

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO. 30/19

Date to Members: 26/07/2019

Member's Deadline: 01/08/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

- a. All applications, where approval is deemed to be granted upon the expiry of a defined period
- b. All applications to be determined the lawfulness of a proposed or existing use of a site
- c. All applications for non-material amendments
- d. All applications to discharge planning conditions
- e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction
- f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

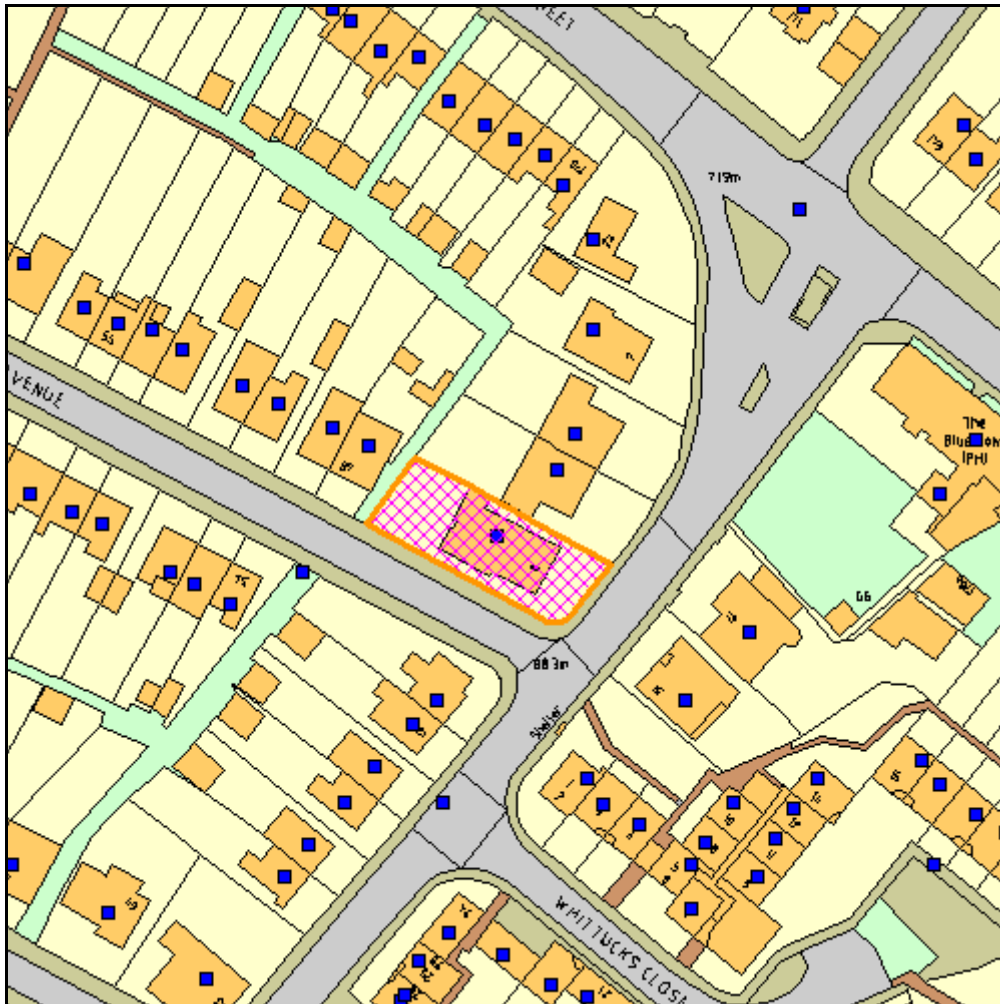
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 26 July 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/1132/F	Approve with Conditions	8 Whittucks Road Hanham South Gloucestershire BS15 3PD	Hanham	Hanham Parish Council
2	P19/5485/F	Approve	18 Bath Road Bitton South Gloucestershire BS30 6HZ	Bitton And Oldland	Bitton Parish Council
3	P19/6053/F	Approve with Conditions	137 Downend Road Downend South Gloucestershire BS16 5DT	Frenchay And Downend	Downend And Bromley Heath Parish Council
4	PK16/4840/F	Approve without conditions	Masters Church Park Road Kingswood South Gloucestershire BS15 1QU	Kingswood	None

CIRCULATED SCHEDULE NO. 30/19 – 26 JULY 2019

App No.:	P19/1132/F	Applicant:	Mr And Mrs Seegum
Site:	8 Whittucks Road Hanham Bristol South Gloucestershire BS15 3PD	Date Reg:	5th February 2019
Proposal:	Change of Use from nursing home (Class C2) to 8no. bedroom HMO (Suis Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (retrospective).	Parish:	Hanham Parish Council
Map Ref:	364666 172023	Ward:	Hanham
Application Category:	Minor	Target Date:	29th March 2019



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N.T.S.

P19/1132/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Councils Circulated Schedule as three or more letters of Objection have been received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a change of use from a nursing home (Class C2) to an 8.no bedroom House in Multiple Occupation (HMO) (Sui Generis).
- 1.2 The proposal seeks permission for more than six unrelated individuals to occupy the HMO property; as such this use is not within the Class C4 use class.
- 1.3 The application site is a two-storey detached property within an established residential estate in Hanham. The building is sited on a corner plot adjacent to Grange Avenue and Whittucks Road. The building was previously used as a care home, so internally it already contains a number of different rooms including a dayroom; a staff room and bedrooms. A small area of hardstanding is located within the properties boundary that facilitates the parking of approximately 4.no vehicles.
- 1.4 No internal or external alterations are proposed to the dwelling, so this application will purely consider the use of the dwelling as a HMO.
- 1.5 Currently, the building is in use as a 6.no bed HMO with an approved licence from the Councils Private Sector Housing Team.
- 1.6 This application seeks permission for the current unauthorised use; and 2 additional bedrooms.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2019
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS17 Housing Diversity
CS20 Extra Care Housing

CS23 Community Infrastructure
CS25 Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted
November 2017

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP39 Houses in Multiple Occupation
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) December 2013
Waste Collection SPD (Adopted) January 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PRE18/0802 - Change of Use from care home to HMO. *Pending Consideration*
- 3.2 PK13/0093/F - Erection of two storey rear extension to provide 4no. additional en-suite bedrooms, fire escape and associated works. *Refused 09.04.2013*
- 3.3 EK12/1420 - Pre-application: extension to nursing home. *Pending Decision.*

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council

'This application was considered at a meeting of Hanham Parish Council's planning committee on 18th February 2019.

Comments. Plans provided are incomplete; however from what is shown there are concerns over adequate provision of parking spaces, cycle and bin stores'.

4.2 Other Consultees

Sustainable Transportation Development Control – summarised

- Based on the Councils parking standards for HMO's, a minimum of 0.5 car parking spaces required per bedroom. Plans submitted show 4.no parking spaces.
- It is considered the proposed change of use would not significantly increase traffic movements or parking demand compared to the extant use.
- The building is conveniently located, both in relation to links to frequent public transport services to the city centre and other shopping and employment locations as well as safe cycle routes.
- On a balance judgement decision; in the context of paragraph 109 of the new (revised) National Planning Policy Framework, it is concluded that the

impact of this development could not be considered to be 'severe' to justify the refusal of this application on highway safety.

Other Representations

4.3 Local Residents

5 letters of objection have been received and are summarised below:

- Parking on Whittucks Road is already an issue – for a HMO that could potentially be 18 more cars in and around grange and Whittucks Road.
- The road is already congested. Property only has 4 spaces and they involve blocking each other.
- Volume of rubbish – currently used as a HMO & at Christmas time excess waste was all over the parking area and not cleared for days.
- Do not know who is residing at the property.
- Having a HMO property will add to parking issues and contribute to even less parking for residents of Grange Avenue.
- Would like to question the use of the property. Home office personnel have been seen entering the property, and youths seem to come and go continuously.
- This area does not need a HMO at the former nursing home.
- This is a residential area and does not have student or bedsits. It is not close to a college or university.
- The building is not large and to have 9 individual bedsits is not desirable.

4 letters have been received neither objecting or supporting the application. These are summarised below:

- We have concerns that if there will be more residents the noise may increase especially in the summer.
- Upkeep of the garden as it never gets cut.
- Why has this only just been applied for? The property has been used as a HMO for at least 2 to 3 months
- Would like to know who will be residing at the property and whether this would affect the local area.
- I would also like to know if there would be ample off street parking as this is a problem at this end of Grange Avenue.
- Plans provided are incomplete; however from what is shown there are concerns over adequate provision of parking spaces, cycle and bin stores.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

- 5.2 The proposal is for a change of use from a care home to an 8.no bed HMO; with no physical changes to the property.

- 5.3 Policies CS17 and CS20 of the South Gloucestershire Core Strategy both encourage the provision of housing that cater for special needs of the community such as elderly persons and people with disabilities. Policy CS23 identifies 'extra care & older peoples housing needs' as community and cultural infrastructure and seeks to 'retain' this infrastructure unless it can be demonstrated that 'the use has ceased and there is no longer a demand' or 'the facility is no longer fit for purpose'.
- 5.4 The applicant has submitted information confirming that the building ceased to operate as a care home in 2017 as the number of occupants had significantly reduced; it is stated that the business was operating at 50% - 60% capacity. The applicant clarifies that operating at this capacity could not be sustained long term; and it rendered the business unviable.
- 5.5 As further explanation, the applicant states:
- 5.6 'Despite being a 10 bedded care home, we were running only at 50 to 60% capacity for a long time, which had a big impact financially.... Although we were having referrals and viewings, we were still not getting any admissions. The feedback from the families was that the home had only one communal area and didn't have any other additional sitting area....Unfortunately, this was not possible due to the structure of the building. We did apply for an extension back in 2013 but it was not approved by the council. This would have changed the layout inside and also provided additional seating areas for the residents and their families/ visitors.
- 5.7 The planning history for the site corroborates the refusal of the planning application. The Councils Ageing Well Officer, has agreed that the lack of communal space would be a significant factor affecting the 'demand' for this particular property.
- 5.8 Whilst acknowledging the policy drive for retaining care homes for older people; in this particular instance, it is considered that sufficient evidence has been presented to conclude that this particular property had become undesirable due to its design and layout; and that whilst measures had been attempted to remedy this position; these attempts were unsuccessful. It is considered reasonable to conclude that the facility was considered 'no longer fit for purpose' by prospective occupants which resulted in a significant loss of 'demand'. The use ceased in 2017.
- 5.9 On balance, it is considered that the loss of the care home is principally acceptable against Policy CS23.
- 5.10 The property has been in use as a 6 bed HMO for approximately 6 months. In order to accord with Policy PSP39 of the Policies, Sites and Places Plan, a proposal to convert a building into a HMO should ensure there would be no harm to the character and amenity of the area; not prejudice the amenity of neighbouring occupiers; provide adequate amenity space and refuse storage; provide adequate parking in accordance with the Councils parking standards.

- 5.11 Having regard to the above considerations, it is considered that the proposal is acceptable in principle, subject to the consideration of the matters below.
- 5.12 Impact on the character of the area
- 5.13 Policies PSP1 and CS1 require development proposals to respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.14 The dwelling is a detached two – storey property that occupies a corner position along Whittucks Road and Grange Avenue. Whilst being located near to Hanham High Street, this area is a predominantly residential area with a range of detached and semi – detached properties. The property used to operate as a nursing home which results in the building having a number of rooms which include bedrooms; staff rooms; bathrooms and a day room.
- 5.15 No external or internal alterations are sought; it is proposed to use the care home building as in situ. The proposal would therefore have a limited impact on the character and visual amenity of the area.
- 5.16 Residential Amenity of Neighbours
- 5.17 No physical alteration to the property is proposed. The buildings former use as a nursing home created activity through use of the building by staff, residents and external visitors. The property is located within a relatively dense urban area, where a number of residential properties are located near to the application site and the area is predominantly residential in character.
- 5.18 The use as an 8-bed HMO would likely increase activity at the property from that as a care home; it would be expected that the outside space would be used differently, likely more frequently in the evenings, and that movements to and from the property would be increased; particularly at the start and ends of the day.
- 5.19 Local residents have raised concerns of increased levels of noise produced from residents. However, the use of outside space and the movement of vehicles in themselves are not necessarily activities that would be unacceptable in planning terms in a residential area.
- 5.20 In the event of excessive noise or disturbance being created by individuals at the property; the appropriate legislation to resolve this matter would be environmental protection and/or anti – social behaviour tools.
- 5.21 On balance, the proposed use of the building as a HMO for 8.no bedrooms would not give rise to significant harm to the amenity of neighbours and would not justify a refusal on these grounds in accordance with Policy PSP39 of the Policies, Sites and Places Plan.

5.22 Residential Amenity of Occupiers

- 5.23 Policy PSP8 provides development proposals will be acceptable provided they do not create unacceptable living conditions or have an unacceptable impact on the amenity of occupiers of the development or of nearby occupiers.
- 5.24 Policy PSP39 states HMO's should have adequate private amenity space. Further to this, policy PSP43 sets out a requirement for amenity space based on the amount of bedrooms at the property; for a property with 4+ bedrooms, 70m² of amenity space should be provided.
- 5.25 The applicant has not proposed any alterations to the property but instead proposes to use the property as it is. The amenity space at the property consists of a small garden to the front of the property and a small patio area to the rear and side of the building. The total amenity space provided by these areas amounts to approximately 75m². (This measurement does not include the area designated to car parking).
- 5.26 Overall, the amenity space provided is considered to be in accordance with the guidance of PSP39 & PSP43. The HMO has been granted a licence by the Council for the operation of a HMO; on this basis, it is considered that the property itself meets standard requirements for occupation.

5.27 Transportation

- 5.28 PSP16 of the Policies, Sites and Places Plan sets out the minimum number of car parking spaces for a HMO property is 0.5 spaces. In order to accord with PSP16, a minimum of 4.no spaces should be provided. This proposal must ensure the residential use does not have an adverse impact on the free flow of traffic, cause highway safety issues or unacceptably increase on –street parking levels.
- 5.29 The site has enough room for 4.no tandem parking spaces located on an area of hardstanding to the rear of the property and adjacent to Grange Avenue. The arrangement of parking at the site will mean two vehicles will have to park behind other vehicles. One space will be in front of the other, such that one car will have to pull out in order to allow access to Grange Avenue.
- 5.30 Should 8.no occupants reside at the property independently from one another, this could result in up to 8.no vehicles being associated to the property. Vehicle movements and residents entering and into and out of the property from a HMO would likely be above what one would usually expect from a private family home; due to residents living independently from one another. Due to the parking arrangement, occupants will have to manoeuvre out into the highway when entering/leaving the parking area.
- 5.31 Local residents have raised concerns that a HMO building will result in increased issues relating to parking, particularly if many of the residents use vehicles. The transportation officer has assessed this proposal and has determined that the proposed change of use would not significantly increase traffic movements or parking demand compared to its former use as a care

home. Whilst questioning the proposed parking layout, the transport officer has advised that this is satisfactory. Furthermore, the location of the building is near to public transport services serving the city centre and to safe cycle routes. This offers the opportunity for residents to use sustainable modes of transportation.

5.32 The applicant has stated the shed currently located to the rear of the property can provide storage for 4.no bicycles. As the proposed use is for a large HMO property, it is appropriate to add a condition which requests information for further cycle storage facilities to be provided in the event of planning permission being approved. This would benefit occupiers and promote sustainable travel.

5.33 Overall, on balance of the factors raised above, it is considered the property will be able to operate as a HMO without there being an adverse effect on the free flow of traffic or be detrimental to the convenience and safety of local residents and highway users.

5.34 Waste storage and recycling provision

5.35 HMO properties should ensure that adequate waste storage provision and recycling provision is provided to ensure the needs of all present and future occupiers. The applicant has identified within this application that bins would be stored on the area of hardstanding to the rear of the dwelling. There is adequate space for bins to be easily moved to a collection point along Grange Avenue. Accordingly, officers considered that waste storage and recycling provision is sufficient and that in the event of planning permission being granted, it would not be appropriate to require additional facilities to be provided.

5.36 Planning Balance

5.37 The proposed development, containing up to 8.no bedrooms for residents, is acceptable in principle. It will likely operate at a greater intensity than those residential properties in the locality but would not likely give rise to harm in planning terms sufficient to warrant the refusal of planning permission.

5.38 Overall, on balance of the factors discussed above, it is not considered there is insufficient justification to refuse this application. It is determined a residential use of the property for a HMO subject to conditions restricting the number of residents to 8.no would be both proportionate and in accordance with the South Gloucestershire Local Plan.

5.39 Consideration of likely impact on Equalities

5.40 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general

equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

- 5.41 With regards to the above this planning application it is considered to have a limited impact on equality. On the face of it, the proposal results in the loss of a care home for older people; however, the applicant has shown that the provision was undesirable to potential occupants; due to a lack of appropriate facilities. A provision considered unfit for purpose, and which cannot be improved, has a limited opportunity to contribute to equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is GRANTED subject to conditions.

Contact Officer: Sam Garland
Tel. No. 01454 863587

CONDITIONS

1. Notwithstanding the provisions of the Town and Country (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be limited to 8.no people.

Reason

The further division or alteration to the property to have more than eight people living at the dwelling will require a further assessment of the impact on the character of the area, provision of adequate waste sorting and storage facilities; and to accord with policy CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 and PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted) November 2017.

2. Within two months of this consent, detailed plans showing the provision for additional cycle storage shall be submitted to the Local Planning Authority for approval. Thereafter, the development of the cycle store shall proceed in accordance with the agreed scheme and shall be completed no later than 1 month after those details have been approved by the LPA. The cycle store provision shall be retained for that purpose.

Reason

To ensure the satisfactory provision of cycle storage facilities and to protect the character and appearance of the area to accord with Policies CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and Policies PSP1, PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) 2017.

IN ACCORDANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015.
POSITIVE AND PROACTIVE STATEMENT:

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner on seeking solutions to problems arising in the following ways:

Liasing with the applicant throughout all stages of the application process

CIRCULATED SCHEDULE NO. 30/19 – 26 JULY 2019

App No.:	P19/5485/F	Applicant:	Mr Dave Williams
Site:	18 Bath Road Bitton Bristol South Gloucestershire BS30 6HZ	Date Reg:	4th June 2019
Proposal:	Creation of vehicular parking area (retrospective) and creation of access onto a Class A highway (Bath Road).	Parish:	Bitton Parish Council
Map Ref:	367135 170161	Ward:	Bitton And Oldland Common
Application Category:	Householder	Target Date:	25th July 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

A representation has been made by the parish council, which is contrary to the findings of this report. Under the current scheme of delegation it is therefore required to be taken forward under the Circulated Schedule procedure..

1. THE PROPOSAL

- 1.1 Planning permission is sought for the creation of a vehicular parking area and the creation of an access onto a Class A highway (Bath Road). The application relates to no. 18 Bath Road, Bitton.
- 1.2 The application site comprises a detached building set along Bath Road (A431). The building originally functioned as a dwellinghouse, however planning permission was granted in 1983 for a change of use to office accommodation associated with an adjacent commercial unit (tyre supplier).
- 1.3 The works have already been carried out and hardstanding laid to the frontage of the building. As such, the application is retrospective in nature.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS12	Safeguarded Areas for Economic Development

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

3.1 **K4064/5**

FIRST FLOOR OFFICE EXTENSION (Previous ID: K4064/5)

Approved: 18.02.1987

3.2 **K4064/2**

ALTERATIONS AND REAR EXTENSION TO FORM OFFICE
ACCOMMODATION. (Previous ID: K4064/2)

Approved: 26.10.1983

3.3 **K4064/1**

CHANGE OF USE OF PREMISES FROM PRIVATE DWELLING AND
CARETAKERS HOUSE TO OFFICE ACCOMMODATION. (Previous ID:
K4064/1).

Approved: 11.07.1983

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council

Objection - It is not shown how you can exit and enter the highway in forward
gear on an A road.

4.2 Other Consultees

Highway Structures

No comment

Lead Local Flood Authority

No objection subject to informative

Sustainable Transport

Based on the area shown hatched on the proposed block plan being the
tarmacked parking and turning area there would be sufficient space for at least
3 cars to park and be able to turn on- site. Sufficient visibility is available from
the proposed access. As such no transport objection is raised subject to
informative.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The lawful use of the building at the site is as an office associated with a commercial warehouse, which is situated to the south-east of the site. The main warehouse premises is allocated as a safeguarded area for economic (employment/business) uses, under policy CS12 of the Core Strategy. Works to enhance the commercial premises, which the provision of a new vehicular access point would comprise, are supported under CS12. As such, the development is acceptable in principle, and the main area of assessment is the impact of the development on highway safety.

5.2 Transport

The proposal relates to the provision of an area of hardstanding to the frontage of the main building at the site, and the creation of a new vehicular access point in to the site from the A431. Given the nature of the highway and in the interests of highway safety, it is necessary for the parking area to the frontage of the site to provide sufficient space as to allow for vehicles to turn on-site, and therefore enter and exit the site in a forward gear. Given the considerable size of the parking area, the transport officer is satisfied that sufficient space would be provided for at least 3 vehicles to park, whilst also retaining sufficient space for vehicles to turn. The transport officer is also satisfied that adequate visibility in either direction can be achieved at the access point. Overall, there are no fundamental concerns with the provision of a new vehicular access in highway safety terms.

- 5.3 In terms of parking, it is noted that the building itself does not appear to be served by any parking spaces. As such, the provision of parking spaces would have some benefit, in the sense that it would moderately alleviate on-street parking pressures in the locality.

- 5.4 Overall, there are no fundamental concerns with the proposal from a transportation perspective. However the applicant will be reminded by way of an informative that the granting of planning permission does not grant consent for a dropped kerb, and that the Council's Streetcare department should be contacted in relation to this matter.

5.5 Design and Visual Amenity

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

- 5.6 Overall, it is not considered that the replacement of the previous boundary wall and front garden area with a large area of tarmac would have a positive impact on the visual amenity of the streetscene. That said, the streetscene is not considered to be distinctive at this location, with the most prominent feature being the designated A road. As such, whilst the loss of the front garden is regrettable, the overall visual impact is not considered to be severe. As such, the proposal is considered to be broadly consistent with policy CS1.
- 5.7 Residential Amenity
Given the nature of the proposed works, it is not considered that the provision of a vehicular parking area or the creation of a vehicular access point would have any significant adverse impact on the amenity of neighbouring residents. As such, there are no concerns with the development proposal in this respect.
- 5.8 Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.
- 5.9 With regards to the above this planning application is considered to have a neutral impact on equality.
- 5.10 Other Matters
It is understood that the building is currently being occupied as two residential units without the benefit of planning permission, and that this is subject to an ongoing enforcement case. However as the current lawful use of the building is as an office associated with the commercial premises, this application has been assessed as such.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be **APPROVED**.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CIRCULATED SCHEDULE NO. 30/19 – 26 JULY 2019

App No.:	P19/6053/F	Applicant:	Mr Nigel Buxton
Site:	137 Downend Road Downend Bristol South Gloucestershire BS16 5DT	Date Reg:	4th June 2019
Proposal:	Erection of a single storey rear extension to form additional living accommodation and creation of new access and 2no parking spaces.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364389 176375	Ward:	Frenchay And Downend
Application Category:	Householder	Target Date:	29th July 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as it has received an objection from the parish council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a rear and side extension and the creation of new access and parking at the front of the property at 137 Downend Road, Downend.
- 1.2 The application site relates to a two storey, mid-terraced property with an access road to the rear of the property. It is located within the residential area of Downend.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2018
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
Residential Parking Standards SPS (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P99/4579
Erection of single storey rear extension and detached garage.
Approved: 06.09.1999.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection- access issues identified in the transport officer's original consultation reply.
- 4.2 Other Consultees
Sustainable transport- reviewed their initial comments and no longer object to the application.

Other Representations

- 4.3 Local Residents
No objections

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy PSP38 of the PSP Plan (November 2017) allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.
- 5.2 Design and Visual Amenity
The proposed development consists of the erection of a single storey rear extension and the creation of access and parking to the front of the property.
- Single storey rear extension*
- 5.3 The proposal extends beyond the rear elevation of the host dwelling by 3.3 metres to meet the building line of an existing rear extension, the rear extensions would have a combined width of 6.1 metres. It would consist of a pitched roof with 2 no. rooflights fitted in the rear roof slope and an eaves height of 2.9 metres. All materials to be used in the external finish would match the existing property.
- Creation of new access and parking*
- 5.4 The frontage of the property is currently grass area with a block paving pathway. An application for a similar driveway has been previously approved for No. 141 Downend Road, with access to the main road. As such it is considered that the proposal would not detrimentally impact the character or appearance of the area.
- 5.5 Overall the proposal would be considered a modest alteration to the existing property which would not be detrimental to the host dwelling or surrounding area and is of an acceptable standard of design. As such, the proposal is deemed to comply with Policy CS1 of the Core strategy.

5.6 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.7 Considering the siting and single storey nature of the proposed extension it would not appear to have a material overbearing or overlooking impact, nor is it considered to significantly impact on existing levels of light afforded to the neighbouring occupiers. Furthermore, sufficient private amenity space will be retained post development.

5.8 Given the scale and location of the proposed rear extension, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers. Similarly, due to the nature of the new access and parking, it is not considered that this aspect of the proposal would materially harm the residential amenity of any adjoining neighbours either. As such, the proposal is seemed to comply with Policy PSP8 of the PSP plan.

5.9 Transport

The site is located in a predominately urban area and the access would be onto a highway with a 30mph speed limit. Although there is no off-street turning area, it is considered that there is sufficient visibility to ensure that vehicles can enter and exit the proposed driveway safely. An adjacent property has had a similar proposal approved and as such there are no objections with regards to transport. Informatives will be included on the decision notice relating to the dropped kerb and proposed parking surface.

5.10 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above this planning application it is considered to have a neutral impact on equality.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That the application be **APPROVED** subject to the conditions included on the decision notice.

Contact Officer: Jake Horwood
Tel. No. 01454 868400

CONDITIONS

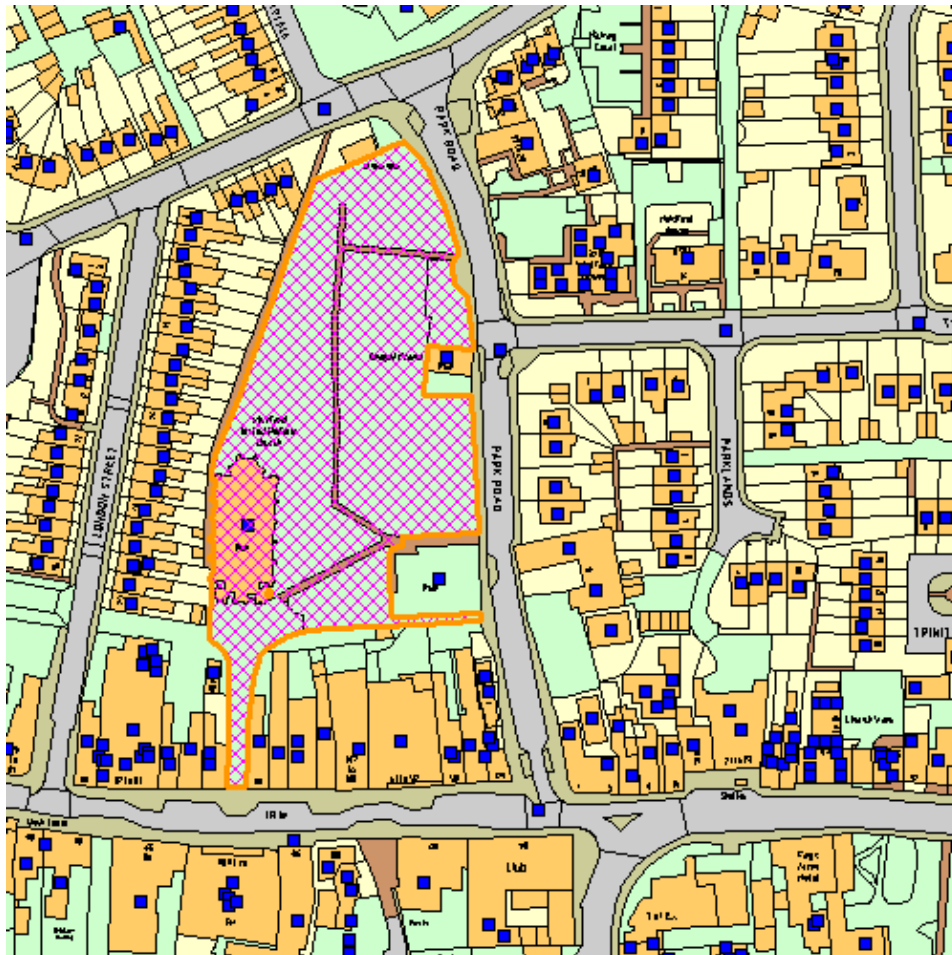
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

CIRCULATED SCHEDULE NO. 30/19 – 26 JULY 2019

App No.:	PK16/4840/F	Applicant:	Crossman (Wesleyan Chapel Kingswood) Ltd.The PG Group
Site:	Masters Church Park Road Kingswood Bristol South Gloucestershire BS15 1QU	Date Reg:	19th September 2016
Proposal:	Change of use of the Masters Church (D1) to 19 no. apartments (C3) with access, parking and associated works. Removal and relocation of monuments and headstone to facilitate change of use of land from graveyard to park (D2) with associated works and the erection of a terraced of 3no. dwellings with associated works.	Parish:	None
Map Ref:	364934 173962	Ward:	Kingswood
Application Category:	Major	Target Date:	15th December 2016



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PK16/4840/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to a number of objections being received from local residents to the proposed scheme.

1. THE PROPOSAL

- 1.1 This application follows a previous scheme in 2007 (ref. PK07/0064/F) to redevelop the Whitfield Tabernacle site which comprises of the Grade I listed Tabernacle, the Grade II Masters Church, the Grade II Chapel House and the associated graveyard which collectively form the Whitfield Tabernacle Conservation Area, a conservation area which is on Historic England's Heritage At Risk Register.
- 1.2 The previous planning history is considered to be material to the consideration of this scheme, as it was recommended for approval but the economic downturn resulted in scheme no longer being economically viable and the application was withdrawn in 2010. In conjunction with the former landowner and Historic England, following the withdrawal of the applications in 2010 a number of attempts were subsequently made to identify an alternative viable schemes for the Tabernacle site or its individual buildings. In light of the lack of progress, an Options Appraisal was commissioned by Historic England in 2013 to help develop a sustainable plan for reuse, but although a number of options were potentially identified, this didn't result in any viable solution coming forward as it established that there was no viable commercial uses for either the Masters Church or the Tabernacle. Following the failure of the Options Appraisal to instigate any comprehensive plan of redevelopment and the on-going deterioration of the site and the buildings and the negative impact this was having on the character and identity of the locality, it was considered a different strategy was required and the result is this application. The reason for the delayed determination is that following submission of this application in 2016, the previous landowner failed to progress a number of technical issues and in 2018 the site was sold to a new owner, who is now the applicant for this scheme.
- 1.3 In light of this change in strategy, there are a number changes between the previous scheme proposed under reference PK07/0064/F and this current application. To help highlight the key differences, under the following heading for each key site asset or proposal, a description of the previous and proposed works are provided.

Chapel House:

In 2007 the Chapel House was to be subdivided into flats and was to be extended northward to provide 6no. flats. These flats were intended to contribute to the restoration of the Grade I Tabernacle and so in heritage terms, were considered "enabling development". Since 2007 The Chapel House has been sold off and restored. The selling off of The Chapel House was agreed to help fund the current application.

Enabling Development:

The key change in strategy since 2007 relates mainly to the nature and purpose of the enabling development. In 2007 it was previously considered that the benefits of any enabling development would be directed to the Grade I listed Whitfield Tabernacle. Although in principle this is the correct approach, the inherent problem with this is that the restoration of the Tabernacle is a £1.5m to £2m project. Therefore, for any new use for the Tabernacle, up to £2m needs to be spent just restoring the building before it can even open its doors. This can be referred to as a “conservation deficit”, as that is the cost of bringing the building back into a condition that it could be brought back into economically sustainable use. The value generated by the agreed scale of “enabling development” now proposed would only generate less than a £200,000 surplus to help fund any works to the Tabernacle. If the enabling development was to still be tied to the Tabernacle, its restoration would still require a large public funding bid such as the Heritage Lottery Fund (HLF). Along with the risk of the bid failing, a HLF bid it could also take up to five years. It was therefore agreed with stakeholders in 2013 that to potentially accelerate the redevelopment of the whole site (which would address the increasing concerns about blight and anti-social behaviour), and to reduce the scope or burden of any HLF bid (as the bid could just focus on the Tabernacle) as well as improve the setting for the listed buildings, any enabling development could be used to help fund the conversion of the graveyard into a public park.

The “enabling development” now takes the form of a terrace of 3no. units to the north of the Chapel House, which will be tied via a legal agreement to the conversion of the park.

Graveyard:

In 2007 it was proposed to restore and retain the graveyard which would have seen a comprehensive scheme of stabilisation and repair to the individual monuments, headstones and ledgers. This is no longer considered to be economically viable. Therefore, since 2013 it was considered that the graveyard represented an opportunity to provide a small area of public open space or a “pocket park”. This would present a significant level of public benefit, as it would help provide some much needed open space in Kingswood of which there is a deficiency, but it would help provide workers, shoppers, residents or tourists to the High Street with an area green open space during the day that would have a clear historic context. The proposed park would therefore help improve the amenity offer of the High Street. However, to provide the levels of amenity required for even a pocket park, a number of the existing headstones would need to be relocated. The large monuments are however to be retained to ensure the character of the site is not lost.

Tabernacle:

In 2007 it was proposed to convert the Tabernacle into a restaurant and build a large rear extension. The cost of restoration and conversion (the conservation deficit) would have been met by the profits generated by the conversion of The Masters Church and “enabling development” noted above. However, as the Options Appraisal established in 2013, in light of the conservation deficit, any

commercial use of the Tabernacle would be now unviable. It can also be noted that no operator was identified for Tabernacle and proposed development was one of a speculative nature.

Following the sale of the site by the previous owner, as part of the new strategy of directing the “enabling development” to creating a new park, to ensure the Tabernacle was not overlooked, a new Preservation Trust was established. The freehold of the Tabernacle has now passed to this newly formed Preservation Trust who are progressing a potential HLF bid to help fund the restoration of the building as part of a potential new community/ performance space which is being supported by the Architectural Heritage Fund. A grant from Historic England has enabled the interior of the building to be cleared from rotting timbers and vegetation and a recent grant from the West of England Combined Authorities (WECA) will ensure a scheme of stabilisation is undertaken to protect the building while the various public bids for conversion are explored. The Tabernacle now sits outside of this application, although the proposals around it clearly impact upon its setting and significance.

Masters Church:

The proposals for the Masters Church remain materially the same as the scheme recommended approval in 2007. The intensity of the subdivision in 2007 was considered harmful but was accepted as “enabling development” to help fund the restoration of the Tabernacle. Although house prices in Kingswood have rebounded to a degree since 2010, the reduction in house prices from the 2007/2008 peak now has left the conversion in effect “enabling” the conversion and thus retention of the Masters Church itself.

- 1.5 The principle of the development is considered to be one of “enabling development” in the heritage sense and so the underpinning the principle of the proposals would be a financial assessment. The viability of the Masters Church would also need to be tested to ensure no excess profit was being produced which otherwise could be recycled into the development. To also ensure the public benefit is delivered in respect to the park, the enabling development would be tied to the conversion of the graveyard into a park by condition.
- 1.6 The Grade I listed Whitfield Tabernacle is an important survival from the eighteenth-century evangelical movement and is considered to date from 1741. The building has three understated, but nevertheless formally composed façades, and the interior had four stone columns with simple palmette capitals (3no. of which remain but free standing), and had, until the recent dereliction, raked galleries around three sides. The significance of the Tabernacle is that it was constructed at the request of George Whitfield who donated money for the building when he left to preach in America. Whitfield was a contemporary of Charles and John Wesley at Oxford and together with John Cennick of Bristol were largely responsible for establishing Methodism as a separate church of which Wesleyan Methodism was the largest element. Meetings at the Tabernacle became so popular that the building was extended in 1802 and in 1851 a new larger church – The Masters Church designed by Henry Masters, a local builder and architect, was erected. The Chapel House is considered to be contemporary with the Tabernacle.

- 1.7 The Chapel House ceased being occupied in the 1970s and the Masters Church stopped being used for worship in 1983 when the site was declared redundant.
- 1.8 The Tabernacle was last used in 1992 and the United Reform Church maintained sporadically the buildings until the site was sold in 2002. During that time vandalism and neglect led to the partial collapse of the Chapel House and a fire in 2000 destroyed the Tabernacle leaving it a roofless shell. More recent fires in the Masters Church and stripped slates from the aisle roof has left the north end and the gallery at the south end damaged. The floor has largely been lost and the roof to the northern end is in a parlous condition with clear structural signs of failure increasingly noticeable. The deterioration of the Masters Church in terms of both fabric but also structurally is now accelerating.
- 1.9 The graveyard is stated as being first used in 1802 and contains graves and memorials to many notable 19th century Kingswood residents. The graveyard can be considered to be formed by two distinct areas – between the Tabernacle and the Chapel House or access path, and north of this which is referred to as the “modern graveyard”. Burials for the main graveyard continued mainly up until the 1960s with burials in the modern graveyard largely up until the early 1990s.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework February 2019
 National Planning Practice Guidance
 The Community Infrastructure Levy Regulation 2010
 National Planning Practice Guidance – Conserving and Enhancing the Historic Environment;
 Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
 The Setting of Heritage Assets (GPA 3)
 Settings and Views of Heritage Assets (GPA 3 consultation draft)
 Enabling Development and the Conservation of Historic Places (2008)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community infrastructure and cultural activity

South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Biodiversity
PSP20	Flood Risk
PSP21	Environmental Pollution and Impacts
PSP31	Town Centre Uses
PSP39	Residential Conversions
PSP43	Private Amenity Standards

3. RELEVANT PLANNING HISTORY

- 3.1 P88/4625 & P88/4266 – Partial demolition and part conversion of church to 39no. flats. Both application withdrawn 12/02/93
- 3.2 PK00/2161/LB & PK00/2164/F – Demolition of the Whitfield Tabernacle and Masters Church. Refused consent and permission respectively 30/11/2000.
- 3.3 PK04/3115/F – Conversion of church to form 16no. dwellings and erection of 5no. dwellings. Withdrawn 13th December 2004.
- 3.4 PK07/0064/F: Refurbishment and change of use of Whitfield Tabernacle (D1) to A3 Restaurant with erection of single storey rear extension. Change of use of Masters Church to 19no. apartments (Class C3) residential. Subdivision of Chapel House to form 2no. apartments and erection of a three-storey side extension to form 6no. apartments. Alterations of existing vehicular and pedestrian access, car parking, landscape and associated works. Resolution to approve granted in December 2007. Section 106 Agreement however never completed and application was eventually withdrawn 14th January 2010.
- 3.5 PK07/0053/LB: Restoration and alteration, extension and part demolition of Whitfield Tabernacle and conversion to restaurant, Restoration, conversion including part demolition of Masters Church to form 19no, flats. Restoration including part alterations, extension and part demolition of Chapel House to form 8no. apartments. Due to the inability to approve the associated planning application, this application was also withdrawn in 2010.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The site lies within an unparished area.
- 4.2 External Consultees

Historic England

We last provided comments on these applications in our letter dated 21 December 2016. We set out a series of issues, as well as concerns regarding the level of information provided with the applications.

As noted in that letter, the overall site is of particular importance, due the presence of the Grade I Whitfield Tabernacle and its associated graveyard, the Grade II listed Master's Church and Chapel House. The whole is within the Whitfield Tabernacle Conservation Area, which along with the Tabernacle building itself is on the Heritage at Risk Register, due to its advanced state of disrepair. This is a particularly important ensemble of heritage assets, and their condition has been of great concern for an extended period of time.

Since our letter of December 2016, the majority of the site has been taken on by a new owner; with the freehold of the Grade I Tabernacle being passed to a Trust and Chapel House being sold to a third party by the previous owner of the entire site. The applications have been revised, in part due to the change in ownership of the component elements of the site, and further information has been provided, also reflecting the new ownership situation.

The strategy for the site (i.e. conversion of the Masters Church to residential, conversion of the graveyard into a pocket park, construction of three new dwellings, etc.) remains ostensibly the same as previously proposed. However, further/revised details/information has been provided. This includes:

- The Tabernacle is now in the ownership of a Trust, and there is no intention for any transfer of funds (or repairs) to the Tabernacle from this development
- The sale of Chapel House means that any development potential from that building is no longer being factored into the financial appraisal for the overall site
- Further information has been provided on the financial situation (viability, costings) reflecting the new ownership arrangements
- Fragmentation of the graveyard into public and private space- with the private areas enclosed by railings (cutting across the site), with restricted access through the main entrance to the site from Regent's Street.

It is regrettable that the ownerships of Chapel House and the Tabernacle have changed, and that any benefits from, or for, those buildings can no longer be factored into the overall development potential of the entire site. Given that the Tabernacle is the most significant element on the site, it is especially regrettable that there are no direct benefits for it. In light of this change in circumstances we would recommend that the council seek to achieve whatever indirect benefits are possible for the Tabernacle, not just in the form of improvements to its setting but also with consideration of the potential of provision of car-parking spaces for future uses of the Tabernacle, or (if appropriate) for this development to incorporate provision for possible utility services for the Tabernacle.

That said, the financial appraisal submitted with the applications appears to show that there would be limited financial benefits from the scheme which could have been directed towards the Tabernacle- and it is now proposed to use that to improve the setting of the building, in the form of a new public

pocket park. We understand that the council has independently assessed the financial information submitted. Securing ownership of the Tabernacle for a charitable Trust, as well as public access to the graveyard (in the form of a pocket park) are welcomed, although as has been pointed out by the council the former comes with significant repair costs and the latter with on-going maintenance costs.

We are, therefore, extremely concerned that it is now proposed to subdivide the graveyard into public and private spaces, separated by railings, and with limited public access from Regent's Street. This will have a significant impact not only on the setting of the Grade I Tabernacle but also on the experiential appreciation of the site overall as one historical entity. We recognise the desire to secure both public and private spaces outside daylight hours, but this could be done without separating the graveyard into two halves, and with public access from Regent's Street. We would recommend that the private residential area could be defined with railings following the path along its eastern elevation, liberating the area between the Masters Church and the Tabernacle from the intrusive and unnecessary segment of metal railings.

Whilst giving over part of the graveyard to car-parking is unfortunate, we recognise that the need for dedicated parking spaces for the new apartments might impact on overall viability. The impact of this could be greatly reduced by a softer and more recessive form of hard surfacing such as loose gravel, grasscrete, tar spray and chip, or resin-bonded gravel. We would recommend this surface treatment to all footpaths across the site. Its impact could also be reduced by sensitive detailing, such as omission of edge curbs, soft verges and plant screening.

Recommendation

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraph 194 of the NPPF.

Paragraph 194 states that any harm to the significance of a designated heritage asset, including from development in its setting, should require clear and convincing justification. We are not convinced that the imposition of railings across the churchyard harming the setting of the tabernacle is justified, nor are we convinced that the harm caused by introducing areas for car parking into the churchyard has been successfully minimised. The latter point could perhaps be addressed through imposition of a landscaping condition on any approval, but the former point (railings) requires clarification and potentially amendment prior to determination.

In determining these applications you should bear in mind the statutory duty of 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

4.3 Internal Consultees

Lead Local Flood Authority

No objection subject to a condition requiring details of surface water and foul sewerage drainage include SUDS have been submitted for approval

Highway Structures

No comment

Ecology

A badger survey also found no recent evidence of badgers using the site. The four hole sett to the north of the site was still present, but in a state of disrepair. No badgers are therefore considered to live on site they are likely to be present in the area. A condition therefore requiring in effect a watching brief is therefore recommended.

Waste

The new location of the bin store accessed to the rear of the site is more suitable than the previous collection point (to the front of the Masters Church). No tracking details have been provided.

In response to this comment the dimensions of the parking area adjacent to the bin store are insufficient for a refuse lorry to turn within the site. The appointed management company will therefore need to ensure all waste is moved to the Park Road entrance for collection.

Affordable Housing

As a scheme that provides 22 units in total, 8 affordable units should be provided.

Transportation

No highways objections

Environmental Protection

No objections subject to a recommended condition requiring a verification report.

Crime Prevention Design Officer

No objection

Archaeology

The works proposed some clearance of the graveyard and the introduction of new services to the building may well affect graves and it is considered essential that ground disturbance associated with the development is subject to archaeological recording. It would also be appropriate to undertake building recording given the extent of the likely replacement of historic fabric during the

works. Both matters can be addressed by way of a standard archaeological condition requiring agreement of a programme of archaeological works. Condition HC11 and HR05 should therefore be applied to any recommendation of approval.

Other Representations

4.4 Local Residents

6no. consultation responses were received which expressed the following views and objections to the proposed scheme:

- ☐ No provision of nesting boxes for swifts are proposed for the Masters Church;
- ☐ There are a number of graves which will be lost under car parking and it isn't clear what will happen to the headstones;
- ☐ There are graves from 1993 which will be effected by the proposed road and car park;
- ☐ How many memorials will be left in the "park area" in order to retain and respect the significance of the past?
- ☐ Most of the people buried in the graveyard helped to build Kingswood and some graves go back 500 years. The church yard is an integral part of our national heritage and what is being presented in corporate vandalism;
- ☐ Why can't this nationally historic site be well kept and preserved?
- ☐ There are very strong concerns about the impact of this development on the existing parking situation.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As in the case of the consideration of the application 2007, the principle of the development can be considered to be one of an "*enabling development*" nature in regard to the heritage definition as defined by Historic England which is development "*that would secure the future of a significant place, but contravene other planning policy objectives*". It is therefore considered that while the need and purpose of the enabling development has been agreed, the case still needs to be made through a financial appraisal if the other "*policy objectives*" are to be contravened.

5.2 Historic England's guidance document "*Enabling Development and the Conservation of Significant Places*" sets out a number of tests for any enabling development project to meet which are:

- a) *It will not materially harm the heritage values of the place or its setting;*
- b) *It avoids detrimental fragmentation of the management of the place;*
- c) *It will secure the long-term future of the place, and where applicable, its continued use for a sympathetic purpose;*
- d) *It is necessary to resolve problems arising from inherent needs of the place, rather than the circumstances of the present owner or purchase paid;*
- e) *Sufficient subsidy is not available from any other sources;*
- f) *It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that it forms minimises harm to other public interests;*

g) The public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.

- 5.3 The above guidance can be considered to provide a clear framework in which to consider the acceptability of the principle of the proposed development. Overall, enabling development in this sense is therefore a careful balance of ensuring that a development is considered that would otherwise not be entertained due to other policy implications, but the harm it not so sufficient that it completely undermines the integrity of the site that is trying to be saved.
- 5.4 In regard to the redevelopment of the Masters Church and graveyard, it is considered that the level of development has been carefully calibrated so while the level of subdivision of the Masters Church and 3no. new units may be considered harmful, they would not result in a material harm to the heritage values of the Whitfield Tabernacle site. In the case of the 3no. new build units, the harm would impact on the setting of the Grade II listed Chapel House, the Grade I Tabernacle, the Grade II Masters Church and the character and appearance of the conservation area. The impact of this development is considered to result in “less than substantial harm” between the lower to middle of the spectrum to the significance of these designated heritage assets, but in principle this harm could be considered to be potentially off-set by the conversion of the graveyard into a public park which would present a number of public benefits. The same approach applies to the Masters Church, as the intensity of subdivision would be harmful to the internal character of the building, but considering its existing condition, this harm would be result in less than substantial harm to the lower end of the spectrum to the significance of this Grade II building. The identified harm could in principle be off-set by the retention of the building and the contribution it makes both to the character of the site but also the identity of the locality.
- 5.5 As noted above, if the principle of the enabling development is to be accepted, the viability position of the scheme is critical, as the scale of enabling development (number of units that the Masters Church will be converted into and scale of new build) needs to be sufficient to meet the costs of the scheme (as per criterion (f) noted above). To put another way, if the principle of the scheme is to be accepted, the scheme needs to be shown to be viable and that an excess profit over what can be considered a reasonable developer profit is not being achieved.
- 5.6 In support of the proposals, the applicant has provided a “conservation deficit assessment” on the considered costs and values of each part of the development. This has been since been independently scrutinised by the District Valuer (DVS) on behalf of the Council.
- 5.7 What conservation deficit assessment identifies and has been confirmed by the DVS is that a policy compliant Masters Church conversion is unviable. However, if all S106 contributions and community infrastructure levy (CIL) were zero rated (and so was not policy compliant), the scale of the deficit would reduce to a level that due to the applicant’s business model (they are both

- developers and builders), have confirmed that they are willing to proceed on such basis.
- 5.8 It can also be noted that due to the historic concerns about the viability of this site, in the production of the Council's CIL policy, on the grounds of exceptional circumstances this site was given an exemption from CIL if required. This is the only site in South Gloucestershire where this exemption was applied.
- 5.9 It is considered that the findings of the conservation deficit assessment can be considered to provide the justification to trigger the zero rated clause in the Council's CIL policy for this site to enable its redevelopment as overall the DVS has confirmed that the Masters Church conversion shows a level of deficit that renders it even more unviable if its needs to provide any s106 contributions (such as affordable housing) or CIL. It is therefore not the case that any profit is being generated that could be used to contribute towards the park (and thus reduce the scale of new build) or make a contribution towards the Tabernacle. With a developer's profit also below the market standard of 20%, it is considered that in the wider public interest of the history and character of Kingwood of which this site plays a central role, it would be better to see this important landmark building converted, restored and given a sustainable future. If we were to maintain a policy compliant requirement position (i.e. affordable house, open space contributions etc), then this opportunity to redevelop the Masters Church would pass and the Council would be left managing its gradual decline towards ultimate demolition. Overall, the justification for considering this development "enabling development" is therefore accepted and so it is the principle of development and so in light of the history of the site and the contribution it could potentially make to the character and appearance of Kingwood, there are considered to be the special "enabling development" circumstances that would outweigh the need to apply a policy compliant position in regard to s106 contributions and CIL.
- 5.10 The second key element of this application is the graveyard conversion and the "enabling" new build of a short terrace of 3no. units. As again confirmed by the DVS, there is deficit shown between the gross development value of the housing and the cost of the conversion but again the applicant has confirmed that they are willing to proceed on such basis subject to applying zero contributions including CIL which helps narrow the deficit to a considered manageable level. It is therefore the case that rather than the enabling development of 3no. new build units being excessive in quantum, it is not sufficient and so in most cases we would be seeking to increase the scale of the new build to fully meet the cost. However, in light of the applicant's confirmation that they are willing to accommodate this deficit, Officers are happy to proceed forward on this basis as the scale of enabling development can be considered to be adequate to ensure the graveyard is converted into a park. Therefore, while the construction of the 3no. new units can be considered to be visually intrusive and harmful to the character of the graveyard and setting of The Chapel House and the Tabernacle, as with the Masters Church, this harm is not considered material or so significantly harmful that would compromise the character or significance of the site. Moreover, the harm that can be identified can be considered to be outweighed by both the public benefit of seeing the wider site both restored and publically accessible.

- 5.11 To conclude, the financial appraisals and independent verification work have shown that the scheme either collectively or when broken down into its components shows a deficit. While there was some disagreement on the scale of the deficit between the applicant's consultants and the DVS, the DVS have clearly confirmed that the level of deficit makes applying s106 contributions and CIL not possible, as the level of deficit would increase to a point that the deficit becomes fatal to the scheme. The principle of the development in this regard is therefore considered to be acceptable.
- 5.12 In setting out how the scheme would therefore comply with the Historic England "Enabling Development" tests noted above, the proposed scheme is considered to comply with (a) and this will be discussed in more detail in the following section. As discussed later in this report, the main park area will be adopted by the local authority and so there are no concerns regarding test (b). The proposed conversion of the Masters Church and creation of park will provide a sustainable future for both assets and so test (c) will be met. The proposed development is considered compatible with test (d) and for (e), as the lack of viable uses that could attract any subsidy has been established since 2013 through the Options Appraisal that recommended ruination. As noted above, the amount of enabling development is considered compliant with test (f) and the clear public benefits of redeveloping this site are considered to outweigh other policy consideration – s106 and CIL for example and so test (g) can also be considered to be met.
- 5.13 It is therefore considered that the proposed scheme can be considered to comply with all requirements of enabling development.
- 5.14 Set out below under the following headings is an assessment of the wider implications of the development.

Design/ Conservation

- 5.15 The design of the Masters Church is, as noted above, materially the same scheme previously approved and so there are no objections and although for different reasons, the "enabling" argument for the conversion is acceptable. Along with considering the scheme in the context of "enabling development", an assessment in the context of the Framework is also required.
- 5.16 As noted in the introduction to this report, the Masters Church is in poor condition externally and internally little fabric remains due to vandalism, arson and the ingress of the elements. The Council endorsed 2013 Options Appraisal also identified the most viable future for the building being that of a curated ruin. The factors have an impact on the considered significance of the building, which now can be considered to be derived only through its standing fabric and the architectural appearance of the southern elevation that is viewed from the High Street. The loss of openness to the interior through subdivision would clearly have a dramatic impact on the character of the building, but in light of all the material considerations, it is considered that the proposals would result in less than substantial harm to the lower end of the spectrum to the significance of this designated heritage asset. However, as per paragraph 196 of the Framework, this harm can be considered to be outweighed by the public

benefits that this scheme would deliver (i.e. restoration of exterior and repair) or that the proposals after over a decade of trying to find alternative uses can be considered to represent the building's optimum use.

- 5.00 The design of the graveyard will be covered by a separate section below, but the new build does differ from the scheme in 2007. Previously the Chapel House was to be extended to provide a scale of new build similar to that now proposed, but this was to comprise of a number of flats with the Chapel House subdivided into 2no. further flats. With the Chapel House restored back to a dwelling and the new build detached from the Chapel House, what is now proposed can be considered to be a material improvement, as although the setting of the Chapel House will change with the terrace of 3no. units sat close by, its scale and form will remain unchanged and in key views from the south (from the Tabernacle), it will appear largely unchanged. The scale of the new units are modest and the design is one of simplicity to ensure they are visually as recessive as possible and so will not present any competition with the Chapel House or any of the other assets on the site.
- 5.11 With the principle of the scheme accepted within the previous section of this report, it is considered that the actual design and scale of the development is acceptable and in the case of the direct material impact on the Chapel House, this scheme represents a material improvement on the previous application in 2007. In the context of the Framework, it is considered that by reason of its impact on setting, the new build will result in a less than substantial harm in the middle of the spectrum to the significance of this Grade II asset. The new build would also result in a less than substantial harm toward the lower end of the spectrum to the significance of the Grade II Masters Church, the Whitfield Tabernacle Conservation Area and the Grade I Tabernacle. However, again considered in light of the requirements or provisions of paragraph 196 of the Framework, there are positive and material benefits in what the new build will deliver (i.e. fund the conversion of the graveyard into a park) which could be considered to represent a level of public benefit that would outweigh this identified harm. Therefore, while the statutory obligations are acknowledged and the harm identified to all the assets above has been given considerable importance and weight, it is considered that there are clear and demonstrable public benefits that represent material considerations powerful enough to outweigh the considered harm.

Residential Amenity

- 5.12 As with the previous application, to address the concerns regarding the impact on the residential amenity of the neighbouring properties to London Road, as confirmed on drawing number PL30 Rev.B, the lower section of this tall opening is to be obscurely glazed to allow only a "line of sight" that terminates at the eaves level of the neighbour houses at its lowest point. Therefore, the amenities of both the neighbouring residents and the prospective occupiers of the new units with the Masters Church should be protected.
- 5.13 The proposed new build units will also have an impact on north facing windows to The Chapel House. It is however considered that with its main aspect and amenity area south facing, the impact could be accepted. The "enabling development" nature of the new build and the public benefit it would deliver

also would weigh in favour of the scheme. The owner of the Chapel House also knowingly purchased the property in the knowledge that the land immediately to the north would be developed.

5.14 Transportation

The main transportation issues are access and parking. There are two accesses to the site - one is via Park Street and the second is via Regent Street. Existing (gated) entrance from Park Road would be used in order to obtain access to the new car parking area on site. Visibility from this is slightly below the recommended visibility guidance, however, due to the residential nature Park Road together with the existing traffic calming measures which results in lower vehicular speeds leads the Transportation Officer to conclude that the available visibility is sufficient and as such, I consider this access to be acceptable in highway safety terms.

5.15 Access to the site for service vehicle will be from Regent Street.

5.16 In terms of parking, and according to the applicant's "design and access" statement, one off-street car parking space per each dwelling will be allocated on site for each residential flat/dwelling. The proposal does not include for on-site visitor's parking. However, it is noted that there are currently formal visitors' parking along Park Road. These [visitors parking] spaces are backed by a traffic regulation order (TRO) with a 2 hours waiting limit. In view of this, and in consideration that there are at least one parking per each property on site, whilst the parking on site falls below the Council's standards, overall the officer considers that parking for this development is acceptable in this case.

5.17 In line with the Council sustainability requirements, the proposal includes provision of cycle parking for the residential development on site. Furthermore, officers acknowledge that the site is a sustainable location with good walking and cycle links to local employment, retail, education, health and leisure facilities and excellent public transport services which provide sustainable transport to higher level facilities to other parts of South Gloucestershire area as well as the neighbouring Authority Bristol City Centre.

Environmental Protection

5.18 A desk study was submitted in support of this application identified that as the land has previously been a graveyard, there is the potential for contaminants though the desk study considers this to be low risk. Prior to the commencement of development, it is therefore recommended that an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall therefore be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures.

- 5.21 An appropriate condition is therefore to be attached to any consent to address this issue.

Graveyard/ Park Design and Management

- 5.22 Although the Tabernacle dates back to the 18th century, the earliest recorded burial recorded on site dates from 1815.
- 5.23 In reviewing the survey of the graveyard which recorded names, dates, style and inscriptions, the area of the graveyard to be converted into a park contained graves mainly date from the middle of the 19th to the middle of the 20th century, i.e. from the 1850s to the 1950s. The majority of the graves are also family plots that contained multiple burials and so as they tend to cover particular generations, the dates of graves tends to span a number of close decades with a notable amount of the graves containing burials that date from the late 1800s and early 1900s. There is also a significant amount of headstones and ledgers that have lost their inscriptions, but from the survey we can get a clear picture that the majority of the headstones to be relocated are largely 19th century and of those that are 20th century, they are predominantly pre-1950s. There are some exceptions, with one grave dated in 1969 and one from 1977. The most recent grave is however from 1988, which was a Mr John Coulsting, who died aged 104.
- 5.24 The earliest burials took place immediately north of the Tabernacle, with a former Reverend buried there in 1930, which is a grave that is to be retained. The pattern of the burials then progressed north over time up to an existing access track before continuing north to form the “modern graveyard”. The most recent graves within the main graveyard area are generally located adjacent to the access road which follows the line of the existing track albeit wider. Here there are a group of graves from the 1970s and due to them forming a northern edge to the potential park, they are to be retained. More importantly the retention of a number of graves in this location is in response to relatives contacting the Council to request that these graves be retained. The modern graveyard contains graves as recent as the 1990s, but all the graves in this area are to left untouched with the graveyard now to be managed by the Council, they will again be accessible to any relative wishing to visit. The War Grave to the western site boundary will also be left untouched but its surroundings cleared and landscaped appropriately.
- 5.25 In light of the above, in approaching the design the “pocket park” layout there was a clear tension in improving the amenity of the space to allow it to be used as a park but at the same time ensuring its character was not lost.
- 5.26 To enable a grass area of open space to be provided that would serve the function of park, the central main area of the graveyard will have its headstones removed and located to the modern graveyard to create a memorial garden. A condition requiring a method statement for the removal of the headstones and a condition requiring details of how the relocated headstones will be arranged is to be applied to any consent. Although as non-consecrated ground (as it is non-conformist), this “re-ordering” of the graveyard can be undertaken without seeking additional consents or licences. However, none of the buried remains will be touched and so will be left in situ undisturbed. With the site previously

surveyed, details of the recorded inscriptions and locations of graves could be the subject of an interpretative project so a list of all the names buried and their position within the site could be produced. This information, as part of this application is also publically available.

- 5.27 To help retain the character of the graveyard, a number of the oldest and most prominent chest tombs and monuments will be retained. The retained monuments and chest tombs are generally located to the immediate north of the Tabernacle and close to the boundary with Park Road.
- 5.28 The proposed reordering of the graveyard is a sensitive subject, but in light of the age of a great number of the graves (pre-1950s and a large number mid-late 1800s), it was considered that there is now an opportunity to look at options to facilitate its reuse. While there are some instances of more recent graves (as noted above), it is simply the case that without relocation of the headstones as proposed, it would not be possible to create a public park. With no public park, the site would remain overgrown and inaccessible. Therefore, while the sensitivities surrounding these proposals are clear, the justification for progressing this scheme what can be considered to be within the public interest. For as proposed, the reordering of the graveyard will facilitate a new public park for which presents a number of clear public benefits in terms of improvements to amenity and the character and identity of the locality. It also helps improve the context for both the Masters Church and Chapel House but more importantly, it improves the setting of the Grade I Tabernacle and the wider Whitfield Tabernacle Conservation Area. Moreover, the headstones whether relocated into the new memorial garden or left in their current position could again be visited by relatives, something which hasn't been possible for many years due to the overgrown and inaccessible nature of the site. However, as noted above, without this intervention this largely Victorian and Edwardian graveyard continues to be remain overgrown, inaccessible, a magnet for anti-social behaviour and a source of on-going blight to the character of the local area.
- 5.24 Therefore, in light of the clear and significant opportunities this application presents, it is considered that on-balance, that the wider public benefits the scheme of conversion would bring outweighs the concerns about relocation of headstones.
- 5.25 The public benefits will only be secured with public access to the park. The applicant wishes to retain ownership of the Regent Street access and while the gates and stone piers would be repaired, an area of land immediately to the east of the Masters Church and the west of the Tabernacle would also be retained by the applicant. This is indicated on the proposed site plan. The rest of the site bar the access road and parking will however be adopted by the local authority as public open space. To however ensure the public benefits are delivered while addressing the anti-social behaviour concerns of the applicant, via the s106 agreement, controlled public access in perpetuity from the Regent Street to the park and Tabernacle will be secured, i.e. office or daylight hours. The access from Park Road will however be managed by the local authority. The s106 will also secure access for Council maintenance vehicular with a new gate to be located in the resident's car park.

- 5.26 The option to take on the management of the public open space without a management contribution can be considered a positive and material commitment by the local authority in helping find a solution this long-standing public site. The decision for the local authority to take on and manage the park and modern graveyard was a decision was made by ECS Committee on 07th September 2016.
- 5.27 Finally, the graveyard itself can be considered to be of historic interest, as it provides a setting for the listed buildings that surround it as well as forming the majority of the conservation area. However, since 2002 it has largely been inaccessible, overgrown and vandalised. Its contribution to the setting of the buildings is now considered to be largely a negative one and as mentioned previously, the option to consider restoration of the graveyard is not unrealistic without significant public funding. Therefore, while the “re-ordering” of the graveyard will have an impact on the setting of the 3no. heritage assets that surround it, it is difficult to consider that the change would be anything but positive. It is noted that there would be a loss of illustrative and associate values, but the improvements to the physical appearance of the site and the respective improvements this will bring to the settings of the listed buildings and conservation area would outweigh such concerns to the point that the overall impact is positive and so any harm would be negated.
- 5.28 The issue of railings and subdivision as raised by Historic England will be discussed in this report’s response to their comments below.

Trees

- 5.27 The site contains many substantial trees that are either protected by TPO or by virtue of the conservation area designated. While the larger trees will require some works (to be agreed) in light of the lack of maintenance, apart from the tree directly adjacent to the north of the Chapel House, all trees will be retained. It is regrettable that the tree to the north of the Chapel House will be removed, but that is the site for the enabling development and with no alternative site available, when the loss of the tree is balanced against the wider public benefits of this scheme, it is acceptable.

Ecology

- 5.28 As noted above, although the Tabernacle was shown to provide a potential summer roosting habitat for bats, the only ecological issue relevant to the wider site was the potential for badgers, due to the presence of the existing sett. However, on further investigation this sett was shown to be dormant and unused but a mitigation strategy is however considered necessary in light of the likely presence of badgers in the locality.

Local Residents Comments.

- 5.29 The subject of removal of headstones is clearly an emotive subject. In the course of this application process, where possible headstone have been retained, as for example as cluster of headstone to the south of the access road following concerns being expressed by the relatives. As however experienced with the recent Wesleyan Chapel conversion at Blackhorse Road, in some cases it simply is not possible to retain the headstones without

impinging on the ability to implement the scheme. It is therefore the case that in a number of instances the graves of relatives who have made representations are located under the proposed widened access road or car park. With no alternative route to avoid this, it is simply the case that without the car park, there would no Masters Church conversion and restoration, as along with the viability of the scheme, it would be a scheme completely deficient in off-street parking. The lack of car parking would also undermine the feasibility of the new build units whose aim is to fund the conversion of the graveyard. As discussed previously within this report, it is balancing the concerns or objections about relocating headstones against the wider and longer term public interest, as this scheme will deliver a number of demonstrable benefits to the local area including the ability to once again visit the albeit reordered graveyard. Therefore, while regrettable, the relocation of the headstones and ledgers as proposed to provide a small park and parking is an unavoidable requirement that is intended to deliver long-term public benefits as described above.

- 5.30 As noted previously the graveyard has been fully surveyed to record all headstones in regards to names, dates, inscriptions, location and condition. The headstones and ledgers are to be relocated to a memorial garden created to the north and west of the site, adjacent to the boundary wall. The details of the final design will be agreed via condition. The mortal remains will remain untouched in the ground but to ensure ground stability and prevention of disturbance of the buried remains, a geotextile ground support is to be laid to help consolidate the ground to ensure a safe surface is provided.

Historic England's Comments.

- 5.31 In response to the points raised, the sale of the Chapel House was agreed as it help fund the surveys required to support this application. Therefore, without the sale this application would not have been produced and while the concerns regarding fragmentation of ownership are noted, the Chapel House has been restored to a high standard and has retained more importantly its historic function and scale. Far from being a regrettable situation, the Chapel House has been a positive development on this long-standing problematic site. The passing of the Tabernacle to a Preservation Trust is also not considered to be a negative development, on the contrary. Moreover, while the proposed scheme is not providing any direct benefit to the Tabernacle, this is part of a deliberate strategy to help progress and de-risk the redevelopment of the wider site rather than maintain the status quo or leave the redevelopment of the site to a HLF bid that will take a number of years of which there is no certainty. As per the findings of the "conservation deficit", the Masters Church conversion is unviable and the surplus of the "enabling development" does fully cover the cost of the park conversion. Therefore, as noted before, we could leave the park in its current state by reallocate the money generated by the enabling development towards the Tabernacle, but this represent less than 10% of the budget required. It might pay from some stabilisation works (works which will now be funded as part of a WECA grant), but the graveyard and the conservation area would remain in its current poor condition and so the potential significant benefits that would come through clearance, redevelopment and reuse would be lost. It can however be noted that as part of the transfer of the freehold, all that was given to the Preservation Trust was the footprint of the building. With the curtilage around the building now to become part of the park, there is the

potential for the new Trust owners to secure a maintenance strip around the site which will be of significant benefit.

- 5.32 The proposals concerning subdivision into public and private spaces are noted. As noted above, what this relates to is that the existing owner wishes to retain ownership of the Regent Street approach and an area of land to the south. This is not considered an ideal situation but with public access across this land during the day (as secured by S106), it will not feel or be used a private garden space. The demarcation of this space will also only be through a metal railing fence designed to replicate the historic railings to the north of the Tabernacle, and so along with a simple design, will be no greater than 1m in height. While it is agreed that location of the railings could be improved, overall it is not considered that the railings represent a significant visual intrusion into the site.
- 5.33 In regards to the car park, it represents a significant component of the feasibility of the Masters Church conservation and new building elements. The design and scale of the car park has in effect been agreed in 2007 and has not altered since. The surface material of the car park will also be bounded gravel as suggested. A landscaping scheme will however be required by condition to ensure the planting around the site edges is appropriate in terms of planting specifics and density.
- 5.34 Paragraph 194 requires the need for clear and convincing justification in effect considering any harm to a designated heritage asset. Although Historic England dispute the justification for the railings and it is agreed that the scheme would benefit from their removal, it is not considered that the impact would be significant and in light of the other clear benefits that the redevelopment would bring, it is considered that if harm is considered to be caused by the railings and the car park, then this harm would be outweighed by the clear public benefits that the redevelopment would bring. The provisions of paragraph 196 are considered to encapsulate the statutory obligations noted in the Historic England response and so this assessment is considered to be one that reflects the statutory requirements and presumptions.
- 5.35 Critically although the concerns of Historic England are noted and the issues they raise are understood and in part shared, as a statutory consultee they have not objected to the proposed scheme. Therefore, the comments are taken as advice and so approval can be recommended within the need for a Secretary of State referral. This is not to dismiss the concerns of Historic England, but as noted in this report the level of harm caused is considered to be outweighed by the public benefits this proposal would generate that would see this long-standing problem site finally redeveloped.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
1. The transfer of the freehold of the pocket park area as identified in blue on the Proposed Site Plan (dwg no.PL101 Rev.F).
 2. Public rights of access from the Regent Street access into the Park and Tabernacle beyond (position of point of access into the park as identified on Proposed Site Plan dwg no.PL01 Rev F). The public rights of access are however to be limited to hours to be agreed.
 3. Rights of access for Council maintenance vehicles to be access the Park from the proposed new access road and car park.
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 12 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to consider the refusal of the application on this basis.

Contact Officer: Robert Nicholson
Tel. No.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Prior to the commencement of the development, the result of the badger survey (as per the badger mitigation survey) which shall be undertaken no earlier than 3 months before the construction works beginning (including vegetation clearance, ground work etc), shall be submitted to the local planning authority for approval in writing.

Reason:

To ensure all works proceed in strict accordance with the recommendations made in the badger survey report (as produced by All Ecology Ltd dated 7th December 2018), and so accord with PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

3. No above ground development shall commence until surface water and foul sewage drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is also required as part of this submission as no public surface water sewer is available.

Reason:

To comply with South Gloucestershire Local Plan: Policies, Sites and Plans Plan (Adopted) November 2017 Policy PSP20; South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 Policy CS1 and Policy CS9; and National Planning Policy Framework 2018.

4. Prior to the commencement of development, an investigation shall be carried out to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (to be contained within a "Remediation Strategy"). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures and where works have been required to mitigate contaminants (as set out within the Verification Strategy) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority. If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason:

To ensure the protection of the future residents in terms of land contamination and environmental impacts and to accord with policies CS9 and CS26 of the adopted South Gloucestershire Core Strategy (December 2013).

5. Prior to the first occupation of the Masters Church, details of the obscure glazing to the lower windows to the west elevation (as indicated on drawing no.PL30 Rev.B) of the Masters Church are to be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details and the obscure glazing is to be inserted prior to first occupation and maintained thereafter in perpetuity.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers

and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

6. Prior to the commencement of the relevant works, a method statement detailing how the headstones, ledgers and monuments identified for relocation (see Proposed Site drawing number PL101 Rev.F) are to be removed from their current position shall be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details.

Reason:

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area and the setting of the adjacent listed buildings, in accordance with sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

7. Prior to the commencement of the relevant works, details of the design and layout of the relocated headstones/ ledgers and monuments shall be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details.

Reason:

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area and the setting of the adjacent listed buildings, in accordance with sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

8. Prior to the first occupation of any of the enabling units which comprise of the terrace of 3no. units to Park Road, the scheme of conversion of the graveyard into the proposed park as proposed, hereby approved and specified (item 7) on the Proposed Site Plan (dwg no.PL101 Rev.F) shall have been implemented in its entirety and ready for public use.

Reason

To ensure that the public benefits of the enabling development are delivered which is essential in off-setting the harm caused to the setting of the listed buildings and conservation area, all in accordance with PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017) and guidance on "enabling development" as set out within the NPPF (2019).

9. Prior to the occupation of any units hereby approved, in light of the inability for a refuse vehicular to turn within the car park area, details of how the refuse collection will be managed shall be submitted and approved in writing by the local planning authority. The refuse storage and collection shall then be managed accordingly with the agreed details.

Reason

To ensure the satisfactory provision of refuse collection and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

10. Prior to the occupation of any units, details shall be submitted indicating the design, scale and position of the access gates needed to provide vehicular access to facilitate the maintenance of the park shall be submitted and approved in writing by the local planning. The gates shall be retained for the purposes of maintenance access only thereafter.

Reason:

To ensure a satisfactory access for the management and maintenance of the park can be provided as part of protecting the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Prior to the commencement of the relevant clearance works to the graveyard, to ensure there is clarity on site regarding the graves to be retained, a scheme of on-site identification/ protection for the graves identified for retention (as per Proposed Site Plan dwg no. PL101 Rev.E) is to be produced and submitted for approval in writing by the local planning authority. This approved scheme is to be then implemented and in place prior to the clearance works commencing and the pre-clearance implementation of the approved scheme is also to be confirmed in writing by the local planning authority.

Reason:

To ensure that the works serve to preserve the architectural and historic interest of the conservation area and the setting of the adjacent listed buildings, in accordance with sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

12. The application has been approved on the basis of the list of the following submitted documents.

The development shall proceed exactly in accordance with the above approved documents.

Proposed site plan (dwg no. PL01 Rev.F)

Site location plan (dwg no. PL001 Rev.A)

Section - line of Sight West Elevation (dwg no.PL101 Rev.A)

Graveyard Details of Monuments
 Graveyard Contact Sheets
 Design and Access Statement
 Graveyard Survey and Proposals
 Structural Review Update
 Accommodation Schedule
 Existing Site Plan (dwg no. PL002)
 Existing Site Plan Burials (dwg no. A02 Rev.A)
 Proposed South and North Elevations (dwg no.PL320)
 Proposed East Elevation (PL321)
 Masters Church Basement Plan Existing (dwg no. PL301)
 Masters Church Ground Floor Plan Existing (PL302)
 Masters Church Roof Plan Existing (PL303)
 Masters Church South and North Elevations Existing (PL304)
 Masters Church East Elevation Existing (PL305)
 Masters Church West Elevation Existing (PL306)
 Masters Church Section AA Existing (PL307)
 Masters Church Section BB Existing (PL308)
 Masters Church Basement Plan Proposed (PL20)
 Masters Church Ground Floor Plan Proposed (PL21)
 Masters Church First Floor Plan Proposed (PL22)
 Masters Church Second Floor Plan Proposed (PL23)
 Masters Church Third Floor Plan Proposed (PL24)
 Masters Church Roof Plan Proposed (PL25)
 Masters Church West Elevation Proposed (PL28 Rev.A)
 Masters Church Proposed Section AA (PL29)
 Masters Church Proposed Section BB (PL30 Rev.A)
 New build houses Proposed Ground Floor (PL401)
 New build houses Proposed First Floor (PL402)
 New build houses Proposed Second Floor (PL403)
 New build houses Proposed Roof Plan (PL404)
 New build houses Proposed Elevations (PL410)
 New build houses Proposed Rear Elevations (PL411)
 New build houses Proposed Side Elevations (PL412)
 New build houses Proposed Sections (PL420)
 New build houses Site Sections (PL 421)

The development shall proceed exactly in accordance with the above approved documents.

Reason:

To ensure that the development is carried out in accordance with the approved plans in order to comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

13. Prior to the commencement of relevant works, representative samples of the following materials shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed samples.
 - a. All external facing materials (new build)
 - b. Natural slate

c. Roofing Tiles (new build)

Reason:

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area and the setting of the adjacent listed buildings, in accordance with sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

14. Prior to the commencement of the relevant works, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.

- d. All new windows and fixed glazing (including cill, head, reveal and glass details)
- e. Rooflights
- f. All new external doors (including frames and furniture)
- g. All new vents and flues
- h. Eaves, verges and ridges (new build)
- i. Rainwater goods
- j. Boundary treatments including the metal railings to subdivide the graveyard (for the avoidance of doubt they should look to copy the style and scale of the existing railings to the north of the Tabernacle).

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason:

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area and the setting of the adjacent listed buildings, in accordance with sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

15. Prior to the commencement of any relevant works to the Masters Church or Regent Street gates and stone piers, a detailed specification for the repairs, including any stonework repairs, any proposed structural works (in respect of which approval is expressly reserved), shall be submitted to the council for approval. The specification shall include details of the extent of proposed replacement of historic fabric, and all new materials to be used.

Reason:

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the

conservation area and the setting of the adjacent listed buildings, in accordance with sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

16. Prior to the commencement of the relevant works, details of the design of all railings and gates (into the new park as indicated on Proposed Site Plan drawing no.PL101 Rev.E) are to be submitted and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the agreed details. For the avoidance of doubt, the railings to be located within the site and away from the site's external boundaries are to match the design and height of the existing historic railings to the north of the Whitfield Tabernacle.

Reason:

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the conservation area and the setting of the adjacent listed buildings, in accordance with sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

17. Reason:

In order to ensure the public benefits associated with the converted park are realised in the interests of the architectural and historic interest of the conservation area and the setting of the adjacent listed buildings, all in accordance with sections 66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017)

Prior to the commencement of landscaping works, a scheme of landscaping, including planting specifications, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

18. For the 3no. new built terrace units, notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers

and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

19. Prior to the commencement of any above ground works, a scheme of landscaping, which shall include details of all vegetation (including hedgerows) on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of visual amenity of the Whitfield Conservation Area, in accordance with policies CS1 and CS9 of the Core Strategy (Adopted) December 2013 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).