

Croxlea, Parsonage Lane, Winford, BS40 8DH

Planning Supporting Statement for
Ms Lynette Porter
March 2024
Our Ref: 24-00507



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APPENDICES

Appendix 1 Decision Notice for application ref: 817/84

Quality Assurance

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2015.

We confirm that the undersigned is an appropriately qualified and experienced Chartered Planner experienced in the commercial property sector.

Created by: Neamh Stephenson (Planner) & Ben Larcombe MRTPI (Associate)

Checked by: Ben Larcombe MRTPI (Associate)

1 INTRODUCTION

Overview

1.1 This Planning Supporting Statement has been prepared by Rapleys on behalf of Ms Lynette Porter, the applicant. It supports a planning application seeking the demolition of an existing dwelling and all outbuildings (excluding the existing garage) and the erection of a new dwelling, double garage, and the conversion and extension of the existing garage to create a home office and gym.

1.2 The formal description of development is therefore as follows:

Demolition of the existing dwelling house and associated outbuildings, construction of replacement dwelling and garage and the conversion of existing garage into home office and gym.

1.3 The current bungalow on site, which was erected in circa 1985, is now obsolete in terms of energy efficiency and design, failing to align with 21st century living standards. Consequently, the property owners and applicants aspire to redevelop the site to create a bespoke high-quality dwelling that is fit for twenty-first century living.

1.4 The site is situated within the North Somerset Green Belt whereby in accordance with the prevailing policy context, a property can typically only be increased by 50% in planning policy terms.

1.5 However, in this instance, this position does not take into account the range of permitted development rights available to the applicant, which would allow for a significant increase over and above the existing floorspace, well in excess of that proposed within this detailed planning application. This position is considered to comprise a legitimate fallback position.

1.6 Furthermore, due to the presence of woodland surrounding the area the site already has a very enclosed nature which means that the openness or visual impact of the Green Belt would be unaffected by the proposed development.

1.7 Accordingly, we consider that the proposals represent an proposal for the demolition and rebuild of a single dwelling in this location. To that effect, it is contended that the strength and substance of the material considerations are sufficient to outweigh any identified conflict with the provisions of the Development Plan.

Submitted Plans and Documents

1.8 In addition to this Planning Supporting Statement, the following documents and drawings comprise the full application package:

- Application Forms and Certificates
- Design & Access Statement by Angus Meek Architects
- Existing & Proposed Plans, prepared by Angus Meek Architects, comprising of:
 - L01 Site Location Plan

- E01 Existing Site and Roof Plan
- E02 Existing House Plan and Elevations
- E03 Existing Garage Plans and Elevations
- P01 Proposed Site and Roof Plan
- P02 Proposed House- Plans and Elevations
- P03 Proposed Garage- Plans and Elevations
- P04 Proposed Gym and Home Office- Plans and Elevations
- PD01 Permitted Development Option– Indicative Site Layout
- Arboricultural Report by Silverback
- Ecology Survey by Co-ecology
- Bat Survey by Co-ecology
- Energy Statement by Viro Consult

2 SITE DESCRIPTION

Context

- 2.1 The site is situated to the north of Parsonage Lane, in a rural area on the outskirts of Winford Village located to the south-west of Bristol, within Chew Valley, Somerset, England. The site lies in the Local Planning Authority of North Somerset. The site is accessed directly from Parsonage Lane.
- 2.2 Directly north of the site lies both planted deciduous and coniferous woodland. To the south, the site borders Parsonage Lane, beyond which agricultural fields and residential/farm buildings are present. To the east and west lie further farm buildings and fields, interspersed with conifer trees.
- 2.3 The existing buildings on site consist of 10 structures the main dwelling, a double garage, a block of dog kennels, 2 containers, 2 caravans, 2 sheds, and a horsebox. Several trees on site surround the existing property, none of which are under Tree Protection Orders. The adjacent garden within the property is dominated by an open area of bare ground, scrub and vegetable patch.
- 2.4 The main dwelling consists of a small 3 bed, brick-built bungalow, with a pitched roof of concrete pantiles, built in 1985. The double garage is of similar construction. The dog kennels are of metal construction and open fronted.
- 2.5 The site area, as per the Site Location Plan is 0.33 hectares.



Figure 1 Image of site with indicative red line boundary

Relevant Designations

- 2.6 The site lies outside of any development boundary and is located within the North Somerset Green Belt in accordance with the content of the North Somerset Planning Policy map. The site is not located within a Conservation Area, National Landscape and does not contain, or is not located within the setting of a listed building.

Flood Risk and Drainage

- 2.7 The site lies within Flood Zone 1, as shown within Figure 2 below which is an extract from the Environment Agency's Flood Map for Planning. The site is therefore at a very low risk of flooding.

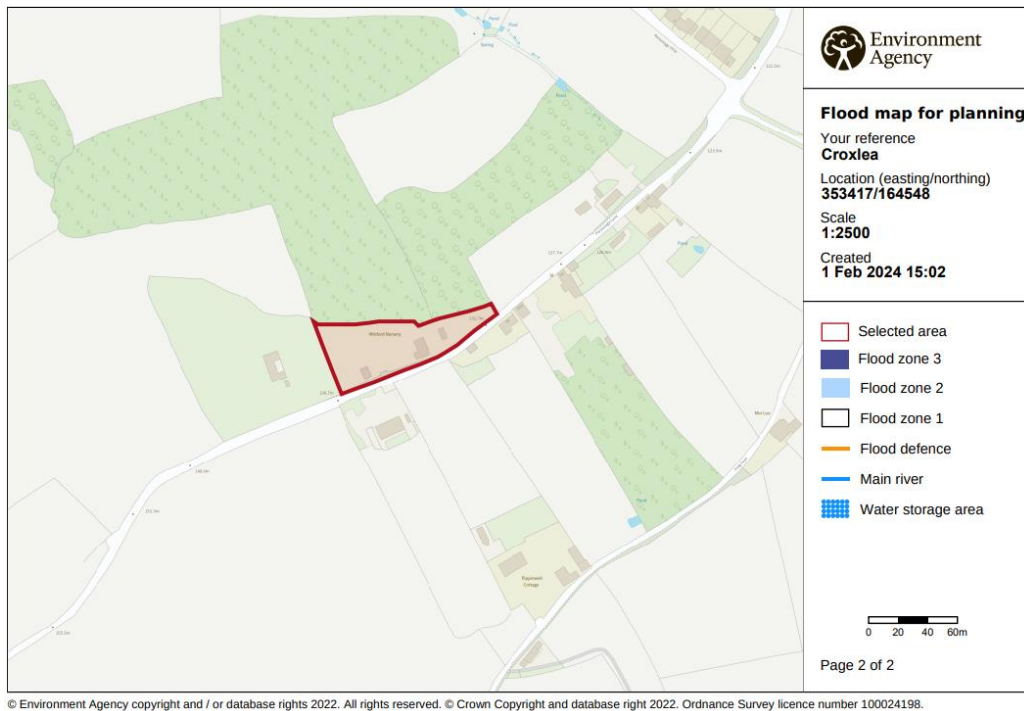


Figure 2 Environment agency flood map for planning

Planning History

- 2.8 The planning history for the site is limited to the following:

- **Application ref: 817/84 - 19th March 1985**

Erection of a dwelling on Part OS 4155 at Winford – Appeal Decision No T/APP/V0130/A/84/20701/P2

- **Application ref: 2295/85 dated 30th June 1985**

Condition No.1 - Approval of Materials

- 2.9 It is important to note that the Decision Notice for application ref: 817/84 (see Appendix 1) confirms that the decision was granted without any conditions which remove permitted development rights of any nature. Therefore, the dwelling subject to the relevant conditions and limitations imposed by the GPDO, benefits from the full suite of applicable right. Furthermore, the permission is not subject to conditions which limit occupation – for example, as an agricultural workers dwelling.

3 THE PROPOSED DEVELOPMENT

3.1 The proposed development involves the demolition of the existing single storey dwelling and outbuildings and the erection of a new dwelling, double garage and the conversion of the existing garage into a home office and gym, and associated landscaping.

3.2 As such, the Description of Development is as follows.

Demolition of the existing dwelling house and associated outbuildings, construction of replacement dwelling and garage and the conversion of existing garage into home office and gym.

3.3 The proposals are centred in the existing building footprint and areas of bare ground, all buildings will be demolished as part of the proposals whilst the trees and lines of hedgerow will be retained.

3.4 The dwelling will comprise the following accommodation split over two floors. On the Ground floor there will be an open plan, kitchen, dining and living space, a snug, a coat and utility room, a WC, and a guest bedroom/office with an en-suite. On the first floor there will be 4 double bedrooms, 2 with en-suites, a family bathroom, and a store cupboard. There are a series of terraces outside of the house on the ground floor and first floor levels. This can be seen in Figure 3 below.

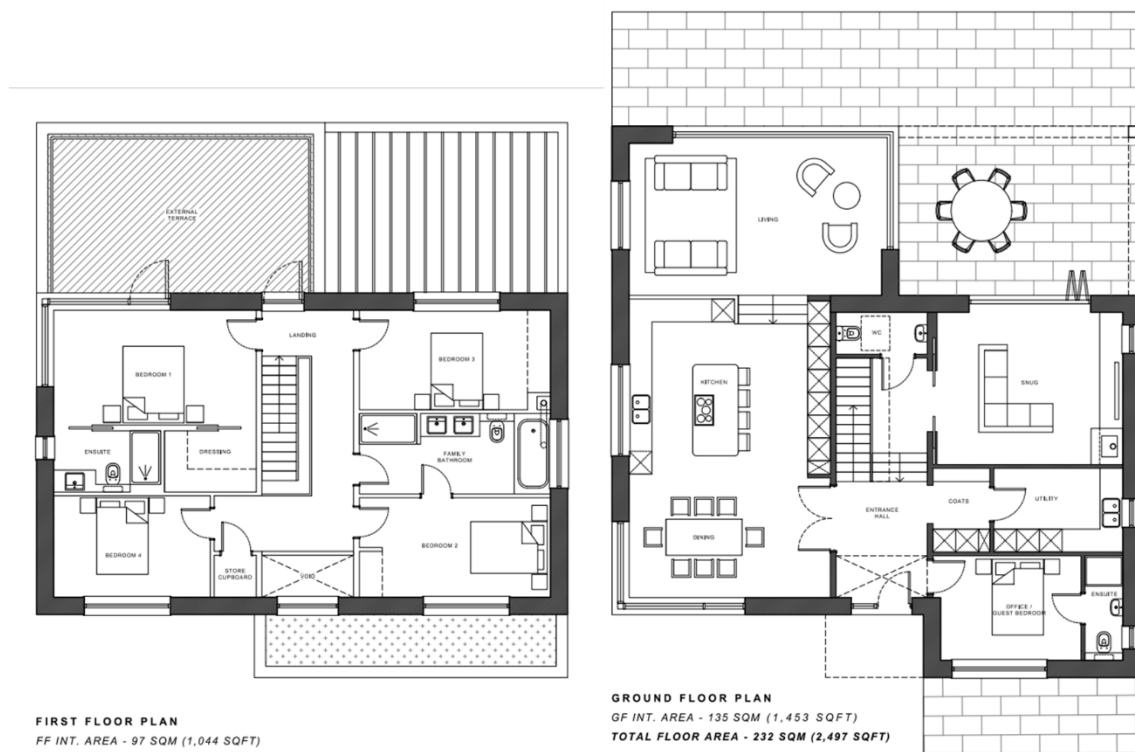


Figure 3 Floor plans of replacement dwelling

3.5 The design concept is sympathetic to the surrounding landscape and of bespoke design with large areas of glazing, open plan spaces, larger bedrooms.

3.6 Large sections of glazing to create a modern approach to the development with contemporary design. Materials used include composite/timber cladding, natural coursed stone, and grey slate roof tiles. This can be seen in the elevations below.



Figure 4 Elevations of the proposed replacement dwelling.

3.7 The existing gross internal floor area is 85m²; the proposed gross internal area of the proposed dwelling is 233m², representing an increase in floorspace of 148m². With respect to the building's footprint, this increases by 61% (from 99m² to 160m²).

4 PLANNING POLICY CONTEXT

Legislation

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

- 4.2 North Somerset Council's Development Plan is currently comprised of the following:

- Saved policies of the North Somerset Replacement Local Plan (2007)
- North Somerset Core Strategy (2013)
- Site Allocations and Development Management Policies Plan Part 1 (July 2016)

North Somerset Core Strategy (2013)

- 4.3 The North Somerset Core Strategy was adopted in 2013 but became subject to a legal challenge. As such, a number of policies were 'remitted' and re-opened for examination, relating in particular to housing numbers and supply. As such, the Core Strategy was fully adopted in 2017.

- 4.4 It is considered the following Core Strategy Policies can be considered to be relevant to the development proposal.

- CS2 – Delivering sustainable design and Construction
- CS4 – Nature Conservation
- CS5 – Landscape and the Historic Environment
- CS6 – North Somerset's Green Belt
- CS9 – Green Infrastructure
- CS11 – Parking
- CS12 – Delivering High Quality Design and Placemaking
- CS33 – Smaller settlements in the countryside

Site Allocations and Development Management Policies Plan Part 1 (July 2016)

- 4.5 Provides a range of detailed development management policies which support the core strategy.

- DM8 – Nature Conservation
- DM9 – Trees and Woodland
- DM10 Landscape
- DM12 Development within the Green Belt
- DM28 Parking Standards
- DM32 High Quality Design

- DM44 – Replacement dwellings in the countryside

Supplementary Planning Documents / Guidance

4.6 North Somerset Council have a range of adopted supplementary guidance to support the Core Strategy and Sites and Policies Plan. The following documents are of relevance to this application

- Parking standards SPD (November 2021)
- Biodiversity & Trees SPD (December 2005)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance SPD (January 2018)
- Residential Design Guide Part 1 (January 2013)
- Residential Design Guide Part 2 (April 2014)

National Planning Policy Framework

4.7 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which councils can produce their own development plans. In addition to providing guidance for local planning authorities and decision-takers in the compilation of plans, the NPPF is also a material consideration in determining applications. A presumption in favour of sustainable development is at the centre of the NPPF.

4.8 On 6th March 2014 the Department for Communities and Local Government (DCLG) launched the Planning Practice Guidance (PPG), an online resource that seeks to provide more detail on how the policies in the NPPF should be applied. It is an evolving resource that is regularly updated.

4.9 The NPPF should be referred to as a whole, but the following paragraphs are considered to be pertinent to the consideration of the application.

Para 11

"Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

Para 78

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Para 145

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Para 170

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and*

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.”

5 KEY PLANNING CONSIDERATIONS

5.1 Having reviewed the planning policy of the site, the main planning considerations to assess are as follows:

- The principle of development
- Whether the design of the proposed development respects the character of the area
- Whether there are any adverse impacts on trees
- Whether there will be any adverse impacts on ecology
- Other material considerations
- Compliance with the development plan/ planning balance

Principle of Development and the Green Belt

5.2 As identified within the National Planning Policy Framework, Para 145 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, there are some noteworthy exceptions. In relation to this scheme, “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; or, the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces” is relevant.

5.3 NPPF 145 considers that not inappropriate development within the Green Belt should not be materially greater than the existing. No definition is expressed within the NPPF and it ultimately is a judgement which is at the discretion of the local authority, including within their own Development Plans, to assess in the consideration of applications which seek permission for proposals of such a nature.

Replacement Dwelling

5.4 The proposal is for a replacement C3 residential dwelling, as detailed in Section 3 of this Statement. The overall increase in floorspace from the existing dwelling to the proposed development is 174%, exceeding the typical acceptance threshold outlined in policy DM12 and policy DM44 of the Sites and Policies Plan, which usually permits a maximum 50% increase.

5.5 It is acknowledged that replacement dwellings surpassing 50% of the original floor area in the Green Belt are typically considered 'inappropriate' development. However, an assessment against all relevant material planning considerations is necessary in this instance, as is required by Section 38(6) of the Act

5.6 The supporting text to the policy DM12 explains that the 50% figure is expressed within the policy to prevent the “over development of sites, visual intrusion into the countryside and need to ensure a supply of housing to meet the needs of the rural population require that significantly larger dwellings will not be permitted”.

- 5.7 However, it is important to note that the site benefits from permitted development rights which allow for a significant increase upon the size of the existing building, such as Class AA and Class E of the General Permitted Development Order (GPDO) 2015 (as amended).
- 5.8 It is widely recognised that permitted development rights can serve as a fall-back position. The matter of the fall-back position has been well-established through case law – notably in the case of *Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314*, where it was expressly confirmed by the courts that permitted development rights can represent a realistic and legitimate option to the development currently proposed.
- 5.9 With reference to the planning history identified above (see para 2.8) it is evident that the planning permission (See Appendix 1) which facilitated the construction of the subject dwelling does not remove any permitted development rights whatsoever. Furthermore, as the existing dwelling has not been extended since construction pursuant to permission (Application ref: 817/84) the dwelling benefits from the full suite of current permitted development rights as detailed in the General Permitted Development Order (GPDO).
- 5.10 Schedule 2 Part 1 Class A of the GPDO details the scope of works that are permissible without the express requirement to apply for planning permission. Taking each of these in turn the existing dwelling could be extended pursuant to the following classes.

Rear extension

- an extension of between 4m & 8m for a detached property.
- max height of 4m and not higher than the ridge-line of the house.
- max eaves height of 3m if within 2m of a boundary and not higher than the eaves of the house.
- must not extend beyond a side elevation that fronts a highway or the principal elevation of the original dwelling house.

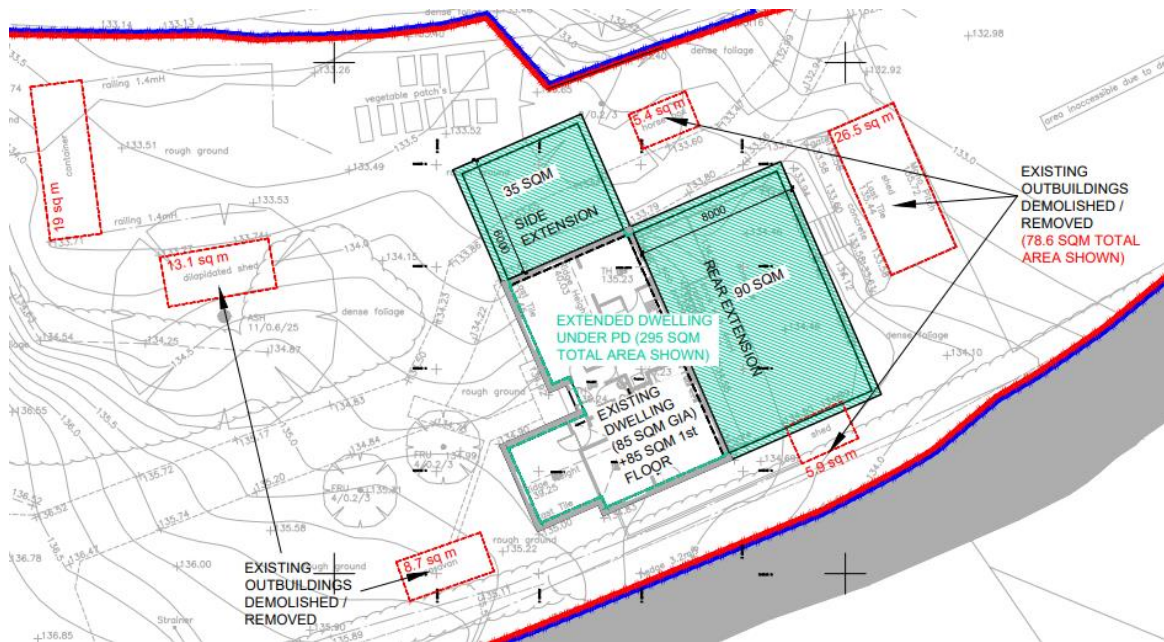
Side extension

- max of 50% width of original house.
- max height of 4m and not higher than the ridge-line of the house.
- max eaves height of 3m if within 2m of a boundary and not higher than the eaves of the house.
- not on a side elevation that fronts a highway.

Additional Storey

- single storey detached dwelling can extend upwards by an additional storey, up to a maximum height of 3.5m
- Height of upwards extension cannot exceed that of any existing floor to ceiling height or 3m, whichever is the lower.

5.11 As the existing dwelling benefits from each of the aforementioned rights, a concept design has been established (see below) which demonstrates that the existing dwelling can be significantly extended without the requirement for planning permission.



5.12 This design demonstrates that the existing building could be increased and extended by circa 247% above the original dwelling (well in excess of the figure proposed within this application), achieved by the following:

- Additional storey
- Extension to the rear of the property
- Extension to the side of the property
- A total Increase in GIA of circa 210sq.m

5.13 Accordingly, a significant increase in the size of the dwelling can legitimately be delivered without the express requirement for planning permission. It is however contended that such an approach would result in an uncoordinated approach to the building through a series of extensions, creating an odd internal layout as well as an inappropriate bulk and mass of building. In comparison, the proposals have been designed to accommodate the needs of the applicant and have created a dwelling that responds to the context of the site.

The 'Fallback' Position

5.14 This position is considered to constitute a legitimate fallback position in accordance with *Snowden V Secretary of State for the Environment [1980]* and is therefore considered as a significant material consideration in the determination of this application.

5.15 The basic principle of the 'fallback' position is to consider and compare the development for which planning permission is sought with what the applicant can legitimately do with the subject land on the basis of the planning position as it stands without permission for the development, which is now sought, so long as there is a realistic possibility of the 'fallback' position happening¹.

- 5.16 Further detail with regard to the ‘possibility’ was provided by Mr Justice Hickinbottom *in R (Zurich Assurance) v North Lincolnshire Council [2012] EWHC 3708 (Admin)* who stated at para 75 of his judgement that:
- 5.17 “...The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fallback position happening is “very slight indeed”, or merely “an outside chance”, that is sufficient to make the position a material consideration (see *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333* at [20]-[21] per Sullivan LJ)”
- 5.18 The matter was further considered by LJ Lindblom in *Mansell v Tonbridge and Malling Borough Council [2017]*, which in summary detailed:
- the basic principle is that for a prospect to be a “real prospect”, it does not have to be probable or likely: a possibility will suffice; &
 - the clear desire of the landowner to develop and maximise the value of the site is sufficient to demonstrate there was a “real prospect”.
- 5.19 Given the context, the applicants wish to replace the existing house with something that is fit-for-purpose. Their goal is to introduce a structure that is not only contemporary and energy-efficient but also features an internal layout that aligns with the lifestyle aspirations of a 21st-century family. It should be noted that, in respect to footprint, the building is increasing in size by only 174% comparative to the fallback position.
- 5.20 The applicant has noted a range of similar proposals, within the same Development Plan context, where this approach has been accepted by the Local Planning Authority in principle. To highlight this position, the examples are enumerated below:
- Application Ref. 22/P/2947/FUL at The Beeches sought the demolition and replacement of the existing dwelling with landscaping to the north of the site. The officer report confirms it resulted in a significant increase in floor space over the existing dwelling over 50%.
 - Application Ref. 22/P/1404/FUL at Bottreaux sought the demolition of the existing dwelling and the construction of a new dwelling. The officer report confirms it resulted in a significant increase in floor space over the existing dwelling over 50%.
 - Application Ref. 22/P/1240/FUL at Three Acre Wood sought the demolition of the existing dwelling and garage and the construction of a new dwelling and garage. The officer report confirms it resulted in a significant increase in floor space over the existing dwelling over 50%.
 - Application Ref. 19/P/0200/FUL at Timber Tops which sought the demolition and replacement of the existing dwelling which resulted in a 100% increase in floorspace (the original application was approved by Councillors despite an officer’s recommendation to refuse);
 - Application Ref: 17/P/1192/F at West Park for an extension –The officer’s report it is confirmed that the increase is over 50%;

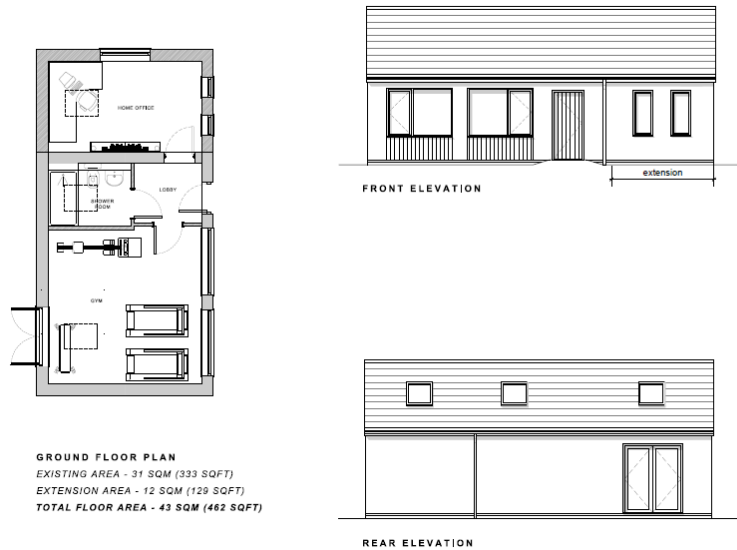
- Application Ref: 17/P/5230/FUL at Hamilton House for the demolition of the existing dwelling and its replacement with a new dwelling states within the officer's report that the increase of floor space would be approximately 190%;
- Application Ref: 18/P/3784/FUH at Cherry Copse for a number of extensions to the existing building. However, the existing dwelling was not considered to be 'original' as it was replaced in 2008, therefore the increase in floorspace was substantively over 50%;
- Application Ref: 18/P/4865/FUL at Pine Trees was to demolish the existing house and garage and construct a new dwelling in its place. The officer's report confirms the increase in floorspace would be 69%; and
- Application Ref: 18/P/5152/FUH at Lime Breach for a single storey side extension confirmed in the officer's report that the increase in size was over 50%.

5.21 Within the existing adopted Development Plan framework, as evidenced by the above, the Council has consistently taken a pragmatic stance on these applications within the Green Belt, particularly when the justification for enlargement is deemed proportionate. While it is acknowledged that each application must be evaluated on its individual merits, the numerous cases in this location have established a position of consistency in decision making, whereby it has been accepted that the fallback position is a material consideration to allow for permitting increases in floorspace beyond the standard 50%, as sought by DM12.

5.22 The proposal site falls within the Green Belt, necessitating careful consideration of openness. In terms its impact on the openness within the greenbelt, the site is contained by trees, which significantly limit views to or throughout the site from the visual perspectives. From a spatial perspective, the proposed development maintains a footprint largely similar to the existing structure (and one which is smaller than the established fallback) and indeed proposes the removal of numerous poor-quality ancillary strictures which will be beneficial in these terms. Consequently, it is believed that the impact on the openness of the Green Belt, in both a spatial and visual perspective will be negligible.

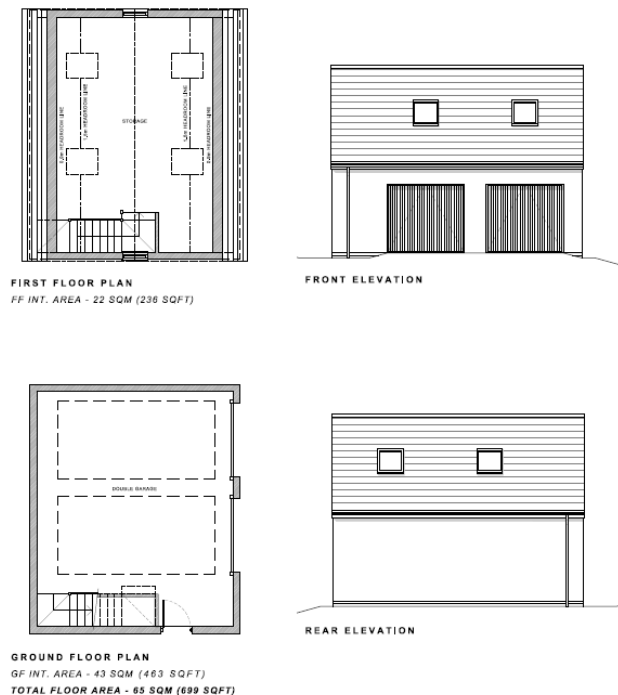
5.23 As such we consider the principle of development to be acceptable owing to the legitimate fallback position that has clearly been evidenced and established.

Existing Garage conversion to home office/gym



5.24 The conversion of the garage into a home office/gym is demonstrably in accordance with Policy DM12. The completed conversion will result in an increase in size of 12m² representing an increase of 27%. Importantly, this expansion ensures that the new home office/gym does not cause a disproportionate enlargement compared to the original garage. Furthermore, from a design perspective, the proposal aligns with the overall design of the proposal.

New Garage



5.25 Given the proposed demolition and removal of the current ancillary buildings and outbuildings, the new garage would occupy a footprint of 65m² which represents a smaller footprint than the cumulative area of the existing buildings which will be removed. This approach aims to enhance the site's overall design coordination, contributing to an improved aesthetic by eliminated

dilapidated and outdated structures. This hence can be evidenced to be in accordance with Policy DM12.

Design of the Proposed Development



- 5.26 The proposed new dwelling is a two-storey, 4-bedroom house conforming in all respects to the National Space Standards in terms of overall GIA (233 sqm), room sizes, ceiling heights and storage.
- 5.27 The proposal adopts a simple but sympathetic design approach in order to respond to the rural context, but also including components which demonstrate that the replacement dwelling is of contemporary design. It is proposed to utilise natural rubble stone, timber, slate roof tiles and PPC detailing, all of which are considered appropriate in design terms.
- 5.28 To optimise natural lighting and encourage cross ventilation, the proposal has been designed to be dual aspect. The use of large areas of glazing enhances daylight levels within the property complementing the open-plan layout of the kitchen, living, and dining areas. The natural screening provided by the trees around the property contributes to privacy by minimising visibility into the dwelling.

5.29 Accordingly, the proposals are deemed to comply with policies CS12 and DM32 of the development plan.

Trees

5.30 Silverback Arboricultural Consultancy have prepared an Arboricultural Report in support of the application, which includes an assessment of the Arboricultural constraints, an Impact Assessment, Tree Protection measures and a full Arboricultural Method Statement. The report was informed by a site visit on Thursday 27th February 2024. The Report confirms the following:

- It is proposed to retain and protected all existing trees throughout the proposed development, other than T07 will be removed in accordance with good arboricultural practice due to Ash dieback disease;
- There are no trees outside of the application demise which will be impacted by the proposal;
- Protective fencing, in accordance with BS5837:2012 will be erected to prevent any unauthorised access into the Root Protection Area (RPA) during the development works;
- Where new surfacing is to be installed within the Root Protection Areas of retained trees, construction will be undertaken in accordance with Arboricultural Guidance Note 12 'The use of Cellular Confinement Systems near Trees. A Guide to Good Practice' using a Cellular Confinement System such as 'Cellweb'; &
- All storage and mixing of materials will be undertaken outside the Root Protection Area (RPA) of the retained trees. If considered necessary, due to ground levels, a suitable waterproof ground covering with bunds at the edges to prevent leakage will be laid over the storage, mixing area.

5.31 A suitably worded condition requiring full compliance with the submitted report would ensure that the green infrastructure is suitably protected. As such proposals are considered to comply with policies CS4 and DM9 of the Development Plan.

Ecology

5.32 Co-ecology have undertaken a preliminary ecological appraisal and their report should be read in conjunction with this statement. In respect to ecological constraints and mitigation proposed, Co-ecology have summarised this as follows:

- No direct impact from the proposals to the SPA, SAC, SSSI and LNR is anticipated.
- With the exception of the roadside hedgerow none of the habitats within the surveyed area and with certainty none of those to be affected by the proposals would be considered to be features of value to the two horseshoe species of bat.
- There is a good network of eight Local Wildlife Sites within 2km of the site, however these are all over 0.5km away and not well-connect to the site.
- The proposals have been centred on the existing developed footprint or areas of bare ground, avoiding impacts to the existing vegetation.

- The hedgerows on site that qualify as Habitats of Principal Importance are out with the development footprint and no loss or damage is predicted.
- The following general mitigation measures will be implemented to allow continued use of the site for badgers, bats and breeding birds utilising the site:
 - Limit the hours of working to daylight hours, to limit disturbance to nocturnal and crepuscular animals;
 - Due to the likely presence of Badgers, Breeding Birds and Bats the use of lighting at night should be avoided. If the use of lighting is essential, then a directional cowl should be fitted to all lights to prevent light spill and to be directed away from areas of woodland.
 - Contractors must ensure that no harm comes to wildlife by maintaining the Site efficiently and clearing away materials which are not in use, such as wire or bags in which animals can become entangled; and
 - Any pipes should be capped when not in use (especially at night) to prevent animals becoming trapped. Any excavations should be covered overnight to prevent animals from falling and getting trapped. If that is not possible, a strategically placed plank should be placed to allow animals to escape.

Bats

5.33 A series of bat surveys have been undertaken by Co-ecology during 2023 to inform the scheme design due to the presence of suitable roosting features identified on the bungalow and double garages which are due to be demolished. The assessment submitted confirms there is no requirement for survey work prior to the determination of the application.

Energy Efficiency

5.34 The proposals are supported by an energy statement by Viro Consult which sets out how the proposals will ensure that 10% of the dwelling's predicted energy demand will be met by renewable energy sources. The energy statement confirms that various active design measures such as Air Source Heat Pumps, low energy lighting, a hot water cylinder and mechanical ventilation will be implemented to accommodate this requirement, which can be secured by condition.

5.35 Overall, it is concluded that the proposed design adopts best practice sustainable design measures including enhanced new thermal performance and air tightness measures whilst also including provision for low carbon heating from air source heat pump systems and energy efficiency mechanical ventilation with heat recovery to further improve energy efficiency performance.

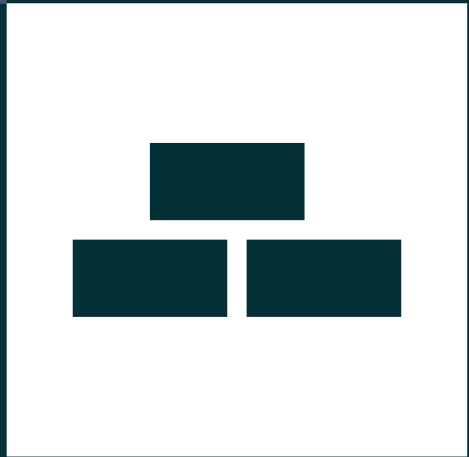
5.36 A 62.2% reduction in regulated CO₂ emissions beyond Part L (2021) minimum standards is recorded as part of SAP assessment results demonstrating the energy efficient design of the dwelling. Accordingly, the proposals comply with policy CS2 of the development plan.

6 THE PLANNING BALANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that proposals should be in accordance with the development plan, unless other material considerations indicate otherwise.
- 6.2 With respect to policy CS2, the proposals comply with this policy as they achieve a minimum of 10% of the anticipated energy use for the new dwelling. The proposals will also implement a soakaway to manage surface water run-off.
- 6.3 Turning to policy CS4 and DM8, Co-ecology conducted a series of bat surveys during 2023 to inform the scheme design and a range of mitigation has been proposed as is detailed within the accompanying report. Other mitigation has been proposed and it is considered the proposals comply with the relevant policies within the Development Plan.
- 6.4 An Arboricultural Impact Assessment has been undertaken by Silverback. This confirms that no high-category trees will be impacted by the proposals and includes a range of recommendations for tree protection throughout the construction phase – the detail of which can be secured through suitably worded conditions. Accordingly, the proposals comply with policy CS9 and DM9 of the Development Plan.
- 6.5 Turning to the principle of development, the proposals do not conflict with policy CS6 as they are not seeking to amend the boundaries of the Bristol-Bath Green Belt. The proposals are also for a replacement dwelling which is supported in general terms by policies CS33, DM12 and DM44 of the Development Plan.
- 6.6 It is acknowledged that the increase in floorspace terms is over and above the 50% 'cap' imposed within the Development Plan and therefore this results in a conflict with policy DM12 and DM44. However, the extent of that conflict is limited given the legitimate fallback position which has been established which would allow the building to be increased in size by circa 274%, well in excess of that proposed as part of this application.
- 6.7 This is a strong material consideration in the assessment of the proposals which, the applicant contends, must be afforded great weight within the planning balance. The implementation of the suite of available PD rights would result in an ungainly building characterised by a series of extensions to the existing building which would result in an incoherent internal layout, compared to the proposed development which delivers the client's aspirations and is beneficial in design and sustainability terms.
- 6.8 Accordingly, we consider the nature of the breach with policies DM12 and DM44 to be limited in light of the permitted development rights that could achieve substantial increases in floorspace and volume, along with an assessment of the character of the area which has determined that there would be no adverse impact on the openness of the Green Belt. Therefore, there is not deemed to be any conflict with policies DM10 and CS5.

7 SUMMARY & CONCLUSIONS

- 7.1 The proposals involve the demolition and rebuild of the current 1980s bungalow which has little merit in design terms and is no longer fit for purpose for modern day residential. The proposal also encompasses the demolition of the accompanying outbuildings and the conversion of the existing garage into a home office/gym.
- 7.2 It has been established that the property benefits from a wide-suite of permitted development rights that would facilitate a range of large extensions to the existing building, which would exceed, in both floorspace and volume terms, the proposal subject to this full application.
- 7.3 The applicant considers that such an approach would not be the optimal arrangement for the site, as it would result in a disjointed and incoherent design approach. In comparison, the proposals result in a new dwelling which responds positively to its context and delivers a building that is entirely fit for the twenty-first century – maximising opportunities for daylight intrusion into habitable spaces and utilising renewable heating technologies.
- 7.4 A contemporary design, that also responds to the rural character, has been created through the incorporation of large sections of glazing, and the use of materials such as slate, brick and timber, creating a modern approach to the development.
- 7.5 As set out, it is accepted that there is a degree of conflict with policy DM12 and DM44 due to the increase in floorspace which is over and above 50%; however, for the reasons set out, permitted development rights represent a legitimate fallback option which must be afforded most considerable weight in the planning balance.
- 7.6 The applicant considers that such an approach would unfortunately result in a planning outcome that is less beneficial in planning terms compared to the proposals hereby submitted for consideration. Adopting the conclusions within the pertinent case law, we therefore consider that the application proposal would deliver clear betterment over the fallback and is therefore acceptable in planning terms.
- 7.7 We have examined all other material considerations and have not identified any other adverse impacts that would outweigh the benefits of the proposals. There was no ecological, arboricultural or flood risk matters that would suggest that the proposal is unacceptable. As such, we commend the application to the Council for approval.



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