

**Bristol City Council**  
**Minutes of the Development Control B Committee**

**5 April 2023 at 6.00 pm**



**Members Present:-**

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

**Officers in Attendance:-**

Gary Collins, Jeremy Livitt and Luke Phillips

**48 Welcome, Introduction and Safety Information**

The Chair welcomed all parties to the meeting and outlined the safety arrangements in the event of the need for emergency evacuation of the building.

**49 Apologies for Absence**

Apologies for absence were received from Councillor Katja Hornchen and Councillor Chris Windows.

**50 Declarations of Interest**

Councillor Chris Jackson indicated that he was a Ward Councillor for one of the Planning Applications but retained an open mind in considering it.

**51 Minutes of the previous meeting held on 8th March 2023**

RESOLVED – that the minutes of the meeting held on 8<sup>th</sup> March 2023 be confirmed as a correct record and signed by the Chair.

**52 Action Sheet**

There were no items to report from the Action Sheet.



## 53 Appeals

Number 44 Marksbury Road – This application had been refused on 3 grounds at Committee. However, the Inspector found against Bristol City Council on all three grounds and since he believed that none of these had been substantiated, accepted the appellants' request for costs. Inspectors did not provide an amount for costs during the appeal but purely indicated whether or not these were applicable. **Action: Planning officers to confirm with legal officers the costs of the covenant on the land and advise the Committee**

Number 37 Home Gardens – This application had been refused but the appellants' request to overturn this had been unsuccessful. The Inspector agreed that there was an overbearing impact of the development on the two storey residential development but not in terms of the impact of construction and day to day traffic. Therefore, there was a partial award of costs against Bristol City Council.

Number 33 Merchants Arms Bell Hill – The Inspector felt that the marketing had not been extensive enough for previous applications. In making this decision, he had given weight to access which the Council now had to marketing advice which provided more tools for future cases. Therefore, costs had not been awarded in this case.

In response to a member's question, officers stated that this provided a signpost for future action. Whilst a marketing exercise provided a means to retain pub use, it was possible that no interest would be shown in this even with the strong support of a community group. Whilst pubs tended to be treated as a special case, recent measures put in place by the Government eroded the ability to restrict changes from retail to other use.

Number 5 Land At Broom Hill/Brislington Meadows – Bristol City Council would be making a final submission to the Inspector concerning biodiversity net gain with an expected decision either at the end of this month or possibly into the following month.

Number 38 - 37 Maple Road, Bishopston – In response to a member's question, Planning officers stated that their view was that a Management Plan was a means to ameliorate problems and, if satisfactorily conditioned, could not be refused on these grounds. If the construction site was difficult, applicants would always be encouraged to address this but would always be required to provide the necessary level of detail.

## 54 Enforcement

The Committee noted that enforcement action included an HMO.

## 55 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.

## 56 Planning and Development

The Committee considered the following applications:

### 56a 22/02320/F - 10 Melvin Square and 1 Illminster Avenue

Planning Officers made the following points during their presentation for this report:

- Details of the application were provided including views of the current site proposed development from various directions
- A comparison was provided between the original proposed scheme and the new scheme
- The shadowing diagram that had originally been requested had now been provided. However, they did not make any significant change to officers' recommendations
- In the event that the application was approved, it would require a condition due to change in the layout
- Although this application would bring improvements to the shop and provide additional housing in the area, officers concluded that these were still outweighed by the visual impact of the scheme and harm to amenity.
- Officers recommended refusal on the grounds of the design impact on the surrounding area as well as the impact on neighbouring properties

In response to members' questions, officers made the following comments:

- It was noted that the building at Carpenters Place at the other end of the square had previously been approved at Committee
- If this application was approved, a Construction Management Plan delegated to officers was recommended to limit the highway network. There was currently very little information concerning the construction phase
- Officers had taken account of the complete merits of the scheme and felt that the revised scheme would still have an unacceptable impact
- Due to the number of comments received and a petition, officers had considered that it should be submitted to committee for consideration
- The height of the building would be in comparison with the roof extension
- The site had historically been a house but the application indicated that it had been used for storage. The possibility of this usage being regularised was a factor for the Committee to consider in making its decision. Number 10 had been built as a detached property and had previously been a post office. The buildings were on the footprint of the existing property



- Officers could not anticipate whether or not the proposed change in use from single dwelling to C3 commercial use was likely to succeed.
- The two previous objections to the property were from neighbours
- In the event that the Committee was minded to approve the application, appropriate conditions would relate to highways, the materials during design and other general conditions to ensure the development complied with plans. Officers proposed that they should be given delegated authority to draw up these.

The Committee made the following points during the debate:

- The proposed development would improve the street scene. Whilst it may not be ideal, it was better than the current building. In addition, there would be consequences if it was refused and no development was made in this area. Therefore, the Committee should support the application
- There was strong public support for the scheme which was a significant improvement on the original since it was less overbearing and plain. Since the Carpenters building already broke the line of height of buildings, it would not set a precedent in this respect. If the scheme was approved, it would bring it under planning control
- Whilst the officers' adherence to the policy was understood, the application would enhance the area which required regeneration. Whilst the Construction Management Plan provided some cause for concern, it was appropriate for this to be drawn up by officers under delegated powers
- One of the slides featured in the presentation showed the floor plan with self-contained flats

In accordance with usual practice, Councillor Ani Stafford-Townsend moved, seconded by Councillor Lesley Alexander that the application be refused in accordance with officer' recommendations.

Upon being put to the vote, this was LOST (5 against, 1 for, 1 abstention).

It was then moved by Councillor Fabian Breckels, seconded by Councillor Andrew Brown and upon being put to the vote, it was

**RESOLVED (5 for, 1 against, 1 abstention) – that the application be approved subject to the inclusion of a Construction Management Plan and appropriate delegation to officers to prepare conditions including relating to construction management, traffic and design.**

#### **56b 22/05628/LDO - Various Sites Across the City**

Officers gave a presentation on this item and made the following points:

- Local Development Orders allowed an LPA (Local Planning Authority) to introduce new permitted development rights. They were subject to statutory consultation period and require formal adoption by the LPA
- The area within the city covered by the Local Development Order was shown



- The LDO had the following aims and objectives: (a) deliver the infrastructure to enable the distribution of low carbon energy sources (b) achieve reductions in the Council's CO<sub>2</sub> emissions and contribute to the city's aim of carbon neutrality by 2030 (c) align with ambitions set out in the One City Climate Strategy and the Bristol Core Strategy
- Permitted development rights related to heating transmission and distribution system and ancillary infrastructure, above ground infrastructure, and reinstatement works within the defined order and subject to conditions
- The scope of the LDO was clarified as follows: (a) The scope of the LDO is for a heating transmission and distribution network with ancillary infrastructure only and is required to 'join the dots' between the heat source and the connection to individual buildings (b) It does not give consent for heat sources that may provide heat to the network in the future (c) It does not give consent for connections from the heat network to individual buildings
- The following restrictions on development were noted: (a) above ground infrastructure limitations, (b) trench depth/width limitations, (c) above ground pipework limitations (d) EIA development threshold, (e) limiting above ground development within boundaries of heritage designations (f) limiting development within boundaries of environmental designations (g) where Article 4 directions are in place (h) development on sites identified as parks, woodland or playing fields
- Conditions included design, biodiversity, protected species and protected sites, development within boundaries of heritage assets, completion of an environmental management plan and an assessment of high risk coal mining areas
- Details were set out of other statutory requirements, timeframes for Local Planning Authority approval and for a monitoring and review process
- The consultation process had lasted from 14 December 2022 to 20 January 2023 ie a 38 day consultation period, with 39 representations having been received on the order
- There had been responses as follows: 6 in support, 26 neutral and 7 objections. Main objections raised related to Parks and green spaces, Construction phase impacts, Traffic and transport. Amendments made in response to these were: removal of development on sites identified as parks, woodlands and playing fields from the Order, addition of Condition 12, 'High Risk Coal Mining Areas' and the addition of requirements to the Construction Environment Management Plan

In response to members' questions, officers made the following points:

- The defined coal mining areas would be identified and assessed in Health and Safety terms
- A condition on the LDO (Local Development Order) would ensure that any highway would be restored to its original condition. A trench could be dug up to 4 metres in depth and there was no requirement to go beyond this. Road would not need to be widened. Since this was new infrastructure, the LDO would not operate in areas where it was not practical
- A similar approach had been adopted for some past schemes such as the Temple Quarter Enterprise Zone and Temple Island in respect of urban agriculture.



- The Committee was only empowered to consider planning issues since it was a planning mechanism. The delivery of the heat network across the city avoided the need for lots of future small scale technical planning applications
- The LDO did not provide any additional powers to use new sources of heat and would need to be subject to their own application. It allowed flexibility to link into whatever sources of heat were required. However, any high carbon heat network would struggle to meet the controls in this legislation although there was no specific mechanism to place a restriction under the act
- The LDO placed restrictions in height and volume, if a site was within a designated heritage area and proposed a programme of a Construction Management Plan. In addition, a Section 50 licence would be required to install infrastructure
- The LDO streamlined the process but still required conditions for each proposal. The lifetime of the LDO was 20 years and could be reviewed
- The Centre for Sustainable Energy supported the use of Heat Networks – the alternative would be a heavily oriented approach around electricity which would be extremely expensive
- Road closures would be advertised in advance and all conditions would be made through the planning record. The issue of carbon intensity was beyond the scope of the order
- The LDO was the planning mechanism to deliver the strategy but the strategy itself will be set separately as required subject to each individual planning application
- No response had been received to the Equalities Impact Assessment from Bristol City Council's Equalities Officer
- Each future proposal operating under the LDO would be subject to controls relating to designated areas, height and volume in addition to a Construction Management Plan
- The network would be subject to need and would be rolled out once a commercial agreement had been made with a customer to meet that contractual obligation. It would therefore not be installed ahead of time
- Any proposal to add permissions would be beyond the scope of the network and would be subject to any future planning applications
- The costs to citizen and the residents of Bristol were not part of the consideration. The Committee was considering the mechanism of the LDO as proposed not the principle of it

Councillors made the following points during debate:

- The requirement for the LDO referred to a heating transmission system. However, there was nothing within it that guaranteed a reduction in carbon despite being an aim of it. This was a massive development in terms of scale and it was a cause for concern that work could take place without appropriate checks for costs of materials. There was also a very minor EQIA statement
- If each planning application was considered when it was submitted, it did not seem appropriate to approve this LDO rather than follow the normal planning process
- It was reassuring that controls would be agreed at Committee. It was noted that this was just a framework to assist with the approach with pipes only being installed as required
- There were plenty of safeguards in place and it addressed concerns about any future piecemeal approach



- This was a practical and pragmatic approach to provide infrastructure for alternative heat energy sources
- Whilst a heat network and the delivery of low carbon energy sources were acknowledged within the proposal, it was not clear whether the public had fully understood the implications of what was being proposed. If there had been greater clarity on this, there might have been further objections
- There had been a briefing on this proposal several weeks ago which had clarified how it would operate

Councillor Ani Stafford-Townsend moved, seconded by Councillor Chris Jackson and upon being put to the vote, it was

**RESOLVED (5 for, 1 against, 1 abstention) that the Local Development Order be adopted.**

## **57      Date of Next Meeting**

It was noted that the next meeting would be the DCB Committee Annual Meeting for the 2023/24 Municipal Year and would be held at 2pm on Wednesday 10<sup>th</sup> June 2023 in the Council Chamber, City Hall, College Green, Bristol.

The meeting ended at 8.15 pm

**CHAIR** \_\_\_\_\_

