

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 APRIL 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

#### **Present:**

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Chuck Berry, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Clare Cape (Substitute)

#### **Also Present:**

Cllr Ian Thorn

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#### 28 **Apologies**

Apologies for absence were received from Councillor David Bowler, who was substituted by Councillor Clare Cape.

#### 29 **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 April 2023 were presented for consideration.

#### **Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 5 April 2023.**

#### 30 **Declarations of Interest**

There were no declarations of interest.

#### 31 **Chairman's Announcements**

The Chairman noted the fire alarm procedure.

#### 32 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman explained the protocol for public participation.

33 **Planning Appeals and Updates**

Councillor Gavin Grant moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Howard Greenman.

**Resolved:**

**To note the Planning Appeals Update Report.**

34 **PL/2022/00728 - Land adjoining Malford Farmhouse, main road, Christian Malford, Chippenham, SN15 4AZ**

Senior Planning Officer Becky Jones presented a report that outlined the proposal for the erection of 5 No. Dwellings (Class C3) comprising three bungalows and a pair of semi-detached dwellings and associated works. The Officer explained that the proposal was recommended for approval subject to conditions and noted that trees and hedges formed the boundary to the site as well as a watercourse on the north boundary. The Officer advised the Committee that one ash tree was proposed to be removed for constructing an additional access point, and that a polytunnel on site was to be retained.

The Committee sought clarity on the dual-access arrangements, the proposal's compliance with the neighbourhood plan concerning the number of permissible properties on the site and the flood risk posed.

The Local Unitary Member, Councillor Howard Greenman, spoke to the application. He noted that Christian Malford crafted their neighbourhood plan about five years ago, and that the site in question was allocated prescriptively on account of the perceived flood risk. He described the contentious nature of the neighbourhood plan allocation, specifically concerning the use of the word "approximately" with regards to the number of dwellings on the site. Councillor Greenman speculated that the reason that no members of the public or Parish Council had come forward to speak to the application was because they were disenfranchised with the planning process, and concluded by saying that he would be voting against the Officer recommendation because he believed that four dwellings should be on the site rather than five.

At the start of the debate, The Chairman moved a motion that planning permission be granted, which was seconded by Councillor Chuck Berry.

Councillor Jacqui Lay voiced her discontent with having two access points, with one on to a busy road. She spoke to the process of formulating a neighbourhood plan and the loopholes that are often found within them. She suggested that she was minded to vote against it on account of it going against the neighbourhood plan, but also suggested she may have to abstain. Councillor Grant voiced sympathy and solidarity for neighbourhood planners and for Councillor Greenman and noted that he considered these dangerous times for planning. He explained that in his mind, the community had been clear that they sought four buildings on the site, not five. He noted that this vote was

a symbolic one that would be reflective of the Committee's stance towards neighbourhood plans.

The Chairman noted that the issue at stake was whether this specific application was acceptable or not, not whether the wording of the neighbourhood plan was adequate.

Councillor Steve Bucknell explained that he understood the temptation to refuse planning permission. However, he noted that should the Committee refuse permission on the basis that five dwellings was more than "approximately four", they would lose at appeal. He explained that he could not see anything in this application that merited refusal, and that because the sequential approach to assessment had already occurred at neighbourhood planning level, the presumption was that the application should be accepted in the absence of any reason for it not to be.

Councillor Nic Puntis asserted his view that local people were the experts on their area and their views needed to be respected. He expressed the view that the proposed site did not appear to be overdeveloped and that more housing available in the village was not necessarily a bad thing for residents looking to move house but remain local. He voiced his concern with land drainage consents, and desired an amendment on the condition regarding it, wishing for the consent to be undertaken prior to commencement rather than occupation.

Councillor Berry described his view that a total of five dwellings was indeed approximate to four and that the proposed site provided a good mixture of housing. He explained that it was more prudent and pragmatic to grant permission rather than refuse it only to lose at appeal.

Senior Team Leader Simon Smith advised that as land drainage consent was outside the control of the Council as the LPA (Local Planning Authority), it would be better to delegate the potential amendment posited by Councillor Puntis back to Planning Officers. Councillor Puntis explained that the common-sense approach was to avoid a situation where the site is developed but a land drainage consent cannot be acquired so the site remains unoccupied.

The Committee discussed the potential amendment and decided that it was better to leave the motion as it was.

**Resolved:**

**That Planning Permission be GRANTED, with authority delegated to the Acting Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.**

**Public Participation**

- Luke Gilliam spoke in objection to the application.
- Linda Gholson spoke in objection to the application.
- David Jode spoke on behalf of Suzie Bedo in objection to the application.
- David Beresford-Smith spoke in support of the application.
- Stan Woods spoke in support of the application.
- Adrian Male spoke in support of the application.
- Councillor Robert MacNaughton spoke on behalf of Calne Town Council.

Senior Planning Officer Ruaridh O'Donoghue presented a report that outlined the proposal for the demolition of the existing Church, The Manse and associated storage buildings and the construction of a church and community centre with 2 No. residential dwellings. Officers recommended that permission be granted subject to conditions. The Planning Officer explained that the site was situated on the edge of Calne and outlined the site plan showing access off Castle Street. He showed the Committee that the site was largely surrounded by housing and flats, with the park and canal to the south. Part of the site was within the Calne Conservation area, but not the church itself. The Planning Officer stated how the church was considered a non-designated heritage asset, before going on to describe the proposed church. The building was to be essentially split in two, with a worship space on one side and a community space and residential flats on the other, with a central lobby dividing them. The Planning Officer further outlined the proposed mixture of materials and contemporary style, with car parking along access way and in front of church building. There were to be 20 spaces in total, with four reserved for the residential flats, one for disabled parking and three for electric vehicles. Explaining the officer recommendation, the Planning Officer outlined how in the view of officers, new residential development was acceptable in principle, the National Planning Policy Framework (NPPF) was supportive of new community facilities, the site was deemed large enough to accommodate the proposed works, it was considered to be high-quality design, with the improved energy efficiency also regarded positively. The Planning Officer further stated that the heritage concerns raised were understood but went on to say that the proposal was not considered contrary to policy, with officers deeming the loss of the heritage asset to be justified in light of the benefit outweighing the harm, especially when the plan for memorials to be relocated inside the new church was factored into consideration. The Planning Officer explained that the site was not subject to significant flood risk, nor would it increase the flood risk to nearby areas. The Planning Officer concluded by making the following points: neither the Council ecologist or archaeologist raised any objections; there was sufficient separation provided to avoid odour or loss of light to nearby buildings; no unacceptable noise or disturbance was anticipated from the proposed site and that the existing site was in fact not subject to the restrictions to be imposed on the proposed one; highways raised no objection subject to conditions pertaining to cycling. On balance, the Planning Officer summarised that there

would be minimal measurable harm, some positive benefits, ergo the granting of planning permission was recommended.

The Committee asked questions of the existing church's status as a non-designated heritage asset. The Planning Officer explained that Historic England deal with listing buildings, and that they surmised the existing church failed to meet criteria due to significant alterations to it over time and to the building's relative commonality, ultimately considering it not to be of national importance. He explained that the NPPF allowed the LPA in some cases to consider a building as a non-designated heritage asset, but that as yet there was no local list despite a desire to compile one. The Planning Officer explained that the feeling of the Conservation Team was that despite not meeting statutory listing requirements, the existing church was entitled to a degree of protection. Councillor Grant asked about parking restrictions on Castle Street around the entrance to the church and the potential impact on burials and memorials. Councillor Bucknell asked about the capabilities of the existing and proposed church and enquired as to whether the existing building could be updated and whether a tasteful refurbishment would aid the church's bid to be listed. The Planning Officer noted that there were deemed to be complex and problematic structural issues with the existing building to the point that it was more viable to replace the building. Councillor Lay asked about whether 16 parking spaces for the church was adequate, to which the Planning Officer explained that there was no requirement to provide parking, and that officers had broadly discounted parking as a material concern due to alternative access possibilities. He also observed that there was less parking and more seating in the existing church than the proposed one. Councillor Cape asked about the sustainability of the proposed building and why it was not carbon neutral. The Planning Officer responded that there was no requirement for proposed buildings to be carbon neutral and stated that the fact the proposed site was more thermally efficient and airtight was deemed a positive in the eyes of officers despite a lack of total carbon neutrality, but confirmed for Councillor Cape that the exact improvements in sustainability were left unquantified. Councillor Berry sought information on the view of the Conservation Officer. The Planning Officer explained that in informal conversations with the Conservation Officer, they had suggested they would object to the application, but ultimately no official objection was submitted.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

In response to Councillor Robert MacNaughton describing the Calne Town Council meeting in which the application in question was discussed, the Chairman declared that he was himself a member of Town Calne Council and was likely present at their meeting regarding the application.

The Local Unitary Member, Councillor Ian Thorn, accepted that the facilities being proposed were superior to the existing ones, but noted a number of key factors that the applicant must prove have been fully addressed. The first of these was parking. Councillor Thorn expressed concerns over the capacity of the proposed parking spaces, especially given the constraints to on-street

parking nearby. The second was the application's neighbourhood impact, which he asserted had been evidenced by the public speakers in attendance. He noted that Castle House, adjacent to the development, was a listed building that warranted protection. Finally, Councillor Thorn spoke to the fabric of the existing building and the potential for preservation. He concluded by saying that he recognised the benefits of the proposed application but wanted to ensure that the aforementioned factors had been wholly considered.

The Chairman asked the Senior Planning Officer to briefly address some of the concerns raised by members of the public. On parking, the Planning Officer referred to the uplift in parking compared to the existing situation, noting that there was unlikely to be a severe impact on the nearby area from cars parked elsewhere due to the nearby car park and the alternative transport routes. He advised that any damage to outside properties during construction would be a private matter and not one for the LPA but stated that the applicant would be expected to provide a construction management statement to ensure accountability. He also clarified that the applicant had no remit to remove any trees that were not owned by the applicant.

At the start of the debate, Councillor Berry moved that the officer recommendation be accepted and planning permission granted. Councillor Lay seconded the motion.

Councillor Berry commented on the difficulties posed by upsetting the balance in the community. Councillor Lay noted a fondness for history and ancient architecture, but posed the question of its future should it not be as a church. She explained that she understood the apprehension of local residents but speculated as to the proposed church's positive future impact. She also advised the public present from Castle House that the Party Wall Act would come into force should the wall between the two sites be damaged during potential construction. She observed that parking was not ideal but was at least an improvement on the existing situation. Turning again to the public present, Councillor Lay sought to reassure them that any food waste would most likely be responsibly disposed of in the proposed café. Councillor Bucknell described the application as incredibly finely balanced, but noted that several concerns were immaterial, including odour disruption, the future of the existing church and car parking, and that the application boiled down to the debate surrounding whether the existing church should be demolished and rebuilt, or preserved and refurbished. He expressed a reluctance to reward the fact that the church was in such a poor state by granting permission to demolish it, and posed the question of why one would knock down a building when one can save it, especially in the case of a heritage asset. As such, Councillor Bucknell explained that his gut feeling was not to support it. Councillor Threlfall asked about hours of use and was informed that at present there were no restrictions in place at all. She noted that while the existing church looked good online, it was in an altogether sorry state when she visited the site in person and said that The Manse was an unattractive building. Accordingly, Councillor Threlfall stated that she fell on the side of favouring the proposal on account of not believing the existing building to be worth saving in its current condition.

Councillor Grant echoed the views of Councillor Bucknell but noted that parking was material and important. Activities outside worship would draw large crowds that the car park would not accommodate. He referred to John Sutherland's advice on the role of church buildings in modern use and the perks of intelligent conversion. He explained that in his view it was clearly the intention of Calne Town Council to designate the existing church, and it was already recognised by the LPA as a non-designated asset, meaning that a compelling reason was needed to demolish it. On balance, he believed that the application should be rejected and that the applicant be asked to consider how to best restore the existing building.

Councillor Greenman referred to the fineness of the building in its heyday, but agreed with Councillor Threlfall that it was not currently fit for purpose, remarking that even if not to the same extent as demolishing it, any attempt to restore and refurbish the existing building would still create significant disruption.

Councillor Berry noted that the policy in planning applications is broadly that "the answer is yes unless there is a compelling reason to say no". The Conservation Officer had no official comment so there was no reason to dispute the officer recommendation. Councillor Berry was keen to encourage neighbourly conduct from the Baptist church, but said it was not in the LPA's gift to enforce that. Planning, he stated, was a legal procedure, not an emotional one, and they must support this application if they were to stand by their duty as a Committee.

The Chairman clarified with Councillor Bucknell that the interior space would be enhanced in the proposed church on account of the Manse being redeveloped and noted that the construction methods employed would need to be closely watched, even if the conservation can only be considered so much as the church itself lies outside of it.

**Resolved:**

**That Planning Permission be GRANTED, with authority delegated to the Acting Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.**

36 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2:00 pm - 4:20 pm)

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