

## REPORT FOR NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	26 <sup>th</sup> April 2023
<b>Application Number</b>	PL/2022/06692
<b>Site Address</b>	Calne Baptist Church, Castle Street, Calne, SN11 0DX
<b>Proposal</b>	Demolition of the existing Church, The Manse and associated storage buildings. Construction of a church and community centre with 2no. residential dwellings.
<b>Applicant</b>	Trustees of Calne Baptist Church
<b>Town/Parish Council</b>	CALNE
<b>Electoral Division</b>	CALNE CENTRAL (Cllr Ian Thorn)
<b>Type of Application</b>	FULL
<b>Case Officer</b>	Ruaridh O'Donoghue

### Reason for the application being considered by Committee

This application has been 'called in' for Committee determination at the request of the local division councillor, Ian Thorn on the 12 January 2021, so that the following matters may be considered:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Car parking

### 1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved.

### 2. Report Summary

The main planning issues are considered to be:

- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)

- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

### 3. Site Description

The application site lies on the edge of the settlement of Calne in Wiltshire. Figure one shows the location of the site.

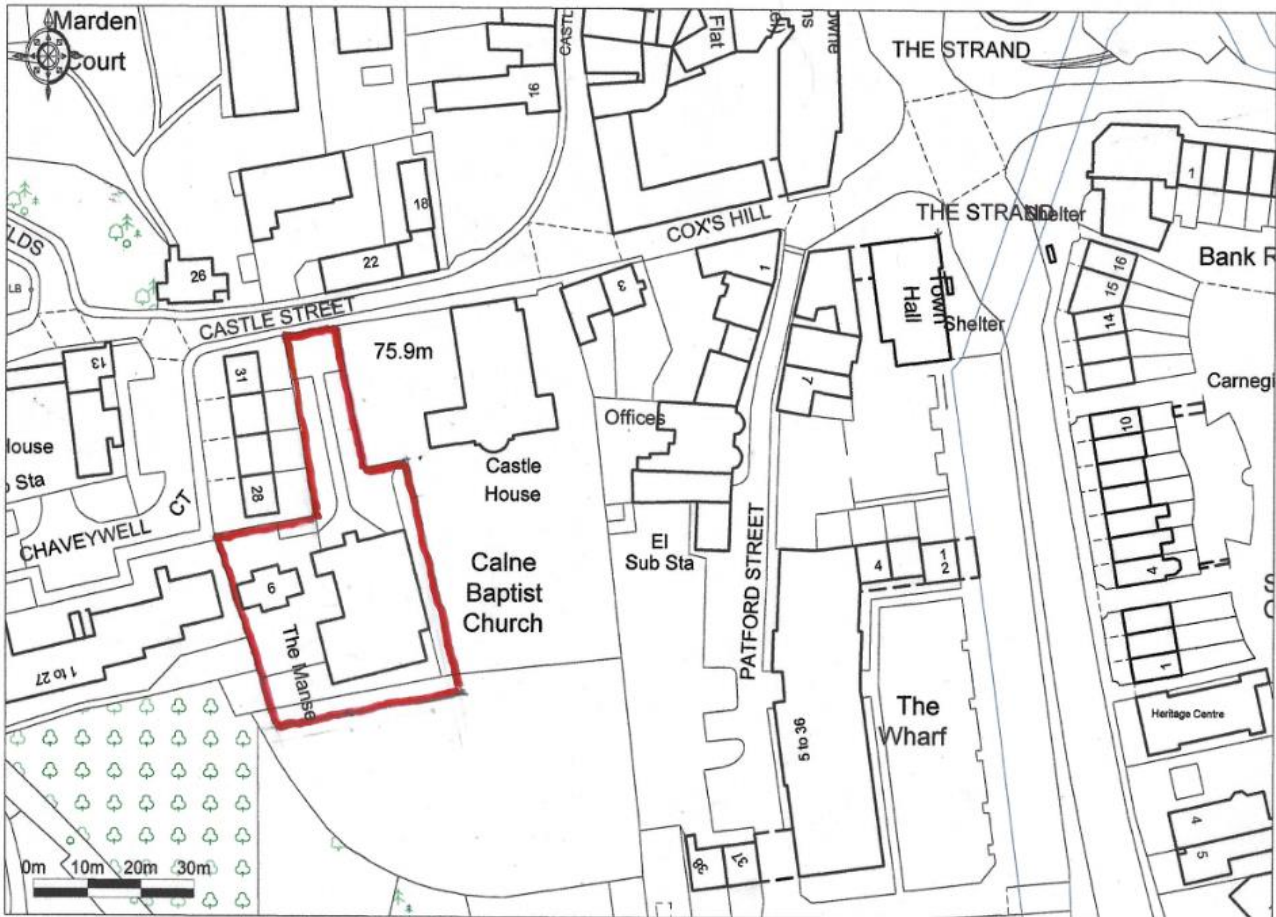


Figure 1 Site location

The above plan shows that access to the site is off Castle Street. The site is largely surrounded by housing and flats with Castlefield's Canal and River Park lying to the south.

- The site lies just within the Limits of Development (LoD) of Calne
- Over half of the site lies within the Calne Conservation Area
- Within the setting of grade II listed buildings (No.'s 7, 20, 22 and 26 Castle Street)

The Baptist Chapel is not a listed building but could be considered to be a non-designated heritage asset

### 4. Planning History of Application site

There is no relevant planning history pertaining to this development proposal.



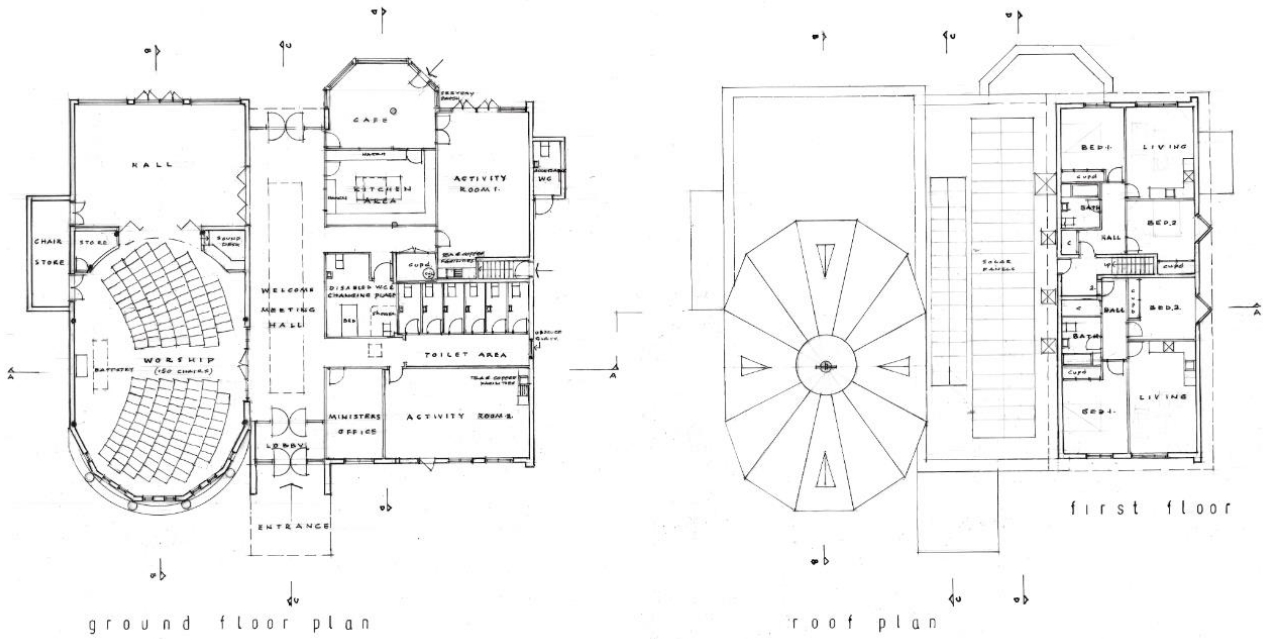


Figure 3 Floor Plans

The building has been designed in a contemporary style incorporating a mixture of traditional and modern materials. Bath Stone and render are to be used for the elevations and terre coated steel for the roofs with aluminium doors and windows. Figure 4 shows the elevations of the scheme.

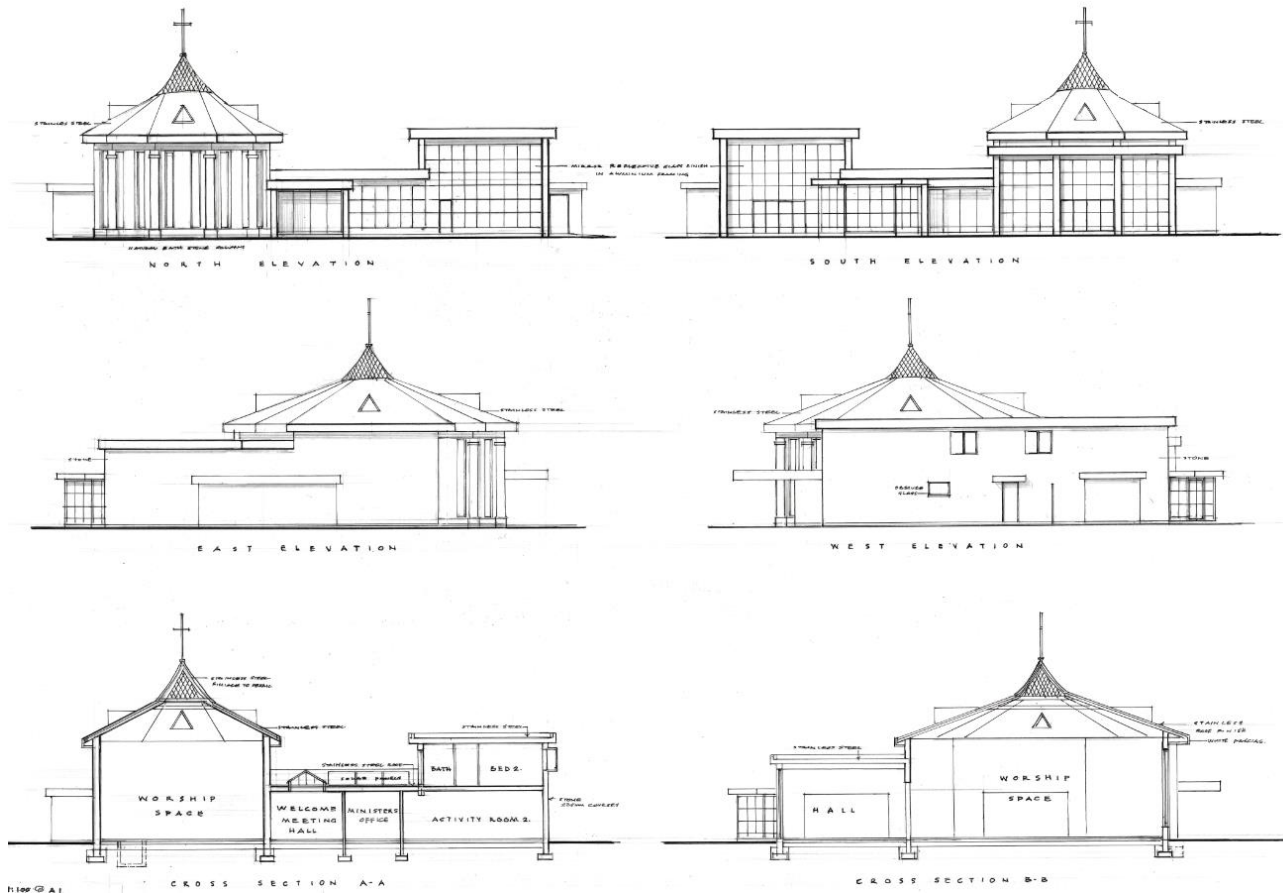


Figure 4 Elevations and Cross Sections

Vehicular access remains as existing, off Castle Street branching into a private driveway and hard standing areas comprised of resin bound gravel. Car Parking is provided along the access way



and in front of the church building with a total of 20 spaces – including 1 disabled and 3 electric charging bays.

Bin and cycle storage is provided to the RHS of the building behind parking space No. 1.

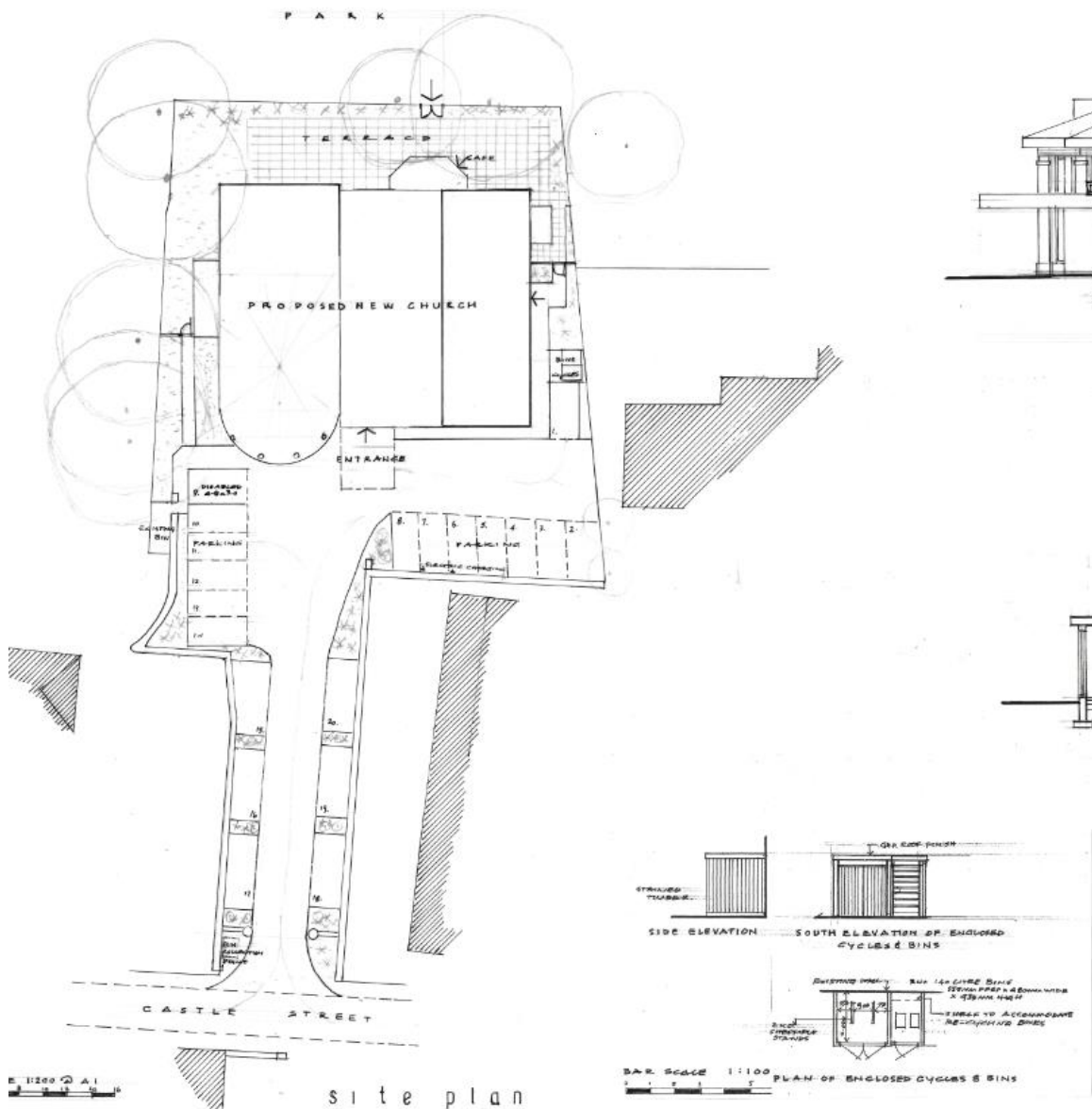


Figure 5 Proposed site access arrangements, parking and refuse

## 6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements,
- CP8 – Spatial Strategy Calne,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP57 – Ensuring High Quality Design and Place Shaping,

- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP64 – Demand Management, and
- CP67 – Flood Risk

#### Other

- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- Calne Conservation Area Character Appraisal

#### National Planning Policy Framework (NPPF)

### **7. Consultations**

#### Calne Town Council : Objection:

*The Planning, Licensing and Highways Consultative Committee objects to this application on the grounds that it contravenes Core Strategy 57 iii and iv and Core Strategy 58 (6.137).*

*The Committee also commented that it was surprised that the Baptist Church is not a listed building due to its age and historical importance in the town.*

#### National Amenity Societies – Georgian Group: Objection:

*In our view, this balancing exercise cannot be properly undertaken until the applicant has:*

- *adequately described and understood the significance of the heritage asset*
- *provided evidence that this building’s condition is severe enough to preclude continued use by its congregation and severe enough to be factored into the decision-making process*
- *costed repair and adaptation of the existing building*
- *explained the public benefits they hope to deliver and why these can be achieved only through substantial harm to the heritage asset i.e complete demolition.*
- *We take this opportunity to remind your authority that a Conservation Area is a designated heritage asset for the purposes of the NPPF and under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, local authorities have a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas.*

*The Group recommends that your authority refuses planning permission for this application on the grounds that the requirements of the NPPF have not been met. We urge the authority to explore with Historic England the possibility of having the chapel added to the statutory list.*

#### National Amenity Societies – Historic Buildings and Places: Objection

They object to the proposal on the following grounds:

- The present documentation lacks key facts and is an inadequate basis on which to assess the present chapel

- Question whether the building should be put forward for listing
- Report on the condition of the building used to justify its demolition is not publicly available
- The design of the new building largely depends on the quality of finish, detail and materials which are details not present in this application
- They presume that internal monuments will be relocated to the new place of worship.
- They agree with the suggestions that the site could well be archaeologically sensitive.

National Amenity Societies – Victorian Society: Objection

*At this stage we wish to register a strong objection and to endorse – rather than simply repeat – the advice and concerns raised by Historic Buildings & Places.*

Council Highway Officer: No objection subject to conditions:

No objection subject to a condition to secure cycle parking in accordance with LTP3 Cycling Strategy.

Council Archaeologist: No objection

No objection subject to condition requiring archaeological evaluation of the site in accordance with an approved written scheme of investigation.

Council Arboricultural Officer: No response received.

Council Environmental Health Officer: No comment.

Council Ecologist: No objection subject to development being carried out in strict accordance with the submitted documents and subject to conditions to control lighting and the installation of new bat roosts and access points.

Council Conservation Officer: Objection, but no detailed comment received.

Historic England: No comment received (NOTE: HE is not a statutory consultee for applications such as this).

## **8. Publicity and Subsequent Representations**

The application was advertised by:

- press notice,
- site notice,
- publication to the Council's website,
- neighbour notifications, and
- notification of interested local organisations and parties.

The following is a summary of the position reached following this consultation and does not purport to be a full recitation of all comments made.

The comments made in support of the proposals are summarised as follows:

- It is noted comments from several Historic Societies and others who have said the building is a "non-designated heritage asset" and are surprised that it is not listed. It should be noted that Historic England have been asked to consider Calne Baptist Church as a "Listed Building" on two recent occasions and on both occasions have concluded that it does not meet the criteria for statutory listing.

- This building is decaying and is not suitable for purpose.
- The community benefit of this proposal is great, providing toilets and cafe in Castlefield's Park and also a beautiful new modern building for the community, not just parishioners to use.
- There was invitation to a public meeting for local residents prior to submitting a Planning Application
- The proposed new facility will have a Worship Area all on one level (the current has some gallery seating which has been out of use for some years) with a seating capacity (marked on the plans) of 150. Less than the current.
- The current halls (Side and rear) which were added on to the church later in the 19thc are in very poor condition and heating methods are both expensive to run, very inefficient old storage heaters
- Much better facilities will be provided for the community to use including café, main church hall and two smaller halls the later each with their own small kitchenettes and full suite of toilets (including changing place toilet).
- The building will be more sustainable and energy efficient.
- The building will be able to offer much more to the community in the way of the type of activities the Church could host.
- We believe that our present proposal will replace a set of buildings of variable structural soundness and limited usefulness with ones that will be visually attractive, fit for purpose, and will showcase good practice in the face of environmental issues.
- The outside areas will be tidied up by this proposal.
- Those who argue that it should be kept should consider the disruption that repairs would bring.
- The toilet and café serving the park will be a great asset for families using the park and more generally for the wider community.
- It is a wonderful improvement that should be grasped while the opportunity is here.
- No convinced at first but having listened to the details this is the right thing for Calne and the Church.
- The current building is in a very poor state of repair, the halls and kitchen requiring a great deal of investment to make them fit for purpose and environmentally adequate for present day standards.
- We do not envisage any unruly behaviour – the building will not be licenced for alcohol and any organisations wishing to hire the premises will be vetted as is the present case.
- We want to serve the community and believe these plans will provide the best facilities to do just that.
- Heating the present building is an expensive challenge at best and a prime example of inefficiency. The interior is dilapidated too.
- The present church is the 5th building to be on the site – the 6th will fit well into the conservation area and the park at the rear so support it fully.
- A fantastic opportunity to provide a safe space for teenagers to engage with a range of activities in a warm, welcoming and safe environment.
- The building plans look like a really beautiful building is being proposed which has the environment and wildlife being well considered.
- The church has always be outward looking and regularly supports events in town, and deserves to be supported now when it wishes to update its base and widen its help to the community.
- Provision of Electric vehicle charging will be another benefit to the community.
- The current building is very unattractive to look at from Castlefields Park, but the new building will be much more aesthetically pleasing.
- Times are changing and we need to be ready to be to embrace this new social culture together.

The comments made in objection of the proposals are summarised as follows:



- The amount of comments in support suggest lots will use it and thus gives weight to the lack of parking argument.
- Noise and disturbance from the uses will affect the quality of the area.
- Dorset and Wiltshire Fire Services would object of contact as due to parking access is not acceptable for a fire tender.
- It's the wrong / location for such an entertainment centre. Parking in that area is a nightmare already.
- The fear is that as the cafeteria will be by the back of the garden of Castle House, we will lose privacy to our garden, not just by potentially people wanting to enter, but simply sitting and being able to look into our garden, stopping us to use and enjoy the peace and quiet that it has provided us with. Additionally the huge amount of food waste will attract pests, will poison our wildlife (chocolate, sugar, coffee...) and destroy the fresh air with fresh food and garbage.
- Concern for the extra street traffic on Castle Street and how it will effect deliveries, refuse collection and emergency services
- Loss of trees (potential on land not in their ownership)
- Castle House will be compromised by this development by reason of noise, disturbance and security.
- Creating a gate to the park is unnecessary as already plenty of access points close to the site
- Already existing facilities in town so this isn't needed
- Poor pre-planning consultation by the applicants
- The modern design is fundamentally different from existing buildings and does not contribute to the Calne Conservation area.
- The plan will not make a positive contribution to the local character and distinctiveness of the Grade II listed buildings on Castle Street and Wiltshire's historic environment.
- This building is a place of historical interest. Pulling it down would be an act of vandalism. It's also used for local children's Drama classes and they are reasonably priced so everyone can attend. Seriously, this is the worst idea I've seen by the council as yet.
- Loss of privacy
- Noise and pollution from construction would be unacceptable.
- Danger to our party wall (Castle House) with the Church

Also received was a comment from the Save Britain's Heritage charity. They raised an objection to the proposals. They believe the application should be refused since the building is clearly capable of being retained and if sympathetically restored and extended, would preserve a key piece of this area's history for future generations.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### 9.1 Principle

Calne is identified as a Market Town within Core Policy 8 of the WCS. Core Policies 1 and 2 allow for new dwellings within the defined Limits of Development (LoD) of the Market Towns. As such, there is no in principle objection to the housing element of the development. It should be noted that there already exists one dwelling on the site so the net increase in housing is only 1 unit. The units are required in conjunction with the church.

There is no 'in principle' policy within the WCS that specifically deals with the rest of the scheme i.e., the proposed new church and community facilities. This is largely guided by the place shaping policies within the WCS e.g., CP 51, 57 and 58. That said, as the ecclesiastical use is being retained on site and enhancements are being sought to provide better community facilities, officers are broadly supportive of the scheme in principle.

In addition to the above, paragraph 93 of the NPPF indicates that planning decisions should positively plan for new community facilities to enhance the general well-being of it. Whilst it can be argued that this is not a new facility, it can certainly be regarded as an enhanced one. After all, the reason behind the proposal is to maintain the vitality and viability of the Baptist Church in Calne by providing better facilities for community uses that can bring in much needed revenues streams to enable the church to continue providing the services it does.

## 9.2 Design, visual and heritage impact

The scheme is aiming to provide a high-quality, landmark building designed in a contemporary manner. It is not the jobs of LPA's to get overly fussy on certain design issues e.g., architectural style but rather to guide on the overall massing, scale and bulk of a development to ensure it fits in context. With that in mind, Core Policy 57 requires a high standard of design in all new developments. It requires developments to demonstrate that their scheme will make a positive contribution to the character of Wiltshire by amongst other things:

- enhancing the natural and historic environment and existing built form;
- retaining important landscape and natural features;
- responding positively to the existing townscape and landscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines;
- making efficient use of land whilst taking account of site characteristics and context;
- having regard to the compatibility of adjoining buildings and uses and the impact on the amenities;
- ensuring legibility throughout the development; and,
- using a high standard of materials.

The site is overall quite accommodating and allows for a building of this scale to come forward without representing an overdevelopment of the site. Parking provision is accepted by the Local Highways Authority (LHA) where they cite that the scheme would see greater than the current provision. Sufficient space is left around the building to provide landscaping, planting and outdoor amenity space. Whilst the building is larger than the current, in light of this, it would be hard to suggest the scale of the building is incompatible with the site.

Given that the surrounding uses are largely residential in scale, it is not surprising that the current church building appears notably larger in scale than the majority of its neighbours. Ecclesiastical buildings have always historically been large in scale to ensure they remain a focal point for the community and visible within the townscape. It is not therefore surprising to see the new building designed with a similar purpose in mind and, to achieve a well-designed landmark building scale is inevitably going to be on the grander side. Therefore, given its use its scale in relation to the neighbouring properties is considered acceptable in this instance.

Elevational treatment is broadly in line with the local vernacular e.g., the use of Bath Stone with elements of render providing a contemporary lift to the building's aesthetics. Slate is prevalent throughout the town and so the use of tern coated stainless steel will be a contemporary reflection of the slate colours seen throughout Calne and to the traditional lead lined church roofs. As with all high-quality designed buildings, the devil is in the detail. Any approval granted should be on the basis that conditions will be imposed to cover the following:

- Joinery details
- Rainwater goods
- Architectural details (eaves, bargeboards, soffits)
- Exact external materials

With such conditions in place, it is considered that that the elevational treatment of the building will represent the high-quality design requirements expected under Core Policy 57.

With regards materials and design, it should also be noted that such modern materials will enable the building to be much more thermally efficient and airtight. The building has been designed to maximise solar gain with use of renewables is something they would like to incorporate. Sustainability credentials of the new build is something that should be given positive weight in the planning balance. The existing building is the opposite being expensive to heat and light. This energy saving efficiencies will help with the running costs of the Church.

The proposed flats are of an acceptable size in relation to minimum technical housing standards such that officers do not have concern with their design.

The site lies on the edge of the built-up area of Calne and therefore, any development would be read in conjunction with the existing built form of the town. That said, its scale will be larger than the surrounding development and it will therefore be a prominent feature within the townscape, notably, when viewed from Castlefield's Canal and River Park. However, given the in-principle support for the design of the building, and subject to the conditions suggested to ensure the finer elements of the build quality are controlled, it should provide an aesthetically pleasing piece of architecture for the town. Furthermore, its design is centred around the church and therefore it has the appearance of an ecclesiastical building. Throughout history, such buildings have been deliberately designed to be noticeable to give a visible footprint on the ground so people know where to find the church when they need it and to literally 'have a place' in the local community. As such, its scale fits with the intended use and does not present any adverse landscape or visual concerns.

Although not providing comments directly on this application, it is understood that Historic England (HE) have previously considered the building for listing; both in 1992 and then again in January of this year. The below text is the conclusions of the most recent assessment, seen via their inclusion within received representations:

*"Judged against the above criteria, the Calne Baptist Church does not merit listing for the following principal reasons:*

*Degree of Architectural interest:*

- *external alterations have impacted on the legibility of the 1864 composition, and internally the early-C19 scheme of fittings is only a partial survival.*

*Degree of Historic interest:*

- *the attribution of the 1860s phase of works to WJ Stent adds to the interest of the building, but it is not a notable representation of his work;*
- *the collection of memorials is of strong local interest, telling the story of Baptist worship in Calne, but does not sufficiently raise the interest of the church for listing in the national context."*

There have been numerous comments relating to the fact that the building has not been considered for listing or the surprise that it is not listed already. Clearly, however, the conclusions of the sole body responsible for listing buildings is conclusive. Whilst the building is evidently not considered

suitable for statutory listing, it does not preclude the building from being regarded as a non-designated heritage asset.

Considering the comments seen from Historic England it is clear that modern additions have had quite an impact on the architectural composition of the building. That said, it would be remiss to say that it has no aesthetic value as, despite more recent additions, it is still a reasonably attractive building to look at – certainly from the principal elevation – and is reflected in the comments received as well as the observations from the National Amenity Societies. The fact it is built using local materials that reflects the vernacular style of the area is also a positive. That said, a lot of its architectural merit has been degraded by the loss of historic fabric over the years.

Although there are limited views of the building from the Calne Conservation Area (CA), the views one gets of it from within the public realm of the CA (Castle Street) are generally positive as the view is centred on the principal elevation. Although the fact that there are limited views of it means it is unable to make a significant contribution to the character and appearance of the CA.

The building is also of some age which will inevitably bring with it some historic value in terms of materials, craftsmanship and the public uses / connections with the building over its lifespan. Furthermore, the building has community value as it continues to serve the local populace for more it appears, than just church services. However, it is noted from the HE comments that its degree of historic interest is not significant and no more than of local importance which does temper this.

It is also noted that it does not appear in any formal documentation citing that it is a non-designated heritage asset e.g., within the Calne Conservation Area Appraisal or a Local List of historically important buildings. Whilst this is not a requirement for a building to be considered a heritage asset, such designations with formal documentation would give it a much more robust status and provide greater clarity. However, it remains that, in some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.

Due to the proposed demolition, the findings of paragraph 203 of the NPPF are relevant i.e., that a balanced judgement needs to be had where the scale of the harm is weighed against the significance of the asset.

Turning to the historic value of the site, clearly demolition will result in the loss of the remaining elements of historic fabric which would be regrettable. That said it is already noted from HE that the surviving elements are not of listable quality as much has already been lost. Furthermore, the applicants have stated that the building is in a very poor state and would require significant and complicated, if not problematic, intervention to restore it. Setting aside the cost implications of this, such intervention is likely to involve further impact to the historic fabric of the building. This would have an additional impact on its architectural and historical value.

The collection of memorials within the building are noted as having strong local interest by HE and it is the intention of the applicants to retain this within the new church so this element of history would in fact not be lost. It is clear from this that certain element of the building's history can be retained and rehomed in the new building. This is seen as a positive of the scheme.

Setting aside the historic value of the building, as seen in the comments from HE (provided as part of other representations received), they have noted that a Baptist gathering was established in Calne in 1655 and other historical groups have stated that it was on this site that it was formed. The site therefore has historic value in that it has continuously housed a Baptist gathering since the mid-17<sup>th</sup> Century. It is also noted that the church has been rebuilt in the past and so what is therefore today is not the original church. The new build would retain the church on the site and thus maintain the Baptist gathering presence. One can therefore argue that the historic value of the site as a place of a Baptist gathering since 1655 will not be lost by approving this development. Conversely, the applicants have stated that they would look to move location if they cannot get approval on this site which would see the loss of this ecclesiastical use.

With regards the buildings aesthetic value it is fair to argue that an element of this value can be retained through the construction of a high-quality new landmark building. The new build would have an aesthetic value that can offer the same, if not greater, value to the character and appearance of the CA.

In terms of communal value, the building clearly has a long-established presence within the community for more than just church services. It is noted that clubs and societies currently use the spaces within the building as well as local schools and other groups. The Church also provides services to the community and partakes in important town events. The church is seeking to enhance this element within the new build by providing greater quality spaces for community uses, in addition to a new worship space. It is clear from this that the communal value will not be lost but rather, with the new build, enhanced.

The above demonstrates that not all of the heritage values attributed to this site would be lost through the demolition of the existing church and replacement with a new one.

As such, the scale of the harm required to be assessed in paragraph 203 of the NPPF is not considered to be substantial as concluded in the applicant's heritage assessment. Granted the demolition of the building will result in the loss of some historic fabric which cannot be replaced and resulting in substantial harm but as identified above, communal values and historic values of the site as a Baptist gathering can be retained. So too can some of the internal aspects of the building (e.g., the memorials) and the new build has an opportunity to provide a more aesthetically pleasing building. With regards significance, it is clear that HE has not considered the building to be worthy of listing status and do not suggest it just falls short of the bar either, describing some elements of only local importance. Considering this the asset is not judged to be of great significance. In light of this, the harm is not considered substantial but rather less than substantial.

Whilst paragraph 203 of the NPPF does not expressly mention public benefits in the same way that 202 does, it clearly states that this harm needs to be weighed and therefore, weighed against something i.e., public benefits. In this case, it is considered that significant public benefits would arise from the scheme through the provision of much enhanced facilities for community uses, the provision of toilets and a café to serve the park, and by the energy efficiencies that would have a positive impact on climate change. In light of this, it is concluded that any harm arising from the loss of this non-designated heritage asset would be outweighed when weighed against the benefits.

As previously mentioned, the site lies within the CA which is a designated heritage asset. An assessment must also be made as to whether this scheme would impact harmfully upon this asset. The loss of the asset would result in the loss of a locally important building which positively contributes to the CA. However, for reasons already mentioned, the scale of this harm is only considered to be less than substantial. Paragraph 202 of the NPPF requires this harm to be weighed against the public benefits of the proposal. Such public benefits have been outlined in the previous paragraph and would again be judged to outweigh this less than substantial harm identified.

Notwithstanding the above, the building is of local importance and part of the acceptance of its loss must be on the proviso that the building is subject to a programme of historic building recording in line with Historic England Level 3, prior to its demolition. Such a matter can be conditioned.

Ultimately, whilst the concern raised within some of the representations and the commentary of the National Amenity Societies are understood, in this particular instance, the proposed development is not considered to be contrary to Core Policies 57 or 58 of the WCS in that it is judged to be a building of high quality design and that national policy (paragraph 202 and 203 of the NPPF) provides the necessary justification for the loss of the current heritage asset on the site.

### 9.3 Drainage and Flooding

Core Policy 67 seeks to ensure all new development includes measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental factors make these measures unsuitable. In summary, there is no conflict with Core Policy 67 or guidance contained within the NPPF.

The site is not in an area at risk of flooding from all sources (ground, surface or fluvial) and is located with Flood Risk Zone 1.

The proposal seeks to deal with surface water drainage via a soakaway system designed to meet the standards set out in BRE365. This is acceptable in principle and, subject to a condition to ensure a detailed drainage strategy is submitted to us for approval no further comments are necessary.

In compliance with the requirements of National Planning Policy Framework, and subject to the suggested condition, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area through suitable management of surface water runoff discharging from the site.

#### 9.4 Biodiversity

The Council's Ecologist has raised no objection to the scheme after some additional information was submitted to cover off any initial concerns. The conditions they have set out in their consultation response are considered to be necessary to mitigate the impacts of the development and are therefore suggested as part of any approval given. With the suggested conditions in place, it is considered that there will be no adverse harm to protected species or priority habitats.

#### 9.5 Archaeology

The application area lies within in an area of high archaeological potential with archaeological features of Iron Age, Roman and medieval date having been identified within close proximity. The site of Calne Castle is also believed to lie close by. Moreover, the Historic Environment Desk Based Assessment submitted with this application has further clarified the areas archaeological potential and the harmful impacts of the proposed development on the archaeological resource.

In light of the above, the WC Archaeologist has no objection to the scheme subject to a condition requiring that a Programme of Archaeological Works be undertaken to mitigate damage to archaeological remains. This Programme of Archaeological Works should be secured via a condition to be attached to any planning permission that may be issued.

Such a condition is considered both reasonable and necessary.

#### 9.6 Impact upon neighbouring amenity

Core Policy 57 point vii. requires development to have regard to

*"...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution..."*

With the above in mind, sufficient separation distances have been provided between the proposed building and the existing houses to ensure no detrimental loss of light or overbearing impacts will be felt.



With regards privacy, the only windows at 1<sup>st</sup> floor level serve the two flats. Windows in the south elevation face out across the park and therefore will not cause any overlooking issues.

There are two windows in the west elevation serving bedrooms. These are oriel windows designed to avoid direct overlooking as the panes are situated at an angle rather than parallel to the wall. This means views from them are oblique and, in any event, would at worst, look towards the communal gardens of the flats on Chaveywell Court.

Windows in the north elevation face towards No. 28 Chaveywell Court in relatively close proximity (6.5m). However, the windows look out towards the gable elevation of No. 28. This property also has a high brick wall around it which further restricts views. In addition to this, there are already views at first floor level from The Manse towards this property (see figure 6 below). The current proposal will achieve betterment in that regard as there are fewer windows (2 vs the current 3) and the fact that they are set back a further 3.2m from No. 28. It is understood that the applicant has spoken to No. 28 and they were content with the window arrangement.

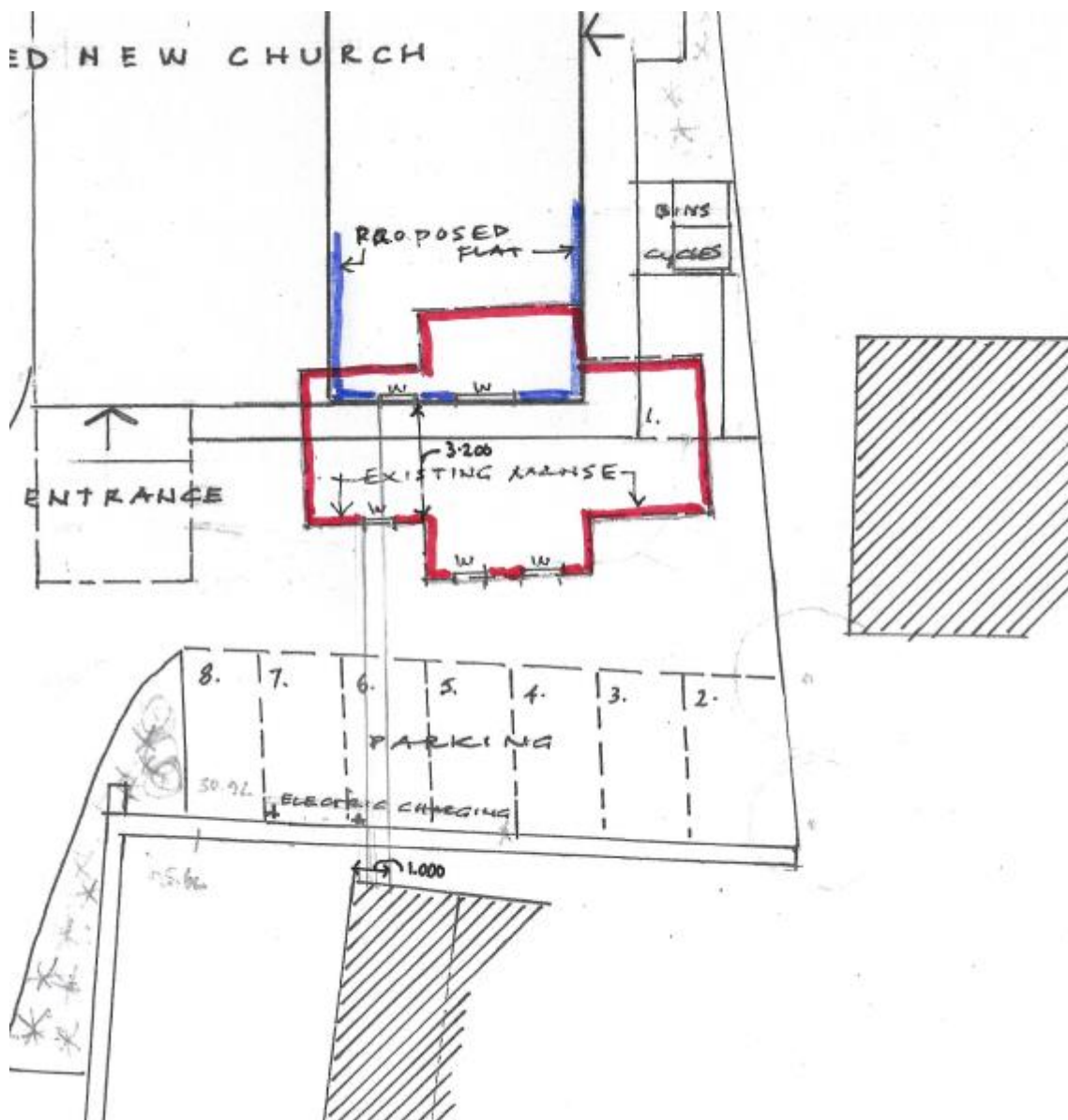


Figure 6 – relationship between first floor windows in the existing Manse and proposed flat with No. 28 Chaveywell Court to the south.

The proposal provides spaces for various functions and community groups/uses to take place. Whilst these uses currently take place at the site without, it would appear, restrictive planning conditions, it is the intention of this application to provide for greater community use. This would have the potential to impact upon the surrounding residential properties in terms of noise and disturbance. In order to mitigate any potential impacts that may arise from this, it would be reasonable and necessary to ensure that such uses are restricted to certain hours of the day only via appropriately worded planning conditions.

The applicant has provided some clarity on the uses that will be taking place and confirms that generally these will remain as existing and so, the status quo should largely remain. The proposal is to allow the building to be used from 8am to 11pm Mon-Sun. This allows time to set up and clear up. The Environmental Health Officer has made no adverse comment in relation to these hours. It should be noted that church services may occur outside of these hours e.g. midnight Communion on Christmas Eve and so it would make sense to exclude church services only from these hour restrictions.

The application also includes the provision of a café and toilets. The café element will also need to be subject to further controls beyond simply hours of operation as it will no doubt require extraction equipment etc. which has the potential to generate noise, and this will need to be controlled via a suitable worded condition. The Café will be private and only open from the Park for public access. It is planned to open Mon-Sat from 10am to 4pm. The toilet will only be open when the gate to the park is open. There will be no through route from the Park to Castle Street. No alcohol will be served in the Café, nor will it be on the premises as per the Church's Policy. Again, no adverse comments have been received from the Environmental Health Officer regarding the café hours or its environmental impacts (e.g., noise, smell and disturbance).

With suitable worded planning conditions in place to deal with hours of operation and any flue/extraction equipment, there is considered to be no unacceptable impacts upon the amenities or living conditions of surrounding residents from the community or café use proposed at the site.

Given the site has fairly restricted access and is surrounded by residential properties, there is likely to be some disturbance during the demolition and construction phase. Whilst this is expected with building works, it will be prudent to request a Construction and Environmental Management Plan (CEMP) prior to the commencement of works. The plan would detail the mitigation measures that will be put in place to limit and disruption and pollution during these phases of work on the site.

### 9.7 Highways Safety/Sustainability/Parking

The existing access is not proposed to be altered and, as the use of the site is not alerting, no issues are raised with regards achieving a safe and suitable means of access to the development.

The site itself is located within or adjacent to the town centre of Calne where good opportunities exist to maximise the use of sustainable transport modes (walking, cycling and buses).

Parking provision is accepted by the LHA. 20 Spaces are provided in total of which, 4 will need to be dedicated to the residential uses. This still leaves 16 spaces which is more than the current 11 that are provided. Additional benefits include the provide of 3 EV charging bays.

Cycle parking will need to be in line with LTP3 Cycling Strategy and this can be conditioned in line with the LHA's recommendation.

To conclude on highways, the construction of the proposed development would not have an unacceptable impact on highway safety and would not have a 'severe' residual cumulative impact on the road network. As such, there are no highway reasons that would warrant withholding planning permission for the proposed development.

## 9.11 Other Matters

This application is not for 'major development' as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. Therefore, there was no requirement to carry out any consultation prior to the submission of the application i.e. to conduct a Statement of Community Involvement. Noting the applicants at least carried out some form of engagement there are no concerns raised by third party comments in relation to lack of community engagement.

## **10. Conclusion (The Planning Balance)**

### Benefits

The proposal provides for an enhanced community facility that will be of benefit to the town populace. It will provide larger, better quality community spaces for events, community groups and activities, a café, toilets and improved parking provision, including cycle storage and EV charging points.

In relation to the above, the new building will provide greater vitality and viability for the Clane Baptist Church to help secure its long term future on the site. Without this scheme, they would look to move and the site would lose the Church and the contributions it makes to the community.

The scheme will have environmental benefits through the construction of a modern, energy efficient building designed to minimise its carbon footprint.

The proposal would also result in some economic benefits to the construction industry more generally through employment of workers to purchasing of materials.

### Harms

Whilst harm has been identified to the Calne Conservation Area and by virtue of the loss of the existing Baptist Church (a non-designated heritage asset) this was considered to amount to less than substantial harm where the public benefits of the scheme have been judged to outweigh that harm. As such, there is no conflict with heritage policies as the outcome of the heritage balance means that this level of harm is acceptable in this instance.

### Neutral

Subject to the conditions set out in this report the proposal is deemed to comply with the development plan as a whole. The lack of identified harm identified with development plan policies attracts neutral weight in the planning balance.

### Conclusion

On balance, it is considered that the proposal would result in no measurable 'harm' to the matters of acknowledged importance but would have positive benefits in terms of the retention and enhanced of the church/community uses on site, the reduction in carbon footprint and the economic benefits to the construction industry. Accordingly, permission is recommended.

**RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:**

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- 8050-17000 Existing Plans and Elevations – The Manse
- 8050-17001 Proposed Site Plan
- 8050/17002 Site Location Plan
- 8050/16842/A Existing Plans and Elevations – Church
- 8050/16983C Proposed Site Plan, Sections and Refuse Storage Details
- 8050/16984F Proposed Church Elevations and Section
- 8050-16985F Proposed Church and Community Centre Plan
- 1486 Landscape Management & Maintenance Plan
- 1488-01 Rev C Soft Landscaping Proposals
- BDS-12-21 Topographic Survey and Existing Site Plan

REASON: For the avoidance of doubt and in the interests of proper planning.

3 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;
- x. Details of how surface water quantity and quality will be managed throughout construction;
- xi. Details of the safeguarding measures to deal with the following pollution risks:
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes
- xii. Details of safeguarding measures to highway safety to include:
  - A Traffic Management Plan (including signage drawing(s))
  - Routing Plan

- Details of temporary/permanent Traffic Regulation Orders
- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

4 No development shall commence within the area indicated by application PL/2022/06692 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

5 No works shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

REASON: To secure the proper recording of Calne Baptist Church which is considered to be a non-designated heritage asset.

6 No external doors or windows shall be installed on site until joinery details have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Calne Conservation Area and to ensure the replacement church is of high quality landmark design.

7 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Calne Conservation Area and to ensure the replacement church is of high quality landmark design.

- 8 No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Calne Conservation Area and to ensure the replacement church is of high quality landmark design.

- 9 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 The development will be carried out in strict accordance with the following documents:
- The recommendations in the Ecological Appraisal and Bat Survey of Calne Baptist Church, Reference: B1154.005, Issue Two, Date: 12th August 2022 by Crossman Associates
  - Tree Root Protection Plan, Drawing No: MTS/CBC 22/1, Date: April 2022, by Malmesbury Tree Services
  - Tree report, Title: Report on a BS 5837:2012 survey of trees at Calne Baptist Church, Castle Street, Calne, Wiltshire, Reference: MTS/CBC 22, Date: 28th January 2022 by Malmesbury Tree Services
  - Addendum to Report on a BS 5837:2012 survey of trees at Calne Baptist Church, Castle Street, Calne, Wiltshire, Reference: MTS/CBC 22, Date: 25th January 2023
  - Soft Landscape Proposals, Drawing No: 1488-01, Revision: C, Date: May 2019 by Cambium
  - House sparrow nest boxes, Calne Baptist Church, Date 18th January 2023 by Crossman Associates

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

- 7 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of



Lighting Professionals. The plans should also incorporate the recommendations outlined in Section 4.15 and Figure 4b of "Ecological Appraisal and Bat Survey of Calne Baptist Church" submitted with this application. The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: To avoid illumination of habitat used by bats.

- 8 Bat roosts and bat access points will be incorporated into the development in accordance with "Ecological Appraisal and Bat Survey of Calne Baptist Church" or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development.

- 10 The development shall not be occupied until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall always be retained for use thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 11 With the exception of church services and the café, the uses hereby permitted shall only take place between the hours of 8am and 11pm from Mondays to Sundays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 12 The café hereby permitted shall only open between the hours of 10am and 4pm from Mondays to Saturdays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 13 Noise emissions from all external plant shall not exceed a Rating Level (BS4142:2014) of 27dB between the hours of 07:00 and 23:00, nor 32dB at any other time, when measured at 1m from the nearest residential window.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 14 Any live or recorded music should be played/controlled to such a level, so as not to exceed LeqNR20 in any nearby residential room at any time.

REASON: In the interest of residential amenity.

- 15 If a kitchen ventilation system is to be installed, it must be provided with the following:-
1. 3 stage filtration system, comprising of the following:-
    - a) High efficiency Stainless steel baffle filters located within the canopy filter plenum;
    - b) EU 4 grade prefilters located in a purpose made housing upstream of the Ventilation canopy; and
    - c) Carbon Filtration located in a purpose made housing upstream of the prefilters.
  2. Ozone generator  
An Ozone generator will be installed within the extract system
  3. Maintenance  
The baffle filters within the canopy will require weekly cleaning. The pre filters and carbon filters will require replacement on a regular basis the frequency of the replacement will be established within the first 3 months of trading as this is dependent on the type of products being cooked and the operating hours of the café. The Ozone Generator will require servicing every 6 months.

REASON: To ensure the retention of an environment free from odour in the interests of the amenity of the area.

- 16 The development shall not be occupied until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

## **INFORMATIVES:**

### Bats

The property is used by bats for roosting. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

### Birds and the nesting season

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting,

building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

### Artificial Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.