

Appeal Decision

Site Visit made on 23 March 2021

by Mr Stuart Willis MSc, BA (Hons), PGCE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal Ref: APP/P0119/W/20/3265571

Bridge House Farm, Siston Common, Siston BS30 5LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Father Paul Vettikattu of St Thomas Syro Malabar Catholic Church against the decision of South Gloucestershire Council.
 - The application Ref P19/15257/F, dated 18 October 2019, was refused by notice dated 21 August 2020.
 - The development proposed is demolition of existing commercial buildings, retention of existing dwelling as presbytery and erection of church and community facility.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing commercial buildings, retention of existing dwelling as presbytery and erection of church and community facility at Bridge House Farm, Siston Common, Siston BS30 5LS in accordance with the terms of the application, Ref P19/15257/F, dated 18 October 2019, subject to the attached schedule of conditions.

Preliminary Matters

2. I have taken the description of development from the application form. While different to that on the decision notice, there has been no confirmation provided that the change was agreed. The description sufficiently describes the proposed development.
3. The Proposed Site Plan Drawing ref 6003 100 A includes what is described as a 'children play area, basketball/badminton courts (optional)'. While the appellant confirmed they formed part of the application, the use of the word 'optional' leaves an element of doubt. These works are not specifically included in the description of development and the Council indicated that they did not assess this as part of the scheme. Third parties may also have not thought this formed part of the proposal and may be prejudiced were I to include them. Therefore, given this ambiguity, I have not considered it as part of the appeal.
4. The appellant's appeal submissions included Proposed Floor Plans and Elevations Drawing ref 6003 103 C (Option C). A Landscape Assessment and Travel Plan (Collier Reading Architects) were also submitted as part of the appeal.
5. While not before the Council at the time of their decision, these were submitted at the outset of the appeal and therefore parties have had the opportunity to comment. The main elements of the scheme including the scale and position of the building have not altered from that determined by the Council with Option C amending external materials and openings. Against this backdrop, no

injustice would be caused to any appeal party or third party by my taking this information into account. I have considered the appeal on the basis of Option C.

Main Issue

6. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is in an elevated position near the top of the ridge of Siston Common (the Common). However, the area is not devoid of development. The ridge line and other parts of the Common are already punctuated by built form in places, some of which challenge or break the ridge line in certain views from within and on the approaches to the Common. The buildings that the church would replace are of limited architectural merit, with no consistent form and add little to the appearance of the area. The grounds of the site are unkempt and with hardstanding in places already.
8. The farmhouse at the site, which would be retained as part of the scheme, does this at present from the lower parts of the Common, the approach along the access to the site and in views along the nearby bridge. The other buildings at the site, although somewhat screened by boundary treatments, mature landscape features and surrounding topography, are still seen in glimpsed views from within the Common.
9. As well as those within the appeal site, there are a number of other buildings nearby, including clusters and rows of residential properties of varying designs. Some of these are of a distinctly modern appearance and there is no consistent scale, appearance, or pattern to the built form in and around the Common.
10. The proposed building would have a greater footprint than the buildings located on the appeal site and other existing buildings at the Common. Nonetheless, the agricultural style buildings to be demolished are attached to the farmhouse and stretch across the majority of the site. The appeal building would be set in further from the end boundaries of the site and being detached would break up the current continuous expanse of built form. While closer to the lower side boundary of the site, it would be set in some distance behind the parking areas.
11. Though of a greater height and more visible than the buildings to be removed, the proposed building would be set into the ground. This would considerably reduce the visual prominence and bulk of the building as experienced from outside of the site. The building would not be seen in isolation but in close proximity to the farmhouse and also in the wider context of occasional development within the Common.
12. The roof would be the most visible element of the building. Although large, it is a plain and simplistic design, not dissimilar to agricultural buildings that would be expected near a farmhouse. It would not draw the eye or detract from views across the Common. The undulating land at the Common and occasional vegetation throughout it would mean the proposed building would only be seen sporadically along the network of paths.

13. While new planting would take time to mature, this would soften the appearance of the site and add to the screening of the proposed building, complimenting the existing landscape features that are to be retained. Landscaping within the site would also aid in screening and breaking up the parking areas that would be low level and not overly prominent from outside the site. A condition requiring a detailed scheme is imposed.
14. The proposed building would not replicate the style or proportions of the existing farmhouse. However, neither do the existing ones or many of the nearby residential properties. The buildings appearance would not be untypical for a church. The regular arrangement and pattern of openings would help to break up the elevations. The use of stone and render would complement the materials of the farmhouse and draw on elements from nearby properties. A condition is imposed requiring details of the materials to be agreed.
15. Consequently, the proposed development would not harm the character and appearance of the area. It would accord with the design and character aims of Policies CS1 of the Core Strategy, Policy PSP1 of the Sites and Places Plan and the National Planning Policy Framework.

Other Matters

16. The proposal has the potential to accommodate a large number of people and associated movements. The information before me indicates that use at full capacity would be infrequent and related to specific religious events. Moreover, the timing of movements would be unlikely to coincide with the peak traffic movements. Car sharing and pick up services are not uncommon with such uses and this would reduce the number of vehicles travelling to the site and any associated pollution. Given the nature of the proposed use I consider this is likely to be the case.
17. A Travel Plan has been provided outlining options to reduce the number of vehicles that would use the site and a condition is imposed requiring the final agreement of such a scheme. Furthermore, I am not aware of restrictions on the times of opening for the existing use of the site or residential development previously approved that would also generate traffic. This scheme would have such controls.
18. Although narrow in places, the approach to the site has several areas where vehicles would be able to pass. Due to the nature of the road and speed restrictions in place vehicles are likely to be travelling at low speeds reducing the risk of conflict with other road users. Being at the end of the road would reduce the likelihood of conflicts arising from vehicles not associated with the site itself.
19. I saw that there was unrestricted parking on nearby streets. At the time of my site visit, which I appreciate is only a snapshot in time, while there was some on street parking taking place there were spaces available. The Council do not have parking standards for this type of development. However, given the scale and use proposed as well as the above factors sufficient spaces would be provided.
20. The road leading to the site does not have a designated pedestrian footway and parts of the surrounding area are without street lighting. Nonetheless, the site is well served by cycle and pedestrian routes providing opportunities for

alternative modes of transport to be used. From what I have read and saw on site the paths are well used. No compelling evidence has been presented to convince me that there are currently or would be highway safety concerns at the site.

21. The proposal would increase the coming and goings at the site in terms of vehicles and people. Notwithstanding this, there are no properties immediately adjacent to the appeal site. There would be vehicle movements associated with the existing use of the site and with a potential fallback position of residential dwellings. Movements from these would also need to pass nearby properties on route to the site and at any time of day. The application outlines opening times that would ensure the site would not operate late at night or early morning.
22. From what I saw on site and have read the paths at the Common are currently well used. Therefore, while the numbers would increase, the presence of pedestrians and vehicles would not be unexpected. Conditions are imposed with regard to external lighting, the use of the site and hours of opening. In light of these factors, separation between the site and the closest properties, and screening of the site, appropriate living standards for nearby residents would be retained.
23. No objection was raised by Wessex Water or the Lead Local Flood Authority to the proposed foul and surface water method of disposal or with regard to sewer capacity. Conditions securing the provision of the final details of these are imposed. The Coal Authority were satisfied that subject to the imposition of a condition for further investigation that the scheme was acceptable. I have reached the same finding. Conditions are also imposed in relation to investigations into potential contamination at the site.
24. The Ecological Assessment Report with the application indicated that there were no protected species at the site or would be likely to be affected by the proposed development. Following additional information regarding bats the Council raised no concerns with the evidence provided. There is no compelling evidence to lead me to a different finding. Conditions are imposed regarding biodiversity enhancements and measures to ensure species and habitats are not negatively impacted on.
25. The information before me has not demonstrated that there would be significant impacts relating to anti-social behaviour, the use of the Common for grazing, or litter. The need for the proposed facilities and availability of alternatives sites, loss of a dwelling, accuracy of the submitted certificates, damage to roads, conduct of those involved in the appeal or the costs of the proposed scheme do not affect my findings on the planning merits of the scheme which I have considered on its own individual merits. I have found that the scheme would not result in harm and therefore see no reason why it would set a precedent for unacceptable development elsewhere.

Conditions

26. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is to provide certainty and to clarify the elements of the scheme that have been considered.

27. To protect the character and appearance of the area conditions are imposed regarding external materials as well as hard and soft landscaping details. The landscape details are required prior to the commencement of the development as the initial works may affect existing features.
28. Conditions are imposed for the provision of a Travel Plan and parking in the interest of highways safety and encouraging sustainable travel options. In order to protect living conditions of nearby occupiers and highway safety conditions are imposed relating to the hours of opening and restricting the use of the site. Provision of cycle storage is conditioned to facilitate sustainable transport options.
29. Given the potential traffic generation and living conditions implications of other uses within the same use class, it is necessary to include a condition restricting the use to that given in the description of development.
30. Since the submission of the application, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. The development fell within Use Class D1 but would now be in the new Class F (Local Community). Paragraph 4 of the Regulations indicates that schemes must be decided with reference to the previous Use Class Order if the application was submitted prior to 1 September 2020.
31. A condition requiring details of an ecological scheme is required to protect and mitigate for any impacts on species and their habitats as well as compliance with the ecological reports already submitted. These details are necessary prior to the commencement of the development as features may be affected by early parts of the development. Details of foul and surface water drainage are required. Conditions requiring further investigations into historic mining and contamination are required to prevent issues relating to land stability, pollution and to protect living conditions of nearby occupiers. Details are required prior to commencement for the same reasons.
32. A condition preventing storage on the Common is not reasonable as this relates to land outside the appeal site and the appellant's control.

Conclusion

33. For the reasons given I conclude that the appeal should be allowed.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Floor Plans & Elevations Drawing No 6003 103 C; Site Plan Drawing No 6003 100 A; Existing Floor Plan Drawing No 6003 002; Existing Elevations Drawing No 6003 001; Ground Floor Plan Drawing No 6003 101 A; First Floor Plan Drawing No 6003 102 A; Elevations & Sections AA & BB Drawing No 6003 104 A; Contextual Site Sections CC & DD Drawing No 6003 106 A; and Site Sections CC, FF & GG Drawing No 105 A; except in respect of the elevational details shown on Elevations & Sections AA & BB Drawing No 6003 104 A; Contextual Site Sections CC & DD Drawing No 6003 106 A; Site Sections CC, FF & GG Drawing No 105 A and 'children play area, basketball/badminton courts (optional)' shown on Site Plan Drawing No 6003 100 A.
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - the position, species and canopy spread of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - planting plans;
 - a written specification (including cultivation and other operations associated with plant and grass establishment; schedules of plans noting species, plant supply sizes and proposed numbers/densities;
 - earthworks showing existing and proposed finished levels or contours;
 - means of enclosure and retaining structures;
 - boundary treatments;
 - hard surfacing materials; and
 - an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) No development shall commence until an ecological scheme has been submitted to and approved in writing by the local planning authority. These details shall include:
 - Ecological enhancements;
 - External lighting; and
 - An implementation programme.

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

- 5) No development shall commence until a scheme for foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the agreed details prior to the occupation of the development hereby approved.
- 6) No development shall commence until the following details have been carried out, submitted to and agreed in writing by the local planning authority:
- a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow coal mining / mine entry (adit ref: 366174-061));
 - a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary; including a layout plan which illustrates the location of the mine entry (if present within the site) and the alignment from the mine entry (adit ref: 366174-061); and
 - a programme for the implementation of the remedial works and/or mitigation measures.

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

- 7) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i. a survey of the extent, scale and nature of contamination;
 - ii. the potential risks to:
 - 1. human health;
 - 2. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - 3. adjoining land;
 - 4. ground waters and surface waters;
 - 5. ecological systems; and
 - 6. archaeological sites and ancient monuments.
- 8) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site

will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.
- 10) Prior to their use details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 11) Prior to the occupation of the development hereby approved a Travel Plan shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 12) Prior to the occupation of the development hereby approved the parking spaces shall be laid out within the site in accordance with Site Plan Drawing No 6003 100 A and the spaces shall thereafter be kept available at all times for the parking of vehicles.
- 13) Other than the existing dwelling, that shall be used as a presbytery, the new premises shall be used as a church and community hall and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 14) The use hereby permitted shall only take place between 0800-2200 on any day.
- 15) The development shall be carried out in accordance the Ecological Assessment Report (October 2019 V1A) and the Bat activity survey at Bridge House Farm of single storey building (May 2020).
- 16) Prior to the occupation of the development hereby approved details of a scheme for cycle parking facilities within the curtilage shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided as agreed prior to the first occupation of the development and thereafter maintained in accordance with these details.