Council Transport Development Management (TDM) stated that having reviewed the submitted development order and its extent there is concern regarding the cumulative impact of the installation of the heat network to the highway however having liaised with Network Management there are safeguards in place to manage and mitigate the impact upon the highway network during the installation and maintenance stages. This is in line with the licenses and oversights required by the Network Management team through the Highways Act 1980 for other utilities and there is subsequently already systems of management and oversight in place.

The proposed conditions are considered acceptable to TDM. As such TDM raise no concerns regarding the proposed LDO and recommend approval.

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

Bristol City Council Contaminated Land Environmental Protection stated no overall objection to the proposed conditions which were agreed with the project team earlier in 2022.

Bristol City Council Nature Conservation stated that the various sites across the city included in the proposed Bristol Heat Network Local Development Order are located on existing hard standing (roads) and as such are not anticipated to have a direct impact on any designated wildlife sites or protected species.

There is no significant impact on the environment anticipated as a result of these proposed works. Potential effects (e.g., noise, dust, etc) should however be considered in the proposed Construction Environment Management Plan (CEMP).

The CEMP should also set out protection measures for trees and nature conservation sites in close proximity to the proposed works (e.g., fencing and appropriate signage).

From a Nature Conservation/Ecology perspective, a full EIA will not be required for these proposed works.

[As well as the CEMP, Condition 5 of the Order (Biodiversity, Protected Species and Protected Sites) requires that where the installation is likely to cause an adverse impact on any green space(s) outside of the highway boundary, any protected species and protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted and agreed in writing with the LPA].

PUBLIC CONSULTEES

These representations have been summarised and comprise representations received from members of the public, organisations and community organisations. Further information on how the comments have been responded to and considered to inform the final draft of the LDO can be found in Appendix 2.

Traffic, transport, construction works, disruption

- Inform of any planned disruption to the road network in advance
- A construction management plan should be prepared.
- Scheduling of planned works under this order should either coinciding with current disruption where works overlap geographically or factoring in current disruption and building when planning works in the neighbouring areas to account for traffic disruption, noise and building.
- Members of Whitchurch Village Council think this is an excellent idea but one that could cause travel disruption whilst being installed. Can we be kept informed of any planned disruption to the road network in this area with plenty of notice.

Use of permitted development rights model and extent of powers

- The LDO is modelled on permitted development rights which is inappropriate. Extent of powers of LDO is inappropriate with particular regard as to how the Council or any associated company/organisation, and/or contractors are likely to

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

use them. Concerns regarding one size fits all approach to how the powers are to be applied.

- There is no practical reason why planning applications for express permission cannot be made for the rollout that establishes the network, including for the construction / storage sites.
- It needs to be made clear that the LDO will not override the principles and obligations set out the Local Development Plan.
- The Bristol Port Company supports the Council's proposals for district heating and the permitted development rights on the Council's highway network, but The Bristol Port Company objects to the suggestions of work on private land in the Port's ownership as suggested on the current mapping that accompanies the Application. Bristol Port further notes that the extent of the SNCI at the former Gloucester Road railway sidings in Avonmouth is incorrect. It is intended to remove the entirety of the Bristol Port Company ownership from the Order Map. Discussions with the Bristol Port Company are ongoing to ensure the removal of Bristol Port Company owned land from the Order map. It should be noted that the Order does not grant permissions for other legislative requirements and does not provide consent to undertake work without landowner permissions.

Impact on green space/parks/open space

- Concerns regarding areas of green space (parks) being covered by the Order. Proposed LDO would (inter alia) give planning permission for development on areas of green space enjoyed by the public which is inappropriate.
- Difficulties understanding exact implications of the proposals on individual, or even groups of parks and green spaces, without further information as to what is involved, over what timescale in a specific location.
- Infrastructure and related permanent structures (eg: phone masts) could be sited, or proposed to be sited, inappropriately for the functions and purpose of park or green space.
- Monies from CIL (or its successor if brought forward) or S106 agreements are spent on the park and green space affected.
- Construction of the infrastructure, and its ancillary works is carried out in a manner so to minimise the negative impacts on the purpose and functions of the park and green space involved.
- Restore the relevant areas back to their original condition or better.
- Enhance the park and green space affected as part of the proposals.

Consultation

- Consultation held largely over the holiday period and without any prior engagement with relevant community organisations.
- Given the potential scale of activity, there is a lack of an emphasis on co-design (not least for any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design.
- Lack of clarity as to how local communities will be engaged and benefit with this undertaking as the disruption to our lives will be immense.

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

Written Approval

- 28-day period for written approval should either be extended to allow for meaningful engagement with local communities or, preferably, this provision should be omitted from the order.

Environment

- Examples of measures to avoid and minimise negative impacts should be considered (e.g., trees, hedgerows).
- BNG and whether this has been considered.
- LDO will involve excavations in or close to the roots of trees or hedges. Tree roots in these circumstances must be protected such as the inclusion of any trenching undertaken within or close to the root zone of any tree hedgerow will be undertaken in accordance with the latest version of NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.
- Impact on Badock's Wood with particular regard needed for the hedgerow and adjoining field.

Other

- Restore the relevant areas back to their original condition or better.
- Potential cumulative impact of above ground structures upon the public realm. Part II Restrictions on Development be amended so that planning permission is required for above ground structures, buildings and pipework.
- Further consideration as to how land will be reinstated to ensure this is done appropriately and in accordance with case officer approval.
- Other specific changes to order wording of the Order.
- Communities in Avonmouth, Lawrence Weston, Shirehampton and presumably Severn Beach and others who are mostly affected by the waste, the flies, the traffic resulting from this trade, the smells and who consequently should be the first to benefit
- Simple measures such as realigning kerbs or widening pavements should be easily possible whilst the road is being dug up. Bristol Council officers are missing out on a huge opportunity to update our streets to make them more people oriented.
- All underground infrastructure encountered should be mapped to help reduce future costs of street redesigns or redevelopment.
- Concerns regarding City Leap and costs.
- Concerns the Order is available to private contractors and companies.
- More transparency in how it plans to do this, the terms upon which it will commit to provide this, and where and when the network will be expanded
- Draft plan policies should not give hierarchical preference to connection to 'existing networks' given the ease with which local networks / individual provision should be implemented at new development, thereby freeing up the BHN to focus on existing homes where the genuine climate-related benefits will be more obviously generated (subject to the energy sources being of a suitable nature - i.e. they make no contribution to increasing global temperatures)
- In the past, BCC blocks in Redcliff and Barton Hill were heated by centralised boiler plant with distribution by medium temperature medium pressure underground

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

heating mains; these systems were maintenance intensive. What is proposed for the new heating mains to reduce maintenance? What heat loss limitation measures will be undertaken? What is the proposed distribution temperature and will this require calorifiers or heat pumps at the load end points.

- It is unclear how much social value is expected to be generated, particularly as the creation of jobs should involve local communities and include underrepresented and disadvantaged communities within the workforce.
- CO2 emitting sources must not be used as most of the benefits will be eradicated by burning biomass or other fossil fuel in CHP plants.

RELEVANT POLICIES

National Planning Policy Framework – July 2021

Bristol Development Framework Core Strategy (Adopted June 2011):

- Policy BCS9 Green Infrastructure
- Policy BCS11 Infrastructure and Developer Contributions
- Policy BCS13 Climate Change
- Policy BCS14 Sustainable Energy
- Policy BCS21 Quality Urban Design
- Policy BCS22 Conservation and the Historic Environment

Bristol Local Plan Review (Draft Policies and Development Allocations November 2022):

- Draft Policy NZC1: Climate Change, Sustainable Design and Construction
- Draft Policy NZC2 Zero Carbon Development – Operational Carbon
- Draft Policy NZC3: Embodied Carbon, Materials and Waste
- Draft Policy NZC5 Renewable Energy Development

Planning Policy Guidance, Planning Policy Statements and Supplementary Planning Guidance:

- Bristol Central Area Plan 2015
- Urban Living SPD: Making Successful Places at Higher Densities 2018
- Progressing Bristol's Development Statement October 2020
- Climate Emergency Action Plan 2022
- The City Centre Framework June 2020
- Bedminster Green Framework February 2019
- Bristol Temple Quarter Enterprise Zone Spatial Framework 2016
- Nelson Street Regeneration Framework SPD March 2006
- St Pauls Development Framework SPD December 2006
- Future of Redcliffe SPD July 2006
- Climate Change and Sustainability Practice Note (July 2020)

Adopted Neighbourhood Plans

- Hengrove and Whitchurch Park Neighbourhood Development Plan
- Lawrence Weston Neighbourhood Development Plan
- Old Market Quarter Neighbourhood Development Plan

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

In determining this application, the Local Planning Authority has had regard to the NPPF, all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

Is the principle of this development appropriate?

The Bristol Heat Network Local Development Order provides permitted development rights for specified types of development in defined locations. It is a flexible and locally determined tool that Local Planning Authorities can use for the delivery of appropriate development in the right places.

The Bristol Heat Network Local Development Order is proposed to help facilitate the installation of the Bristol Heat Network in appropriate areas. To realise the Council's ambitions of carbon neutrality, almost every building in the city will need to switch to low carbon heating or connect to a Heat Network.

The aim of the Order is to encourage and facilitate the implementation of the Bristol Heat Network to:

- Deliver the infrastructure to enable the distribution of low carbon energy sources
- Achieve reductions in the Council's CO2 emissions and contribute to the city's aim of carbon neutrality by 2030

The majority of consultees were supportive of the principle of the development to contribute to the Council's aim for carbon neutrality by 2030. Concerns in relation to traffic and transport, green spaces and construction phase impacts are addressed through minor amendments to the LDO and the Order Map and are dealt with later in this report.

Does the LDO sufficiently safeguard biodiversity, protected species and protected sites within the site boundaries?

During the drafting of the LDO and prior to the statutory consultation period, a meeting was held between members of the project team in Bristol City Council and representatives from Natural England with regards to the scope and purpose of the LDO.

The main area of concern that was noted during the meeting was the potential noise disturbance of the Order on the Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation and Severn Estuary Special Protection Area. To limit any impacts from noise disturbance on designated sites within the Severn Estuary, it was concluded that a clause would be included within the Order to restrict any development within 500m of the designated sites at the Severn Estuary. This is reflected in Part II 'Restrictions on Development' of the LDO in clause (g):

Development is not permitted by this Order where:

(g) any development within 500m of the Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation or Severn Estuary Special Protection Area

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

In addition, regular consultation was held with the Bristol City Council Nature Conservation Officer with regards to managing any potential impacts of the proposed development on environmentally sensitive sites within the Order limits.

This ongoing consultation resulted in certain controls being included within the LDO to restrict development where the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site or Local Nature Reserve.

In addition, development is not permitted by the Order where any development would be within 50m of a Site of Special Scientific Interest, or any development would be on previously undeveloped land within 200m of a Site of Special Scientific Interest.

This is set out in Part II ‘Restrictions on Development’ of the LDO in clauses (e), (f) and (i):

Development is not permitted by this Order where:

(e) any development is within 50m of a Site of Special Scientific Interest; or

(f) any development is on previously undeveloped land within 200m of a Site of Special Scientific Interest; or

(i) the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site or Local Nature Reserve pursuant to condition [5] to this Order.

Condition [5] in Part III of the Order relates to Biodiversity, Protected Species and Protected Sites;

‘Where the installation is likely to cause an adverse impact (as identified in consultation with an appropriately experienced ecologist) on (a) any green space(s) outside of the highway boundary (as shown on the Order Map) and (b) any protected species and/or (c) any protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that part of development. The development shall be carried out in accordance with approved details.’

It is considered due to the above restrictions in Part II of the LDO, the proposed development would not result in likely significant effects on biodiversity, protected species and protected sites.

Does the LDO sufficiently safeguard designated heritage assets within the site boundaries?

During the drafting of the LDO and prior to the statutory consultation period, consultation was held between members of the project team in Bristol City Council and the Principal Historic Environment Officer.

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

It was discussed in consultation with the BCC Historic Environment Officer that certain controls were required to safeguard against potential harm to designated heritage assets within the site boundaries. This resulted in restrictions being included in the Order, namely in Part II ‘Restrictions on Development’ in clause (h) where development is not permitted where:

(h) any above ground infrastructure would;

i) affect a listed building; or

ii) be within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless agreed in writing with the Local Planning Authority pursuant to condition [6] to this Order

Condition [6] in Part III of the Order relates to development within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or curtilage of a Listed Building:

‘No above ground development shall be carried out within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or curtilage of a Listed Building unless the location, design and materials of any above ground development or structures has previously been agreed in writing by the Local Planning Authority.’

It is considered due to the above restrictions in Part II of the LDO, the proposed development would not result in likely significant effects on designated heritage assets.

Does the Order sufficiently manage the construction phase impacts of the LDO within the site boundaries?

Due to the nature of the development, it was necessary to sufficiently manage any construction phase impacts of the LDO to reduce and mitigate the effects of traffic, noise, vibration, dust and light pollution (as a minimum).

The purpose of Condition [11] in the LDO is to ensure no development takes place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with the relevant highway authority where appropriate).

Through the development of the LDO and in consultation with statutory consultees, it was considered necessary to ensure the extent of each phase of works does not exceed 1 hectare at any one time, when considered individually or combined with other phases. This ensures limited impact upon the highway network during the construction phase.

Additionally, through ongoing consultation with National Highways and the Environment Agency, the CEMP also requires the applicant to include details of the following:

(iii) Timescale for each phase

(iv) Inclusion of any above ground infrastructure for each phase

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

- (v) A programme for the anticipated start and completion dates for each phase*
- (vi) Any known or anticipated highway closures or restrictions including and any known or anticipated highway closures or restrictions that may impact on the strategic road network and its junctions related to each phase*
- (vii) Proposed route required for each a specified phase*
- (viii) Construction hours*
- (ix) A scheme to manage construction activities and the storage of any chemicals including-*
 - securing any required de-watering of the site*
 - securing the protection of licenced and un-licenced sources of water*
 - securing the maintenance of any identified spring-fed flows*
 - securing the protection of groundwater dependent terrestrial ecosystems*

Condition [11] also advocates that National Joint Utilities Group Guidelines should be adhered to when undertaking works permitted by the Order.

Does the scope of the LDO, its conditions and guidance strike the correct balance between simplifying the planning process and retaining appropriate controls over development on the site?

By producing the LDO the Council is able to provide a level of certainty and flexibility to a developer that would not be available when applying for planning permission. The submission requirements of the LDO are also less onerous than a planning application and the procedure for written approval (for certain conditions) and the timeframe for the LPA's approval of 28 days is considerably shorter than the 8-week period for a similar planning application. The Council will also benefit from time savings where development is delivered in phases.

To facilitate development, the LDO is as permissive as possible, however the LDO includes a number of conditions to prevent any unacceptable impacts arising from development:

- Condition [2] requires the colour and materials of any above ground infrastructure to be specified and agreed in writing with the LPA
- Condition [3] states there shall be no works to trees or hedgerows to accommodate the installation unless agreed writing with the LPA
- Condition [5] requires that where the installation is likely to cause an adverse impact on any green spaces, protected sites or species, then relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted to and agreed in writing with the LPA

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

- Condition [6] restricts above ground development within the boundary of designated heritage assets unless agreed in writing by the LPA
- Condition [7] restricts the commencement of works until the developer has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been approved in writing by the LPA
- Condition [9] controls the identification of contaminated land if found during the development
- Condition [10] requires any soil or soil-forming material to be tested for contamination and suitability before such materials are imported onto the site
- Condition [11] requires a Construction Environmental Management Plan to be submitted and approved in writing by the LPA prior to any development taking place
- Condition [12] requires a risk assessment highlighting the risk to development from coal mining legacy features to be submitted and approved in writing by the LPA where development is within the defined Development High Risk Areas prescribed by the Coal Authority
- Condition [14] requires the site to be reinstated to the condition which existed prior to the works taking place within ninety working days from the date of completion of the installation

The above conditions will assist the developer in designing and delivering an appropriate scheme whilst ensuring that proposals are permitted in accordance with the approved details and control of the LPA.

What alterations to the draft LDO are required to respond to comments received?

Appendix 1 reproduces the LDO including the recommended amendments to the LDO.

Officer comments above linked to the summary of comments received covers the changes proposed to the draft LDO but the more significant amendments are as follows:

District Parks, Local Parks, Woodlands and Playing Fields

In response to concerns raised by the Bristol Parks Forum, Bristol Civic Society and the Bristol Tree Forum, a restriction has been included in Part II of the Order where;

Development is not permitted by this Order where:

(k) any development would be on a site identified as a district park, local park, woodland or playing field.

The Order Map has also been amended to account for the removal of district parks, local parks, woodlands and playing fields within the area permitted by the Order.

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

Construction Environmental Management Plan

In response to concerns raised by National Highways and the Environment Agency, further detail has been added into Condition [11] requiring the submission and approval of a Construction Environmental Management Plan as part of the Order.

This includes the addition of details to be submitted with regards to the following:

- Any known highway closures or restrictions
- Proposed routing for specified phases
- Details of any acoustic screens and barriers for specified phases
- Working hours
- A scheme for the management of chemicals and de-watering of the site

High Risk Coal Mining Areas

In response to concerns raised by the Coal Authority, a condition has been added into the Order to control development within High Risk Coal Mining Areas (new Condition 12 'High Risk Coal Mining Areas'). This requires a risk assessment highlighting the risk to the development from the coal mining legacy features present within the defined Development High Risk Area prescribed by the Coal Authority and details of any mitigation measures necessary to allow development to proceed.

ENVIRONMENTAL IMPACT

Taking into account the characteristic of the development, its location and environmental sensitivity of the locality and the characteristics of the potential impacts, a Stage 1 Habitats Regulations Assessment (HRA) has been undertaken for the project in accordance with the Conservation of Habitats and Species Regulations 2017. In addition, the project has also been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations).

The conclusion of the HRA finds that the proposed Bristol Heat Network development allowed under the Local Development Order was screened out at Stage 1 due to the likely absence of Likely Significant Effects (from either construction or operation) on any of the Habitat Sites identified within the Zone of Influence. It was therefore concluded that undertaking any further stages of the HRA process would not be required for the proposed development.

Similarly, the development has been reviewed against the EIA Regulations and it is considered that any environmental effects of the development would not be significant. The assessment concluded that, given the conditions listed in the Order and mitigation measures to be taken during the construction and operation of the development, it is considered the development would not have any significant effects on the environment and that the development is not EIA development and will not require a statutory EIA.

RECOMMENDATION

That the Local Development Order is adopted as at Appendix 1.

Development Control Committee B – 5 April 2023
Application No. 22/05628/LDO : Various Sites Across The City

APPENDICES

Appendix 1 – Revised Local Development Order

Appendix 2 – Summary of Representations

Bristol City Council

Bristol Heat Network Local Development Order

In pursuance of the powers of the Town and Country Planning Act 1990 (as amended), Bristol City Council hereby gives notice that planning permission has been approved for the carrying out of the development described in Part IA and Part 1B below, subject to compliance with the conditions listed in Part III.

Part IA – Description of Development

This local development order ('the Order') grants permitted development rights for the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure comprising of pipes, cables, wires, ducting, valve chambers and heat exchange equipment, including ancillary above ground infrastructure such as informational signage, cabinets, buildings, structures and enclosures reasonably necessary for the purpose of the development permitted, together with any engineering operations and reinstatement works reasonably necessary for the purpose of the development permitted within the defined areas of land in the City of Bristol as shown on the attached Order map ('the Order Map'), subject to conditions.

Part IB – Permitted Development

Development comprising the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure including above ground infrastructure together with reasonably necessary engineering operations and reinstatement works over, on or under defined areas of land as shown on the Order Map.

Part II – Restrictions on Development

Development is not permitted by this Order where:

- a) any above ground cabinets, buildings, structures or enclosures would be greater than 1.4m in height above ground level or greater than 2.5 cubic metres in external volume; or
- b) any trench depth exceeds 4m and trench width exceeds 3m; or
- c) any pipework installed above ground is greater than 5 metres in length; or
- d) the installation constitutes EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; or
- e) any development is within 50m of a Site of Special Scientific Interest; or
- f) any development is on previously undeveloped land within 200m of a Site of Special Scientific Interest; or
- g) any development within 500m of the Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation or Severn Estuary Special Protection Area; or
- h) any above ground infrastructure would;

- i) affect a listed building; or
- ii) be within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless agreed in writing with the Local Planning Authority pursuant to condition [6] to this Order; or
- i) the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site or Local Nature Reserve pursuant to condition [5] to this Order; or
- j) within areas to which a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 is in force, the development is of a type described in that Direction.
- k) any development would be on a site identified as a district park, local park, woodland or playing field.

Part III – Conditions

In these conditions:

‘the Order’ means the Bristol Heat Network local development order.

‘the Order Map’ means the map attached to this Order identifying the land subject to the Order and relevant planning and policy designations as may be updated from time to time;

‘the development’ means the development authorised by the Order as set out in Part IA and Part 1B;

‘the Local Planning Authority’ means Bristol City Council

‘Protected Sites’ include Sites of Special Scientific Interest, Ramsar Sites, Sites of Nature Conservation Interest, Special Areas of Conservation, Special Protection Areas, Regionally Important Geological Sites and Local Nature Reserves

‘Protected Species’ as defined in the Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2017 (as amended), Protection of Badgers Act 1992, Wild Mammals (Protection) Act 1996 and the Natural Environment and Rural Communities Act 2006.

The above development is permitted subject to the following conditions:

1. Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after twenty years from the date of its adoption.

Reason: To ensure that the development is commenced and completed within a reasonable period of time.

Informative: Development permitted by this Order may be completed if it has been commenced in accordance with the terms of this Order before the expiry, modification or withdrawal or extension.

2. Design

Prior to the commencement of development, the colour and materials of any above ground infrastructure shall be specified and agreed in writing with the Local Planning Authority.

Reason: To minimise the visual impact of new development within the defined area for the Order in line with Policy BSC21 of the Bristol Core Strategy.

3. Trees and Hedgerows

There shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure adequate protection of existing trees and hedgerows in line with Policy BCS9 of the Bristol Core Strategy.

4. Tree and Hedgerow Maintenance

If within a period of ten years from the date of the planting of any tree, hedge or shrub or any replacement associated with development permitted by this Order (within the area shown on the attached Order Map) it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or diseased, another tree, hedge or shrub of the same species and size as that originally planted shall be planted in the same location no later than the first available planting season, unless the Local Planning Authority agrees in writing that a different species, size and / or location may be substituted.

Reason: To ensure maintenance of a healthy landscape scheme, in accordance with Policy BCS9 of the Bristol Core Strategy.

5. Biodiversity, Protected Species and Protected Sites

Where the installation is likely to cause an adverse impact (as identified in consultation with an appropriately experienced ecologist) on (a) any green space(s) outside of the highway boundary (as shown on the Order Map) and (b) any protected species and/or (c) any protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that part of development. The development shall be carried out in accordance with approved details.

Reason: To avoid impacts on protected species and sites and ensure no net loss of biodiversity and ensure works are carried out to avoid adverse harm to protected species in accordance with paragraph 174 of the National Planning Policy Framework and Policy BCS9 of the Bristol Core Strategy.

Informative: This condition is to be read alongside Part I restriction (i). Protected sites include Sites of Special Scientific Interest, Ramsar Sites, Sites of Nature Conservation Interest, Special Areas of Conservation, Special Protection Areas and Local Nature Reserves. Relevant surveys may include a Phase 1 Habitat Survey or a Preliminary Ecological Appraisal although these are not exhaustive and other surveys may be required.

6. Development within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or curtilage of a Listed Building

No above ground development shall be carried out within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless the location, design and materials of any above ground development or structures has previously been agreed in writing by the Local Planning Authority.

Reason: To minimise visual impact of new development against heritage assets in accordance with Policy BCS22 of the Bristol Core Strategy and to ensure development does not affect a listed building in accordance with Regulation 38(12)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7. Archaeology

No works shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that archaeological remains and features are recorded prior to their disruption and to ensure new development safeguards or enhances heritage assets and the character and setting of areas of acknowledged importance such as archaeological remains in accordance with Policy BCS22 of the Bristol Core Strategy.

8. Completion of a Programme of Archaeological Works

Within ninety days of the completion of each phase of development, the provision must be made to the Local Planning Authority for the analysis, publication and dissemination of results and archive deposition of the site investigation and post investigation assessment that has been completed in accordance with the programme set out in the Written Scheme of Investigation pursuant to condition [7].

Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction.

9. Contaminated Land

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, and a verification report submitted for approval.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To ensure development is sited and designed in a way as to avoid adversely impacting upon creating exposure to contaminated land in accordance with Policy BCS23 of the Bristol Core Strategy. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

10. Importation of Soils

Before each phase of development, any soil or soil-forming materials brought to site for use in soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use before any such materials are imported onto the site or used.

The methodology for such testing shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by a risk assessment) and testing shall then be carried out by a suitably qualified professional in accordance with such methodology.

Verification of compliance with the requirements of this condition [10] shall be submitted to and approved in writing by the Local Planning Authority prior to these materials being imported onto the site.

Reason: To ensure that contamination soils are not imported to the site and that the development shall be suitable for use with respect to land contamination.

11. Construction Environmental Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority (in consultation with the relevant highway authority where appropriate). The plan should include, but is not limited to, the adoption and use of the best practicable means to reduce and mitigate the effects of traffic, noise, vibration, dust and light pollution.

As a minimum, the CEMP must include individual phasing elements including;

- (i) Extent of each phase on a scale plan
- (ii) Confirmation that no phase will exceed 1 hectare at any one time, when considered individually or combined with other phases
- (iii) Timescale for each phase
- (iv) Inclusion of any above ground infrastructure for each phase
- (v) A programme for the anticipated start and completion dates for each phase
- (vi) Any known or anticipated highway closures or restrictions including any known or anticipated highway closures or restrictions that may impact on the strategic road network and its junctions related to each phase
- (vii) Proposed route required for a specified phase
- (viii) Construction hours
- (ix) A scheme to manage construction activities and the storage of any chemicals including -
 - securing any required de-watering of the site
 - securing the protection of licenced and un-licenced sources of water
 - securing the maintenance of any identified spring-fed flows
 - securing the protection of groundwater dependent terrestrial ecosystems

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Informative: National Joint Utilities Group (NJUG) Guidelines should be adhered to when undertaking works permitted by this Order. Relevant undertakers and asset owners must be contacted for departing from the NJUG Guidelines.

12. High Risk Coal Mining Areas

Within the defined Development High Risk Area prescribed by The Coal Authority, prior to works commencing on that phase of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) a risk assessment highlighting the risk to the development, neighbouring occupiers, public safety, highway users and contractors from the coal mining legacy features present within the defined Development High Risk Area; and
- b) details of any mitigation measures necessary to allow development to proceed.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of public safety.

13. Post Construction

Within sixty working days of completion of any works, details shall be provided to the Local Planning Authority providing the date of completion and a map showing the geographical position of the completed works. This detail shall include:

- (i) The location and route of the network;
- (ii) The depth of the network;
- (iii) The location of any above ground infrastructure; and
- (iv) The location of any chambers

Reason: In the interests of the safe operation of the adopted highway and to allow the Local Planning Authority to monitor the take up and implementation of the development permitted by this Order.

14. Reinstatement

Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority.

Reason: To ensure that all land over the Bristol Heat Network is reinstated promptly and to an appropriate standard.

Part IV – Other Statutory Requirements

Whilst the Order grants planning permission for certain types of development as described in Part IA and Part 1B, it does not grant any other consents that may be required under other legislation.

It will remain the responsibility of the developers to comply with all relevant legislation. Failure to comply with all relevant statutory requirements could result in development being unlawful or enforcement action being taken by Bristol City Council or other appropriate persons or bodies.

This legislation includes, but is not limited to, the following (as may be amended or re-enacted from time to time):

- The Ancient Monuments and Archaeological Areas Act 1979;
- The Highways Act 1980;
- Wildlife and Countryside Act 1981;
- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Planning (Hazardous Substances) Act 1990;
- The Planning (Hazardous Substances) Regulations 1992;
- New Roads and Street Works Act 1991;
- The Hedgerow Regulations 1997;

- The Town and Country Planning (Tree Preservation) (England) Regulations 2012;
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- The Building Regulations 2010;
- The Environmental Permitting (England and Wales) Regulations 2016;
- Conservation of Habitats and Species Regulations 2017;
- The Environment Act 2021; and
- Rules and Guidance issued by the Health and Safety Executive.

Part V – Procedure for Written Approval

The applicant must serve written notice to the Local Planning Authority to initiate the written approval procedures.

Applications for the Local Planning Authority’s written approval pursuant to conditions 2, 3 and 4 to this Order shall be made using the forms provided in Appendix A to this Order.

A fee is payable to the Local Planning Authority in connection with any applications for written approval from the Local Planning Authority pursuant to this Order. Refer to Appendix A for further detail.

Part VI – Timeframes for Local Planning Authority Approval

Where the Local Planning Authority’s written approval is required pursuant to conditions 2, 3 and 4 to this Order the development must not begin or continue (as applicable) before the occurrence of one of the following –

- (a) the receipt by the applicant from the Local Planning Authority of a written notice giving its approval of details submitted under this Order; or
- (b) the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority without the Local Planning Authority notifying the applicant as to whether approval is given or refused.

Part VII – Monitoring and Review

The Order Map shall be kept under review and updated periodically by the Local Planning Authority to ensure it reflects the up to date planning and policy designations from time to time.

This Order shall be reviewed by the Local Planning Authority at five year intervals from the date on which it is made to ensure the objectives of the Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations.

APPENDIX A

This Appendix provides a guide to submitting details to and obtaining the Local Planning Authority's written approval of details submitted, pursuant to the conditions to the Bristol Heat Network Local Development Order. It also provides a guide to serving written notices on the Local Planning Authority, where required by the conditions to the Order.

WRITTEN APPROVALS

The conditions to the Order provide for requests for written approval from the Local Planning Authority, as follows: -

A. Circumstantial written approvals

Condition 2 Design

Prior written approval from the Local Planning Authority to agree the colour and materials of any above ground infrastructure.

Condition 3 Trees and Hedgerows

Prior written approval from the Local Planning Authority to lop, top, reduce roots or remove trees or hedgerows.

Condition 4 Trees and Hedgerow Maintenance

Prior written approval from the Local Planning Authority for alternative planting specification for replacement trees, hedges or shrubs.

In respect of each type of request for written approval identified above, the following form is to be completed and emailed to development.management@bristol.gov.uk

The words in square brackets and italics can be deleted and are for guidance only.

| <u>Written Approvals Under BHN LDO</u> | |
|--|---|
| Applicant details | |
| Name | |
| Address | |
| Postcode | |
| Telephone | |
| Email | |
| Agent details | |
| Name | |
| Address | |
| Postcode | |
| Telephone | |
| Email | |
| Description of development | |
| Description of development including ancillary construction and engineering works | <i>[This description should be comprehensive]</i> |
| Description of site condition before development and supporting evidence (plans, photos or equivalent) | <i>[This will allow the Local Planning Authority to monitor compliance with reinstatement conditions]</i> |

| | |
|--|---|
| Description of location of works in relation to neighbouring properties | <i>[This will allow the Local Planning Authority to identify and monitor the development]</i> |
| Plan | |
| Site location plan | [To a scale of 1:1250 or 1:2500] |
| Details of condition(s) requiring Local Planning Authority's written approval | |
| Condition number | [2, 3, 4] |
| List of documents submitted | <i>[For condition 2 this includes details with regards to the colour of any above ground infrastructure]</i> <i>[For condition 3 this includes details of proposed tree works]</i> <i>[For condition 4 this includes alternative planting specification for replacement trees]</i> |
| Declaration of compliance | |
| Declaration | <p>I/we hereby give notice of the intention to carry out the development described above pursuant to the Bristol Heat Network Local Development Order. I/we confirm that the development will be carried out in accordance with the details included in this form and the submitted documents and plans, and in accordance with the conditions of the Order.</p> <p>I/we understand that any variation from details submitted pursuant to the Order must be notified to the Local Planning Authority in writing and may require re-assessment for compliance with the terms of the Order.</p> |
| Name | |
| Signature | |
| Date | |

As set out in [Part VI] of the Order, the Local Planning Authority has [28] days from receipt, to approve or refuse requests for written approval made pursuant to conditions to the Order. In the event Local Planning Authority fails to approve or refuse a request for written approval within this timeframe, the development may proceed without such written approval.

Publication of details submitted and requests for written approval

All requests for written approval to the Local Planning Authority pursuant to the Order will be published by the Local Planning Authority on its planning applications website.



Appendix 2 of the Committee Report – Summary of Representations

| Respondent | Representations Received | Consideration |
|----------------------|--|---|
| <p>Sport England</p> | <p>Sport England would be concerned if any site for sport (land or building) including 'playing field', past or proposed use, is affected adversely by this proposed Heat Network Local Development Order. Any development proposal would need to be policy compliant with the NPPF para 99 and Sport England's Playing Fields Policy. Sport England would assess in the light of Sport England's Planning for Sport: Forward Planning guidance</p> <p>The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary, new sports facilities should be fit for purpose, and they should be available for community sport. To achieve this, our objectives are to:</p> <ul style="list-style-type: none"> o PROTECT sports facilities from loss as a result of redevelopment o ENHANCE existing facilities through improving their quality, accessibility and management o PROVIDE new facilities that are fit for purpose to meet demands for participation now and in the future. <p>Sport England acknowledges that the NPPF is promoting "sustainable development" to avoid delays in the planning process (linked to economic growth). That said, the NPPF also says that for open space, sport & recreation land & buildings (including playing fields) paragraph 99:</p> <p>99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. <p>Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document' Playing Fields Policy</p> | <p>Following the consultation on the Order, amendments have been made regarding the restrictions on development. Amendments include the exclusion of identified playing fields from the Order and Order map. Therefore development would not be permitted by the Order and the Order would not result in adverse impacts to playing fields.</p> |



03.03.2023

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| <p>Bristol City Council Pollution Control</p> | <p>No objection to the order subject to the condition requiring a Construction Management Plan as detailed in the draft order.</p> | <p>Condition 11 "<i>Construction Environmental Management Plan</i>" (CEMP) of the Order has been retained. Amendments have been made to the requirements required as part of the CEMP under Condition 11 of the Order. These amendments require additional information on individual phasing elements to be provided as part of the CEMP.</p> |
| <p>Bristol City Council Transport Development Management</p> | <p>Having reviewed the submitted development order and its extent there is concern regarding the cumulative impact of the installation of the heat network to the highway however having liaised with Network Management there are safeguards in place to manage and mitigate the impact upon the highway network during the installation and maintenance stages. This is in line with the licenses and oversights required by the Network Management team through the Highways Act 1980 for other utilities and there is subsequently already systems of management and oversight in place.</p> <p>The proposed conditions are considered acceptable to TDM. As such TDM raise no concerns regarding the proposed LDO and recommend approval.</p> | <p>This has been noted.</p> |
| <p>Bristol City Council Contaminated Land Environmental Protection</p> | <p>Overall no objection to the proposed conditions which were agreed with the project team earlier in 2022.</p> | <p>This has been noted.</p> |
| <p>Bath and North East Somerset Council</p> | <p>Bath and North East Somerset Council (BANES) Planning Team has no objection to the scheme. The highways team at BANES has been consulted and stated the following:</p> <p>'The highway team raises no objection to the granting of the Local Development Order permission. However, the delivery of the heating network across the city does have potential to require significant temporary traffic management measures to be installed for lengthy periods of time. It is requested that there is continued liaison between the highway authorities to ensure that road space for temporary highway works within each authority area can be managed and co-ordinated.'</p> | <p>The Order only covers the administrative boundary of Bristol City Council. Work that would fall outside the administrative boundary is not permitted by the Order.</p> <p>Following the consultation on the Order, amendments have been made to Condition 11 of the Order. Amendments include that the relevant highways authorities must be consulted on the CEMP where relevant.</p> |
| <p>Historic England</p> | <p>Summary: We recognise the benefits that this scheme will offer the wider city and in terms of potential impacts and consequence to the historic environment, we offer the following advice and observations.</p> <p>Designated Heritage Assets</p> | <p>This has been noted.</p> |



03.03.2023

Page 86

The land identified within the LDO will include a significant number of designated heritage assets, including listed buildings, Scheduled Ancient Monuments, Conservation areas and Registered Parks and Gardens. The statutory remit of Historic England is primarily limited to highly-graded listed buildings, Scheduled Ancient Monuments and development on sites exceeding 1000m2 within Conservation Area. We therefore advise that you consult your Conservation specialists on matters relating to Grade II heritage assets and particularly locally listed buildings and other non-designated heritage assets, including below ground archaeology (as identified in para 203 of the NPPF).

Impact of the Proposed Development

The proposed restrictions of the LDO would mean that any development that would affect the setting of or have direct impacts upon above ground designated heritage assets would be controlled through the planning system by means of planning, Scheduled Monument Consent or Listed Building Consent. We are therefore satisfied that the development covered under the LDO would not have any impact or harm on the historic environment. However, in terms of the setting of heritage assets, we would expect individual phases of the development to be considered against our guidance on identifying the extent of setting.

With regard to implementing below ground infrastructure under the LDO there is a high probability of impacting on buried archaeology relating to the early development of Bristol as a city. This could include remains that are associated with designated heritage assets, e.g. sections of the medieval city wall, which is protected as a scheduled monument in King Street and Baldwin Street. We are therefore pleased to see that in 2.2.3.4 there is recognition that 'the development may unearth archaeological assets that may not be previously recorded by relevant authorities. Within the scope of the Condition 7 and 8 of the Order, no works shall take place until the developer has secured the implementation of a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority'.

We recommend that you discuss this with the Principal Historic Environment Officer for Bristol city with a view to developing a robust framework for on-going archaeological mitigation that provides clarity and security to all partners interests. Central to HE advice is the requirement of relevant planning legislation and policy which should be considered.

Both Bristol City Council Heritage and Archaeology specialists have been engaged throughout the development of the Order and have helped inform relevant conditions.

Environment Agency

Offer the following comments Environmental Impact Assessment Screening Report 13th December 2022:

- Table 2.2 should include the Carboniferous Limestone
- Please can Section 2.2.2.5 include aquifer designations and vulnerability status, licensed abstractions and uses, potential locations of confined aquifers at shallow depth.

The Environment Agency (EA) sets out the proposed Order will be acceptable if a planning condition is included in the Order requiring submission and subsequent agreement of further



- Please can Section 2.2.2.5 also mention that in addition to there being no Source Protection Zone (SPZ) or Nitrate Vulnerability Zone (NVZ), there are also no Drinking Water Protected Areas (DWPA).
- Identification of any areas where dewatering may be required and if so, an assessment of quantities against the Environmental Permitting requirements.
- Following the above, Section 2.2.3.5 may need to be updated to clearly state design parameters which are protective of groundwater and include mitigation measures to be implemented where necessary

Dewatering

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests.

Since 1st January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

Nearby abstractions – dewatering impact

Dewatering the proposed abstraction may lower groundwater levels locally and may derogate nearby domestic and licensed groundwater sources. A list of all licensed and known domestic groundwater abstractions in the vicinity which may be affected by dewatering was provided.

Groundwater and contaminated land

In relation to land contamination at the proposed development site, please note that we only consider issues relating to controlled waters and the relevance of regulatory regimes where we are the enforcing authority, such as environmental permitting.

We recommend that developers should:

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

technical details as set out below. Without this, the EA would object to the Order.

The EA recommends the inclusion of a condition on contaminated land. Condition 9 (“*Contaminated Land*”) of the Order has been retained. Minor amendments have been made to the ‘reason’ for the condition with reference to paragraph 170 of the NPPF now being included. Therefore Condition 9 is being retained as part of the Order and as such satisfies the EAs recommendation regarding contaminated land.

With regards to de-watering, Condition 11 of the Order has been amended. Condition 11 now states as a minimum, the CEMP must include individual phasing elements including “*A scheme to manage construction activities and the storage of any chemicals including-*

- *securing any required de-watering of the site*
- *securing the protection of licenced and un-licenced sources of water*
- *securing the maintenance of any identified spring-fed flows*
- *securing the protection of groundwater dependent terrestrial ecosystems “*

Therefore, both conditions recommend by the EA have been included within the Order.



- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed

- Refer to the contaminated land pages on gov.uk for more information

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer.



The development supported by this local development order presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is partly located upon principal and secondary aquifers.

The Environmental Impact Assessment Screening Report 13th December 2022 submitted in support of this local development order provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed local development order will be acceptable if a planning condition is included in the order requiring submission and subsequent agreement of further technical details as set out below. Without this, we would object to the local development order in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

Condition

The development hereby permitted may not commence until such time as a scheme to

- manage construction activities and the storage of any chemicals
- secure any required de-watering of the site
- secure the protection of licensed and un-licensed sources of water
- secure the maintenance of any identified spring-fed flows
- secure the protection of groundwater dependent terrestrial ecosystems

has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reasons

To ensure that the proposed development, <including [enter activity]>, does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework the 'The Environment Agency's approach to groundwater protection'.>



03.03.2023

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| | <p>Condition If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reasons To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</p> | |
| <p>Natural England</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 90</p> | <p>No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.</p> <p>ADVICE European sites Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.</p> <p>Severn Estuary Special Area of Conservation/ Special Protection Area/ Ramsar Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Severn Estuary Special Area of Conservation /Special Protection Area /Ramsar and has no objection to the proposed development. As no development will be permitted by the Order within 500m of the Designated Site, impacts arising from noise and visual disturbance can be screened out. On this basis it can be concluded that a likely significant effect on the Severn Estuary Special Area of Conservation/ Special Protection Area/ Ramsar can be ruled out.</p> <p>Avon Gorge Woodlands SAC The Order restricts any development within 50m of any SSSI, and previously undeveloped land within 200m of a SSSI. As the Avon Gorge Woodlands SAC is also designated as a SSSI (the Avon Gorge SSSI) no development will take place within 50m of the SAC (or within 200m on any undesignated land). Furthermore, the Order requires the adoption of best practicable means to reduce dust generated during</p> | <p>This has been noted.</p> |



03.03.2023

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| | <p>the construction phase. On this basis it can be concluded that a likely significant effect on the Avon Gorge Woodlands Special Area of Conservation can be ruled out.</p> <p>Site of Special Scientific Interests The Order restricts any development within 50m of any SSSI, and previously undeveloped land within 200m of a SSSI. Furthermore, the Order requires the adoption of best practicable means to reduce dust generated during the construction phase. Based on the documents submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.</p> | |
| <p>The Bristol Port Company</p> <p style="text-align: center;">Page 91</p> | <p>The Bristol Port Company supports the Council's proposals for district heating and the permitted development rights on the Council's highway network, but The Bristol Port Company objects to the suggestions of work on private land in the Port's ownership as suggested on the current mapping that accompanies the Application. Bristol Port further notes that the extent of the SNCI at the former Gloucester Road railway sidings in Avonmouth is incorrect.</p> | <p>Further engagement with the Bristol Port Company was undertaken on 21st February via an online meeting. During this further engagement it was determined that the Order map includes areas on the BPC private land and as such the BPC have provided GIS information setting out the extent of the BPC ownership. It is intended to remove the entirety of BPC ownership from the Order map. However, it should be noted that the Order does not grant permissions for other legislative requirements and does not provide consent to undertake work without landowner permissions. Discussions with BPC are ongoing to ensure the removal of BPC owned land from the Order map.</p> <p>The BPC also consider the extent of the Site of Nature Conservation Interest to be incorrect. The SINC identified on the Order map aligns with the SINC identified on the Local Plan policies map and as a result the SINC boundary in the Order map has not been amended.</p> |
| <p>National Grid</p> | <p>In particular, NGED and NGT wish to understand:</p> <p>(a) how the proposal will ensure security of NGED and NGT's supply;</p> <p>(b) how the proposal will protect NGED and NGT's respective networks during the construction phase of the Bristol Heat Network and following its completion;</p> <p>(c) precise details of the design or construction of the Bristol Heat Network and therefore potential operational implications; and</p> | <p>Further engagement with National Grid was undertaken on 7th February and 20th February to understand the representations received and key concerns.</p> <p>It was confirmed with National Grid via email on 15th February that Part IV ("<i>Other Statutory Requirements</i>") of the Order sets out that whilst the Order grants planning permission for certain</p> |



03.03.2023

(d) precise details of the property rights and interests that will be affected by the implementation of the Order.

Due to the nature of the Order, NGED and NGT could be required to divert their assets for the purpose of facilitating the construction of the Bristol Heat Network under the Order. NGED and NGT's objective is to secure the protection of their assets and reach an agreement with you on any expected diversions or works necessary in connection with the development pursuant to the Order.

Please accept this letter as NGED and NGT's holding objection to the Order. The objection is framed as a "holding" objection as NGED and NGT would not wish this to be considered as an outright objection to the Bristol Heat Network. The objection is being made in order to protect the NGED and NGT's assets.

We would expect the objection to be withdrawn once discussions are finalised with Bristol City Council regarding solutions to protect NGED and NGT's respective networks and a formal agreement is concluded.

types of development as described in Part I, it does not grant any other consents that may be required under other legislation. As with any other planning permission granted by the Local Planning Authority, it will remain the responsibility of the developers to comply with all other relevant legislation. Their failure to comply with other relevant statutory requirements might therefore result in penalties, offences or other actions against them as may be provided for by the relevant legislation.

It was also confirmed with National Grid that statutory procedures outlined within other legislation, such as the New Roads and Street Works Act (NRSWA) 1991 (Section 50 and 61 licences), will therefore still apply and will provide the protection sought for underground assets. For instance, Part III of the NRSWA 1991 requires developers to carry out various duties; including notifying and working with other owners of underground apparatus to ensure these are protected. Any non-compliance with this duty is a criminal offence.

Additionally, it was confirmed with National Grid that Bristol City Council will not be undertaking the works for the heat network it cannot enter into an Asset Protection Agreement. Any such agreements should be sought from the relevant developer (if required).

During the second meeting with National Grid on February 20th 2023, concerns regarding work in areas defined as green or open space were raised. It was confirmed that it was intended to exclude green space from the Order and the Order map.

Additional information on the Section 50 process was provided to National Grid during both meetings and via email.



03.03.2023

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| | | <p>Following the meeting on 7th February and 20th February, to summarise, National Grid have confirmed they are satisfied that the statutory protections provided by the section 50 licencing regime for street works adequately protect NGED's/LGT's assets within the LDO area (the majority of which is made up of the streets and roads of Bristol City).</p> <p>Accordingly, National Grid have issued a formal letter of notifying of their removal of the holding objection on 3rd March 2023.</p> |
| <p>The Coal Authority</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 93</p> | <p>(20th January)</p> <p>Where works are proposed, including structures, buildings and pipelines, within the areas records indicate coal mining features are present we would expect consideration to be given to the risks these pose, and what, if any, remedial works and mitigation measures are necessary. The applicant has not provided any information to demonstrate that they have assessed the risks posed by coal mining activity to the development works proposals.</p> <p>We would expect consideration to be given to the coal mining features present in the vicinity of the district heating system (pipeline and any associated structures or works). An assessment should be made of the risks these features pose to surface stability and the development proposed. Any necessary investigatory and remedial works should be carried out to ensure the safety and stability of the development. Where works to ensure the stability of a site have been identified we would expect any required remedial works to be carried out prior to that part of the scheme commencing.</p> <p>We are disappointed to note that the draft DCO does not include any conditions relating to unstable land, although Condition 9 does relate to contaminated land. We consider that a condition should be included to ensure that the risks posed to the development by past coal mining activity are properly assessed and the remedial works necessary to ensure the safety and stability of the development are undertaken in a timely manner.</p> <p>(22nd February)</p> <p>On 22nd February 2023 follow up email (summarised):</p> <p>I can confirm that the proposed condition would address the concerns that I raised in my earlier comments on the LDO.</p> | <p>This has been noted. Further engagement with the Coal Authority was undertaken on 7th February and it was agreed that a condition be included in the Order relating to development in High Risk Coal Mining Areas. Following this meeting a formal email was issued on 15th February to the Coal Authority setting out that the following condition would be included within the Order:</p> <p><i>High Risk Coal Mining Areas</i></p> <p><i>“Within the defined Development High Risk Area prescribed by The Coal Authority, prior to works commencing on that phase of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority: a) a risk assessment highlighting the risk to the development, neighbouring occupiers, public safety, highway users and contractors from the coal mining legacy features present within the defined Development High Risk Area; and b) details of any mitigation measures necessary to allow development to proceed.</i></p> <p><i>The works shall be carried out in accordance with the approved details.</i></p> <p><i>Reason: In the interests of public safety”</i></p> |



03.03.2023

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| <p>Page 94</p> | <p>We provide the LPA with downloadable GIS data, which we update annually. The attachment labelled Bristol DHRA should be what you see on your system if you have this data added to your GIS layer.</p> <p>You can also view different recorded coal mining features on the Coal Authority Interactive Map Viewer so that you can see how they relate to your area. The attached screen grab is what you see when you turn on the mine entry layer for Bristol area. Interactive Map Viewer Coal Authority (bgs.ac.uk)</p> <p>You can only zoom in so far with this system but if you have any specific sites that you are interested in, in terms of works proposed as part of the LDO, then please let me know and I can look in more detail for you. You would need to provide me with a plan of the area of interest in order for me to do this.</p> | <p>The formal email also noted that the Coal Authority also raised in their representation to the Order and Screening Report that no information had been provided to demonstrate that risks posed by coal mining activity have been assessed in relation to the development work proposals. The email set out that based on the addition of the proposed condition within the Order, it is considered that risks posed by coal mining activity within the Development High Risk Areas, prescribed by the Coal Authority, will be adequately assessed prior to the commencement of works in those areas.</p> <p>On February 22nd 2023 further representation was received from the Coal Authority providing information of the mapping and confirming the condition would address concerns. Therefore, it is considered that the Coal Authority's representations have been addressed through the inclusion of the High-Risk Coal Mining Areas condition.</p> |
| <p>Wessex Water</p> | <p>Wessex Water owns and maintain thousands of kilometres of public sewers. These take away sewage waste, keep the environment clean, and are an essential part of everyday life. The Bristol Heat Network proposes a new network of underground pipes. We trust that the excavation and reinstatement of trenches will be done by a suitably licensed contractor following NJUG guidance on the relative depths and separation distances between utilities. In addition, the new infrastructure should have regard to the need for maintenance and continued right of access to our sewers.</p> <p>Wessex Water supports the principle of sharing a trench with other utilities recognising that this can allow collaboration with other utilities when excavating roads and avoid repeated disruption to road users. We are willing to work with BCC to facilitate the sharing of trenches. Trenching and placement of ducting or other services in a shared trench shall be NJUG compliant and meet Wessex Water standards</p> | <p>Further engagement with Wessex Water was undertaken via an online meeting on 7th February. During this meeting it was determined that reference to NJUG guidelines will be included within the Order. Therefore, Condition 11 of the Order has been amended to include an informative citing the guidelines. The informative sets out that developers should adhere to NJUG guidelines and must engage the appropriate undertaker should there be any reason to depart from NJUG guidelines.</p> <p>With regards to trench sharing, it was confirmed with Wessex Water that this will be regulated through the Section 50 licence regime. A licenced undertaker will be subject to the duties and obligations imposed under the NRSWA 1991, including co-ordinating and co-operating with other statutory undertakers and their apparatus.</p> |



03.03.2023

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| | | <p>The information set out above was formally emailed to Wessex Water on 15th February 2023. No additional representations have been received from Wessex Water to date.</p> |
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 95</p> | <p>An assessment of transport related impacts of the proposed BHN should be carried out and reported as described in the current Ministry for Housing, Communities and Local Government (MHCLG) guidance on 'Travel Plans, Transport Assessments and Statements in decision-taking'.</p> <p>Environmental impacts arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported, along with the environmental impact of the road network upon the development itself.</p> <p>In terms of transport infrastructure modifications, this does not fall within the description of development of the Order. It is not possible to anticipate these changes however as noted under Paragraph 1, other statutory legislation still applies and will need to be adhered to. With regards to the impact on the road network upon the development itself, the EIA Report sets out that the development would not have a significant effect on traffic, transport, and access during construction and operation. Adverse changes to noise and air quality should be particularly considered, including in relation to compliance with the European air quality Limit Values and/or Local Authority designated Air Quality Management Areas (AQMAs) and World Health Organisation (WHO) criteria.</p> <p>No new connections are permitted to National Highways' drainage network. In the case of an existing 'permitted' connection, this can only be retained if there is no land use change.</p> <p>Development must not lead to any surface water flooding on the SRN carriageway</p> <p>The National Highways soft estate must not be relied upon to contribute any mitigation to the site as the management of our estate may from time to time affect any real or perceived benefits.</p> <p>An appropriate Transport Statement / Assessment should consider the impact of the development (in this instance specifically during the construction phase), on the operation of the SRN, in this case the A4/M4/M5/M32/M49, in line with National Planning Practice Guidance and DfT Circular 01/2022 'The Strategic Road Network and the Delivery of Sustainable Development'. Where the proposals would result in a severe congestion or unacceptable safety impact, mitigation will be required in line with current policy.</p> | <p>Further engagement with National Highways was undertaken on 7th February via an online meeting. This meeting was to understand National Highways representations fully. During the meeting it was raised that major motorways were excluded from the Order. It was also raised that the Order (Part IV "Other Statutory Requirements") sets out that whilst the Order grants planning permission for certain types of development as described in Part I, it does not grant any other consents that may be required under other legislation. As with any other planning permission granted by the LPA, it will remain the responsibility of the developers to comply with all other relevant legislation. Their failure to comply with other relevant statutory requirements might therefore result in penalties, offences or other actions against them as may be provided for by the relevant legislation.</p> <p>It was also confirmed with National Highways that statutory procedures outlined within other legislation, such as the NRSWA1991 (Section 50 and 61 licences), will therefore still apply and will provide the protection sought for underground assets. As part of this process, Bristol City Council, as the authority who will grant the licence, will need to consult with National Highways regarding potential traffic impacts to the Strategic Road Network (SRN) prior to issuing a licence.</p> <p>Following on from this, a detailed response to National Highways representations was issued on 2nd March 2023. To summarise the response to National Highways, the follow key points were stated:</p> <ul style="list-style-type: none"> - With the restrictions imposed by the Order (such as the scale of the works being limited to less than 1 hectare at |



03.03.2023

Page 96

The BHN development boundary within the scope of the LDO is shown in Bristol LDO Policy Maps 1-8 and encompasses a significant amount of Bristol and the SRN. Therefore, the proposed construction works, which we understand are to be phased and will be set out within the Construction Environmental Management Plan, could have impacts on the A4/M4/M5/M32/M49 and its junctions and may need to be assessed in terms of forecast traffic generation during the network peak hours and the Saturday peak hours. The construction programme will need to consider the impact of all phases of works and associated traffic management on the continued safe operation of the SRN and its junctions. We therefore recommend early and continued engagement throughout the duration of the project with the applicant and its project team so that we can review and advise on the proposed phasing of the works and where junction assessments may be required. National Highways will require detailed information of the predicted number of trips by construction staff and construction vehicle movements at each construction/trenching sites during the network peak hours and the Saturday peak hours within each phase of construction.

The traffic impact of the development should be assessed cumulatively with other schemes, including committed development in the area and any planned highway schemes. We would expect the applicant to agree an appropriate list of schemes with the Local Planning Authority, Local Highway Authority and National Highways.

As there are areas covered by the LDO that are on, under, over or abut the SRN, National Highways will need to be consulted on any works that have the potential to impact on the SRN and associated assets (both operational and non-operational). This will enable us to review and advise on any necessary permissions the applicant may be required to obtain from us as the strategic highway authority for proposed works on our network.

Any third party works within the highway will require the applicant to enter into a suitable legal agreement with National Highways to enable us to review and comment on the operational impact of proposals, provide any technical approvals required, and agree the detailed design, method of works and traffic management requirements etc. The installation of pipes under/over/across the SRN are likely to require s50 licences for the trunk roads and s61 consents for motorways (or a combination of the two). National Highways preference would be for directional drilling where there is a need to cross the SRN and there should be no longitudinal apparatus under the motorways. When crossing the SRN the BHN's installation and maintenance teams should not access apparatus from within a motorway boundary and therefore any drilling should be 'field to field' with no cabinets etc located on the SRN.

any given time) and measures (such as construction working hours), as well as through the implementation of the CEMP and reference in the Order that NJUG guidelines should be adhered to; the development would not be likely to have a significant effect on traffic, transport, and access during construction. Due to the nature of the operational development (being predominantly underground), no likely significant effects are anticipated during the operational life of the development.

- As discussed on 7th February, the SRN (M4/M5/M32/M49) is excluded from the Order. Based on National Highways South West Region Map, the majority of the A4 does not fall within the jurisdiction of National Highways. A small portion of the A4 is under National Highways authority within the Avonmouth area and therefore it is proposed that this section of the A4 be excluded from the Order. National Highways have been issued with a request for the GIS data so that the exact location of National Highways jurisdiction on the A4 (start and end) can be identified and excluded from the order map. However since issuing this request these details have been made available within Bristol City Council and this portion of the A4 has been excluded from the Order and Order map. Ongoing engagement is being undertaken with National Highways and as such we would welcome confirmation from National Highways that this is acceptable.
- It was stated that the CEMP should note the adoption and use of the best practicable means to reduce and *mitigate* the effects of traffic, noise, vibration, dust and *light pollution*. It should be noted that this wording in Condition 11 has been amended to state '*mitigate* the effects...' and '*light pollution* and...'. The Order was also



03.03.2023

Page 97

Given the proximity of the site to the A4/M4/M5/M32/M49, consideration should be given to the design of any site lighting, to ensure this will not result in any visual distraction or glare for A4/M4/M5/M32/M49 road users.

National Highways will need to consider the potential implications of the running of hot water pipes below our roads/over or through our structures/near our cables, etc and we may need to seek specialist advice on these matters.

National Highways advises that before, during and after monitoring surveys will be required for any excavation works on our network and that any reinstatement works to our network will need to be to our specifications. We recommend early engagement and ongoing dialogue for any works that are required on our network.

In terms of environmental impacts, we request that where any works are proposed within or adjacent to our operational estate (including works associated with lopping, topping, root reduction and the removal of trees and/or hedgerows), that agreement in writing by the LPA is only issued to the applicant following prior consultation with National Highways.

The proposed construction works, which we understand are to be phased and will be set out within the Construction Environmental Management Plan could have impacts on the Strategic Road Network (SRN) including A4/M4/M5/M32/M49 and its junctions and may need to be assessed in terms of forecast traffic impact during the network peak hours and the Saturday peak hours.

We therefore recommend early and continued engagement throughout the duration of the project with the applicant and its project team so that we can review and advise on the proposed phasing of the works and where junction assessments may be required.

National Highways will require detailed information of the predicted number of trips by construction staff and construction vehicle movements at each construction/trenching site during the network peak hours and the Saturday peak hours and within each phase of construction.

Our comments relate to matters arising from our responsibilities to manage and maintain the SRN, in this case the A4/M4/M5/M32/M49. We have therefore set out below both the general and specific areas of concern that National Highways would expect to see considered as part of any Environmental Statement. Comments relating to the local road network should be sought from the appropriate Local Highway Authority.

- amended to include reference to construction hours via Condition 11.
- The Order was also amended to include requirements for the proposed route for a specified phase to be included within the Condition 11.
- Transport infrastructure modifications, connections to drainage networks and buildings do not fall within the description of development of the Order.
- The Bristol Heat Network Order Environmental Impact Assessment Screening Report has considered noise and vibration as well as air quality during construction. Through the implementation of the CEMP and by the inclusion of an informative in the order that NJUG guidelines should be adhered to, the development would not be likely to result in significant effect on air quality during construction. There would be no operational effects on air quality due to the nature of the development
- There will be no additional hardstanding as a result of the development, only hardstanding that is being reinstated to its prior condition. On that basis, the development should not lead to any surface water flooding on the SRN carriageway that is not already present due to the existing hardstanding.
- Mitigation is not permitted via the Order. Any mitigation should be dealt with via other separate consents if required.
- We propose that additional wording will be included within Condition 11 requiring the CEMP to be approved in writing by the LPA in consultation with the relevant highway authority where appropriate.
- Moreover, we propose to add wording at point vi) of Condition 11 requiring details of 'any known or anticipated highway closures or restrictions including any known or



03.03.2023

Page 98

Other concerns representations (via email on 14.02):

Our comments relate to matters arising from our responsibilities to manage and maintain the SRN, in this case the A4/M4/M5/M32/M49. We have therefore set out below both the general and specific areas of concern that National Highways would expect to see considered as part of any Environmental Statement. Comments relating to the local road network should be sought from the appropriate Local Highway Authority.

Can it be noted that any apparatus crossing the M5 require a separate approach, at that time (unless the legislation changes) they will need NRSWA section 61 consent and probably a NRSWA section 50 Licence.

Could it also be noted that we will also require the installation using trenchless technology and follow CD 622 (our geotechnical risk management standard).

- anticipated highway closures that may impact on the SRN and its junctions related to each phase.
- In terms of the design of any lighting, Condition 11 will also state the plan should include the adoption and use of best practicable means to reduce and mitigate the effect of traffic, noise, vibration, dust and light pollution. It should be noted that the Condition 11 wording has been amended to state '*mitigate the effects...*' and '*light pollution and...*'.
- There would be no hot water pipes below National Highway roads/over or through its structures/near its cables etc as a result of the Order due to the exclusion of the SRN from the Order.
- The M5 is not included in the Order, any such installation would require a separate planning consent. In addition, it would also require approval under other statutory procedures, including section 50/61 licences under the NRSWA 1991.
- As neither the M5 nor the ability to install using trenchless technology have been included in the Order, any such engineering works under the M5 would require a separate planning consent (and any other consents required).

The above is a summary of the response issued.

Ongoing discussion and engagement with National Highways is being undertaken.

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| Whitchurch Village Council | Members of Whitchurch Village Council think this is an excellent idea but one that could cause travel disruption whilst being installed. Can we be kept informed of any planned disruption to the road network in this area with plenty of notice. | This has been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary. |
| Bristol Advisory Committee on Climate Change | The co-chairs have expressed interest in engaging with this consultation process but have been unable to do so, in the time available due to the concurrent Local Plan consultation. The co-chairs would like to enquire whether you would accept their feedback at a later deadline (31 Jan or 15 Feb, for example) which would enable greater engagement from their committee to provide a full and constructive response. | The Bristol Advisory Committee on Climate Change were engaged to undertake further engagement via a meeting however no further response was received. |



03.03.2023

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| <p>Bristol Civic Society</p> | <p>Bristol Civic Society recognises the importance of heat networks for decarbonising heating requirements in a densely developed area such as Bristol. They are an essential part of the route map to the city's ambition to be carbon neutral by 2030. We therefore support the principle of heat networks. Our concern with this proposed Local Development Order (LDO) is its scope and manner of preparation.</p> <p>Concerns about the LDO The LDO is modelled on permitted development rights (PDRs) for telecoms, electricity etc. These nationally-granted PDRs are, however, in general focussed on operational land owned by the undertaker, highway land or where an express planning permission has been granted for new infrastructure. This proposed LDO would (inter alia) give planning permission for development on areas of green space enjoyed by the public. This is not appropriate.</p> <p>Operational activity should benefit from PDRs but we see no practical reason why planning applications for express permission cannot be made for the rollout that establishes the network, including for the construction / storage sites that will be required.</p> <p>Working with, and listening to, affected communities The importance of transparency and securing community buy-in to decisions that have significant impacts on them should be axiomatic. In this context, Simon Roberts (Chief Executive of the local energy charity, Centre for Sustainable Energy) wrote about the importance of securing meaningful consent for decarbonisation projects. The focus was on onshore wind, but the central message is very relevant for the rollout of the heat network. Yet here we have an important consultation held largely over the holiday period and without, as far as we are aware, any prior engagement with relevant community organisations.</p> <p>We are also surprised, given the potential scale of activity, that there isn't an emphasis on co-design (not least for any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design. The feeling of exclusion will not be helped by the provisions relating to approval of details where, in the absence of a refusal, development permitted by the order can start at "the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority". The 28- day period should either be extended to allow for meaningful engagement with local communities or, preferably, this provision should be omitted from the order.</p> <p>Engagement We would welcome a meeting with council officers to discuss this proposed LDO before it is made</p> | <p>Following the conclusion of the consultation period on the Order (20th January), the Bristol Civic Society were engaged further on 8th February via an online meeting to understand the representations received fully.</p> <p>Bristol Civic Society's (BCS) support in principle of the heat network has been noted. Other representations raised by BCS have been addressed below.</p> <p>In terms of PDRs and the use of an Order to permit development, a local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.</p> <p>With regards to construction compounds / storage sites these do not form part of the description of the development as described in Part I of the Order. Therefore construction compounds / storage sites are not permitted by the Order and would be subject to other planning consents or existing permitted development rights that may be afforded.</p> <p>Representations regarding development on green space have been acknowledged. Following consultation, identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, development on identified parks will not be permitted via the Order.</p> |
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03.03.2023

Page 100

With regards to the consultation process on the Order, it is acknowledged that the consultation was undertaken over the December holiday period. However, to account for this, the consultation period was extended and ran from 14th December 2022 to 20th January 2023 for a total of 38 days. The statutory consultation period is 28 days. In addition, to understand representations received further, BCS (as well as other statutory and non-statutory consultees) were engaged via online meetings following the completion of the consultation period completed. As the consultation period was extended and further engagement was undertaken, it is considered sufficient consultation was undertaken on the Order.

In terms of co-design (not least for any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design, the consultation period was undertaken on the draft Order to allow members of the public, statutory consultees and community organisations to provide representations on the draft Order. These representations have been taken into account and reviewed in relation to the Order to understand whether amendments should be made to the Order where appropriate. Additional engagement with some of those who provided representations was undertaken to further understand comments raised.

BCS note that the 28 day period for written approval should either be extended to allow for meaningful engagement with local communities or, preferably, this provision should be omitted from the order. It should be noted that the procedure for written approval now requires applicants to serve written notice to the LPA in order to initiate the written approval procedures process. During the 28-day period, the LPA have the opportunity to confirm whether the written approval application and details is approved or refused. It is considered that 28 days



03.03.2023

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| | | <p>is a standard and sufficient timeframe for the LPA to provide comment on the submission.</p> |
| <p>Bristol Parks Forum</p> | <p>Grounds of objections and alternative approaches We appreciate the intended outcome of the use of these powers to potentially tackle serious issues for our city, including Climate Change. Our objection relates to the extent of those powers; and how the Council, or any associated company/organisation, and/or contractors are likely to use them. In considering these we have found it challenging to consider the exact implications of the proposals on individual, or even groups of parks and green spaces, without further information as to what is involved, over what timescale in a specific location.</p> <p>Parks and Green Spaces are acknowledged as critical to our health and well-being; and provide many positive benefits to people and wildlife. Under the Order important areas of green space for the City and local communities (such as Victoria Park, Doncaster Road Playing Fields, Parts of Eastville Park, Redcatch Park, Lawrence Weston Playing Fields) are within the areas covered by the Order.</p> <p>Extent of the powers The powers as they stand come across as allowing parties to be able to do what they need to do without too many checks and balances.</p> <p>There have been examples of infrastructure and related permanent structures (eg: phone masts) being sited, or proposed to be sited, inappropriately for the functions and purpose of the park or green space. They become an intrusion, leading to a reduction in the way that those spaces are used and enjoyed.</p> <p>To avoid this, additional conditions must be applied, or guarantees sought, that the following will be carried out before, during and after construction: 1) An analysis of purpose and functions of the individual park and green space (or parts of the park and green space) provides for people and wildlife is carried out, so that the effect of the proposals can be assessed properly. Such an assessment can cover economic, social, environmental and cultural aspects. This assessment would be wider in scope than the current proposals which are focussed on purely formal designations. 2) The design will minimise the negative impacts on the purpose and functions of the park and green space involved. Examples of measures to avoid and minimise negative impacts could include avoidance of features</p> | <p>Following the conclusion of the consultation period on the Order (20th January), the Bristol Parks Forum were engaged further on 8th February via an online meeting to understand the representations received further.</p> <p>In terms of PDRs and the use of an Order to permit development, a local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.</p> <p>With regards to development on green space, following the consultation on the Order, identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, no works will be permitted via the Order on identified parks.</p> <p>In terms of point 1, 2, 3, 4, 6 raised by the BPF, the Order has been amended to exclude identified district parks, local parks, woodland and playing fields.. Condition 3 and 4 of the Order also seek to ensure adequate protection of existing trees and hedgerows and to ensure the maintenance of a healthy landscape scheme in accordance with the Core Strategy.</p> <p>On point 3, Condition 11 of the Order will be retained. Condition 11 requires the submission and approval in writing by the LPA (and relevant highways authority) of a CEMP. With regards to</p> |



03.03.2023

Page 102

- such as trees and hedgerows; especially if those features are ancient, historic, veteran, or culturally significant; or have legislative or planning policy protection.
- 3) A construction management plan is prepared. See a condition example in the Conditions and Reasons and Advices 2017 document. Examples of potential ways the Plan would be of assistance is specifying the siting of construction compounds outside of the park or green space; ensuring adequate crossing points are provided across routes so that parts of the park or green space do not become isolated and paths (formal and informal) are not obstructed; and scheduling works when fewer people use the space. See also Points 2), 3) and 4).
 - 4) Construction of the infrastructure, and its ancillary works is carried out in a manner so to minimise the negative impacts on the purpose and functions of the park and green space involved. See also points 1), 2) and 3) above.
 - 5) Restore the relevant areas back to their original condition or better.
 - 6) Enhance the park and green space affected as part of the proposals.

It should be noted that there is already a legal duty on Local Authorities to enhance biodiversity, reinforced by the Environment Act 2021. Condition 5 needs to change to reflect this. Is it now legally acceptable to just to aim for “no net loss” of biodiversity?

Use of the powers

We are opposed to the potential for a one size fits all approach to how the powers are to be applied. Each park and green space must be carefully considered, in line with the points above. Even more importantly, consultation with local communities (including parks groups) from the start of the design of proposals, construction and into maintenance, must be carried out. Often local groups have detailed knowledge of how a park or green space works and potential constraints. These are often more detailed and more up to date than sources of digital information searched when drawing up proposals. The text of the Order, or Statement of Reasons, must be changed to reflect these two points.

Finally, we ask that all monies from CIL (or its successor if brought forward) or S106 agreements are spent on the park and green space affected.

reference to construction compounds / storage sites, these do not form part of the description of the development as described in Part I of the Order. Therefore construction compounds / storage sites are not permitted by the Order and would be subject to other planning consents or existing permitted development rights that may be afforded.

In relation to point 5, Condition 14 (previously Condition 13 of the Draft Order) of the Order requires that prior to the expiry of ninety working days from date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time is granted by the LPA. Condition 14 of the Order has been amended to include “*or variation in approach*”:

Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority

Therefore it is considered the amendments to this condition is sufficient to ensure land is reinstated promptly and to an appropriate standard.

With regards to, BNG requirements do not come into effect until November 2023 and therefore do not apply for this Order. In terms of ‘no net loss’ the Order includes Condition 14 (formerly Condition 13 “Reinstatement”) that states following the completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed



03.03.2023

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| | | <p>prior to such works taking place unless an extension of time <i>or variation in approach</i> is granted in writing by the local planning authority. Condition 3 and 4 of the Order also seek to ensure adequate protection of existing trees and hedgerows, maintain a health landscape scheme. Condition 5 also seeks to avoid impacts on protected species and sites and ensure no net loss of biodiversity and ensure works are carried out to avoid adverse harm to protected species in accordance with paragraph 174 of the National Planning Policy Framework and Policy BCS9 of the Bristol Core Strategy.</p> <p>Community Infrastructure Levy and section 106 agreements are not required as part of the Order given the nature of the work.</p> |
| <p>Centre for Sustainable Energy</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 103</p> | <p>We welcome the proposed Heat Network Local Development Order in principle. It will enable the council to speed up the rollout of district heating across the city, which is necessary for decarbonisation.</p> <p>However, given the extent of the network which will span the whole city, we think more consideration should be given to the potential cumulative impact of above ground structures upon the public realm, particularly where these could be developed within areas of public open space without the need for planning permission.</p> <p>Therefore, we would suggest that part II Restrictions on Development be amended so that planning permission is required for above ground structures, buildings and pipework .</p> <p>We also anticipate that where possible pipework will be installed in locations where "soft dig" is possible to minimise costs and support this approach. However, it is important that the land be made good, ideally so that members of the public would be unaware of the existence of the heat network beneath the ground. This is addressed in condition 13, but this provision stressed the timescales within which the work must be completed rather than how the land is made good. We recommend the following revised wording (additions in "quotes").</p> <p>13. Reinstatement Prior to the expiry of ninety working days from date of completion of the</p> | <p>The Centre for Sustainable Energy's support in principle for the Heat Network Order has been noted. Other representations raised by the Centre have been addressed below.</p> <p>In terms of above ground structures, it is anticipated that the works will involve limited above ground infrastructure. Part II of the Order ("<i>Restrictions on Development</i>") restricts the size of above ground infrastructure stating that cabinets, buildings, structures or enclosures that exceed 1.4m in height above ground level or 2.5 cubic metres in external volume would not be permitted by the Order. The colour and materials of any above ground infrastructure shall also be specified and agreed in writing with the LPA. It is considered given the minimal anticipated above ground works and restrictions on size, colour and materials that this is acceptable.</p> <p>Additionally, following the conclusion of the consultation, the Order excludes identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, development is not</p> |



03.03.2023

Page 104

installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time "or variation in approach" is granted by the local planning authority.

Reason: To ensure that all land over the Bristol Heat Network is reinstated promptly and to an appropriate standard "to safeguard the character of the public realm and public open space".

There is the potential for the works to be quite disruptive for temporary periods, and therefore it is important that the works (and the construction environmental management plan) are supported by community consultation and engagement to explain why the works are needed in the context of carbon reduction and the cities net zero targets, and how disruption will be managed and mitigated.

permitted by the Order in these locations. Given the restrictions on above ground infrastructure and removal of identified district parks, local parks, woodland and playing fields, it is considered that these restrictions are sufficient in preventing an adverse cumulative impact.

In relation to reinstatement, Condition 14 (previously Condition 13 of the Draft Order) of the Order would require those undertaking the work to reinstate the site to the previous condition which existed prior to works taking place. Condition 14 has been amended to include "or variation in approach":

Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority.

Therefore it is considered the amendments to this condition is sufficient to ensure land is reinstated promptly and to an appropriate standard.

Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order. Representations regarding community consultation and engagement have been noted and the relevant teams within Bristol Council have been notified for follow on actions, if necessary.

Sustainable Planning Group

On the Bristol heat network LDO, I am torn between my advocacy of heat networks as essential for decarbonising heat in a densely developed area such as Bristol and concerns about how the process is being handled.

In terms of PDRs and the use of an Order to permit development, a local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to



03.03.2023

Page 105

The importance of transparency and taking communities with decisions should be axiomatic. Yet here we have an important consultation largely held over the holiday period. This is allied with what seem to be legitimate questions asked by local politicians going unanswered <https://joannab.substack.com/p/the-12-billion-city-leap-questions>.

In this context, Simon's Roberts (Chief Exec of CSE) piece on meaningful consent from some years ago, notwithstanding the focus on onshore wind, remains a valuable lesson for decarbonisation across the piece <https://www.cse.org.uk/downloads/reports-and-publications/policy/renewables/Towards-meaningful-public-consent-for-action-to-cut-UK-emissions-CIFF-stimulus-paper.pdf>.

The LDO seems to be modelled on PDRs for telecoms, electricity etc. These PDRs are I believe normally focussed on operational land owned by the undertaker, highway land or where an express planning permission has been granted for new infrastructure. This LDO gives planning permission for development on areas of green space enjoyed by the public. That will surprise some people when the development occurs. I very much agree that operational activity should be benefit from PDRs but I see no practical reason why applications can't be made for the rollout that establishes the network.

I'm also surprised given the potential scale of activity there isn't emphasis on co-design (not least any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design. The feeling of exclusion won't be helped by the provisions relating to approval of details where in the absence of a decision the whatever can start at "the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority".

provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.

With regards to the consultation process on the Order, it is acknowledged that the consultation was undertaken over the December holiday period. However, to account for this, the consultation period was extended and ran from 14th December 2022 to 20th January 2023 for a total of 38 days. The statutory consultation period is 28 days. In addition, to understand representations received further, consultees were engaged via online meetings following the completion of the consultation period completed. As the consultation period was extended and further engagement was undertaken, it is considered sufficient consultation was undertaken on the Order.

In terms of co-design (not least for any impact on green spaces) and meaningful opportunity for affected residents and interest groups to input to scheme design, the consultation period was undertaken on the draft Order to allow members of the public, statutory consultees and community organisations to provide representations on the draft Order. These representations have been taken into account and reviewed in relation to the Order to understand whether amendments should be made to the Order where appropriate. Additional engagement with some of those who provided representations was undertaken to further understand comments raised.

With regards to the 28 day written approval timescale, it should be noted that the procedure for written approval now requires applicants to serve written notice to the LPA in order to initiate



03.03.2023

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| | | the written approval procedures process. During the 28-day period, the LPA have the opportunity to confirm whether the written approval application and details is approved or refused. It is considered that 28 days is a standard and sufficient timeframe for the LPA to provide comment on the submission. |
| Marine Management Organisation | Any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark. | <p>This has been noted. As set out in Part IV (<i>“Other Statutory Requirements”</i>) of the Order, whilst the Order grants planning permission for certain types of development as described in Part I, it does not grant any other consents that may be required under other legislation.</p> <p>It will remain the responsibility of the developers to comply with all relevant legislation. Failure to comply with all relevant statutory requirements could result in development being unlawful or enforcement action being taken by the appropriate persons or bodies.</p> |
| Persimmon Homes | Thank-you for your recent contact via our safety concerns portal. Having looked at the nature of your email this has been re-directed to Persimmon Homes Severn Valley. Someone from this business will be in contact with you as soon as possible regarding the matter. | This has been noted. No further response was received from Persimmon Homes. |
| Health and Safety Executive | <p>HSE is the statutory consultee for planning applications that involve or may involve a relevant building.</p> <p>Relevant building is defined as:</p> <ul style="list-style-type: none"> contains two or more dwellings or educational accommodation and meets the height condition of 18m or more in height, or 7 or more storeys <p>“Dwellings” includes flats, and “educational accommodation” means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A (9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.</p> <p>However, from the information you have provided for this planning application, it does not appear to fall under the remit of planning gateway one because it does not relate to a relevant building is not met.</p> | This has been noted. |
| Bristol Tree Forum | Whilst we welcome the introduction of community heating networks as part of our drive to decarbonise energy consumption and Bristol’s economy, we are concerned that what is being proposed runs counter to | The Bristol Tree Forum’s (BTF) comments noting that they welcome the introduction of community heating networks as |



03.03.2023

Page 107

other commitments that Council has adopted, not least the need to engage with local communities and involve them in decision making and the commitment to protect our green spaces and address the ecological emergency.

We also see no reason why this consultation needs to be rushed through without sufficient time to engage with stakeholders and other interested groups. The importance of transparency and taking communities with decisions should be axiomatic.

This proposed Local Development Order (LDO) appears to be modelled on Permitted Development Rights (PDRs) for telecoms, electricity etc undertakers. These PDRs are normally focussed on operational land owned or controlled by the undertaker, highway land or where an express planning permission has been granted for new infrastructure. We note that this LDO will give Permitted Development Rights (PDR) for development on land which may not be owned or controlled by the undertaker, in particular, of Public Parks and Green Spaces which may be enjoyed by the public. This will surprise many when development starts without prior consultation or notice. This needs to be addressed.

It also needs to be made clear that this LDO will not override the principles and obligations set out the Local Development Plan.

Whilst we accept that operational activities should benefit from PDRs, we see no practical reason why these applications should not be made ancillary to the formal planning application seeking to establish the proposed network.

We are also surprised that, given the potential scale of activity, there is no emphasis on codesign (not least given the potential impact on green spaces) and that no meaningful opportunity for affected residents, stakeholders and other interest groups to input to any scheme design has not been designed into the LDO. The feeling of exclusion that this will engender will not be helped by the provisions relating to approval of details where, in the absence of a decision, the permitted development can start regardless at “the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority without the Local Planning Authority notifying the applicant as to whether approval is given or refused.” As it is highly likely that the sort of works envisaged by this LDO will involve excavations in or close to the roots of trees or hedges. In order to protect tree roots in these circumstances, we have added a paragraph which states that ‘any trenching undertaken within or close to the root zone of any tree hedgerow will be undertaken in accordance with the latest version of NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.’

part of our drive to decarbonise energy consumption and Bristol’s economy have been noted.

Other representations received have been addressed below.

In terms of PDRs and the use of an Order to permit development, a local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.

To confirm, the Order has been developed in accordance with the Local Plan with the Statement of Reasons setting out how the Order aligns with national and local policy. The Order would not override the policy outlined in the Local Plan.

With regards to consultation, it is acknowledged that the consultation was undertaken over the holiday period. However, to account for this the consultation period was extended and ran from 14th December 2022 to 20th January 2023 for a total of 38 days. The statutory consultation period is 28 days. To understand representations received further, the BTF (as well as other statutory and non statutory consultees) were engaged after the consultation period completed. These consultees were engaged via online meetings. As the consultation period was extended and further engagement was undertaken, it is considered sufficient consultation was undertaken.



03.03.2023

Page 108

Part IB

Whilst we accept that operational activities should benefit from PDRs, we see no practical reason why these applications should not be made ancillary to the formal planning application seeking to establish the proposed network. We would prefer to see this part removed altogether to be replaced with a requirement that heat network undertakers make applications for permission in the usual way, perhaps as a result of conditions imposed in the establishing permission. In this way the process would be transparent and allow local communities and other stakeholders to engage with the proposals.

Development comprising the installation or removal of a heating transmission and/or distribution system and/or ancillary or other infrastructure on or under a Public Park or Green Space is excluded from Permitted Development and must be made by an application ancillary to the principal planning application establishing the heating network

Part II

e) any development *which is within the Impact Risk Zone of a Site of Special Scientific Interest and which will have, in the opinion of Natural England, an adverse impact upon the Site of Special Scientific Interest*

i) the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site, Local Nature Reserve, *Important Open Space, part of the Wildlife Network or a Wildlife Corridor, Unidentified Open Space or Urban Landscape or be likely to affect Protected Species or Species and Habitats of Principal Importance (protected under BCS9, DM17, DM19 pursuant to condition [5] to this Order; or*

Part III

Inclusion of *'the Biodiversity Metric' means the habitat-based approach used to assess an area's value to wildlife which uses habitat features to calculate a biodiversity value as published from time to time by Natural England.*

Inclusion of protect sites including *Important Open Spaces, part of the Wildlife Network or a Wildlife Corridor, Unidentified Open Space or Urban Landscape or be likely to affect Protected Species or Species and Habitats of Principal Importance*

Moreover in terms of the 28 day period for written approval, it should be noted that the procedure for written approval now requires applicants to serve written notice to the LPA in order to initiate the written approval procedures process. During the 28-day period, the LPA have the opportunity to confirm whether the written approval application and details is approved or refused. It is considered that 28 days is a standard and sufficient timeframe for the LPA to provide comment on the submission.

With regards to excavations in or close to the roots of trees or hedges, Condition 3 of the Order states there shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the LPA to ensure protection of existing trees and hedgerows. Amendments have also been made to the Order to include an informative that NJUG guidelines should be followed.

Part IB

Following consultation and further engagement with consultees, amendments to the Order have been made to exclude identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map . Therefore, development in these areas is not permitted by the Order. A response on PDR has been noted above.

Part II

Proposed wording to (e) and (i). It is considered restrictions set out in Part II (restricts any development within 50m of any SSSI, and previously undeveloped land within 200m of a SSSI) would be sufficient given the nature of the works. Natural England have been engaged during the development of the Order and have also provided representations. Natural England confirm that the Order requires the adoption of best practicable means to reduce dust generated during the construction phase. Based on the



03.03.2023

Page 109

Condition 3 Trees and Hedgerows
 Root *removal or reduction*. Inclusion of *Any trenching undertaken within or close to the root zone of any tree or hedgerow will be undertaken in accordance with the latest version of NJUG Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.*

Condition 5
 Where the installation is *proposed* in any *Public Park(s)* or *Green Space(s)* outside of the highway boundary (as shown on the Order Map) or *is likely to cause an adverse impact on any protected species and/or any protected sites, will be required to produce ecological and biodiversity surveys with a Biodiversity Metric calculation demonstrating that at least 10% biodiversity net gain will be achieved. A Landscape and Ecological Management Plan* shall also be submitted and agreed in writing by the Local Planning Authority prior to the commencement of that part of development. The development shall be carried out in accordance with approved details and *Landscape and Ecological Management Plan*.

Informative:
 Inclusion of *Important Open Spaces, Wildlife Corridors, Unidentified Open Spaces and Urban Landscapes*. Relevant surveys *will* include a Phase 1 Habitat Survey or a Preliminary Ecological Appraisal although these are not exhaustive.

Condition 6
 Inclusion of *All works likely to have an impact on these heritage assets will be undertaken in accordance with BCS22 & DM31*.
 Inclusion of design and materials of *the proposed* development...

Condition 7
 Inclusion of *All works likely to have an impact on these heritage assets will be undertaken in accordance with BCS22 & DM31*.

Condition 8
 Within *90* days

Part VII Monitoring and Review
 This Order shall be reviewed by the Local Planning Authority at five year intervals from the date on which it is made, *or at the time that a revised development plan is adopted (currently at the Rule 18 consultation*

documents submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Proposed wording which references *Important Open Spaces, Wildlife Corridors, Unidentified Open Spaces and Urban Landscapes has been noted*. Amendments to the Order have been made to include restrictions to development in areas identified as district parks, local parks, woodland and playing fields. Therefore it is considered this is sufficient, given the type of works.

Part III
 Proposed wording to ‘biodiversity metric’ has not been included due to the nature of the works.

Condition 3
 As noted above, amendments have also been made to the Order to include an informative that NJUG guidelines should be followed.

Condition 5
 As noted above the Order and Order map have been amended to remove identified district parks, local parks, woodland and playing fields. BNG is not relevant to the Order as BNG will not come into effect until November 2023. Reference to a ‘landscape and ecological management plan’ has not been included as Condition 5 requires the submission of relevant surveys and proposals for mitigation and habitat reinstatement and therefore it is considered this is sufficient to ensure appropriate surveys and detail is provided.

Condition 6 and 7



03.03.2023

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| | <p><i>stage</i>) to ensure the objectives of the <i>development plan and this</i> Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations</p> | <p>With regards to additional wording as part of Condition 6 and Condition 7 of the Order, it is not intended to amend Condition 6 or 7 to include ‘all works’. It is considered the current wording is sufficient to minimise visual impact of new development against heritage assets and to ensure archaeological remains and features are recorded prior to their destruction.</p> <p>Condition 8 Condition 8 will be retained and continue to state ‘ninety’ days.</p> <p>Part VII Proposed wording on Part VII has been acknowledged. To confirm, the Order may be reviewed upon the adoption of any replacement Local Plan.</p> |
| <p>North Somerset Council</p> | <p>North Somerset Council has no comments to make in this instance.</p> | <p>This has been noted.</p> |
| <p>Friends of Badock's Wood</p> | <p>The field shown on the LDO map in Badock’s Wood forms a contiguous part of Badock’s Wood. It is managed for nature and has also been earmarked by the Nature Recovery work of the local council, and described in their Nature Recovery Leaflet entitled “Nature recovery in council owned parks and green spaces in Bristol” (2022) as “where we see the best opportunities to create new wildlife spaces and improve what is existing. This work is part of the council’s commitment set out in its Ecological Emergency Action Plan and will help deliver the One City Ecological Emergency goal of 30% of land in Bristol being managed for the benefit of nature.”</p> <p>This field has been managed for nature since its removal from sports use in Spring 2017 as it is contiguous with the designated Badock’s Wood Local Nature Reserve, and is bounded by ancient hedgerows. The hedgerows date back hundreds of years and the hedge / ditch / bank system on the Horfield side of the field is considered to be likely to be 700 years old or older (Strange, N, 2017)</p> <p>The hedgerow adjacent to the public footpath on the Greenway Centre side of the field dates back certainly to the early 1800s and is most likely much older, as by the 1800s they included mature elm in the mixed hedge and remnant elm remain in the hedgerow today.</p> | <p>Much of Badock’s wood is a designated Site of Nature Conservation Interest and Regionally Important Geological Site for which development has been restricted in the Order. Following on from the consultation on the Order, identified woodland has now been excluded from the Order.</p> <p>Therefore development in Badock’s Wood is not permitted via the Order. In addition, the field adjoining Badock’s Wood also forms part of the Badock’s Wood woodland allocation. As a result, the field is also excluded from development permitted via the Order.</p> <p>In terms of the areas of hedgerow, these areas are located within the woodland allocation and so development is not permitted via the Order. Furthermore, wildlife using this hedgerow and field would not be impacted by development in these locations.</p> |

Page 110



03.03.2023

Page 111

The hedgerow to the north east is also part of the ancient woodland and surveys and historical documents (Strange, 2017, Know Your Place 1844-1888) have dated this woodland to many hundreds of years old. The woodland in Badock's Wood is recognised by Defra as "ancient woodland" and is also identified as priority habitat woodland (deciduous).

The woodland is considered so valuable that it was named one of the 70 Queen's Green Canopy Ancient Woodlands in 2022 because of its heritage, trees and wildlife importance. The trees and hedgerows surrounding the field identified in the LDO for permitted development form an integral part of this historic and wildlife important site.

Any works associated with the development and / or delivery of a Local Heat Network on this site would have an adverse impact on the ancient hedgerows, ancient woodland and the valuable and diverse wildlife of the site. It is not possible to mitigate damage to or reinstate ancient trees or hedgerows for example. The whole ecology would be disturbed from the soil through the invertebrates to the birds and mammals living in and using the site.

Species protected under the Wildlife & Countryside Act 1981 which would be affected by any works on this land and the surrounding boundaries include badgers, bats, birds including tawny owls, etc. Bats regularly feed over the hedgerows around the field and have been recorded there by bat ecologists. Badgers live in Badock's Wood and regularly use this hedgerow and the field to travel between their setts located in Badock's Wood and in Bristol Deaf School Grounds at Elmfield. (Bristol Parks Dept organised the removal of a dead badger from the hedgerow on the Greenway Centre side of the field in 2022 and took photographic evidence. Photographic evidence of badgers on the path at the top of Dark Lane between their sett at the school and the wood is also available.)

The field identified in the LDO map (though not visible on the detailed map as a number 3 obscures it) is listed as Local Green Space in the Local Plan following the consultation in 2017. It is not differentiated in any way from the rest of the Badock's Wood site and forms an important part of the ecological whole of Badock's Wood and the wider wildlife corridor of which it forms part.

Following the removal of the field from formal sports use 6 years ago and its management for wildlife ever since, along with it having been identified for wildlife enhancement in the Nature Recovery Network, we anticipate its inclusion within the LNR designation. Badock's Wood LNR includes several wildlife meadows of which this field is now one.

More generally, Condition 3, 4 and 5 seek to ensure adequate protection of existing trees and hedgerows, ensure maintenance of a healthy landscape scheme and to avoid impacts on protected species and sites and ensure no net loss of biodiversity or adverse harm to protected species.

As noted in Friends of Badock's Wood representation, a SAM comprising a round / bowl barrow is located in Badock's Wood. Based on the exclusion of identified woodland from the Order, work in this area and immediately surrounding is not permitted.



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| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 112</p> | <p>Also just a few metres from the field is a Bronze Age burial mound. This is an important scheduled Ancient Monument and its proximity to the field and the potential for harm from any works near it, particularly the movement of large plant such as excavators, should not be underestimated.</p> <p>Referenced description of development. This would be wholly inappropriate and seriously damaging to this LGS site, the LNR, the Ancient Monument, and the impact on the biodiversity of the site would be significant. We also note that the Trym Valley Open Space to the north east of Badock’s Wood, which also forms a contiguous natural site, and is also recognised and as part of the important areas for the Nature Recovery process in Bristol, as part of Bristol’s meeting is targets under the Ecological Emergency Action Strategy and Plan. It has recently had a large number of trees planted in the previously grassland areas. It is also flood plain and would be unlikely to be suitable for a ground source heat pump array.</p> <p>Badock’s Wood Field should be removed from the LDO Map and not included in this permitted development along with Trym Valley Open Space – both located in Southmead Ward.</p> <p>We also note that the LDO has not identified green spaces that it owns that are not public parks and green spaces for this LDO and do not understand why a field around a community centre that is not managed for wildlife, is not included in this proposal when valuable nature sites such as Badock’s Wood are included.</p> | |
| <p>Bristol Disability Equality Forum</p> | <p>Representations on the public consultation: The map provided in the Bristol Heat Network consultation does not have any road names on it, making it inaccessible to comment on or give an informed response to the consultation. You requested a version of the map which has street/road names .</p> <p>Representations on the Bristol Heat Network Order:</p> <ul style="list-style-type: none"> • The provision of safe and accessible alternative routes (must be included, both for parks and other footpaths affected) instances where road closures are required. It was highlighted that in many instances temporary drop curbs are either not provided, or, where they are provided they are not appropriate or suitable for those with mobility issues. Often dropped curbs are either too steep or too narrow for use by wheelchair users. • In instances where permits are not required for road closures, e.g. where Heat Network routes are through green spaces, there needs to be procedures put in place to ensure that suitable and accessible alternative | <p>Firstly, the representation received on the public consultation were taken into account. An interactive version of Draft Local Development Order Map was embedded on the Ask Bristol web page which allowed users to zoom in to view road names and some building names. The Order, if adopted, will be accompanied by a permanent link to online mapping.</p> <p>The Libraries Team were contacted and provided with a copy of the site notice so it could be printed and displayed for library users to access.</p> <p>Representations made on behalf of the Bristol Disability Equality Forum were included as a formal consultation response.</p> |



03.03.2023

Page 113

routes (must be included, both for parks and other footpaths affected) are provided. It cannot be relied upon that contractors will provide these routes if the assumption is that they are not required because the route is through a park.

- The local planning authority has an obligation to ensure that safe and suitable alternative routes (must be included, both for parks and other footpaths affected) are provided alongside all development with the LDO.

In terms of representations made on the Order, Part IV (“Other Statutory Requirements”) of the Order sets out that whilst the Order grants planning permission for certain types of development as described in Part I, it does not grant any other consents that may be required under other legislation. As with any other planning permission granted by the LPA, it will remain the responsibility of the developers to comply with all other relevant legislation. Their failure to comply with other relevant statutory requirements might therefore result in penalties, offences or other actions against them as may be provided for by the relevant legislation.

Statutory procedures outlined within other legislation, such as the NRSWA 1991 (Section 50 and 61 licences), will therefore still apply and will therefore still require safety measures as identified in the Act, having regard in particular to the needs of people with a disability.

With regards to routes through green spaces, it is acknowledged that many green space do not fall within the definition of a highway or street and therefore do not benefit statutory procedure outlined in the NRSWA. To take this into account, identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, no development will be permitted in these areas.

Bristol City Council Nature Conservation (SCR)

The various sites across the city included in the proposed Bristol heat network (BHN) Local Development Order (LDO) are located on existing hard standing (roads) and as such are not anticipated to have a direct impact on any designated wildlife sites or protected species.

The supporting documents of this screening opinion application state “The LDO restricts development on any site designated as a Site of Special Scientific Interest (SSSI), Site of Nature Conservation Interest (SNCI) and Local Nature Reserve (LNR), many of which are found within the River Avon basin and its surroundings.

This has been noted. Condition 11 CEMP requires the submission and approval of a CEMP. Condition 11 states that the plan should include, but is not limited to, the adoption and use of the best practicable means to reduce and mitigate the effects of traffic, noise, vibration, light pollution and dust. It should be noted that the Condition 11 wording has been amended to state ‘mitigate the effects...’ and ‘light pollution and...’.



03.03.2023

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| | <p>As per restriction (e), no development is permitted within 50m of a SSSI, or development on previously undeveloped land within 200m of a SSSI”.</p> <p>In addition to this, as stated in the Habitats Regulations Assessment – Stage 1 (Mott Macdonald, 2022) “where the BHN is within proximity to [SSSIs, SNCIs and LNRs], the LDO specifically excludes any above ground infrastructure, and specifies that the works will require the Local Planning Authority’s (LPA) prior written approval of appropriate surveys, scheme of mitigation and habitat reinstatement”.</p> <p>Therefore, there is no significant impact on the environment anticipated as a result of these proposed works. Potential effects (e.g noise, dust, etc) should however be considered in the proposed Construction Environment Management Plan (CEMP).</p> <p>The CEMP should also set out protection measures for trees and nature conservation sites in close proximity to the proposed works (e.g fencing and appropriate signage).</p> <p>From a Nature Conservation/Ecology perspective, a full EIA will not be required for these proposed works.</p> | <p>In terms of protection measures for trees and nature conservation sites, Condition 5 of the Order (‘Biodiversity, Protected Species and Protected Sites’) requires that where the installation is likely to cause an adverse impact on any green space(s) outside of the highway boundary, any protected species and protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted and agreed in writing with the LPA. Condition 11 (‘CEMP’) also requires the CEMP to include (not limited to), the adoption and use of the best practicable means to reduce and mitigate the effects of traffic, noise, vibration, dust and light pollution. Furthermore, Condition 3 states there shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the LPA. This is to ensure the protection of existing trees and hedgerows.</p> |
| <p>Representation 1</p> | <p>The details as to how it can help, the centre, Bedminster, temple etc. seem fatuous or tenuous at least or irrelevant to these comments.</p> <p>The longer the piping, the greater the cost and inconvenience of installing it and the greater the loss of heat between source and destination, encouraging supply from this source restricted to primarily the Avonmouth Ward and perhaps to out of county sites Severn Beach etc. We are talking of activity around the city's border, so cross border discussion appears relevant.</p> <p>It is the communities in Avonmouth, Lawrence Weston, Shirehampton and presumably Severn Beach and others who are mostly affected by the waste, the flies, the traffic resulting from this trade, the smells and who consequently should be the first to benefit from any such bunce from cheap environmentally friendly heating. It is also the people in this ward who are the most adversely affected by the over concentration of the waste industries arising in the area as a result of not contesting the councils’ strategies. This is a scarce and limited resource which should be tapped but also needs to be kept local.</p> | <p>Currently, due to the nature of the works it is not possible to anticipate the exact detailed route of the network at this stage. The Order covers the administrative boundary of Bristol City Council administrative boundary (subject to the Order requirements).</p> |
| <p>Representation 2</p> | <p>In 1974-5-6 I took my National certificate in Engineering at Brunel Tech achieving a distinction in Thermodynamics thats energy transmission and transfer. I spent 40+ years in engineering in Bristol keeping the plant running and efficient I have never heard of such a ridiculous plan to distribute heat to homes over a city.</p> | <p>This has been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.</p> |



This cheap energy if we look at the other applications filed for Bristol Energy it's a Diesel Dump, so this cheap and renewable resource is no such thing what we are looking at is a number of CCHP units where the heat by product of burning Diesel to make electricity in a four stroke Compression ignition engine which will not exceed 28% overall efficiency of which nominally 75% is electricity and 25% is heat product normally dissipated to local atmosphere.

So, this application is misleading by the fact it's not clearly specific how it will achieve its green objectives nowhere does it say. Perhaps if Netham Weir had been completed that might go a small way to being green but it's not and as far as I can see it's not intended to be. I know what the heat losses are in pipes and how much fluid you have to shift to heat a factory or a row of houses in cold weather, and this plan cannot achieve the objective it states. It's to mislead and rip off the people who do not know or understand Thermo dynamics.

Firstly, Marvin Rees who is stupid and on a payroll nothing to do with BCC but more to do with those behind global cities!! And I know all about the WEF and its fake green agendas. Central Government are all on this payroll and are NOT. Working in the best interest of Bristol or its population or any other town or city in the UK. This is about forcing a system (which will not be cost effective on a populous against their will or choice mainly because most of them have never been taught or understand Heat and Power distribution. You can only make Bristol green at the expense of closing all business and industry down, so how does a diesel generator meet the clean air zone specification. It DOES NOT This is an extension of 8 massive generators installed at the SWEB site on Feeder Road. As for a few small distribution cabinets on the streets. Totally misleading buncum.

Let's see a detailed application showing what is generating how many KVA and at what voltage, not some pretty coloured maps saying nothing. This is not an application or consultation it's a guess the cost we exercise of an unknown plan. And worst of all it was promoted by Rees and cost Bristol Rate payers 10 million.

Representation 3.

There is an official council notice on the public highway near my home.
I am 77 and registered blind. I find your on-line tools and maps etc very difficult to use.
I tried to contact the planning office of BCC but was told yesterday 3rd January 2023 by BCC Development Manager, Business Support Officer – no name given – who told me: It is not a planning matter. It clearly is a planning matter.
Then gives me the general enquiries line of BCC to ring.

Subject to any subsequent decision by the LPA relating to its withdrawal, modification or extension, this Order shall expire after twenty years from the date of its adoption. The Order Map shall be kept under review and updated periodically by the LPA to ensure it reflects the up to date planning and policy designations from time to time. This Order shall be reviewed by



03.03.2023

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| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 116</p> | <p>The lady had never heard of Bristol Heat Network. She put me through to a planning office line, which had an automated voice, Telling me I was first in the queue and had an 8 minute wait time – at 9:15am. No one picked up.</p> <p>I'd like to know the time framework involved in delivering the Bristol Heat network. Climate change is already upon us. Cf. the brutal heatwave of summer 2022. So is this a 2year/5year/10 year time span? How are the council going to engage with local neighbourhoods about the scheme? Importantly can this network of pipes deliver cooling as well as heating. Are the council willing to set up webinars or zoom meetings to discuss in more detail what the Bristol heat network is? It could just be a hopeful fantasy. I hope it isn't, of course. But can we have fewer deadlines for comments and more opportunities - ongoing to seriously discuss this, in relation to the actual areas of Bristol we live in. A lot of things are going to be involved such as feasibility studies, surveys, retrofits of old buildings making sure that there is very high specification insulation in all of them. The aim is surely to reduce energy consumption overall. So understanding how we can passively heat and cool our buildings is going to involve learning about the right technologies and making sure we train people to install and maintain them economically</p> | <p>the LPA at five year intervals from the date on which it is made to ensure the objectives of the Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations.</p> <p>Community consultation relating street and road works are strongly encouraged through the “Bristol Code of Conduct for street and road works” 2018 and have not been duplicated with the Order. The issue of ongoing engagement has been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.</p> |
| <p>Representation 4</p> | <p>Object to Part III section 13 as drafted. This should be amended to allow council officers to specify the final post construction state, as the clause to require the road to be returned to how it was will leave our streets with poor design. Simple measures such as realigning kerbs or widening pavements should be easily possible whilst the road is being dug up. Bristol Council officers are missing out on a huge opportunity to update our streets to make them more people oriented.</p> <p>Failing that, there should also be an amendment to Part III section 12 to require the constructors to report ALL underground infrastructure encountered on the dig down, as this will help reduce future costs of street redesigns or redevelopment</p> | <p>It is considered that Condition 14 (previously Condition 13 of the Order) is sufficient to ensure land over the Bristol Heat Network is reinstated promptly and to an appropriate standard. Condition 14 of the Order has been amended to include “<i>or variation in approach</i>”:</p> <p><i>Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority</i></p> <p>Therefore it is considered the amendments to this condition is sufficient to ensure land is reinstated promptly and to an appropriate standard.</p> |



03.03.2023

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| | | <p>Comments regarding realigning kerbs and widening pavements have been noted however the Order only permits development as described in Part I of the Order.</p> |
| <p>Representation 5</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 117</p> | <p>I am 100% supportive of sensible ways of decarbonising energy generation. Heat networks are not trivial installations, and they rely upon (depending on their detailed form) considerable infrastructure.</p> <p>Reference is made in this Order to the BHN, but very few of us have a clear idea about what is planned. This is crucial since in the recent past and in the years to come, individual households will make investments in low carbon heat in locations that may be future areas for expansion of the heat network. It makes no sense to do anything other than maximise the density of connections to the network in a given location, so the absence of a clear plan potentially gives rise to inefficiency.</p> <p>Broad areas targeted for expansion in the years to 2027 are indicated on the City Leap website, but we are left wondering what the implications of this Order are (is every street within those mapped zones to be dug up between now and 2027?).</p> <p>The recent conclusion of the City Leap procurement gives rise to further questions as to who will be the beneficiary of expansion to the BHN. The commercial relationships into which the Council has entered have been far from transparent. I would be extremely reluctant to support an Order which effectively hand over to a private contractor the right to develop a heat network wherever and whenever it wishes subject to the very limited constraints the Order would place upon them.</p> <p>This is all the more lamentable for the fact that the way in which the Order is presented makes no mention of the private companies effectively now responsible (to what extent is not 100% clear) for the BHN. The absence of any community consultation is also lamentable, as is the potential harm that may be caused to areas of green space, not to mention the potential for hefty disruption to homeowners from the proposed Order. There is limited protection for the amenity of residents also.</p> <p>This Order could have been handled very differently, The City Leap map for the period to 2027 does not include all the areas covered by the Order. Yet it does cover a wide area of the City. If the City intends to provide heating to all residents, it should be far more transparent in how it plans to do this, the terms upon which it will commit to provide this, and where and when the network will be expanded. This Order simply gives carte blanche to develop the network in a potentially poorly planned manner, and in such a way that it</p> | <p>To confirm, the Order covers the administrative boundary of the Bristol City Council, subject to conditions. It is not intended to develop every street identified on the map. A local development order allows LPAs to introduce new permitted development rights for a specified type of development. By producing the Order, the Council is able to provide a level of certainty and flexibility to the developer that would not be available when applying for planning permission. However, the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.</p> <p>To confirm, the heat network operator / developer is not restricted within the Order. However, as noted above the Order includes a number of conditions to prevent any unacceptable impacts arising from development. If these conditions are not complied with then development is not permitted.</p> <p>With regards to the consultation period was undertaken on the draft Order to allow members of the public, statutory consultees and community organisations to provide representations on the draft Order. These representations have been taken into account and reviewed in relation to the Order to understand whether amendments should be made to the Order where appropriate. Additional engagement with some of those who provided representations was undertaken to further understand comments raised.</p> <p>Additionally, in terms of the consultation process on the Order, it is acknowledged that the consultation was undertaken over the</p> |



03.03.2023

Page 118

stands to alienate many - such as myself - who would logically be supporters of the approach, and if better handled, of the Order itself. As the situation stands, however, I cannot offer it my support.

Indeed, I find it highly dubious and I would strongly suggest a 'back to the drawing board' moment, with far more done by way of opening up to citizens what the Council has done, and is doing via its City Leap engagement, and working with residents of Bristol to gain more support for what is planned. Finally, the draft plan policies should not give hierarchical preference to connection to 'existing networks' given the ease with which local networks / individual provision should be implemented at new development, thereby freeing up the BHN to focus on existing homes where the genuine climate-related benefits will be more obviously generated (subject to the energy sources being of a suitable nature - i.e. they make no contribution to increasing global temperatures)

December holiday period. However, to account for this, the consultation period was extended and ran from 14th December 2022 to 20th January 2023 for a total of 38 days. The statutory consultation period is 28 days. In addition, to understand representations received further, consultees were engaged via online meetings following the completion of the consultation period completed. As the consultation period was extended and further engagement was undertaken, it is considered sufficient consultation was undertaken on the Order.

With regards to development on green space, following the consultation on the Order, identified district park, local park, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, no works will be permitted via the Order on identified parks.

Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order. The issue of ongoing engagement has been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.

In terms of comments on the draft local plan policies, it is not within the scope of the Order to determine the wording of draft local plan policies as identified in the Local Plan review.

Representation 6

We, individuals, organisations, councils, etc must all do whatever we can to reduce our carbon footprint, if the earth is to survive, so this sounds like a positive move.

This is noted.

Representation 7

In the past, BCC blocks in Redcliff and Barton Hill were heated by centralised boiler plant with distribution by medium temperature medium pressure underground heating mains; these systems were maintenance intensive. What is proposed for the new heating mains to reduce maintenance? What heat loss limitation measures will be undertaken? What is the proposed distribution temperature and will this require calorifiers or heat pumps at the load end points.

The technical questions raised been noted and the relevant teams within Bristol Council have been notified for follow on actions if necessary.



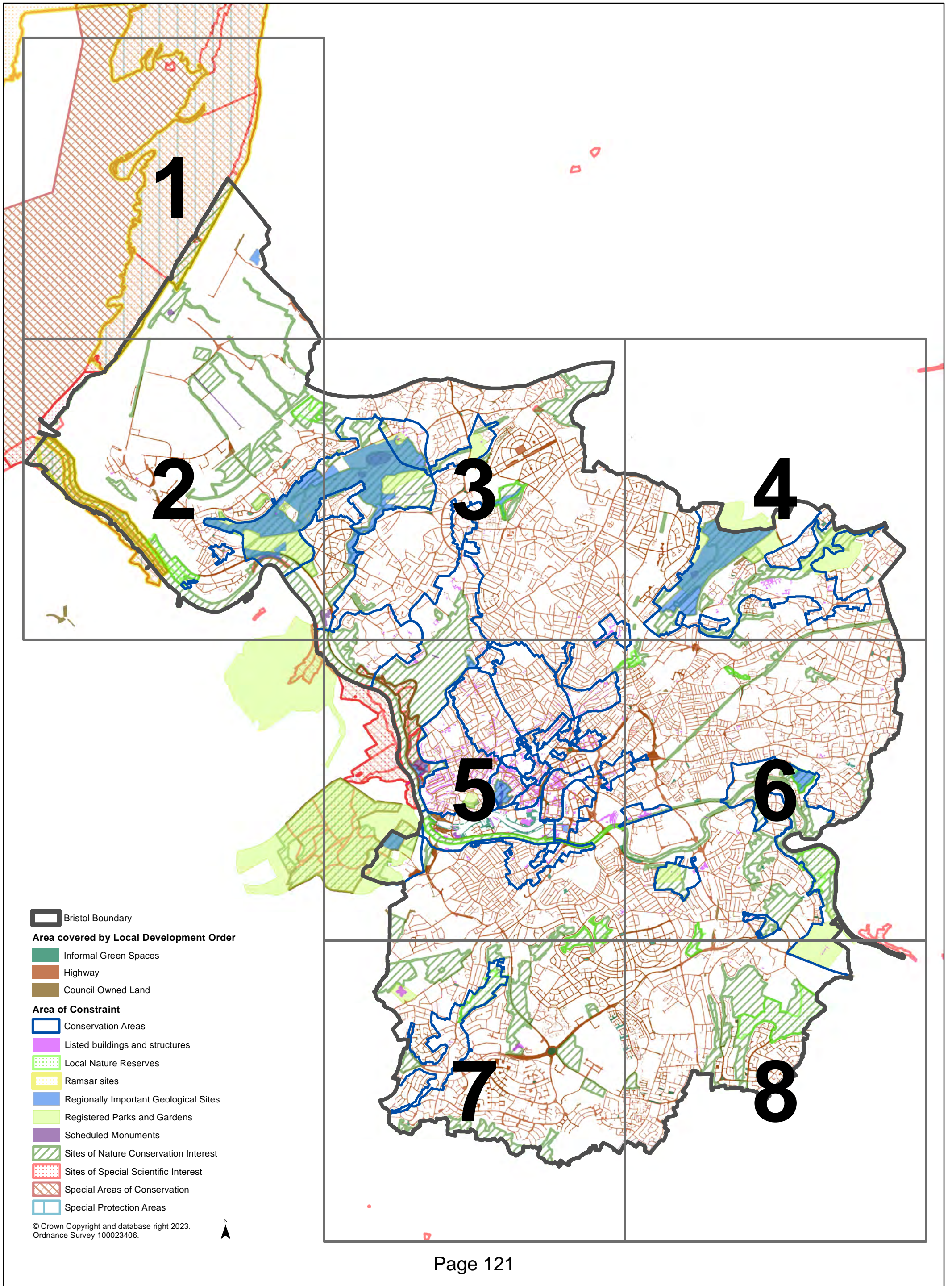
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| <p>Representation 8</p> <p>Page 19</p> | <p>Clarification on why a small area with postcode BS7 XXX is noted in green as 'area excluded from local development order'. Kindly contact those citizens with post codes BS7 XXX and BS7 XXX.</p> <p>Simple measures such as realigning kerbsides or widening pavements should be easily possible whilst the road is being dug up. Bristol Council officers are missing out on a huge opportunity to update our streets to make them more people oriented.</p> <p>Replace all underground supplies and sewerage/storm drainage as a mater of 21st century standardization</p> | <p>To confirm, the excluded area at this postcode refers to Grade II listed building Horfield Baptist Church.</p> <p>Comments regarding additional simple measures to streets have been noted. Condition 14 (formerly Condition 13 Reinstatement of the Order) has been amended to include “<i>or variation in approach</i>”:</p> <p><i>Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority</i></p> <p>Therefore it is considered the amendments to this condition is sufficient to ensure land is reinstated promptly and to an appropriate standard.</p> |
| <p>Representation 9</p> | <p>A vital project, providing it is in step with other developments.</p> <p>I have gas central heating and would dearly love to switch to a heat pump but an air source heat pump is not possible with freeholder's limits to exterior of the building (and council's planning consents). District heating network would be ideal if there were sufficient heat sources to maintain 60C and eliminate any need for heat pump but even at lower temperatures the district heat source would make water source heat pumps viable.</p> <p>Without a heat pump using just electricity would cost me around £7000/annum, while a water source heat pump would reduce that by around £2000, all at old electricity prices.</p> <p>Another reason for a district heating system would be the otherwise vast increase in electricity demand for all-electric heating at the same time as the demand for charging EBVs, while shutting down fossil fuel generation capacity.</p> <p>If this is not in place well before 2030 it will be too late</p> | <p>This has been noted.</p> |



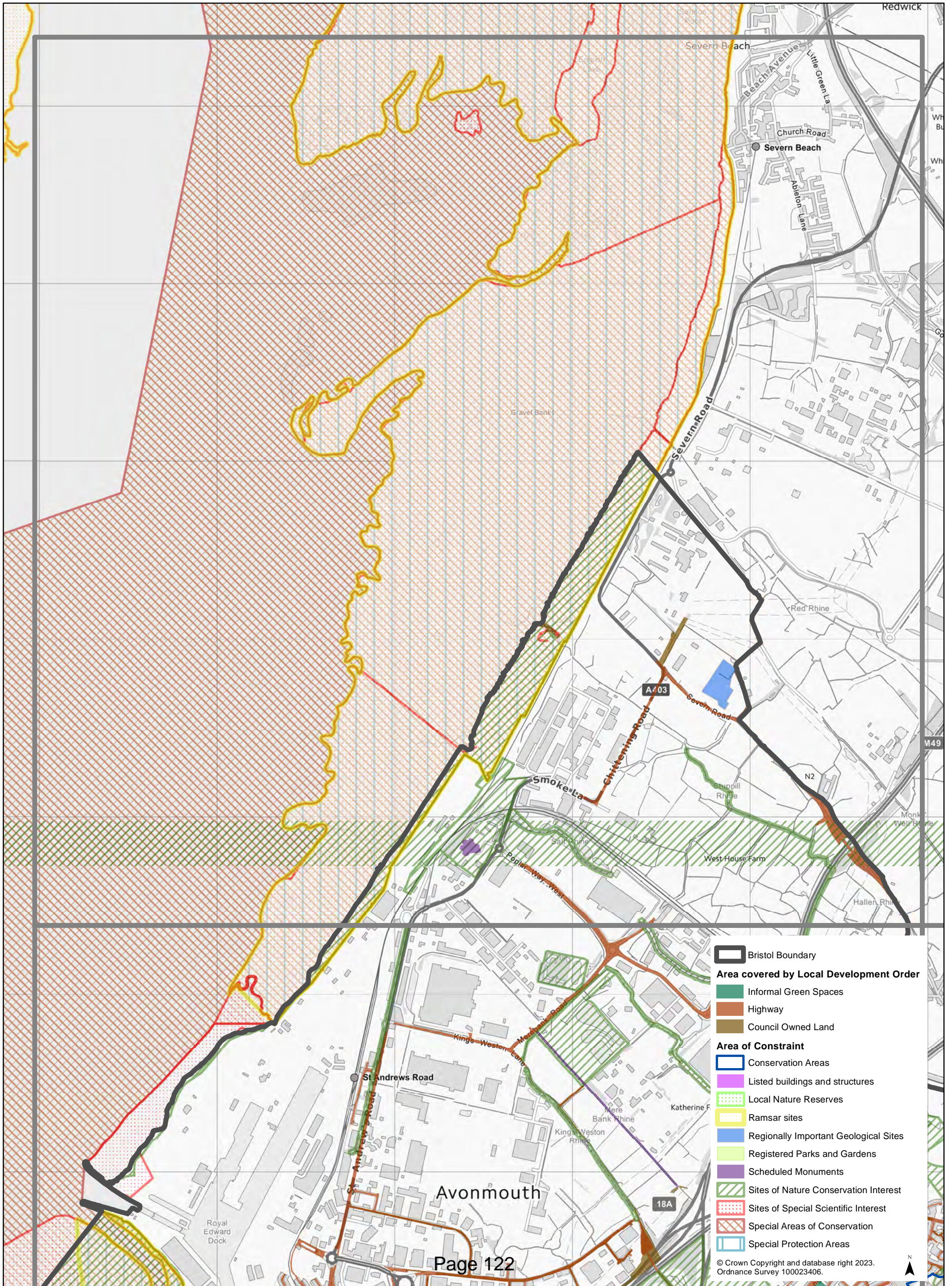
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| Representation 10 | This is a bold and ambitious plan! I look forward to being able to connect my property to the heat network to remove my dependency on gas | This has been noted. |
| Representation 11 | <p>I understand and support the need for new and widespread infrastructure to enable carbon emission reductions across the city but notice within the map that some parks and green spaces are included, whilst others are excluded. Victoria Park is included in the LDO and I am concerned for its protection and preservation. Please could I clarify and request that these are protected from planning and development under this scheme?</p> <p>I also wish to note the vast development and disruption that has been taking place across Bedminster Green with Whitehall Lane due to start in the coming years. Traffic disruption, noise and building has been an issue for our neighbourhood and I would like to request that this is taken into any consideration during the scheduling of planned works under this order - either coinciding with current disruption where works overlap geographically or factoring in current disruption and building when planning works in the neighbouring areas</p> | <p>Identified district parks, local parks, woodland and playing fields have been excluded from Order and are shown as such on the Order map. Therefore, development in identified parks, such as Victoria Park, is not permitted via the Order.</p> <p>Comments regarding construction impacts and works scheduling have been noted. Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order.</p> |
| Representation 12 | <p>I am broadly supportive of District Heating, which represents an important step in decarbonising our heating. Moreover, living in one of the areas which has had poorest air quality in the city (and even country), I would welcome this as a way to prevent excess deaths due to respiratory illnesses.</p> <p>However I would like to state my concerns amidst this tentative support:</p> <ol style="list-style-type: none"> 1. It is not clear how local communities will be engaged with this undertaking as the disruption to our lives will be immense and we will need to consistently see the benefits of it. 2. It is unclear how much social value is expected to be generated, particularly as the creation of jobs should involve local communities and include underrepresented and disadvantaged communities within the workforce. 3. CO2 emitting sources must not be used as most of the benefits will be eradicated by burning biomass or other fossil fuel in CHP plants. | <p>Community consultation relating street and road works are strongly encouraged through the "Bristol Code of Conduct for street and road works" 2018 and have not been duplicated with the Order. Representations regarding community consultation, engagement social value have been noted and the relevant teams within Bristol Council have been notified for follow on actions, if necessary.</p> <p>The Order permits the transmission of the heat network and does not permit connections.</p> |



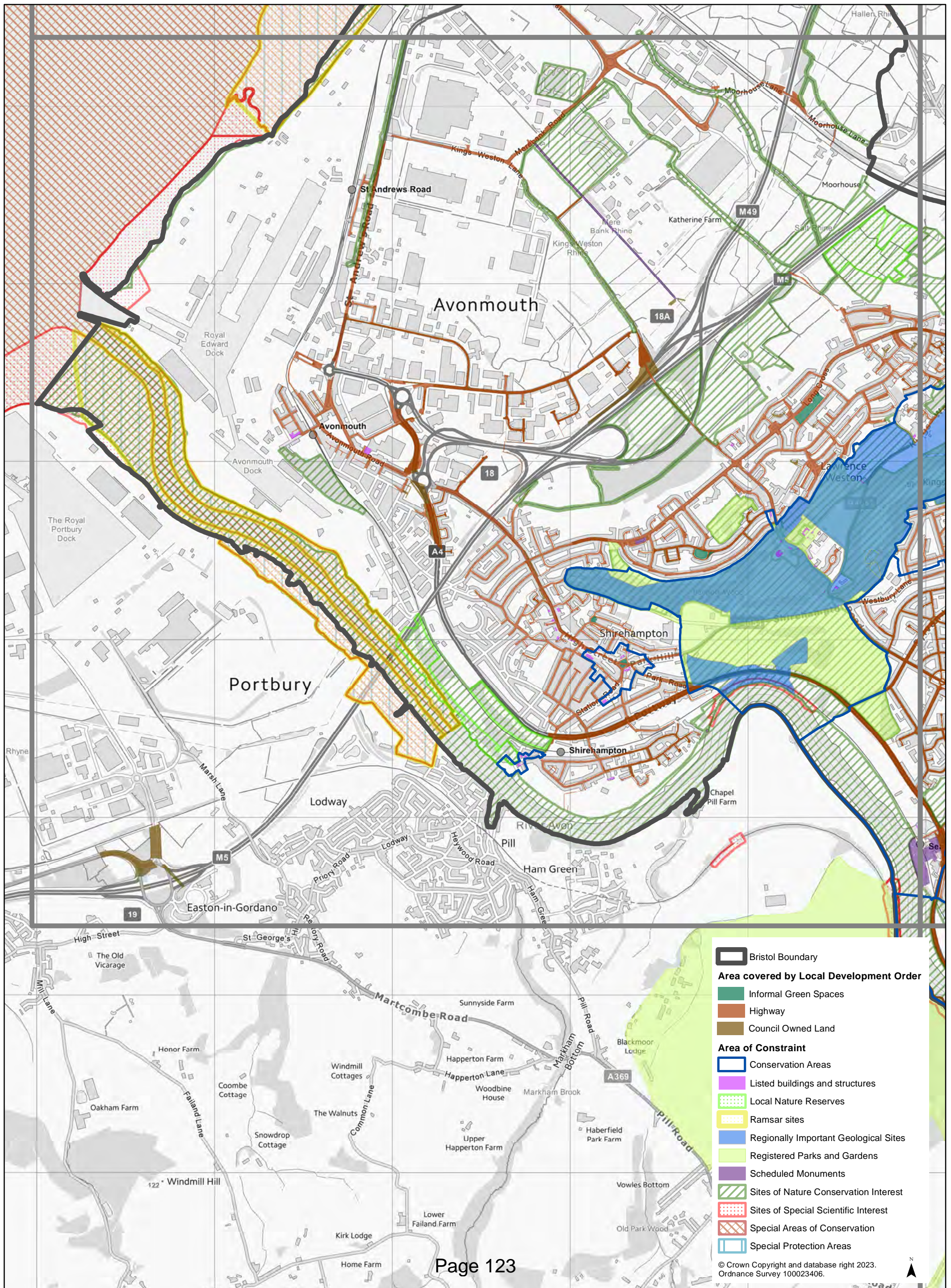


Bristol LDO Policy - Map 1



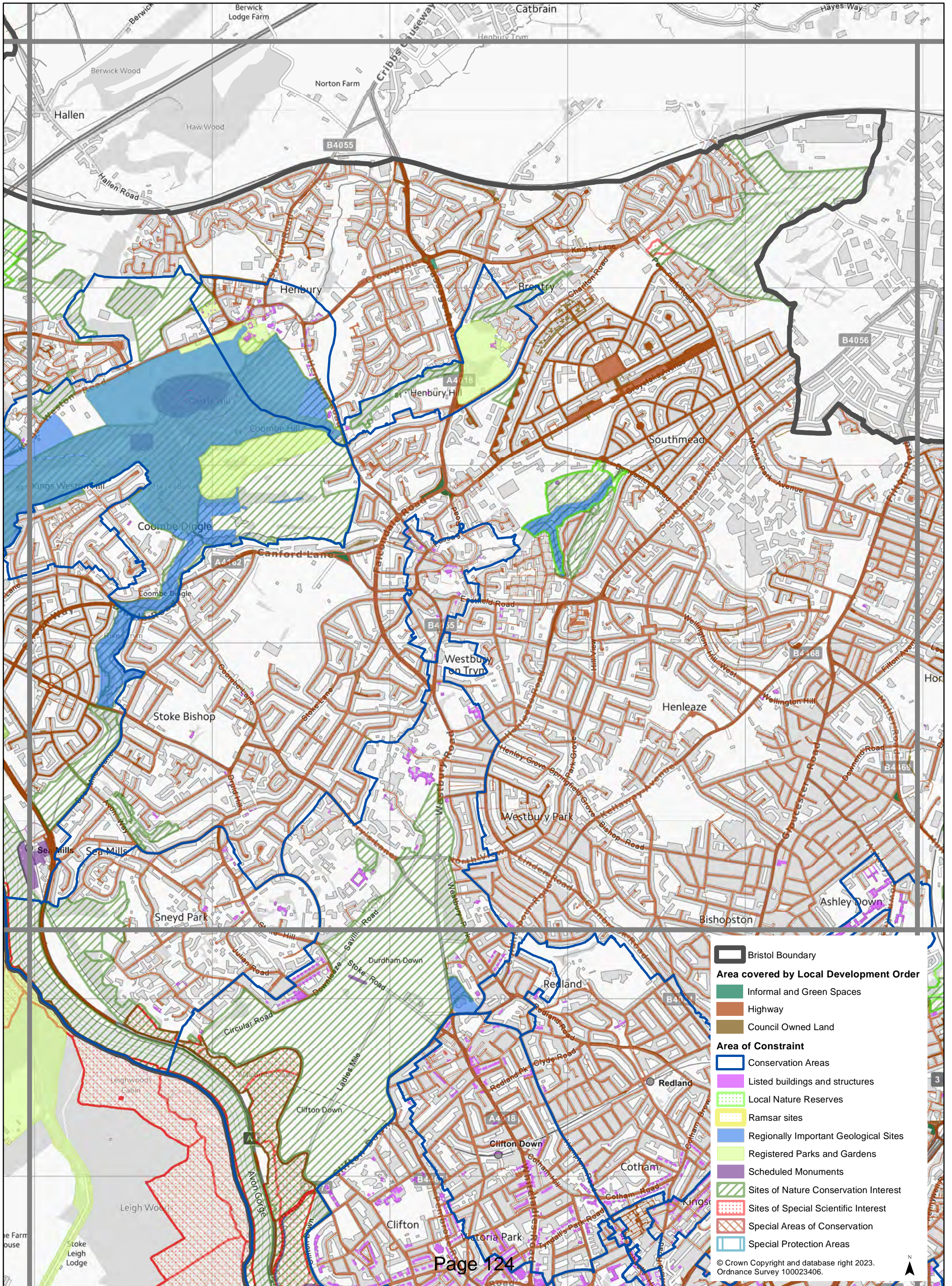


Bristol LDO Policy - Map 2



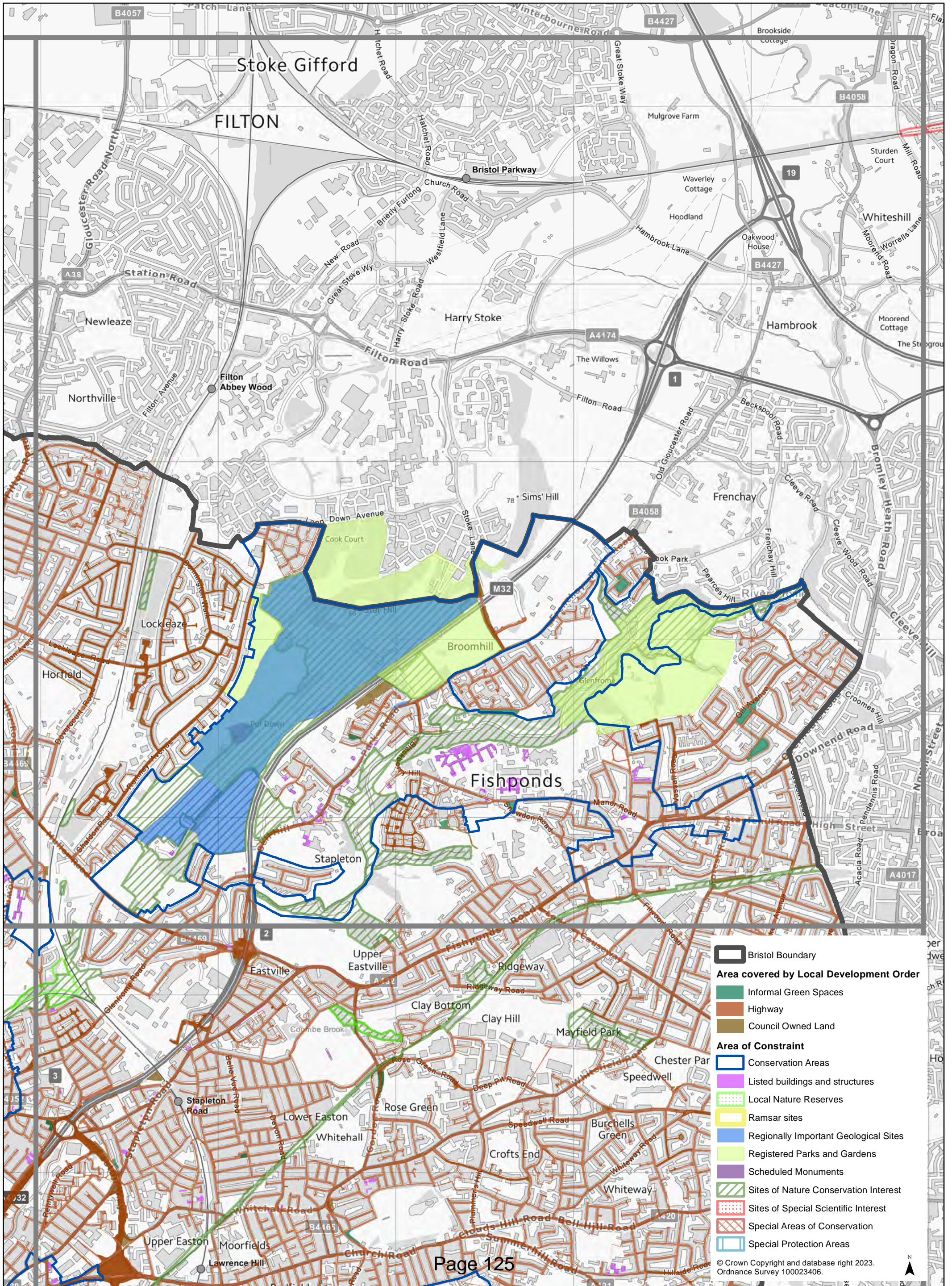


Bristol LDO Policy - Map 3



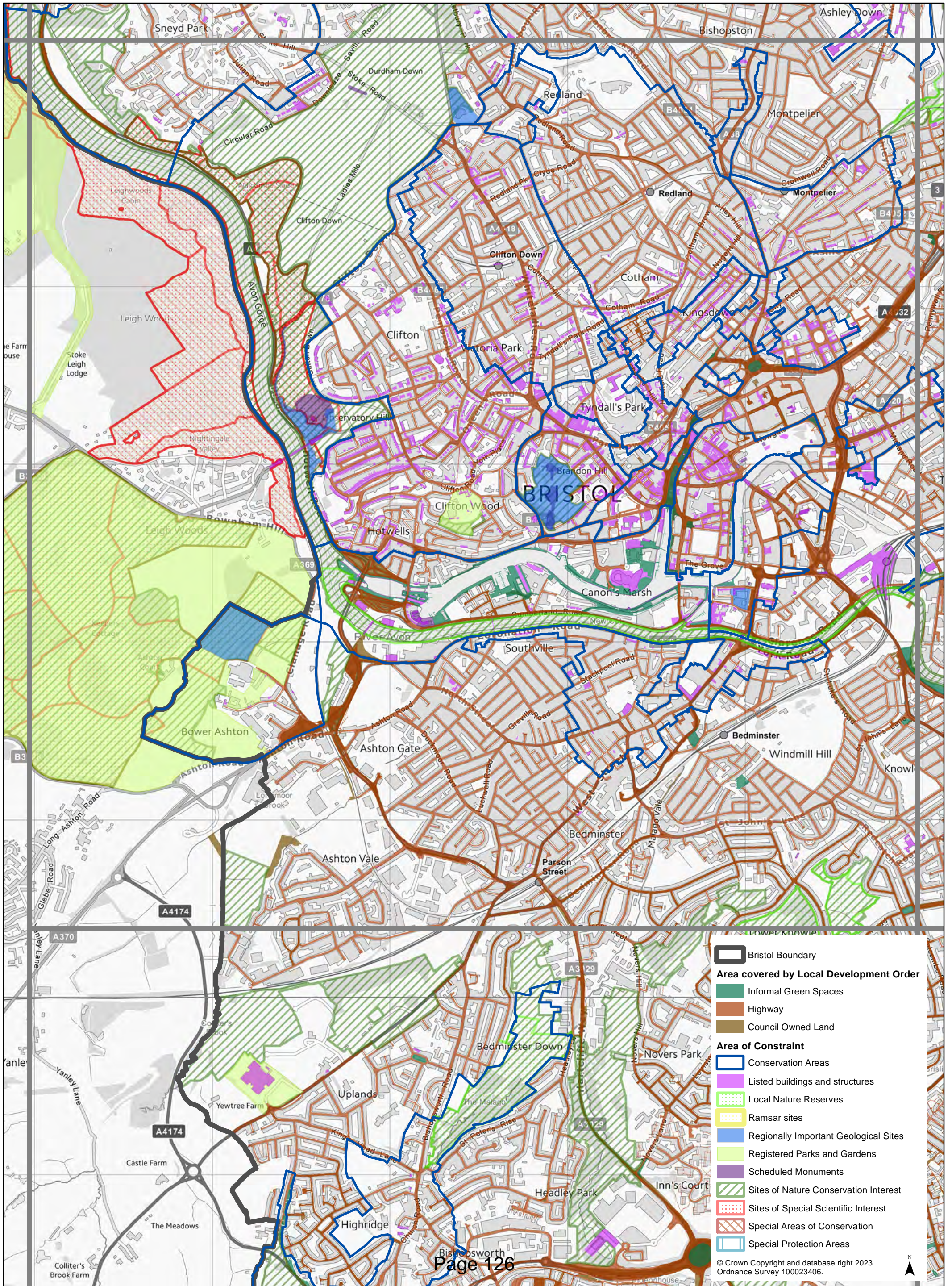
- Bristol Boundary
- Area covered by Local Development Order**
 - Informal and Green Spaces
 - Highway
 - Council Owned Land
- Area of Constraint**
 - Conservation Areas
 - Listed buildings and structures
 - Local Nature Reserves
 - Ramsar sites
 - Regionally Important Geological Sites
 - Registered Parks and Gardens
 - Scheduled Monuments
 - Sites of Nature Conservation Interest
 - Sites of Special Scientific Interest
 - Special Areas of Conservation
 - Special Protection Areas





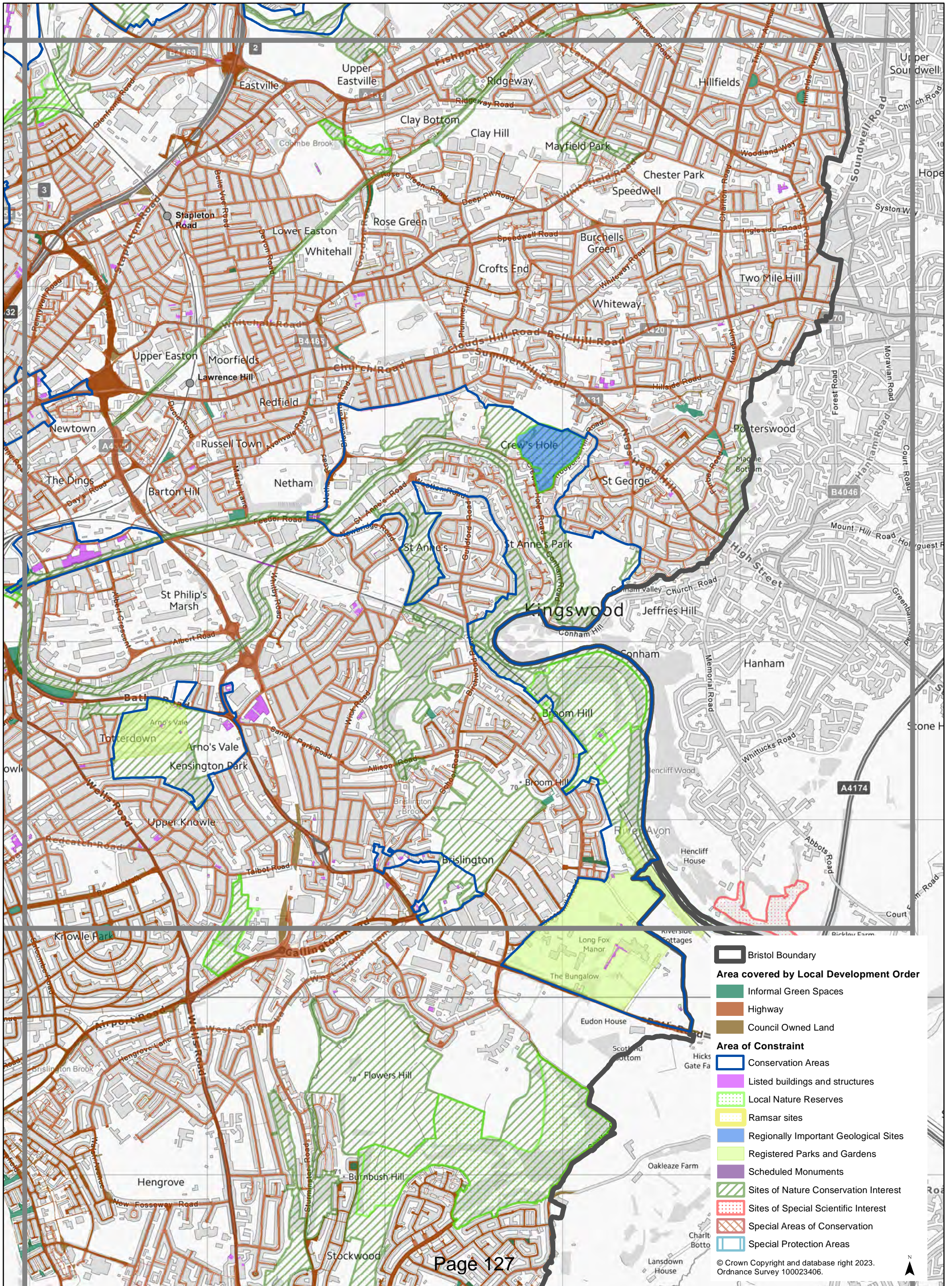


Bristol LDO Policy - Map 5





Bristol LDO Policy - Map 6

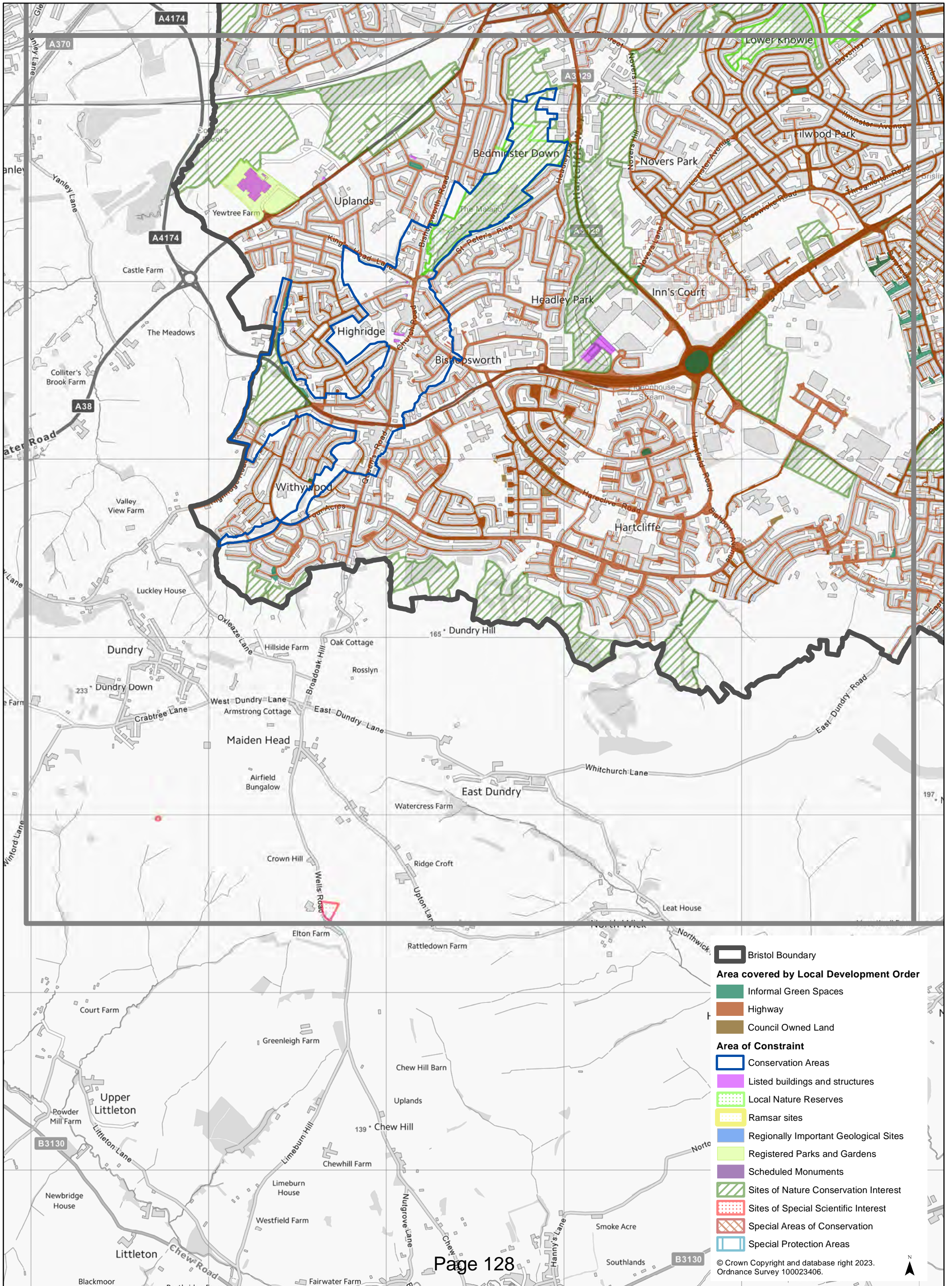


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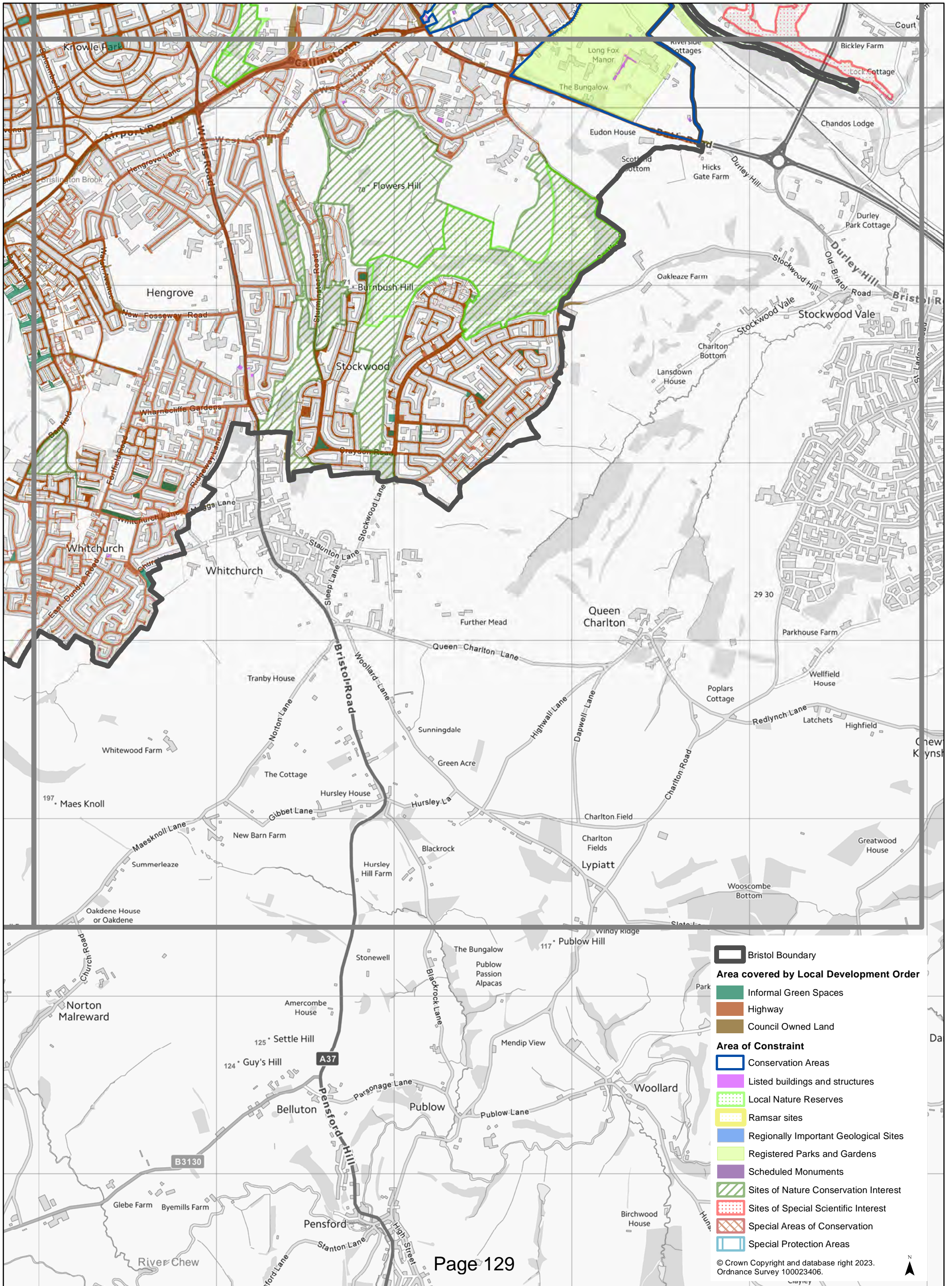
Bristol LDO Policy - Map 7



- Bristol Boundary
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- Informal Green Spaces
- Highway
- Council Owned Land
- Area of Constraint**
- Conservation Areas
- Listed buildings and structures
- Local Nature Reserves
- Ramsar sites
- Regionally Important Geological Sites
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- Scheduled Monuments
- Sites of Nature Conservation Interest
- Sites of Special Scientific Interest
- Special Areas of Conservation
- Special Protection Areas



Bristol LDO Policy - Map 8





Bristol LDO Policy Simplified Map

