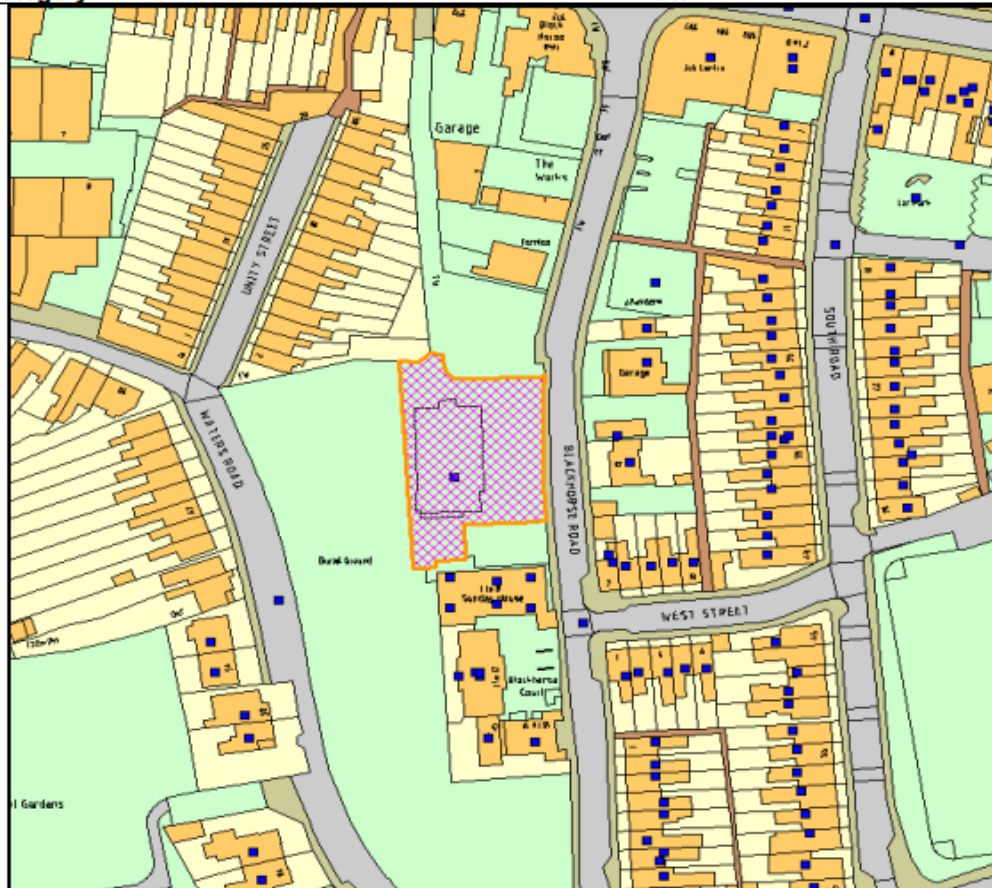


DEVELOPMENT CONTROL (EAST) COMMITTEE – 30 JUNE 2016

App No.:	PK15/4995/F	Applicant:	Inspace Design Ltd
Site:	Wesleyan Chapel Blackhorse Road Kingswood Bristol South Gloucestershire BS15 8EA	Date Reg:	23rd November 2015
Proposal:	Change of use of former chapel from Ballet School (Class D2) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to facilitate the conversion to 15no. self-contained flats with new access, parking landscaping and associated works. Erection of bin and cycle stores. Creation of a memorial garden.	Parish:	None
Map Ref:	364533 173711	Ward:	Woodstock
Application Category:	Major	Target Date:	19th February 2016



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100023410, 2008. N.T.S. PK15/4995/F

REASON FOR REPORTING TO DEVELOPMENT CONTROL (EAST) COMMITTEE

This application for planning permission has been called in to the Development Control (East) Committee by Councillor Andy Perkins. The reason for the call in is because due to the derelict nature of the site and associated viability issues, a number of compromises are proposed which, ordinarily, would not be policy compliant. Members are asked to decide whether the right balance has been struck, and whether these compromises should be accepted in order to bring the site back into use.

Furthermore, given the sensitive nature of the applications with regards to the alterations proposed to the graveyard, it is considered more appropriate that the application is decided in a public meeting.

The associated listed building consent application (PK15/4996/LB) has also been called in for determination by the Committee in the interests of clarity.

Members will recall visiting the site at the Sites Inspection Sub-Committee on Friday 17th June 2016, at which point it was resolved that officers bring forward a full report to the Committee, to include the following:

- Clarification on the legislation regarding moving of graves and bodies (to include how it takes place, how do local people become involved, who is responsible and who should they get in touch with over the matter?) (paragraph 5.28)
- Does the pavement outside the site meet the minimum requirements? (paragraph 5.15)
- Is the visibility splay acceptable? (paragraph 5.15)
- Full comments from the listed building officer (paragraph 4.2)
- Clarify the size of the Memorial Garden as this is the only amenity space (paragraph 5.12)

1. THE PROPOSAL

- 1.1 This application relates to the derelict and fire damaged former Wesleyan Chapel on Blackhorse Road, Kingswood. The property is grade II listed, as are the buildings to the south including the former Sunday school, and two of the tombs within the graveyard of the chapel are locally listed structures. The chapel was last used as a dance school in the 1980s but became derelict by the late 1990s. A major fire in 2004 further damaged the structure and only the external walls remain. Two of the chest tombs within the graveyard are locally listed (no. 26 and no. 49 on the graveyard survey).
- 1.2 The proposal is to bring the chapel back into use as 15 no. residential units, with parking, landscaping and associated works, with bin and cycle stores to be erected within the site. Some of the gravestones which are intact will be moved to the south of the site within the proposed memorial garden, although this will be subject to applying for separate licenses outside of the planning system.

- 1.3 Amendments have been received during the course of the application to clarify design details and alterations to the layout of the parking area and the bin store. A period of re-consultation was undertaken for 14 days.
- 1.4 Some of the requested amendments, including the submission of an Arboricultural Method Statement and a drainage plan were not received during the course of the application.
- 1.5 An associated listed building consent application (PK15/4996/LB) which proposes internal changes also is currently pending consideration by the Council.
- 1.6 An application for 2 no. dwellings on the access track to the north had been submitted to Bristol City Council by the same applicant, however this has now been withdrawn following design concerns.

2. **POLICY CONTEXT**

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

- L1 Landscape
- L5 Open Space within Urban Areas
- L9 Protection Species
- L11 Archaeology
- L13 Listed Buildings
- L15 Locally Listed Buildings
- EP2 Flood Risk
- EP4 Noise Sensitive Development
- T7 Cycle Parking
- T12 Transportation
- H5 Re-use of Buildings for Residential Purposes
- S4 Burial Facilities

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
- 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
- CS24 Green Infrastructure, Sport and Recreation Standards

CS29 Communities of the East Fringe of the Bristol Urban Area

- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (Adopted) December 2013
South Gloucestershire Design Checklist (Adopted)
Waste SPD (Adopted) 2015
South Gloucestershire Local List
Affordable Housing and Extra Care Housing Supplementary Planning Document (SPD)

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4996/LB Pending Consideration
Internal and external alterations to facilitate the conversion of former chapel to 15no. self-contained flats.
- 3.2 PK07/3382/LB & PK07/2951/F Withdraw 12/12/2007
Change of use of former chapel from Ballet School (Class D2) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to facilitate the conversion to 14 no. flats with parking landscaping and associated works. Erection of canopy to eastern elevation. Erection of bin and cycle stores. Creation of a memorial garden.
- 3.3 PK01/2093/LB & PK01/2092/F Refusal 24/08/2001
Conversion of building to form 16no. self-contained flats with associated works.

Reasons for refusal:

1- *The proposed works would be detrimental to the character, quality and appearance of this property, which is included in the Statutory List of Buildings of Architectural and Historic Interest, by reason of the loss of important internal features. The proposal would also be contrary to policy KLP52 of the adopted Kingswood Local Plan, policy BE2 of the approved Avon County Structure Plan and policy L14 of the South Gloucestershire Local Plan (deposit draft).*

2- *The details submitted for the proposed alterations are of insufficient quality to allow for a considered response to the application. Large scale drawings of all joinery, showing mouldings doors, staircases, glazing bars etc are lacking, along with clear descriptions of the proposed changes and alterations to each floor.*

- 3.4 PK99/0030/LB & PK99/0020/F Refused 27/11/2000
Conversion of building to form 2 no houses and 16 no flats

Reason for refusal:

1- *The proposed development would be detrimental to the character, quality and appearance of this property, which is included in the Statutory List of Buildings of Architectural and Historic Interest, by reason of the removal of important internal features. The proposal would also be contrary to KLP52 of the*

4. CONSULTATION RESPONSES

4.1 Parish/Town Council Un-parished area.

4.2 Other Consultees

Housing Enabling

No objection subject to viability being reassessed in 3 years time.

Listed Building Officer

Initial comments to the scheme in December 2015:

The applications represent a new proposal for residential conversion following one submitted some years previously by another owner. As such the Council has already accepted the principle of residential conversion however the difficulty comes from the intensity of the proposed conversion because of the inevitable impacts upon the character of the listed building and its setting. As I explained on site at the useful meeting held earlier this week, the intensity of sub-division contained within the current proposal causes harm to the special character of the building, because of the loss of openness which is an essential element of the former chapel and impacts upon its setting. Unfortunately it is also clear that there is further loss of historic fabric, which is important because so little remains internally with little more than the gallery steps remaining - and they are in a parlous state. Nevertheless it is disappointing that the historic stone gallery steps will be lost along with the rest of the open galleried plan form of the building under the current proposals. The scheme introduces two additional floors, one replacing the now lost but previously sloping balconies and one cutting across the windows - which are an important element of the external character of the building. Whilst the application does not include large scale details of this important relationship the 1:20 drawing provided hints at the detailing proposed. Unfortunately it is not fully clear is how the proposed opening lights and timber framed screen will work and whilst I am happy with the principle set out in the supporting design and access statement that the windows will match the detail and appearance of the historic windows (6.8) I am not clear that this will be achieved when the next sentence states that the windows will comply with approved document L1B of current building regulations or when the 1:20 drawing shows opening lights introduced into the windows which appears not to have been the original detail. However I am content that although this is an important matter it could be resolved by condition.

Structural works:

It is currently unclear what the extent of the proposed structural repairs will be given the absence of a detailed structural survey, although given the difficulty of achieving proper access this is understandable. Unfortunately it is unclear as a result what the extent of necessary repairs

will be to the surviving historic fabric, and although the application form indicates that the design and access statement addresses the materials to be used there is nothing in the statement under 6.8 to say what the walls are to be constructed of other than the bin store and cycle shed. I can only assume that any repairs will be undertaken on a like for like basis and collapsed stonework will be replaced with any shortfall made good to match the existing. However given that the natural slate roof is to be replaced with artificial slate this may not be an accurate assumption, and this should be clarified. I would also expect the defective cement render to be removed and replaced in a traditional lime render and again this should be clarified. In view of the difficulty of survey I would be happy to have general clarification of the repair approach and then rely on a structural condition requiring prior agreement of the proposed structural works and specification for repairs as part of any consent that is granted.

Graveyard proposals:

Externally, the adjacent graveyard is to be cleared of monuments although the 2008 graveyard survey states that 21 monuments and ledger stones are to be retained, and it is clear from the landscape plan that they are to be relocated to the Memorial Garden, at the south end of the site. Most of the remaining site area adjacent to the chapel will be replaced by tarmac and parking. The proximity of the parking to the site boundary will mean that what is currently a well screened site will become much more open to public views, and these views will be of the chapel seen not in the context of a graveyard, but of a car park dominated by the proposed bin store. Both the cycle shed and bin store are substantial single storey structures that will be clearly visible, within the context of the chapel and in views into the site from Blackhorse Road. Neither preserve the setting of the listed building and I regret that taken together with the extent of hard surfacing and car parking the current proposals will result in substantial harm to the setting of the listed building. Unfortunately what is not shown on the landscape plan is that the proposed access also serves a separate new dwelling which is one of two placed on the former access to the chapel from Two Mile Hill and as a consequence scope for relocation of the bin store and or parking within the site is limited by the need to maintain a separate access to this dwelling. The loss of this access and introduction of two residential units causes harm to the setting of the listed building.

Viability:

The application has a supporting viability statement that makes a number of assumptions. These include (2.4) the statement that the site will have to meet CIL requirements yet as a listed building where viability of the development is in balance a Section 52 exemption from CIL contributions would appear entirely appropriate. Secondly it is stated that the development will only be expected to generate 10-12% profit and cannot therefore provide affordable housing. Curiously the supporting statement with the current application to Bristol City Council for development of two houses on the former access serving the chapel from Two Mile Hill, claims that this additional new build is also necessary to support the restoration of the Chapel yet the profits from this new build development are not included within the viability assessment submitted with these

applications for conversion and restoration of the chapel. Historic England published guidance on enabling development in 2008: Enabling development and the conservation of significant places and this guidance is still relevant today. In summary it makes it clear that where harm will result to the special character of a listed building or its setting from a development which funds its restoration, the level of harm should be the minimum necessary to allow the restoration to take place and that it should not result in an unacceptable degree of damage to the listed building or its setting. It also makes it clear that where new build is required as enabling development care should be taken to ensure that it is tied to the restoration of the listed building. Unfortunately as it stands the current application will result in harm – amounting to substantial harm to the significance of the Blackhorse Road chapel as a designated heritage asset and to its setting, and as a consequence can only be recommended for refusal. However it is accepted that an enabling development argument could be made for a less damaging scheme of conversion to residential use subject to the clarification of extent of repairs and external detailing and submission of revised hard and soft landscaping proposals.

New Build:

(The application for two new builds to the north of the site submitted to Bristol City Council has now been withdrawn)

Whilst the loss of the historic access to Two Mile Hill causes harm to the setting and significance of the Chapel by severing its historic connection to this part of Bristol, this loss could be considered acceptable if the development is essential enabling development to ensure the sensitive restoration of the chapel as a designated heritage asset. However for this to succeed a clear enabling development argument based on viability should be demonstrated. This has not been put forward and it is suggested that retention of this historic access with the chapel would provide additional space that could be used to achieve a less intensive use of the graveyard to enable a less damaging landscaping scheme to be prepared.

In summary

Refusal recommended of the scheme in its current form, however a less intensive development with less damaging landscaping supported by a robust viability assessment could be acceptable. Clarification whether the scheme could seek exemption from a CIL contribution should also be sought as this would help reduce the impact of the development proposals if a less intensive scheme of conversion resulted. I would also recommend that the Councils formal response to the consultation from Bristol City Council on the current new build application should also be one of refusal unless the above issues are resolved, and the viability appraisal robustly demonstrates that some new development is essential. In that instance it may be that one could look at a single dwelling of more appropriate scale and design. Refusal reasons would be that the scheme is contrary to sections 16 and 66 of the 1990 Planning Listed buildings and Conservation Areas Act and saved policy L13 of the South Gloucestershire Local Plan.

The following amendments were received during the course of the application:

- Clarification that repairs will be undertaken on a like for like basis, utilising collapsed stone work where possible, and render to be replaced where needed with a lime render mix
- Slate confirmed as roof material
- Relocation of bin store and improvements made to capacity
- Parking set back from boundary from 0.7 metres to 2.1 metres at narrowest point, and 1.3 metres to 2.8 metres at widest point
- Adjacent application for two dwellings submitted to Bristol City Council has been withdrawn following design concerns
- Queried window detail now shown on plans
- Amended viability report to justify intensification of subdivision received

Final Listed Building officer comments following these amendments to the scheme in April 2016:

I have no objections to the proposals in their amended form as they represent a potential solution that will secure the long term preservation of the building albeit in a converted form.

I suggest however that the following conditions are essential to ensure the preservation of the listed building and its setting:

- 1) Prior to the commencement of the works hereby approved, full details of the proposed structural works (including repairs) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval for the submitted details and the works of alteration and repair shall be undertaken exactly in accordance with the details so approved.*
- 2) Prior to the commencement of the relevant part of the works hereby approved, full details of the proposed vents and flues) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval, for the submitted details and the vents and flues shall exactly accord with the details so approved.*
- 3) Prior to the commencement of the relevant part of the works hereby approved, sample panels of the proposed new facing stonework and render shall be prepared on site for the approval of the Council. No works shall be commenced until the Council has given written approval, for the sample panels and the new stonework and render shall exactly match the details so approved. For the avoidance of doubt the stonework shall be dressed stone matching the historic dressed stonework and natural rubblestone set in lime mortar to match surviving historic rubblestone, and the render shall be a traditional roughcast lime render finished with a limewash or similar paint finish.*

- 4) *Prior to the commencement of the relevant part of the works hereby approved, a sample of the proposed roofing slate shall be submitted to the Council for approval. No slates shall be laid until the Council has given written approval for the slate sample and the new slates shall exactly match the agreed sample.*
- 5) *Prior to the commencement of the relevant part of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the proposed fenestration, and the external doors and doorcases shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.*
- 6) *Prior to the commencement of the relevant part of the works hereby approved, details of the proposed external joinery finishes shall be submitted to the Council for approval. No works shall commence until the Council has given written approval. The finish of the joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.*

I suggest that additional conditions should be appended to the planning permission:

7) Prior to the commencement of the works hereby permitted a detailed schedule and specification for the recording of the surviving gravestones, and memorials within the site and a detailed method statement for their relocation and a detailed schedule and specification for their repair shall be submitted to the Council in writing for approval. No works shall be undertaken until the Council has given written approval for the submitted schedules, specifications and method statements and the recording and relocation and repair shall be carried out exactly in accordance with the details so agreed.

8) All ground disturbance should be the subject of an archaeological watching brief. A method statement (Written Scheme of Investigation) for the watching brief, (which should include provision for re-interment of any human remains that are discovered during the works), should be submitted to the Council for agreement. No ground disturbance should take place until the Council has given written approval for the submitted method statement and the works shall be undertaken in full to the satisfaction of the Council.

You will also need to add an informative for the listed building consent as follows:

INFORMATIVE: Attention is drawn to the conditions imposed on this listed building consent which require the submission of details for approval by the local planning authority prior to the commencement of the works hereby granted consent. These items

are authorised only on receipt of approval in writing from the local planning authority for the details so submitted.

Lead Local Flood Authority

Clarification of how surface water is to be dealt with to prevent contamination.

Urban Design

Defers to Council's Landscape, Transport and Heritage officers.

Landscape Officer

Defers to recommendations of Council's Tree officers.

Tree Officer

Arboricultural watching brief and method statement is required.

Highway Structures

No comment.

Arts and Development

No comment.

The Coal Authority

Coal Authority's Standing Advice should be included on the decision notice. The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.

Avon and Somerset Police

No objection, however some changes recommended to prevent crime and disorder.

Ecology

No objection subject to conditions.

Sustainable Transport

Adjustments required to cycle and bin stores. Once done, no objection subject to standard conditions and additional condition to retain at least 7 of the parking spaces for unallocated use.

Public Open Space

Off-site public open space must be provided.

Environmental Protection

No objections subject to informative on the decision notice.

Avon Fire and Rescue

No comment.

Wessex Water

No comment.

Bristol City Council

No comment.

Waste Engineer

Minimum requirements are detailed within the Waste Collection SPD.
Recommendations with regards to the bin store location.

Archaeology Officer

No comment.

Community Services

No comment.

Avon Wildlife Trust

No comment.

Children and Young People

No comment.

Other Representations

4.3 Local Residents

Twenty letters of objection have been received stating the following:

Gravestone removal and paving over graveyard

- Very upsetting, greedy, disgusting and disrespectful that relatives will be paved over
- Site should be cleaned up and turned back into previous use so that people can pay their respects
- Saddened at current neglect
- Queries made regarding plans for specific graves
- Everyone should be exhumed and laid to rest elsewhere
- Site not an eyesore – it is a graveyard!
- How long before the rest of the graveyard becomes a car park too
- Suggestions made for a voluntary action group to maintain the graveyard
- Shouldn't have been sold to private hands in the first place
- Home Office needs to be consulted as the Disused Burial Grounds (Amendment) Act 1981, 1884 and 1857 will apply
- Grave list applicant submitted is inaccurate
- Next people will bulldoze war memorials
- Relatives of deceased are still alive and living locally

Visual Appearance and Heritage

- Not in keeping with the historic significance of Kingswood

Other Issues

- Suggestion that church should be replaced with a garden of remembrance
- Graveyard used by wildlife and could be a nature haven if restored

Five letters of support have been received stating the following:

- Long overdue that something was done to restore this great building
- Planting of commemorative garden is a good idea
- Site is currently an eyesore
- Will provide much needed housing
- Issues with people living in the site will be resolved
- Dumping ground for rubbish
- Trees will be kept and this is important

Three general letters have been received stating:

- Provision should be made in the future that people must be held responsible for the maintenance of graves
- Letters querying plans for specific graves

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved policy H5 of the Local Plan allows for the conversion of non-residential properties for residential use provided that they:

- Would not prejudice the character of the surrounding area
- Would not prejudice the amenities of nearby occupiers
- Would identify an acceptable level of off-street parking
- Would provide adequate amenity space
- Are located within the existing urban areas and the boundaries of settlements, as defined on the proposals map

5.2 Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Policy L13 of the Local Plan seeks to preserve and enhance the setting and the special character of the listed building.

5.3 The site is located within the East Bristol urban fringe area, where residential development is acceptable in principle.

5.4 The site last provided a community use as a ballet school, however given the number of years that the building has been unoccupied this use is considered to have ceased by the Local Planning Authority, and therefore

the justification for the loss of a community building under policy CS23 is not required.

5.5 Design and Impact on Listed Building

Due to the amount of fire and weather damage that has occurred over time, it is considered that it would be counter-productive to carry out any internal restorations at the grade II listed Chapel, as much of the internal historic fabric has been lost. The focus is therefore on the high quality restoration of the external elevations of the building, which is in a prominent position along Blackhorse Road, Kingswood.

- 5.6 The scheme is to introduce two additional floors, one replacing a previous floor which had since been lost and a second cutting across the windows. This new floor will be visible from the external elevations and the intensity of the sub-division does cause further loss of historic fabric, as the building is currently open and historically had an open galleried plan form. The intensity of the conversion has been justified within a viability statement.

- 5.7 The structural works proposed to the building are unclear at this stage, due to the difficulties in assessing the condition of the upper levels of the elevations which remain. As it is unknown to what extent the necessary repairs will affect the surviving historic fabric, clarification will be sought requiring structural works and the specification for repairs to be agreed with the Local Planning Authority prior to the commencement of development, and this will be conditioned on the decision notice in the event the application is approved. Large scale details of joinery, vents, flues, windows, doors and fenestration and samples of stonework, render and the artificial slate proposed shall be agreed with the Local Planning Authority prior to the relevant part of the development commencing. It is considered more appropriate that these conditions will appear on the decision notice of the associated listed building consent (PK15/4996/LB) as they relate to primarily to the conversion of the main chapel.

- 5.8 Externally, the adjacent graveyard to the east is proposed to be cleared of monuments and grave stones, many of which are curtilage listed in association with the chapel, with those in good condition to be relocated to the Memorial Garden proposed to the south end of the site. Whilst a Grave Survey has been submitted to support the application, not all of the grave stones are confirmed as being removed or retained and, given their curtilage listed status of some of the structures, it is necessary to impose a condition requiring a detailed schedule and specification for the recording of the surviving grave stones and memorials, a detailed method statement for their relocation and a detailed schedule and specification for their repair in the event the application is recommended for approval. This is particularly important for grave nos. 26 and no. 49, which are locally listed. Both the locally listed chest tombs are to be retained in the Memorial Garden in order to accord with policy L15 of the Local Plan. Furthermore, in accordance with policy L11 of the Local Plan, all ground disturbance should be subject to an archaeological watching brief to ensure that a process is agreed and in place should anything of archaeological interest be discovered. It should include provision for the

re-interment of any human remains that are discovered during the works, and this will be conditioned on the decision notice. A large number of objections have been received relating to the removal of the gravestones and the provision of areas of hardstanding over the remains, however these comments relate primarily to concerns about relatives and from a moral standpoint rather than the impacts on the heritage assets, and so will be discussed elsewhere in this report. It is worth noting that the large graveyard to the west is not affected by this proposal, as this graveyard appears to be the subject of some of the objections received.

- 5.9 The cycle shed and bin store are large single storey structures which will be highly visible from Blackhorse Road. During the course of the application, it was recommended that the size and/or location of the cycle shed and bin store were reconsidered, because as submitted they were considered to result in substantial harm to the setting of the listed building, particularly the bin store at the front of the site, and combined with the extent of the hardstanding and car parking proposed. Amendments were received to move the bin store to the north of the chapel, which is less dominating. Whilst the amount of hardstanding proposed is excessive, and in normal circumstances would be considered harmful to the setting of the listed building, the viability assessment did indicate that the subdivision to a residential use of 15 units is required for the building to be kept in a viable use. Any reduction in the amount of hardstanding for parking would be insufficient for the number of units, and this would lead to the application raising highway safety concerns, and would prevent the chapel from being brought back into use. It is therefore considered that the amount of hardstanding proposed is acceptable from a heritage perspective.
- 5.10 Avon and Somerset Police were consulted as part of the application, and made some comments with regards to preventing crime and disorder within the development by designing it out. The car parking area is shielded from the main highway by landscaping, and therefore lighting within the site is required. There are no boundaries proposed to the lane to the north, which would be a dangerous and dark access if utilised, or to the west to the rest of the graveyard which is currently overgrown and out of the applicant's ownership. These will be conditioned on the decision notice in the event the application is approved, as part of a landscaping condition which will ensure the visual amenity of the site as a whole, and the details of the Memorial Garden. CCTV has been requested by the police also to overlook the two entrances to the rear, however given that the Memorial Garden is to be locked at night, the rear of the site is unlikely to attract people who do not reside in the building, and is not considered to be necessary, particularly as the aforementioned conditions will ensure it is well lit.
- 5.11 Overall, the development is considered to be acceptable from a design and heritage perspective, and is in accordance with policy CS1 and CS9 of the Core Strategy (Adopted) December 2013, and policies L1, L5, L11 and L13 of the Local Plan (Adopted) January 2006.

5.12 Residential Amenity

Fifteen residential units are proposed within the converted building, with an area of communal amenity space to share between them of approximately 60 square metres. This does not meet the Private Amenity Space standards within the emerging Policies Sites and Places Development Plan Document, however this policy is not yet adopted and can be given very little weight in planning decisions. As the flats are not family sized (one or two bedrooms) and are located within the urban area, it is considered acceptable for the units to not have access to any private amenity space and instead share access to the communal space. The site is also a ten minute walk to Public Open Space to the east of the site on the High Street, Kingswood, and very close to the Waters Road Allotments to the south-west.

- 5.13 Unit 4, a one bedroom unit, does not have windows facing outside in the bedroom, and instead a large high level internal window is proposed, leading out onto the entrance hall. The entrance hall is lit by floor to ceiling glazing consisting of windows and double doors, and given the close proximity from the external window to the internal window it is considered that adequate day light could reach the room without the need to create a new external window, which would not be acceptable due to the grade II listing of the chapel. A condition will ensure that details of the size of this internal window are submitted for approval.

- 5.14 Development should preserve the amenities of the neighbouring occupiers, the closest of which are the converted buildings to the south along Blackhorse Road. The facing windows span several floors of which the lower half appears to be obscured, and approximately 12 metres away. The windows which are directly south are very small and do not appear to be principle windows, and all will be shielded by the landscaping scheme along the boundary and within the Memorial Garden. The closest residential property to the north east is also 12 metres away to the edge of their residential curtilage, and this point relates to the end of the garden which is some distance from the dwelling itself and is not considered to overlook the property. Overall, the development is considered to preserve the amenities of the site and its surroundings and is in accordance with policy H4 of the Local Plan (Adopted) January 2006 and CS1 of the Core Strategy (Adopted) December 2013.

5.15 Transport and Waste

The access is existing, but is currently not accessible as the site is overgrown and fenced shut. It is sufficiently wide enough to provide both pedestrian and vehicular access simultaneously. Existing, overgrown vegetation currently restricts visibility from the access onto the public highway. However once this vegetation is cleared, visibility to the right would be adequate (Blackhorse Road is one-way at this point, from south to north). The height of the boundary wall would also affect visibility, and following concerns raised by members at the Sites Inspection Sub-Committee on 17th June 2016, the Transport officer has recommended that an additional condition is added to the decision notice in the event the application is approved, to ensure a visibility splay of 2 metres by 43 metres is maintained at the site entrance, as well as ensuring that the

boundary wall to Blackhorse Road does not exceed 0.9 metres at any point. The suggested wording of this condition will be on the update sheet prior to Committee. Members also queried whether the footpath across the front of the site met minimum requirements; the Inclusive Mobility guidance (2002) advises that ideally the width of the footway should be 2000mm to facilitate two people in wheelchairs being able to comfortably pass each other. Where this is not possible 1500mm is recommended, with an absolute minimum of 1000mm in exceptional cases. The footway across the site varies in width, with the narrowest point measuring 1.1 metres wide, but it does widen to 1.5 metres and 1.7 metres towards the south of the site. This is an existing situation, and oncoming pedestrians will have sight of each other in advance due to the straightness of the road, and will be able to pass each other safely at one of the wider points of the footway.

- 5.16 The proposal is for 9 no. one bedroom flats and 6 no. two bedroom flats, which according to the Council's Residential Parking Standards SPD would generate a need of 18 car parking spaces. Notwithstanding this, car ownership and availability in Kingswood was surveyed in the 2011 census, and it was found that there were 0.59 cars per flat with one occupant (over the age of 17) and 1.59 cars per flat in units with two or more occupants (over the ages of 17). With this in mind, the parking requirement is likely to be lower than other areas of South Gloucestershire. Three less spaces than the adopted Residential Parking Standards have been shown, with a total of 15 spaces, however given the sustainable location and the aforementioned census information indicating car ownership in Kingswood, this is considered by officers to be acceptable. In order to allow for some of the units to have access to an additional parking space, it is recommended that at least seven of the spaces are unallocated to provide parking on a first come first serve basis, and this would also enable visitors to use empty spaces. Additional visitors parking is available in the nearby public car parks serving Kingswood High Street.
- 5.17 Additional space for the 15 cycle parking spaces was requested by the Transport officer to provide a width of 50 cm per cycle. The developer has proposed a semi vertical style of cycle parking manufactured by Odoni-Elwell, whereby the bikes are staggered in order that the spacing can be closer, only 30.5 cm per cycle. This method of close spacing is considered to be acceptable in this instance, particularly as to space the cycles 50cm apart would increase the length of the cycle store by approximately 1.5 metres, which would be harmful to the setting of the listed building.
- 5.18 During the course of the application, the bin store was upgraded in order to meet the minimum requirements in the South Gloucestershire Waste Collection SPD for 15 units of this size. It has also been relocated in a more accessible location, although still in excess of the 15 metre carry distance for refuse collectors. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, and the slight reduction in cycle space and the distance between the access and the bin store is not

considered to be tantamount to this. Subject to conditions ensuring the vehicular, cycle parking and bin store are implemented prior to first occupation, there is no transportation objection and the development is considered to accord with policies T7 and T12 of the Local Plan (Adopted) January 2006 and policy CS8 of the Core Strategy (Adopted) December 2013.

5.19 Trees and Landscaping

The Tree Officer has been consulted with regards to this application, and they have no in principle objections to the removal of the trees shown to be removed on the plan. An Arboricultural Method Statement and Arboricultural Watching Brief for removal of debris within the root protection areas of trees which are to remain has been identified as a requirement, and this will be conditioned in the event the application is approved. As previously mentioned in the design section of this report, a landscaping scheme to secure the type of planting and boundary treatments is considered necessary to offset the amount of hard standing, and to ensure the Memorial Garden is of the highest quality in accordance with policy L5 of the Local Plan and policy CS1 of the Core Strategy.

5.20 Drainage

Concerns were raised by the Council's Drainage Officer with regards to the location of the soakaways, and the potential for contamination given the proximity to the surrounding graves. The applicant has confirmed that soakaway crates will be located in the car park area to the north of the chapel where there are no graves. The exact location and details will be confirmed via a condition requiring details of a Sustainable Urban Drainage System to be submitted prior to the commencement of development.

5.21 Affordable Housing and Viability Issues

Under policy CS18 of the Core Strategy (Adopted) December 2013, the Local Planning Authority will seek to secure 35% of on site affordable housing when the affordable housing threshold is triggered. It has been triggered in this instance with 15 units proposed, in excess of the 10 unit or 0.33 hectares threshold, and out of 15 no. units the Council would expect that 5 of the units would be affordable and available for social rent in order to comply with policy CS18.

- 5.22 Two dwellings were proposed to the north of the site and the applicant had applied to Bristol City Council (BCC) on the grounds that the new builds were required to make this development viable, however this application has now been withdrawn following design concerns raised by the case officer at BCC. As part of this planning application, the application has not offered any affordable housing or off site contributions. Due to the complexities of converting the fire and weather damaged grade II listed chapel, the developer has claimed that a policy compliant scheme would render the proposed scheme undeliverable. The Council's adopted Affordable Housing and Extra Care Housing Supplementary Planning Document (SPD) relating to Affordable Housing advises that applicants who cite non viability as the reason for not complying with Policy CS18

must support their case with sufficient evidence, which would be assessed by a District Valuer appointed by the Council.

5.23 To respond to the viability concerns raised, a financial appraisal of the costs and values of the site was undertaken and independently scrutinised by the District Valuer (DV) on behalf of South Gloucestershire Council. In their final report, the DV confirmed a policy compliant scheme would not be viable, nor would a scheme with a reduced amount of affordable housing ie. 1 or 2 affordable units, and due to the costs involved there would be no surplus generated by the site to meet any off-site affordable housing contributions. Options relating to different tenure mixes and unit types were not explored, as the report revealed that only a fully private scheme could bring the site forward for redevelopment. If affordable housing units were insisted upon, with the costs for remediation and construction taken off of the land value, this site would not be deliverable and then there would still be a zero contribution to affordable housing, and a loss of potential market value units as well. It is acknowledged that a nil affordable housing provision is unusual, but the justification behind recommending a zero contribution considered to be sufficient robust and can be considered to accord with Policy CS18 and the guidance within the Council's Affordable Housing and Extra Care SPD.

5.24 As suggested by the Council's Enabling Officer, a clause is to be attached to a Section 106 agreement to require a review of the viability situation if the development has not been completed within three years after the S106 agreement is completed. Any proportion of Net Development Value (NDV) at completion which is over above a 10% increase on NDV as assessed by the District Valuer on 31st March 2016 is to be shared equally between the developer and the council as a financial contribution.

5.25 Public Open Space

As per the situation with affordable housing, due to the viability situation with the development not generating the usual profit margins expected for residential development, there is no funding available to meet the off site contributions that have been sought. The development is therefore considered policy non-compliant and in most cases, planning permission would be withheld. However the need to see this site within a sustainable location redeveloped, with the grade II listed chapel restored and brought back into use, and all other benefits the development will bring is considered to a material consideration that outweighs the policy requirement in this instance. The on-site memorial garden will provide communal open space for both residents and the general public during daylight hours, and this will be managed by a private management company. A condition on the decision notice will require details of how it will be managed and the opening hours to be submitted and approved prior to first occupation of the converted chapel.

5.26 Ecology

As the chapel is derelict and currently unused, the grave yard is particularly overgrown. In order to assess the potential for protected species within the site, an Extended Phase 1 Habitat Survey has been

provided, dated October 2015 and compiled by Clarke Webb Ecology. An internal and external building inspection found no signs of bats, however there is potential for nesting birds within the ruined chapel and in the scrub. An informative on the decision notice will remind the applicant of their responsibilities towards nesting birds and bats. Badger trails were evident at several places at the site and a condition requiring that a badger survey is carried out on the site 4-6 weeks prior to commencement shall be attached to any recommendation for approval.

- 5.27 The scope of the ecological survey did not include hedgehogs or reptiles. In the previous application in 2007, a reptile survey was recommended as there is potential for slow-worms at the site. A condition will ensure that the site is surveyed for slow-worms and hedgehogs and a mitigation strategy agreed if present. The Ecology officer suggested that biodiversity enhancements are sought, however given the aforementioned viability issues, it is not considered reasonable in this instance. Subject to the conditions, the application is in accordance with policy L9 of the Local Plan (Adopted) January 2006.

5.28 Graveyard

The majority of the objections received relate to the removal or relocation of various monuments and grave stones within the site and the laying of hardstanding across the site with the remains left in situ, and in summary raise the issue that laying hardstanding over human remains is morally wrong, particularly as some of the graves are as recent as the 1970s. Whilst the heritage and archaeological impacts of the proposed changes to the graveyard have been considered in the earlier sections of this report, the moral issues raised and the fate of the individual persons buried does not fall to be determined under the remit of a planning application as it is not a planning matter, and instead falls to be determined under the Disused Burial Grounds (Amendment) Act 1981 and other relevant legislation. The Council's legal department is of the understanding that the applicant would need to get the permission of the owners of the gravestones to be relocated or removed, as they are the owner's responsibility. The owners should be found by putting up a public notice before their removal, and the applicant would also need to speak to the Methodist Church in Britain or the Diocese as to any other faculties/licences that may be required. If the applicant wishes to exhume any of the remains and move them then they will need to get the signature of any close relatives, the owner of the grave and the burial authority before they can do this. An informative on the decision notice will remind the developer that the granting of planning permission does not give authorisation for the removal or relocation of grave stones, monuments or human remains and that the advice of the Diocese should be sought to confirm what legislation and licenses are applicable to this site.

5.29 Other Issues

Letters have been received suggesting alternative proposals for the site, including demolishing the building and turning it into a large memorial garden, getting the community involved to restore the site, or allowing the site to become a haven for wildlife. These comments are noted, however the Local Planning Authority can only consider the scheme put forward to

them by the applicant and whether it complies with local and national planning policy.

5.30 The Planning Balance

South Gloucestershire Council's 2015 Authority's Monitoring Report published the five year housing land supply figure for the district as being 4.28 years, concluding that the Council does not currently have a five year housing land supply and therefore paragraph 49 of the NPPF is currently engaged. Housing applications should be considered in the context of the presumption in favour of sustainable development, and that the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This proposal will add 15 no. units of one or two bedrooms to the housing supply in a sustainable location within an urban area of South Gloucestershire, whilst bringing back into use a grade II listed building and considerably improving the visual amenity of the area. Weighing against these benefits is the harm caused by the lack of affordable units and public open space contributions at the site and off site. However, the provision of a policy compliant scheme in this regard would render it unviable and therefore the provision of affordable housing would still be zero as the scheme would not be deliverable.

5.31 Other issues identified in the previous paragraphs, such as a lack of private amenity space and a secondary window in the bedroom of unit 4 are not considered to represent significant and demonstrable harm as described in paragraph 14 of the NPPF, as well as paragraph 32 of the NPPF which only allows refusal on highways grounds if the impact is severe. The highway issues identified in paragraphs 5.17 and 5.18 are not considered by officers to have a severe impact on highway safety.

5.32 The intensity of the sub-division of the building, the provision of hardstanding and the erection of the bin and cycle stores is considered to be necessary to serve this viable use and is overall considered to be a heritage gain, despite the significant changes to the site.

5.33 On balance, subject to the conditions listed on the decision notice and the signing of the Section 106 agreement, it is considered that the aforementioned benefits of the scheme outweigh the adverse impacts.

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 on the decision notice 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) Practical completion of development to be achieved within 3 years from the date of the decision notice. If this is not achieved the developer shall:

- i. Provide the Council with actual and projected sale values to assess the Net Development Value (NDV) on completion of all permitted dwellings
- ii. Any proportion of NDV at completion which is over above a 10% increase on NDV as assessed by the DVS on 31st March 2016 to be shared equally between the developer and the council as a financial contribution.

The reason for the above obligations is to ensure that the affordable housing position is reviewed if the development does not proceed within what is considered to be a reasonable time period.

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 Environment and Community Services to refuse the application.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

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).

2. The development shall proceed in accordance with the following drawings, received on 19th November 2015 unless otherwise indicated below:

Landscaping/Drainage Proposals CMR3339.PL06B (received 25/1/16)
Proposed Floor Plans CMR3339.PL01 C (received 25/1/16)
Bin and Bicycle Stores CMR3339.PL05 A (received 25/1/16)
Detailed Section CMR3339.PL04

Proposed Sections CMR3339.PL03
Proposed Elevations CMR3339.PL02A
Grave Survey CMR3339.EX05
Existing Elevations CMR3339.EX04
Existing Internal Elevations and Roof Plan CMR3339.EX03
Existing Floor Plans CMR3339.EX02
Existing Site Plans and Elevations CMR3339.EX01

Reason:

In the interests of clarity and to ensure that the development is carried out in accordance with the approved plans in order to comply with the policies set out within the South Gloucestershire Local Plan Core Strategy (Adopted December 2013) and the saved policies within the South Gloucestershire Local Plan (Adopted 2006).

3. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided to prevent contamination and flooding and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent the need for remedial works later on.

4. Prior to the commencement of development, an Arboricultural Method Statement and Arboricultural Watching Brief shall be submitted for written approval to the Local Planning Authority. The development shall then proceed in accordance with the agreed details.

Reason

To protect trees on the site during the course of development in the interests of visual amenity, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent the need for remedial works later on.

5. Prior to the commencement of development, the site must be surveyed for hedgehogs and slow-worms at an appropriate time of year and, if they are present, a mitigation strategy, or, if apparently not present, a precautionary approach, be drawn up and agreed in writing with the Local Planning Authority. The development shall then proceed in accordance with the agreed strategy.

Reason

In order to prevent harm to protected species, namely slow-worms and

hedgehogs, in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the Core Strategy (Adopted) December 2013. This information is required prior to commencement of development to prevent harm being caused to the protected species.

6. Prior to the commencement of the works hereby permitted a detailed schedule and specification for the recording of the surviving gravestones, and memorials within the site and a detailed method statement for their relocation and a detailed schedule and specification for their repair shall be submitted to the Council in writing for approval. No works shall be undertaken until the Council has given written approval for the submitted schedules, specifications and method statements and the recording and relocation and repair shall be carried out exactly in accordance with the details so agreed.

Reason

To ensure that the curtilage listed structures are repaired, recorded and retained where possible to prevent further loss of historic fabric, in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework. This information is required prior to commencement to prevent unnecessary damage to the heritage assets during construction.

7. Prior to any ground disturbance taking place at the site, a method statement (Written Scheme of Investigation) for the watching brief (which should include the provision for re-interment of any human remains that are discovered during the works) should be submitted to the Council for written approval. The works shall then proceed in accordance with the agreed Written Scheme of Investigation.

Reason

To ensure that any historic fabric discovered within the site during the works is adequately recorded and protected, in accordance with policy L11 of the South Gloucestershire Local Plan (adopted) January 2006 and policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

8. Prior to first occupation of the development hereby approved, details of adequate lighting within the site to BS 5489:2013 standards shall be submitted for written approval to the Local Planning Authority. The agreed scheme of lighting shall be implemented prior to first occupation of the development hereby approved, and thereafter maintained to a satisfactory standard.

Reason

In the interests of the safety and security of the site, and to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Prior to the commencement of development, a badger mitigation

strategy shall be drawn up and agreed in writing with the Council. It should include details of any work subject to the licensing provisions of the Protection of Badgers Act 1992. The development shall proceed in accordance with the agreed strategy.

Reason

In order to prevent harm to protected species, namely slow-worms and hedgehogs, in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS9 of the Core Strategy (Adopted) December 2013. This information is required prior to commencement of development to prevent harm being caused to the protected species.

10. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and 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, gates and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Details of the opening hours the Memorial Garden will be open to the public and the method of management shall be included. Development shall be carried out in accordance with the agreed details and satisfactorily maintained thereafter.

Reason

In the interests of the visual amenity of the site, and to ensure that adequate communal amenity space is provided for the application site in accordance with policies L1, L5 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and policy CS1 of the Core Strategy (Adopted) December 2013. The information is required prior to commencement to prevent remedial works later on.

11. Prior to first occupation of the development hereby approved, the access, vehicular and cycle parking and bin store shall be implemented in accordance with the approved plans, and maintained satisfactorily thereafter.

Reason

To ensure adequate parking, to encourage sustainable transport and to minimise clutter within the site, in accordance with policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS1 and CS8 of the Core Strategy (Adopted) December 2013, the South Gloucestershire Waste Collection SPD, the Residential Parking Standards SPD, and the National Planning Policy Framework.

12. Seven of the fifteen proposed parking spaces shown on the approved drawing PL06 B shall be unallocated to specific units.

Reason

To allow for a flexible parking arrangement depending on the car ownership of the occupants, and to allow visitors parking, in accordance with policy T12 of the Local Plan (Adopted) January 2006, policy CS8 of

the Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD.

13. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday and 0800 to 1300 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the surrounding occupiers, in accordance with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to commencement of development, details of the internal window serving the bedroom of unit no. 4 shall be submitted to and agreed in writing by the Local Planning Authority. Development shall then proceed in accordance with these details, and be maintained as agreed thereafter.

Reason

To ensure adequate lighting within the bedroom of unit 4, in accordance with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006. This information is required prior to commencement in order to prevent remedial works later on.

DEVELOPMENT CONTROL (EAST) COMMITTEE – 30 JUNE 2016

App No.:	PK15/4996/LB	Applicant:	Inspace Design Ltd
Site:	Wesleyan Chapel Blackhorse Road Kingswood Bristol South Gloucestershire BS15 8EA	Date Reg:	23rd November 2015
Proposal:	Internal and external alterations to facilitate the conversion of former chapel to 15no. self-contained flats.	Parish:	None
Map Ref:	364533 173711	Ward:	Woodstock
Application Category:	Minor	Target Date:	15th January 2016



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100023410, 2008. N.T.S. PK15/4996/LB

REASON FOR REPORTING TO DEVELOPMENT CONTROL (EAST) COMMITTEE

This application for listed building consent has been called in to the Development Control (East) Committee by Councillor Andy Perkins. The reason for the call in is because due to the derelict nature of the site and associated viability issues, a number of compromises are proposed which, ordinarily, would not be policy compliant. Members are asked to decide whether the right balance has been struck, and whether these compromises should be accepted in order to bring the site back into use. Many of these issues relate only to the associated application for full planning permission (PK15/4995/F), however in the interest of clarity the listed building consent will also be determined at Committee.

Furthermore, given the sensitive nature of the applications with regards to the alterations proposed to the graveyard, it is considered more appropriate that the application is decided in a public meeting.

Members will recall visiting the site at the Sites Inspection Sub-Committee on Friday 17th June 2016, at which point it was resolved that officers bring forward a full report to the Committee, to include the following:

- Clarification on the legislation regarding moving of graves and bodies (to include how it takes place, how do local people become involved, who is responsible and who should they get in touch with over the matter?)
- Does the pavement outside the site meet the minimum requirements?
- Is the visibility splay acceptable?
- Full comments from the listed building officer
- Clarify the size of the Memorial Garden as this is the only amenity space

The majority of these issues relate to the application for full planning permission only, however the full comments of the listed building officer have been copied into paragraph 4.2 of this report as requested.

1. THE PROPOSAL

- 1.1 This application relates to the derelict and fire damaged former Wesleyan Chapel on Blackhorse Road, Kingswood. The property is grade II listed, as are the buildings to the south including the former Sunday school, and two of the tombs within the graveyard of the chapel are locally listed structures. The chapel was last used as a dance school in the 1980s but became derelict by the late 1990s. A major fire in 2004 further damaged the structure and only the external walls remain.
- 1.2 The proposal is to bring the chapel back into use as 15 no. residential units. Some of the gravestones which are intact will be moved to the south of the site within the proposed memorial garden.
- 1.3 An associated full planning application (PK15/4995/F) is currently pending consideration by the Council.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plan

South Gloucestershire Local Plan (Adopted) January 2006
L13 Listed Buildings

South Gloucestershire Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4995/F Pending Consideration
Internal and external alterations to facilitate the conversion of former chapel to 15no. self-contained flats.

- 3.2 PK07/3382/LB & PK07/2951/F Withdraw 12/12/2007
Change of use of former chapel from Ballet School (Class D2) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to facilitate the conversion to 14 no. flats with parking landscaping and associated works. Erection of canopy to eastern elevation. Erection of bin and cycle stores. Creation of a memorial garden.

- 3.3 PK01/2093/LB & PK01/2092/F Refusal 24/08/2001
Conversion of building to form 16no. self-contained flats with associated works.

Reasons for refusal:

1- *The proposed works would be detrimental to the character, quality and appearance of this property, which is included in the Statutory List of Buildings of Architectural and Historic Interest, by reason of the loss of important internal features. The proposal would also be contrary to policy KLP52 of the adopted Kingswood Local Plan, policy BE2 of the approved Avon County Structure Plan and policy L14 of the South Gloucestershire Local Plan (deposit draft).*

2- *The details submitted for the proposed alterations are of insufficient quality to allow for a considered response to the application. Large scale drawings of all joinery, showing mouldings doors, staircases, glazing bars etc are lacking, along with clear descriptions of the proposed changes and alterations to each floor.*

- 3.4 PK99/0030/LB & PK99/0020/F Refused 27/11/2000
Conversion of building to form 2 no houses and 16 no flats

Reason for refusal:

1- The proposed development would be detrimental to the character, quality and appearance of this property, which is included in the Statutory List of Buildings of Architectural and Historic Interest, by reason of the removal of important internal features. The proposal would also be contrary to KLP52 of the Kingswood Local Plan, policy BE2 of the Avon County Structure Plan and policy L14 of the South Gloucestershire Local Plan (Deposit Draft).

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Un-parished area.

4.2 Other Consultees

Listed Building Officer

Initial comments to the scheme in December 2015:

The applications represent a new proposal for residential conversion following one submitted some years previously by another owner. As such the Council has already accepted the principle of residential conversion however the difficulty comes from the intensity of the proposed conversion because of the inevitable impacts upon the character of the listed building and its setting. As I explained on site at the useful meeting held earlier this week, the intensity of sub-division contained within the current proposal causes harm to the special character of the building, because of the loss of openness which is an essential element of the former chapel and impacts upon its setting. Unfortunately it is also clear that there is further loss of historic fabric, which is important because so little remains internally with little more than the gallery steps remaining - and they are in a parlous state. Nevertheless it is disappointing that the historic stone gallery steps will be lost along with the rest of the open galleried plan form of the building under the current proposals. The scheme introduces two additional floors, one replacing the now lost but previously sloping balconies and one cutting across the windows - which are an important element of the external character of the building. Whilst the application does not include large scale details of this important relationship the 1:20 drawing provided hints at the detailing proposed. Unfortunately it is not fully clear is how the proposed opening lights and timber framed screen will work and whilst I am happy with the principle set out in the supporting design and access statement that the windows will match the detail and appearance of the historic windows (6.8) I am not clear that this will be achieved when the next sentence states that the windows will comply with approved document L1B of current building regulations or when the 1:20 drawing shows opening lights introduced into the windows which appears not to have been the original detail. However I am content that although this is an important matter it could be resolved by condition.

Structural works:

It is currently unclear what the extent of the proposed structural repairs will be given the absence of a detailed structural survey, although given the difficulty of achieving proper access this is understandable. Unfortunately it is unclear as a result what the extent of necessary repairs will be to the surviving historic fabric, and although the application form indicates that the design and access statement addresses the materials to be used there is nothing in the statement under 6.8 to say what the walls are to be constructed of other than the bin store and cycle shed. I can only assume that any repairs will be undertaken on a like for like basis and collapsed stonework will be replaced with any shortfall made good to match the existing. However given that the natural slate roof is to be replaced with artificial slate this may not be an accurate assumption, and this should be clarified. I would also expect the defective cement render to be removed and replaced in a traditional lime render and again this should be clarified. In view of the difficulty of survey I would be happy to have general clarification of the repair approach and then rely on a structural condition requiring prior agreement of the proposed structural works and specification for repairs as part of any consent that is granted.

Graveyard proposals:

Externally, the adjacent graveyard is to be cleared of monuments although the 2008 graveyard survey states that 21 monuments and ledger stones are to be retained, and it is clear from the landscape plan that they are to be relocated to the Memorial Garden, at the south end of the site. Most of the remaining site area adjacent to the chapel will be replaced by tarmac and parking. The proximity of the parking to the site boundary will mean that what is currently a well screened site will become much more open to public views, and these views will be of the chapel seen not in the context of a graveyard, but of a car park dominated by the proposed bin store. Both the cycle shed and bin store are substantial single storey structures that will be clearly visible, within the context of the chapel and in views into the site from Blackhorse Road. Neither preserve the setting of the listed building and I regret that taken together with the extent of hard surfacing and car parking the current proposals will result in substantial harm to the setting of the listed building. Unfortunately what is not shown on the landscape plan is that the proposed access also serves a separate new dwelling which is one of two placed on the former access to the chapel from Two Mile Hill and as a consequence scope for relocation of the bin store and or parking within the site is limited by the need to maintain a separate access to this dwelling. The loss of this access and introduction of two residential units causes harm to the setting of the listed building.

Viability:

The application has a supporting viability statement that makes a number of assumptions. These include (2.4) the statement that the site will have to meet CIL requirements yet as a listed building where viability of the development is in balance a Section 52 exemption from CIL contributions would appear entirely appropriate. Secondly it is stated that the development will only be expected to generate 10-12% profit and cannot therefore provide affordable housing. Curiously the supporting statement with the current application to Bristol City Council for development of two

houses on the former access serving the chapel from Two Mile Hill, claims that this additional new build is also necessary to support the restoration of the Chapel yet the profits from this new build development are not included within the viability assessment submitted with these applications for conversion and restoration of the chapel. Historic England published guidance on enabling development in 2008: *Enabling development and the conservation of significant places* and this guidance is still relevant today. In summary it makes it clear that where harm will result to the special character of a listed building or its setting from a development which funds its restoration, the level of harm should be the minimum necessary to allow the restoration to take place and that it should not result in an unacceptable degree of damage to the listed building or its setting. It also makes it clear that where new build is required as enabling development care should be taken to ensure that it is tied to the restoration of the listed building. Unfortunately as it stands the current application will result in harm – amounting to substantial harm to the significance of the Blackhorse Road chapel as a designated heritage asset and to its setting, and as a consequence can only be recommended for refusal. However it is accepted that an enabling development argument could be made for a less damaging scheme of conversion to residential use subject to the clarification of extent of repairs and external detailing and submission of revised hard and soft landscaping proposals.

New Build:

(The application for two new builds to the north of the site submitted to Bristol City Council has now been withdrawn)

Whilst the loss of the historic access to Two Mile Hill causes harm to the setting and significance of the Chapel by severing its historic connection to this part of Bristol, this loss could be considered acceptable if the development is essential enabling development to ensure the sensitive restoration of the chapel as a designated heritage asset. However for this to succeed a clear enabling development argument based on viability should be demonstrated. This has not been put forward and it is suggested that retention of this historic access with the chapel would provide additional space that could be used to achieve a less intensive use of the graveyard to enable a less damaging landscaping scheme to be prepared.

In summary

Refusal recommended of the scheme in its current form, however a less intensive development with less damaging landscaping supported by a robust viability assessment could be acceptable. Clarification whether the scheme could seek exemption from a CIL contribution should also be sought as this would help reduce the impact of the development proposals if a less intensive scheme of conversion resulted. I would also recommend that the Councils formal response to the consultation from Bristol City Council on the current new build application should also be one of refusal unless the above issues are resolved, and the viability appraisal robustly demonstrates that some new development is essential. In that instance it may be that one could look at a single dwelling of more appropriate scale and design. Refusal reasons would be that the scheme is contrary to sections 16 and 66 of the 1990 Planning Listed buildings

and Conservation Areas Act and saved policy L13 of the South Gloucestershire Local Plan.

The following amendments were received during the course of the application:

- **Clarification that repairs will be undertaken on a like for like basis, utilising collapsed stone work where possible, and render to be replaced where needed with a lime render mix**
- **Slate confirmed as roof material**
- **Relocation of bin store and improvements made to capacity**
- **Parking set back from boundary from 0.7 metres to 2.1 metres at narrowest point, and 1.3 metres to 2.8 metres at widest point**
- **Adjacent application for two dwellings submitted to Bristol City Council has been withdrawn following design concerns**
- **Queried window detail now shown on plans**
- **Amended viability report to justify intensification of subdivision received**

Final Listed Building officer comments following these amendments to the scheme in April 2016:

I have no objections to the proposals in their amended form as they represent a potential solution that will secure the long term preservation of the building albeit in a converted form.

I suggest however that the following conditions are essential to ensure the preservation of the listed building and its setting:

- 1) Prior to the commencement of the works hereby approved, full details of the proposed structural works (including repairs) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval for the submitted details and the works of alteration and repair shall be undertaken exactly in accordance with the details so approved.*
- 2) Prior to the commencement of the relevant part of the works hereby approved, full details of the proposed vents and flues) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval, for the submitted details and the vents and flues shall exactly accord with the details so approved.*
- 3) Prior to the commencement of the relevant part of the works hereby approved, sample panels of the proposed new facing stonework and render shall be prepared on site for the approval of the Council. No works shall be commenced until the Council has given written approval, for the sample panels and the new stonework and render shall exactly match the details so approved. For the avoidance of doubt the stonework shall be dressed stone matching the historic dressed stonework and natural rubblestone set in lime mortar to match*

surviving historic rubblestone, and the render shall be a traditional roughcast lime render finished with a limewash or similar paint finish.

- 4) Prior to the commencement of the relevant part of the works hereby approved, a sample of the proposed roofing slate shall be submitted to the Council for approval. No slates shall be laid until the Council has given written approval for the slate sample and the new slates shall exactly match the agreed sample.*
- 5) Prior to the commencement of the relevant part of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the proposed fenestration, and the external doors and doorcases shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.*
- 6) Prior to the commencement of the relevant part of the works hereby approved, details of the proposed external joinery finishes shall be submitted to the Council for approval. No works shall commence until the Council has given written approval. The finish of the joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.*

I suggest that additional conditions should be appended to the planning permission:

7) Prior to the commencement of the works hereby permitted a detailed schedule and specification for the recording of the surviving gravestones, and memorials within the site and a detailed method statement for their relocation and a detailed schedule and specification for their repair shall be submitted to the Council in writing for approval. No works shall be undertaken until the Council has given written approval for the submitted schedules, specifications and method statements and the recording and relocation and repair shall be carried out exactly in accordance with the details so agreed.

8) All ground disturbance should be the subject of an archaeological watching brief. A method statement (Written Scheme of Investigation) for the watching brief, (which should include provision for re-interment of any human remains that are discovered during the works), should be submitted to the Council for agreement. No ground disturbance should take place until the Council has given written approval for the submitted method statement and the works shall be undertaken in full to the satisfaction of the Council.

You will also need to add an informative for the listed building consent as follows:

INFORMATIVE: Attention is drawn to the conditions imposed on this listed building consent which require the submission of details for approval by

the local planning authority prior to the commencement of the works hereby granted consent. These items are authorised only on receipt of approval in writing from the local planning authority for the details so submitted.

Council for British Archaeology

No comment received.

Georgian Group

No comment received.

Twentieth Century Society

No comment received.

Society for the Protection of Ancient Buildings

No comment received.

Victorian Society

No comment received.

Ancient Monuments Society

No comment received.

Bristol City Council

No comment received.

Other Representations

4.3 Local Residents

One letter of objection has been received stating:

- Relatives buried in the cemetery and not happy about graves being covered over for car parking

Two letters of support have been received stating the following:

- Lovely to see historic building brought back
- Memorial garden will enable history to live on and give access to families
- Essential housing for the community
- Life breathed into forgotten corner just off of the High Street

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to consider in this application is the impact of the proposed works on the special architectural and historic significance of the listed building.

5.2 Consideration of Proposals

Due to the amount of fire and weather damage that has occurred over time, it is considered that it would be counter-productive to carry out any internal restorations at the grade II listed Chapel, as much of the internal historic fabric has been lost. The focus is therefore on the high quality

restoration of the external elevations of the building, which is in a prominent position along Blackhorse Road, Kingswood.

- 5.3 The scheme is to introduce two additional floors, one replacing a previous floor which had since been lost and a second cutting across the windows. This new floor will be visible from the external elevations and the intensity of the sub-division does cause further loss of historic fabric, as the building is currently open and historically had an open galleried plan form. The intensity of the conversion has been justified within a viability statement.
- 5.4 The structural works proposed to the building are unclear at this stage, due to the difficulties in assessing the condition of the upper levels of the elevations which remain. As it is unknown to what extent the necessary repairs will affect the surviving historic fabric, clarification will be sought requiring structural works and the specification for repairs to be agreed with the Local Planning Authority prior to the commencement of development, and this will be conditioned on the decision notice in the event the application is approved. Large scale details of joinery, vents, flues, windows, doors and fenestration and samples of stonework, render and the artificial slate proposed shall be agreed with the Local Planning Authority prior to the relevant part of the development commencing.
- 5.5 Externally, the adjacent graveyard to the east is proposed to be cleared of monuments and grave stones, many of which are curtilage listed in association with the chapel, with those in good condition to be relocated to the Memorial Garden proposed to the south end of the site. Whilst a Grave Survey has been submitted to support the application, not all of the grave stones are confirmed as being removed or retained and, given their curtilage listed status, it is necessary to impose a condition requiring a detailed schedule and specification for the recording of the surviving grave stones and memorials, a detailed method statement for their relocation and a detailed schedule and specification for their repair in the event the application is recommended for approval. This will be attached to the associated full planning application decision notice.
- 5.6 Overall, the development is considered to be acceptable from a design and heritage perspective, and is in accordance with policy CS1 and CS9 of the Core Strategy (Adopted) December 2013, and policy L13 of the Local Plan (Adopted) January 2006, as well as the National Planning Policy Framework.

6. CONCLUSION

- 6.1 The recommendation to approve Listed Building Consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained within the National Planning Policy Framework.

7. RECOMMENDATION

7.1 That listed building consent is **GRANTED**.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of the works hereby approved, full details of the proposed structural works (including repairs) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval for the submitted details and the works of alteration and repair shall be undertaken exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. Prior to the commencement of the relevant part of the works hereby approved, full details of the proposed vents and flues) shall be submitted to the Council for approval in writing. No works shall be commenced until the Council has given written approval for the submitted details and the vents and flues shall exactly accord with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4. Prior to the commencement of the relevant part of the works hereby approved, sample panels of the proposed new facing stonework and render shall be prepared on site for the approval of the Council. No works shall be commenced until the Council has given written approval, for the sample panels and the new stonework and render shall exactly match the details so approved. For the avoidance of doubt the stonework shall be dressed stone matching the historic dressed stonework and natural rubblestone set in lime mortar to match surviving historic rubblestone, and the render shall be a traditional roughcast lime render finished with a limewash or similar paint finish.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. Prior to the commencement of the relevant part of the works hereby approved, a sample of the proposed roofing slate shall be submitted to the Council for approval. No slates shall be laid until the Council has given written approval for the slate sample and the new slates shall exactly match the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

6. Prior to the commencement of the relevant part of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the proposed fenestration, and the external doors and doorcases shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7. Prior to the commencement of the relevant part of the works hereby approved, details of the proposed external joinery finishes shall be submitted to the Council for approval. No works shall commence until the Council has given written approval. The finish of the joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990