

# AGENDA

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**Meeting:** Northern Area Planning Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Wednesday 26 April 2023

**Time:** 2.00 pm

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Please direct any enquiries on this Agenda to Cameron Osborn of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718224 or email [cameron.osborn@wiltshire.gov.uk](mailto:cameron.osborn@wiltshire.gov.uk)

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## Membership:

Cllr Tony Trotman (Chairman)  
Cllr Howard Greenman (Vice-Chairman)  
Cllr Chuck Berry  
Cllr David Bowler  
Cllr Steve Bucknell  
Cllr Gavin Grant

Cllr Jacqui Lay  
Cllr Dr Brian Mathew  
Cllr Nic Puntis  
Cllr Martin Smith  
Cllr Elizabeth Threlfall

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## Substitutes:

Cllr Clare Cape  
Cllr Ruth Hopkinson  
Cllr Peter Hutton  
Cllr Bob Jones MBE

Cllr Dr Nick Murry  
Cllr Ashley O'Neill  
Cllr Tom Rounds

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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For assistance on these and other matters please contact the officer named above for details

# AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

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

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

## **Statements**

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

## **Questions**

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than

5pm on Wednesday 19 April in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on Friday 21 April. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 11 - 12*)

To receive details of completed and pending appeals and other updates as appropriate.

**Planning Applications**

To consider and determine the following planning applications.

7 **PL/2022/00728 - Land adjoining Malford Farmhouse, main road, Christian Malford, Chippenham, SN15 4AZ** (*Pages 13 - 36*)

Proposed Erection of 5 No. Dwellings (Class C3) comprising three bungalows and a pair of semi-detached dwellings and associated works.

8 **PL/2022/06692 - Calne Baptist Church, Castle Street, Calne, SN11 0DX** (*Pages 37 - 62*)

Demolition of the existing Church, The Manse and associated storage buildings. Construction of a church and community centre with 2no. residential dwellings.

9 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

## Northern Area Planning Committee

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### MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 5 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 David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Nic Puntis, Cllr Martin Smith, Cllr Elizabeth Threlfall and Cllr Clare Cape (Substitute)

#### **Also Present:**

Cllr Nick Botterill

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#### 19 **Apologies**

Apologies for absence were received from Councillor Dr Brian Mathew, who was substituted by Councillor Clare Cape.

#### 20 **Minutes of the Previous Meeting**

The minutes of the meeting held on 1 March 2023 were presented for consideration.

#### **Resolved:**

**To approve and sign as a true and correct record the minutes of the meeting held on 1 March 2023.**

#### 21 **Declarations of Interest**

Councillor Martin Smith declared that the applicant for Item 7a was the son-in-law of a longstanding Sherston family that he knew but affirmed that he had no pecuniary interest in the application and would aim to be entirely objective.

#### 22 **Chairman's Announcements**

The Chairman noted the fire alarm procedure.

#### 23 **Public Participation**

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

The Chairman welcomed all present. He then explained the protocol for public participation.

24 **Planning Appeals and Updates**

The Chairman moved that the Committee note the contents of the appeals report included within the agenda. It was seconded by Councillor Chuck Berry.

**Resolved:**

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

25 **Planning Applications**

The Committee considered and determined the following planning applications:

**25a PL/2022/09378 - Meadowside, Tetbury Road, Sherston, Malmesbury, SN16 0LU**

**Public Participation**

Simon Chambers (agent) spoke in support of the application.

The Senior Planning Officer, Raymond Cole presented a report which outlined the proposal for the erection of a replacement dwelling on Meadowside, Tetbury Road, Sherston.

Details were provided of the site and issues raised by the proposals, including the potential for harm to the countryside and the transition from the urban fringe to the rural surroundings. The Senior Planning Officer also shared the Case Officer's findings that the application was not reflective of local character, and her concerns surrounding the size of the proposed property in terms of its visibility and impact on the Cotswolds Area of Outstanding Natural Beauty (AONB).

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the ownership of land directly north of the application site (within family's ownership but not applicant's) and the proposal's impact on the transition from urban fringe to countryside. Clarity was sought on whether the settlement boundary had any weight on the Officer's recommendation, and on the view of the AONB board. The Senior Planning Officer confirmed that the site was outside of the defined settlement boundary and that they had not consulted the AONB board and thus had no feedback from them. Councillors also enquired as to the details of the proposed building compared to the existing one and that which was granted planning permission in 2022.

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

The Local Unitary Member, Councillor Martin Smith, then spoke regarding the application. Councillor Smith noted that this was an atypical application due to the lack of any objectors. He further noted that the Parish Council consulted a

retired town planner before confirming their support of the application. Councillor Smith stated that the proposed property was undeniably an improvement on the existing one, and then referred to several aspects of the Officer's report that he disagreed with, specifically the suggestion that the proposed building would create a "contiguous expanse of unbroken frontage" and a "harmfully abrupt edge to the dwelling". He concluded by stating that the vastly improved sustainability of the proposed property, both ecologically and socially, meant that in his view the benefits of the application did outweigh the harm, and so affirmed his support for the application.

At the start of the debate a motion to refuse the officer's recommendation was moved by Councillor Martin Smith and seconded by Councillor Steve Bucknell, with authority delegated to the Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.

During the debate, issues were raised including the lack of harm to the surroundings and the improved sustainability of the application. Councillor Elizabeth Threlfall countered that the scale of the building verged on unacceptable and was incongruent with the surrounding area. Councillor Gavin Grant voiced his support for the motion, noting that the application had its issues but on balance was acceptable.

The Senior Planning Officer noted that were the Committee minded to grant planning permission, he would advise them to include similar conditions to those that were attached to the previously approved application.

Councillor Jacqui Lay noted that the Officer recommendation should be given due respect and that regardless of a present-day lack of representations against the application, they still needed to consider future opposition.

**Resolved:**

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

26 **PL/2022/07367 - Broadtown Brewery, 29 Broad Town Road, Broad Town, Swindon, SN4 7RB**

**Public Participation**

Peter Gallagher spoke on behalf of the local ramblers in objection to the application.

Jason Bayliffe spoke in support of the application.

Stuart Hinson spoke on behalf of Adrian Smith in support of the application.

John Bell spoke in support of the application.

Rupert Pearce spoke on behalf of Broad Town Parish Council.

The Senior Planning Officer, Raymond Cole presented a report which outlined the proposal from Broadtown Brewery Ltd for a retrospective change of use

from agricultural and extension of commercial curtilage (Class E(b)) with retention of car parking, toilet facilities, covered canopy and decking area, plus associated works. The Senior Planning Officer noted that as this application was the subject of an ongoing non-determination appeal being overseen by a Planning Inspector, the Committee were being asked to vote on what they would have decided had the application come to them within the time.

Details were provided of the site and issues raised by the proposals, including the urbanisation of the open countryside and the visual intrusion of the locality, as well as the potential harm to the amenities of the occupiers of neighbouring residential properties. Additionally, details were provided about the previously undertaken noise assessment and the inclusion of an acoustic fence in the application. Reference was also made to the proposed business hours and to the suitability of the proposed car parking arrangements.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were sought on the acoustic fence, with public protection supporting the application because of it and the landscape officer objecting because of it. Councillors also sought further detail on the history of applications from the applicant and the nature of their unauthorised works. Councillors queried the difficult balancing act of the harm caused by the bund and acoustic fence and the merit of providing Broad Town with potentially its only community hub. The Senior Planning Officer explained for Councillors that the site is outside the AONB and that they received no comment from the board. The road adjacent to the site was the subject of several questions on account of it being a national speed limit road with little room for pedestrians. As such, Councillors asked about the viability of a potential speed reduction as a condition or whether such a matter would need to be resolved at Area Board level. Questions were asked of the nature of the site during the off-season, as well as the fairness of the Council being taken to appeal. Lastly, Councillors sought clarification on how busy the site might be considering its recent growth compared to several local pubs closing, whether any limits on crowds were in place, and whether licencing issues were foreseeable in the future.

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

The Senior Planning Officer referred to Core Policy 52 as a possible further reason for refusal considering the impact on green infrastructure. Alternatively, he recommended the use of an informative to secure a diversion of the public right of way should they be minded to approve the application.

The Local Unitary Member, Councillor David Bowler, then spoke regarding the application. Councillor Bowler raised the point that the applicant had sought to eradicate the concerns raised after their initial application was refused. On the possibility of urbanisation in the area, Councillor Bowler stated that this application was different to the first as there were no live music events forecast to reduce noise concerns. The Councillor noted the complexity of having the two applications for the 'hop gardens' and the 'hop chapel' with individual licencing applications and capacity limits for both. He spoke to the concerns



raised by the Highways team and stated that there were undeniably issues surrounding access and increased traffic flow from Broad Town and the surrounding towns and villages, and concluded by advising the Committee that simply because no objectors had come forward did not mean they did not exist.

At the start of the debate a motion to refuse the officer's recommendation was moved by Councillor Steve Bucknell and seconded by Councillor Nic Puntis, with authority delegated to the Head of Development Management to grant planning permission subject to appropriate conditions to be prepared by officers.

Legal Officer Stephen James clarified that the appeal was likely to fall away should approval be granted by the Committee.

Councillor Bucknell stated that the applicant had developed a commercially successful community space without waiting for authorisation, had subsequently built on that success, and in doing so had created an important community facility. He put it to the Committee that the Council should support local businesses and community hubs and posited that the highways concerns, while valid, would not necessarily manifest into real issues. He stated that these highways concerns were seemingly acceptable in many past cases, and so should be in this case as well. Indeed, the Councillor suggested that its situation besides a well-travelled road could stand it in good stead financially. He concluded by stating that there were inadequate grounds to refuse permission.

Councillor Puntis concurred with Councillor Bucknell and referred to an onus on a planning committee to consider the balancing act between community benefit and harm. He referred to the ambivalent view given by the Officer on highways concerns and suggested that the issue was not necessarily a significant one.

Several Councillors voiced opposition to the nature of the applicant's retrospective application and non-determination appeal, and although Councillor Lay agreed, she also pointed out that it meant the applicants could clearly evidence the viability of their proposal.

Councillors agreed that further urbanisation was inevitable and advised that a neighbourhood plan could help Broad Town as a community dictate how it wants itself to develop. Councillor Grant referred to a reality check in action regarding a changing landscape in rural communities and a renewed importance in new businesses. Councillor Grant was complimentary of the applicant's obvious business acumen and suggested it was important to recognise the requirement for diversification to maintain a vibrant atmosphere in rural communities with employment and social opportunity. He also noted the undeniable issues with the footpath and the road, echoing Councillor Lay's earlier point. Councillor Berry shared Councillor Grant's praise for the applicant but reiterated his disapproval towards the applicant's approach and towards the Parish Councillor's criticism of the Council, but also voiced a willingness to support the motion and a forgiveness of the applicant's perceived transgressions. Councillor Threlfall voiced her optimism(?) towards the application and Councillor Greenman voiced his support of the motion as well

as the importance of an informative to ensure the diversion of the public footpath. Councillors Bucknell and Puntis accepted Councillor Greenman's friendly amendment regarding the inclusion of a condition for diverting the footpath, and Councillor Grant requested that the Committee's concerns surrounding the speed of the road be duly noted. The Senior Planning Officer suggested a series of conditions and informatives for the resolution, and Councillor Threlfall further noted her concerns on light pollution on account of the nearby AONB. Councillor Berry noted that an appeal was unlikely to have succeeded, and Councillor Puntis was insistent that the applicant followed the listed planning conditions to the letter and avoid any possible enforcement action.

**Resolved:**

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

27 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2:00 pm - 4:45 pm)

The Officer who has produced these minutes is Cameron Osborn of Democratic Services, direct line 01225 718224, e-mail [cameron.osborn@wiltshire.gov.uk](mailto:cameron.osborn@wiltshire.gov.uk)

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**Wiltshire Council  
Northern Area Planning Committee  
26th April 2023**

Planning Appeals Received between 24/03/2023 and 14/04/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/00855/ENF	Woodlands, The Street, Grittleton, Chippenham, Wiltshire, SN14 6AP	Grittleton	Alleged unauthorised works to trees and erection of structure in rear garden	DEL	Written Representations	-	03/04/2023	No
PL/2021/05209	Land South of Filands, Malmesbury	Malmesbury	Erection of 70 no. dwellings with public open space and associated infrastructure, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref: 19/11569/OUT.	NAPC	Written Representations	Approve with Conditions	31/03/2023	Yes
PL/2022/02062	Land at Filands Road/Jenner Lane, Malmesbury	Malmesbury	Erection of 69 no. dwellings with public open space and associated infrastructure, and land for a nursery, approval of reserved matters (scale, layout, landscaping and external appearance) pursuant to outline application ref: 21/01363/OUT.	DEL	Written Representations	Refuse	31/03/2023	No
PL/2022/05413	Building at 16 Broad Town Road, Broad Town, Swindon, SN4 7RB	Broad Town	Notification for Prior Approval under Class Q - Conversion of Existing Building to Create 1no. New Dwelling	DEL	Written Representations	Refuse	06/04/2023	No

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Planning Appeals Decided between 24/03/2023 and 14/04/2023

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/02867	Land At The Roost, Ravensroost Road, Minety, Malmesbury, SN16 9RJ	Braydon	Application for permission in principle for residential development of 1 no. dwelling	DEL	Written Reps	Refuse	Dismissed	06/04/2023	None

Agenda Item 6

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<b>Date of Meeting</b>	26 <sup>th</sup> April 2023
<b>Application Number</b>	PL/2022/00728
<b>Site Address</b>	Land adjoining Malford Farmhouse, main road, Christian Malford, Chippenham, SN15 4AZ
<b>Proposal</b>	Proposed Erection of 5 No. Dwellings (Class C3) comprising three bungalows and a pair of semi detached dwellings and associated works.
<b>Applicant</b>	Spire House Developments Ltd
<b>Town/Parish Council</b>	Christian Malford Parish Council
<b>Electoral Division</b>	Cllr Howard Greenman
<b>Type of application</b>	Full
<b>Case Officer</b>	Mrs. Becky Jones

### Reason for the application being considered by Committee

Cllr Greenman has called the application to committee to be determined if recommended for approval by officers, so as to consider the scale of development and number of dwellings in relation to Neighbourhood Plan policy.

### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that the application should be **APPROVED** for the reasons detailed below.

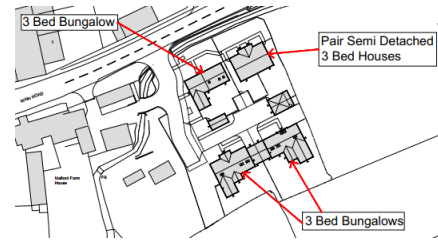
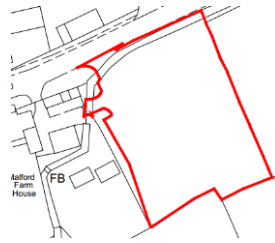
### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle for the development, tilted balance and 5 year housing land supply
- Scale, design and visual impact on the character of the area and streetscene
- Impact on neighbouring amenities
- Highway safety
- Biodiversity, drainage and flood risk
- The planning balance

### 3. Site description and constraints

Whilst the site is outside the adopted settlement boundary for the purposes of the Wiltshire Core Strategy and the recent Wiltshire Housing Site Allocations Plan and settlement boundary review (Feb 2020), the land is allocated for housing development in the Christian Malford Neighbourhood Development Plan 2015-2035, made in 2018.



It comprises an existing field to the east of Malford Farmhouse and its farmyard. The field is laid to grass and is bordered by mature trees and vegetation on the north, east and south boundaries. Various farm buildings lie on the west boundary and an additional spur access would be taken into the farmyard from the proposed new site access from the B4069. There is an existing watercourse running parallel to the road and forming a physical north boundary for the site. The watercourse is also designated as a priority habitat and connects to the west with the nearby River Avon (Bristol), which is a County Wildlife Site and priority habitat.

The site is within the 20m buffer for the watercourse and the northern section of the plot is shown to be at risk from surface water flooding (1 in 100 years). The site is in Flood Zone 1 of the River Avon (Bristol) catchment.

To the north of the road is The Old Parlour and Malford Farm which are currently subject to new residential development works. To the east of the site is a field, which is apparently used for camping.

### 4. The Proposal

The applicant is seeking full planning permission for five residential dwellings on the site, comprising three bungalows and a pair of semi detached dwellings and associated works including a new access into the site and adjacent farmyard from the B4069.



A 3 bed bungalow (with an attic level bedroom) and a semi detached pair of 3 bed dwellings are proposed at the north section of the site adjacent to the road, each with private amenity space. To the south, at the rear of the site, a linked pair of bungalows are proposed with attic level accommodation in their roofs (lit via rooflights).

11 *marked* off street parking spaces are proposed for the development, including a garage, car port spaces and bin collection points. 13 spaces are stated in the application form with 5 cycle spaces.

A new head wall with a piped culvert is included to accommodate the watercourse beneath the new access. The existing stone wall to the north of the site is also retained. The dwellings include ecological enhancement measures including bee and swift bricks. Most of the existing trees and boundary planting are shown to be retained.

Materials proposed include concrete tiles and reconstituted stone for all the bungalows, with timber cladding for the two car ports. The semi detached pair of houses would be detailed with cedar boarding to their shared front porch gable feature.

Proposed connection to the existing foul mains is proposed with SUDS for surface water disposal.

## 5. Local Planning Policy

The following planning policies are considered to be relevant to the determination of this application:

Christian Malford Neighbourhood Development Plan 2015-2035, made in 2018

Policy HSP1: Housing Site Allocation

Policy SSHS5: Residential Development for Map 15

Wiltshire Core Strategy (WCS) adopted Jan 2015

- CP1: Settlement Strategy
- CP2: Delivery Strategy,
- CP10: Spatial Strategy for the Chippenham Community Area
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP57: Ensuring High Quality Design and Place Shaping
- CP60: Sustainable Transport
- CP61: Transport and Development
- CP67: Flood Risk
- CP69: Protection of the River Avon SAC

#### Other

- Wiltshire Local Transport Plan Car Parking Strategy: PS6 Residential parking standards
- Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022

#### National Planning Policy Framework (NPPF)

### **6. Relevant Planning History:**

PL/2021/08826 - Proposed erection of 4 detached dwellings (Class C) Withdrawn

### **7. Consultations**

#### Christian Malford Parish Council: Objection:

*Christian Malford Parish Council continue to Object to this planning application on the grounds that it still contravenes the made Christian Malford Neighbourhood Development Plan as Housing Policy HSP1 states that the potential number of dwellings for site HS5 is 4. We would support a proposal for dwellings (Class C3) comprising two single storey bungalows and a pair of semi detached dwellings in accordance with Housing Policy SSHS5 of the made Christian Malford Neighbourhood Development Plan.*

Council Highway Engineer – No objection subject to conditions

Council Urban Design Officer – No objection.

Council Drainage Engineer – No objection

Council Arboricultural Officer – No objection subject to condition

Council Ecologist – No objection subject to conditions

Wessex Water – No objection and provides information to applicant.

### **8. Publicity**

The application was advertised by neighbour consultation, site notice and advertisement. No letters have been received.



Also received was a comment from North Wiltshire Swifts, who welcomed the recommendations for integrated swift bricks in section 9 of the Preliminary Ecological Appraisal.

## 9. Planning Considerations

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. (Section 70(2) of the Town and Country planning Act and Section 38(6) of the Planning and Compensation Act 2004). The NPPF is also a significant material consideration and due weight should be given to the relevant policies in existing plans according to their degree of consistency of the framework.

### 9.1 Principle for the development, tilted balance and 5 year housing land supply

The application site is an allocated site within the made Neighbourhood Plan. The red line for the application includes the area for development and the adjacent blue land to the west, comprises proposed habitats for biodiversity enhancement purposes (see BNG Assessment Fig 3)



The principle for new housing development is therefore acceptable under NP Policy HSP1: Housing Site Allocation. The policy identifies the “potential” number of dwellings and states:

Policy HSP 1 – Housing site allocation			
Sites HS1-6 as identified below are allocated for residential development in the context of the specific policies for each of the sites (Policies HP1-6).			
Christian Malford NDP Ref	Site Location	Potential Number of Dwellings	Anticipated delivery timetable
HS1	End of Lye Common – North Side	6	2018-2023
HS2	Redundant farm buildings adjacent to The Old Parlour	6	2018-2023
HS3	Redundant farm buildings adjacent to Fordlands	4	2018-2023
HS4	Redundant farm buildings at Mermaid Farm	6	2023-2028
HS5	Land to the East of Malford Farmhouse	4	2023-2028

It can be noted from the Updated Housing Land Supply Statement, Base Date: April 2021, Published April 2022 that the Council cannot currently identify a five year housing land supply (currently 4.7 years supply). Therefore, under paragraph 11 of the NPPF, 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<sup>8</sup>, 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<sup>7</sup>; 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.

The site is within the River Avon (Bristol) catchment and includes a priority habitat watercourse. Therefore, the tilted balance envisaged under para 11 of the NPPF (presumption in favour of sustainable development) would not automatically apply to this site if there are any clear reasons for refusing the development on ecological grounds related to the priority habitat, which is a protected site under para 11 Footnote 7 of the NPPF.

In policy conclusion, officers consider that in the absence of a five year housing land supply, given the Neighbourhood Plan allocation and that as no harm has been identified to the priority habitat, the titled balance would apply to the proposal and appropriate weight should be attached to the proposal in the absence of a 5 year housing land supply. The provision of 5 units on this allocated site demonstrates an efficient use of land, as noted by the design officer.

## 9.2 Scale and density, design and visual impact on the character of the area and streetscene

### *Scale and density*

Section 12 of the revised NPPF also places a greater emphasis on the importance of good design and states:

*126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*

Core Policy 57 also seeks to make efficient use of land under criteria (vi) whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates to its setting and to the wider character of the area.

NP Policy HSP1: Housing Site Allocation identifies the *potential* number of dwellings for the site as 4. The previously withdrawn application was for 4 units and this scheme is for 5 units.

However, there is a possible contradiction within the plan as the specific policy for this site, Policy HS5 goes on to say that the development should respect the character of the surrounding area and deliver **approximately** four dwellings.

## Policy SSHS5

Proposals for residential development on the site as shown in Map 15 will be supported subject to the following criteria:

- The development of the site respects the character of the surrounding area in general terms and delivers approximately four dwellings.
- The development should consist of either bungalows or two-storey terraced or semi-detached houses.
- The houses should be set back at least 10 metres from the northern boundary of the site.

In the absence of any upper or lower restriction being given, this application is for five units which broadly complies with the stated requirement of being bungalows, two storey terraced or semi-detached houses. It is also considered that 5 dwellings meets the requirement of “approximately four” and it would be difficult to argue against this form of wording in an appeal.

The description is:

*Proposed Erection of 5 No. Dwellings (Class C3) comprising three bungalows and a pair of semi detached dwellings and associated works.*

It is considered that the site does not appear cramped and the dwellings are not excessively large. Each plot has been distinctively designed using suitable materials, and has a modest amenity area, with either a car port or garage provided. The Council Urban Design Officer has commented, “*I support the efficient use of the land for 5 rather than 4 dwellings, of a more modest size that reflects the local need.*”

Therefore, it is not considered that a reason for refusal could be supported on the grounds that the site is being over-developed or contrary to the aims of the Neighbourhood Plan policy for the site. The provision of 5 units on this allocated site represents an efficient use of land for local housing provision.

### *Design and impact on character*

Core Policy 57 sets out the criteria for new development. A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. This includes enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced. It also requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

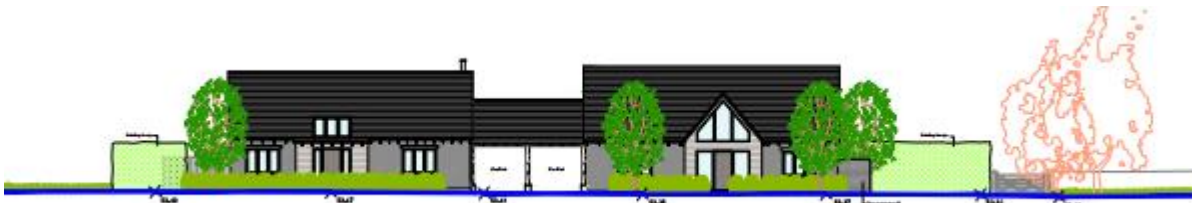
Core Policy 51 of the WCS states:

*Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. In particular, proposals will need to demonstrate that the following*

*aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures.*

The site is well related to the existing urban fabric and layout of the settlement. It fronts onto the road and is well screened to the east and south by existing trees and planting. The farmhouse and farmyard buildings and the site under construction to the north at The Old Parlour all provide an established and contemporary built setting for the development.

The proposed units are also contemporary in their appearance, but modest in scale and height using a suitable palette of materials to suit the vernacular in the vicinity, including concrete tiles and reconstituted stone for all the bungalows, with timber cladding for the two car ports. The semi-detached pair of houses would be detailed with cedar boarding to their shared front porch gable feature.



The Council Urban Design Officer initially requested some changes and noted the need for conditions to secure quality and stated:

*I support the efficient use of the land for 5 rather than 4 dwellings, of a more modest size that reflects the local need. Stone and roof materials to be fully specified so that quality of appearance can be assessed. Can be conditioned but I would recommend indicating natural stone (like the newbuild opposite), not recon, at least for the homes visible from the street, and any garden walling here as per the CGI image in the DAS.*

Amended plans were received and the design officer had no further comments.

#### *Landscape setting and trees*

The proposed site plan demonstrates how existing trees and vegetation would be incorporated into the layout. The Council Arboricultural Officer has considered the submitted Arb Impact Assessment, Tree Protection Plan and Arb Method Statement. Sixteen trees and six tree groups were surveyed on and around the site. There are two Lime trees (T4 and T7) on site which have been given A/B1 category. Five trees have been given a B category T5 Norway Maple, T9 Birch, T13 Copper Beech, T16 and T18 both Walnut trees.





The site is described as a grassed rectangular area of land with a stream and the B4069 to the north with neighbouring gardens to the east and fields to the south and gardens of Malford House to the west. To facilitate the new access G1 and T2 will need to be removed. T2 is a multi-stemmed Ash and G1 is a group of Hawthorn. G3, G6 and trees 5, 9, 10-13 and 18 are to be removed to facilitate the construction of the new dwellings. The loss of these trees will be mitigated with new planting.

Plot 2 would encroach into the RPA of Tree 4 (Lime). For this reason, strip foundations are avoided and instead it is proposed to use micro or screw piles with any machinery required on ground protection. Definitive pile type to be specified by the site engineer when conditions have been investigated. There is also a footpath proposed within the RPA of T4. This would be constructed using a no-dig method.

The Council Arboricultural Officer has no objections to this proposal in relation to trees provided an arb method statement compliance condition is included in any permission that may be given.

In conclusion, the scale, design, siting and materials for the development are considered to be acceptable and the dwellings would make efficient use of the allocated site. Important trees and landscape features would be retained and protected as part of the development, to retain a rural setting and backdrop for the development. Therefore, subject to suitable conditions to secure appropriate materials, windows, details and tree protection, the proposal is considered unlikely to harm the existing character of the area or to harm the landscape setting of the site.

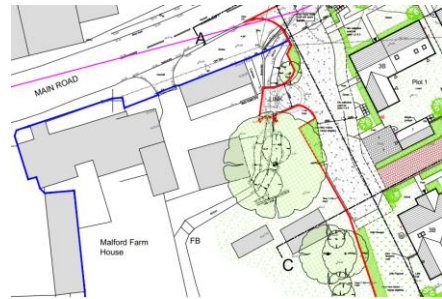
No objection is raised under CP51 and CP57 of the Wiltshire Core Strategy.

### 9.3 Impact on neighbouring amenities

CP57 also states that the development should make a positive contribution to the character of Wiltshire through:

*(vii) having 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 (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)*

The development is not considered likely to harm the existing amenities for Malford Farmhouse.



There would be one bedroom window in the side/roof elevation for Plot 1. This is sufficiently separated from the farmhouse by existing outbuildings not to unacceptably affect amenities in terms of loss of privacy or overlooking. The side elevation bedroom window of Plot 4 is separated by an even greater distance and more outbuildings. Given this interrelationship, the proposal is not considered to be harmful to the existing amenities of the existing occupiers of the farmhouse in terms of overlooking, loss of light or dominance.

Given the separation and layout arrangements, existing and new properties opposite the site are unlikely to be unacceptably affected by the development in terms of overlooking, dominance or loss of light:



Therefore, no unacceptable impacts have been identified under Core Policy 57(vii) and appropriate levels of amenity are considered to be achievable within the development.

#### 9.4 Highway Safety

Core Policies CP57, 60 and 61 are relevant to the application. The development seeks to provide 11 off street spaces for each dwelling plus a visitor space.

Initially, the Council Highway Officer objected:

*The parking is adequate, but the carry requirements of the waste bins may exceed the 30m distance. There is no information provided on the culvert required to be placed to allow access into the proposed site.*

*While visibility splays have been demonstrated to Manual for Streets standards, this best befits a residential street and the more robust requirements of DMRB must be applied to the B4069 which is a major part of highway infrastructure carrying thousands of vehicles past the site on a daily basis with access to the M4, Chippenham and Lyneham and Wootton Bassett. DMRB standards require a y axis length of 90 m for a major local road that serves the village.*

*Until such time as appropriate plans have been provided the plans are simply not detailed enough to assess and I recommend a holding objection.*

Satisfactory amendments were received including a culvert and the Highways Officer has stated:

*I note that opposite the expected access to the B4069 there is already a dropped kerb and therefore I would consider that the shared surface area at the bell mouth of the access is a suitable refuge for pedestrians to wait while crossing the road to the north side of Main Road in order to effect pedestrian access to the heart of the village.*

*I am satisfied that the visibility demonstrated can be achieved to an adequate standard and is contained within the public highway. The provision of parking as demonstrated is to minimum parking standards and although there is no formal provision of a single visitor parking space, there is sufficient room within the development for the accommodation of temporary visitor parking and sufficient room for service vehicles to enter and exit in forward gear.*

*Subject to the following conditions being met, I would be unable to raise a highway objection.*

Therefore, and subject to the conditions being recommended, there is considered to be no unacceptable impact on highway safety or severe residual cumulative impacts on the road network. Accordingly, the proposed development would meet with the requirements of Core Policies CP57, 60 and 61 to the Wiltshire Core Strategy and section 9 to the NPPF.

#### 9.5. Biodiversity, Ecology, Drainage and Flood Risk

The site is a grazing field adjacent to the farmyard, lined with trees and hedges to the east and south. The watercourse is also designated as a priority habitat and connects to the west with the nearby River Avon (Bristol), which is a County Wildlife Site and priority habitat.

##### *Biodiversity and Ecology*

Core Policy 50 of the WCS states:

*Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.*

*All development should seek opportunities to enhance biodiversity.*

In response to the submission, the Council Ecologist initially commented:

*An Ecological Assessment has been submitted in support of this application however this contains insufficient information to determine potential impacts on the following habitats and protected/ notable species: great crested newt, water voles and bats.*

*The PEA (Chalkhill Environmental Consultants, 20210) identified a pond within 210m of the Site which has known presence of GCN. There is a record of an EPSM licence for GCN permitting the destruction of a resting place approximately 250 metres to the south of the pond. The site lies in an Amber GCN Risk Zone for Wiltshire and Swindon. Amber zones contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal. The site also lies within a fringe area in the Strategic*



*Opportunity Areas for GCN in Swindon and Wiltshire. Fringe areas contain a pond density of 1 and are located within a 1km square where great crested newt presence has been predicted or are within a 250m of a Core Area. GCN have been ruled absent from the application area despite the Site containing suitable habitat in the form of hedges, woodland, brash and tile piles. Further information is required to justify why GCN have been absent from the application area or mitigation measures, or district level licensing should be applied.*

*There is a ditch running along the northern boundary of the application area. Water voles have been ruled out following a survey in March 2021. The survey falls outside of the optimal survey season for water vole (Mid April-September). Further information is required to assess the impact of the development on water vole i.e further survey during the optimal survey season and a local records search.*

*The PEA recommended that a detailed bat survey should be carried out in order to identify any potential bat roost features and to assess the risk of bats being present on any mature trees on the site selected for major tree work or removal. The arboricultural method statement (Sharples Tree Services, 2021) identifies several trees that will be removed as part of the development. These trees should be surveyed to assess their potential to support roosting bats. In addition, the value of the site (open grassland, mature hedges, woodland) for foraging and commuting bats has not been assessed. Bat activity surveys are also required.*

*In carrying out its statutory function, the LPA must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. The information outlined above must therefore be submitted and reviewed by the LPAs ecology team prior to determination of the application.*

A Preliminary Ecological Appraisal, a Bat Survey for the trees to be removed, an Advice Note (including a survey of the watercourse) and a biodiversity net gain metric were all subsequently submitted to support the application.

GCN - The advice note was prompted by a request from the Council's ecologist for a watercourse survey and a further assessment of the site to support Great Crested newts and for the potential presence of hibernacula and terrestrial habitat. The site had previously been assessed on 13 March 2021 and on 30 June 2022 and 1 July.

The report concludes that the water course is suboptimal habitat for Great Crested newts. There are potential reptile refugia, hibernation sites and terrestrial habitat which could be used by Great Crested newts but the absence of any standing water on the site and the suboptimal terrestrial habitat associated with the watercourse, reduces the risk of Great Crested newts being present to nil. Advice is given regarding action to be taken in the event that individual Great Crested newts are found during the course of the work and this should be conditioned.

Bats and birds - Creation of new site access will result in removal of a mature ash *Fraxinus excelsior* and a short length of shrubby native species vegetation. An assessment of the potential impact of removal of this tree on bats was therefore requested by officers. An evening assessment of bat activity in relation to this tree was carried out in the evening of 30 June 2022 and a dawn return survey was carried out in the morning of 1 July 2022. The survey concludes that bats do not appear to be roosting in the tree which was surveyed within the core maternity period when bats species frequently associated with trees might be expected to be present.



The location of the tree within a tall unmanaged native species hedge with other mature trees is likely to be part of a network of similar habitat in the surrounding area used by bats to move through the area and to hunt for food. This does increase the risk of individual bats being present from time to time, even in features which would not normally be regarded as potential bat roost features.

The report recommends that precautionary guidance should be followed during the proposed work to avoid harm to any individual bats which may be present from time to time. Precautionary guidance should be followed during the proposed work to avoid disturbance to breeding birds.

Water Vole – no evidence found. The advice note recommends that if individual water voles are encountered unexpectedly any time during the proposed work, this should stop immediately and further advice sought from the ecologists.

Biodiversity Net Gain – Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 174 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain. Natural England has now prepared version 3.0 of the Biodiversity Metric that includes a small site metric Beta version. At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain.

Evidence of no net loss of biodiversity has been submitted in a metric and measures to deliver net gain include (as stated by the applicant):

- *We have incorporated the wildflower area in Metric 3.1 as modified grassland in good condition and also managed to get the 10 trees in too including another tree retained (rear of plots 4+5).*
- *It is possible to plant individual trees even if these are in a rural setting under the overall category of urban and the subcategory of urban tree.*
- *The hedgerow creation has been added and the habitat loss has been reduced.*
- *Hedgehog highways have been incorporated.*

The Council's ecologist concluded:

*Further surveys have found no evidence of water vole or roosting bats. A precautionary method of working requiring a licenced GCN worker to be present during the relevant period of site clearance/construction should be applied.*

*The updated site plans shows a net gain in hedgerow units. Since the retained and created new hedgerow habitats will maintain and improve connectivity throughout the site, we consider that the overall functionality of the habitats for biodiversity will not be significantly reduced and may be increased, this is sufficient to comply with CP50 and NPPF.*

Bat boxes, bird boxes, bee bricks, hedgehog gaps and swift bricks are all included on the proposed plans and elevations along with wildflower planting, new native hedge planting and new tree planting. In conclusion, the proposal is a minor housing development (under 0.5 ha in area and under 10 units) and has been shown likely to result in a slight increase in habitats. Biodiversity enhancements are proposed as part of the scheme. The survey work undertaken indicate that the likelihood of harm to protected species and protected habitats as a result of the development is low. Therefore, subject to conditions to secure the enhancements and to

adopt a precautionary approach to the development, no objection is raised under CP50 and paras 179- 181 of the NPPF which seek to conserve and enhance priority habitats and secure measurable net gains for biodiversity.

Fig 3 of the Assessment shows how land to the west of the development, within the applicant's ownership (blue land) is to be retained as habitat including neutral grassland. The report states:

*The proposals have sought to maximise biodiversity net gain on site, whilst maintaining the viability of the development. When it became apparent that measures on site would not be sufficient to achieve no net loss, the client sought additional habitats enhancement and creation opportunities within the adjacent blue line, which falls under the same ownership, however due to its residential nature of the site, it is not suitable to manage large areas for biodiversity offsetting. However, sections along the southern and eastern edges of the site have been identified and agreed to be used for enhancement measures as detailed in this report.*

It is considered that the drawing in Fig 3 should be included in a Grampian condition to ensure retention of this land to contribute to overall biodiversity enhancement for the development.

### *Drainage and Flood Risk*

The site is shown on the Strategic Flood Risk Assessment to be at medium risk from groundwater flooding with water levels 0.025 and 0.5m below the surface. The northern section of the site is at risk from surface water flooding (1 in 30 years). The NPPF requires the LPA to consider the risk of flooding to new development from all sources.



However this is an allocated site in an up to date plan made in April 2018. At that time, the Christian Malford neighbourhood plan group and the Planning Inspector would have been aware of the NPPF 2012 version and para 100 which states:

*100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.<sup>19</sup> Local Plans should be supported by Strategic Flood Risk Assessment and develop policies **to manage flood risk from all sources**, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards.*

Had this not been an allocated site, a sequential test and exceptions test would be required for the proposal, in compliance with para 161-163 of the NPPF. However, the site is allocated

in an up to date plan and it is therefore considered that the risk of flooding from all sources has already been considered as part of the neighbourhood plan process.

Whilst it would not be reasonable to subject the site to a sequential and exceptions test, the LPA is still required to consider the potential risks of flooding on the development and ensure that it does not increase the risk of flooding elsewhere under Core Policy 67 and NPPF para 167.

The Drainage report and strategy states:

*As part of the development proposals, a new site access is to be formed which will require culverting a section of the existing watercourse over the high to low risk areas. The majority of the development is located within areas of very low risk. It is noted that existing high to low risk areas cannot be completely mitigated, however the introduction of an appropriately sized culverted section and a SuDS management strategy which attenuates peak 1 in 100 year volumes will offer some flood risk reduction by the interception of attributing greenfield site flows and volumes. Dwellings 1 to 4 are located outside of the flood risk area and as such future occupants are not at risk.*

*Based on available data, it is considered that soakaway drainage would not be feasible due to recorded groundwater levels and the impermeable nature of the surrounding soils. It is proposed that surface water run-off discharges into the existing watercourse traversing the sites northern boundary. A SUDS hierarchy is proposed for surface water management. Foul drainage would go to the existing mains drainage in accordance with para 020 of the PPG.*

The Drainage Report concludes:

*In addition to flooding from rivers and the sea, this SuDS statement has considered the potential consequences of flooding from all other sources, which include directly from rainfall on the ground surface, rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.*

*An assessment has been made of the potential risk from all sources of flooding to and from the development site, with reference to available flood risk information, for existing conditions pre-development, and post-development with the various development mitigation measures incorporated.*

*In regard to providing an acceptable standard of protection against flooding for new development, no flooding of properties should occur as a result of the 'design flood' corresponding to a 1 in 100 year fluvial flood event, taking climate change into account.*

*A sustainable drainage strategy, involving the implementation of SUDS, is proposed for managing the disposal of surface water runoff from the proposed development on the site utilizing geo-cellular storage and permeable paving thus meeting best practice.*

*The proposed drainage strategy would ensure that surface water arising from the developed site would be managed in a sustainable manner with a reduction to the sites pre-development surface water flows, while reducing flood risk to the site itself and elsewhere, taking climate change into account.*

*An outline foul water drainage strategy has been developed incorporating an offsite gravity connection to Wessex waters sewer network.*

*The overall conclusions drawn from this drainage strategy and SuDS statement are;*

- i. The Development is situated wholly within the Flood Risk Zone 1 area;
- ii. The Development and its occupants are not at an increased risk of flooding;
- iii. The Development does not increase the risk of flooding elsewhere;
- iv. The Development will be appropriately safe for its lifetime
- v. The Development can be drained in a sustainable manner utilising SUDS techniques;
- vi. The Development will satisfactorily manage and maintain a 1 in 100 Year storm event with allowance for climate change within the site
- vii. Consideration has been given for the improvement of water quality.

The findings of this report identify the opportunity to implement an appropriate SUDS strategy.

Initially, the drainage officer considered that:

*Insufficient information has been provided to ensure that the site will not flood. It is proposed to discharge surface water drainage at  $Q = 2\text{l/s}$  which is higher than  $Q_{bar} = 1.3\text{l/s}$ . System design shows that there is a surcharge at 1 in 1 event, as this is a new system, the drainage should be appropriately sized. It is proposed to culvert the watercourse at two locations, this will require Land Drainage Consent. Also an analysis must be conducted what will happen if the culverts will block. The developer must show that they still have discharge when the outfall is drowned out.*

A Technical Note and updated Drainage Strategy were submitted and the drainage officer concluded:

*I am happy with the latest submission. I would like to impose a condition that the application is in line with this document. Also would like informative about the need for Land Drainage Consent.*

In conclusion, the LPA is satisfied that the site is allocated in an up to date neighbourhood plan in compliance with the requirements of the NPPF 2012 which was in place at that time. The submitted details are satisfactory and includes an *assessment of the potential risk from all sources of flooding to and from the development site, with reference to available flood risk information, for existing conditions pre-development, and post-development with the various development mitigation measures incorporated.* In conclusion, the flood risk to the new properties and the risk of increasing flood risk elsewhere is low, subject to the development being implemented in accordance with the recommendations in the Drainage Strategy.

## **10. Conclusion and Planning Balance**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development

proposals that accord with an up-to-date development plan without delay, unless 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.

The application seeks consent for 5 dwellings on an allocated Neighbourhood Plan site. The design officer has raised no objection to the scheme subject to conditions and officers consider that the proposed development represents an efficient use of land. The Wiltshire Core Strategy and the NPPF set out the policy considerations for the application and the LPA cannot currently demonstrate a 5 year housing land supply. Given that no harm has been identified to priority habitats, the tilted balance under para 11 of the NPPF would apply and weighs significantly in favour of the development.

The provision of biodiversity enhancement measures and the retention of many existing trees along with hedgerow enhancement as part of the scheme can also be afforded some weight.

The dwellings have been carefully designed to suit the streetscene, taking into account the topography and constraints for the site including the watercourse and trees. The highways officer is satisfied with the access and parking provisions for the development. These matters can be afforded modest weight in the planning balance.

The site is within an area that is subject to ground and surface water flood risk, but the site has been allocated in an up to date neighbourhood plan and a satisfactory strategy has been submitted to mitigate risk. This aspect of the application weighs moderately against the development, as it would be preferably for the allocated site to be in an area of low flood risk from all sources.

In the absence of identified harm to priority habitats and from sources of flood risk, the tilted balance would be engaged under para 11 of the NPPF. The presumption in favour of sustainable development and the provision of five additional dwellings on an allocated neighbourhood plan site carries significant weight in the determination and therefore, officers consider that the planning balance weighs in favour of the development.

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

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

REASON: To comply with the provisions of Section 91 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 listed in schedule:

Proposed Location Plan ref 2791 001 Rev A dated Feb 2021

Proposed Site Plan with ecological enhancements (including blue land) ref 2791 120 Rev H dated Feb 2021

Proposed Site Plan with ecological enhancements (including blue land) ref 2791 121 Rev H dated Feb 2021

Proposed Landscaping Plan 2791 500 Rev A dated March 2023  
Proposed Floor Plans and Elevations Plot 1 ref 2791 125 Rev B dated Feb 2021

Proposed Floor Plans and Elevations Plots 2 & 3 ref 2791 126 Rev B dated Feb 2021  
Proposed Floor Plans and Elevations Plot 4 ref 2791 127 Rev B dated Feb 2021  
Proposed Floor Plans and Elevations Plot 5 ref 2791 128 Rev B dated Feb 2021  
Proposed Double Car Port and Single Garage ref 2791 130 dated Feb 2021  
Proposed Streetscenes ref 2791 135 Rev E dated Feb 2021  
Proposed Site Sections ref 2791 136 Rev E dated Feb 2021  
Proposed Habitat Map, dated 13/1/23, Figure 3 of Biodiversity Net Gain Assessment dated Jan 2023  
Drainage Strategy Layout Plan ref 21-004-002 Rev F dated June 2021

Additional Drainage Technical Note by Adama Consulting dated 8th March 2022 including Updated Drainage Strategy  
Drainage Strategy and SUDS Statement ref Acl565/21004/DS by Adama Consulting dated 21st June 2021 (Drainage Strategy layout plan superseded by Rev F above)  
PRELIMINARY ECOLOGICAL APPRAISAL ref Q795 dated March 2021 by Chalkhill Environmental Consultants  
Biodiversity Net Gain Assessment dated Jan 2023  
Ecology Advice Notes (Water Voles and Great Crested Newts) and Bat Survey ref Q795 by Chalkhill Environmental Consultants  
Arboricultural Method Statement by Sharples Tree Services dated August 2021

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

3. No development shall commence on site above slab level until the exact details 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: The matter is required to be agreed with the Local Planning Authority before development takes place above slab level commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: To comply with the requirements of the Neighbourhood Plan and in the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

5. The development shall be implemented in accordance with the recommendations in the following documents:
  - i) Drainage Strategy and SUDS Statement ref Acl565/21004/DS by Adama Consulting dated 21st June 2022 as updated by the Additional Drainage Technical Note by Adama Consulting dated 8th March 2022 including Updated Drainage Strategy
  - ii) Drainage Strategy Layout Plan ref 21-004-002 Rev F dated June 2021

The dwellings hereby approved shall not be occupied until the measures contained in the Strategy for foul and surface water drainage have been fully implemented.

The applicant shall provide written details of the necessary Land Drainage Consents before the dwellings are occupied.

Reason: To ensure that the development can be adequately drained and to reduce the risk of flooding to the development itself and elsewhere.

6. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - h) measures for the protection of the natural environment.
  - i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

7. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

Reason: In the interests of neighbouring amenities.

8. Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private surface water from entering the highway.

Reason: To ensure that the highway is not inundated with private surface water.

9. The development will be carried out in strict accordance with the following documents:

- i) Biodiversity Net Gain Assessment (Ethos Environmental Planning, January 2023)
- ii) Ecology Advice Notes (Water Voles and Great Crested Newts) and Bat Survey ref Q795 by Chalkhill Environmental Consultants

The mitigation and enhancement measures recommended in the document and shown on the site and elevation plans hereby approved shall be implemented before the dwellings are occupied and maintained for the lifetime of the development.

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

10. Prior to the commencement of the construction of the dwellings above slab level, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The details in the LEMP shall include all the land shown on the Proposed Habitat Map, dated 13/1/23, Figure 3 of Biodiversity Net Gain Assessment dated Jan 2023. This land shall be retained for the lifetime of the development for the purposes shown on the plan and to achieve the biodiversity enhancement objectives set out in the Assessment.

The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained for and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

11. Prior to any commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b. Working method statements for protected/priority species, such as nesting birds and reptiles.
- c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should



- comprise the pre-construction/construction related elements of strategies only.
- d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  - e. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  - f. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

12. The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) prepared by Sharples Tree Services dated August 2021 and shall be supervised by an arboricultural consultant.

Reason: To prevent trees on site from being damaged during construction works.

**Informatives:**

The applicant(s) is advised that all relevant land drainage consents are required prior to occupation of the development.

The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

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 31<sup>st</sup> August but some species are known to breed outside these limits.

There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible in line with the recommendations made in the PEA (Chalkhill Environmental Consultants, 2021) If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk)

CIL: The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)



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## 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.

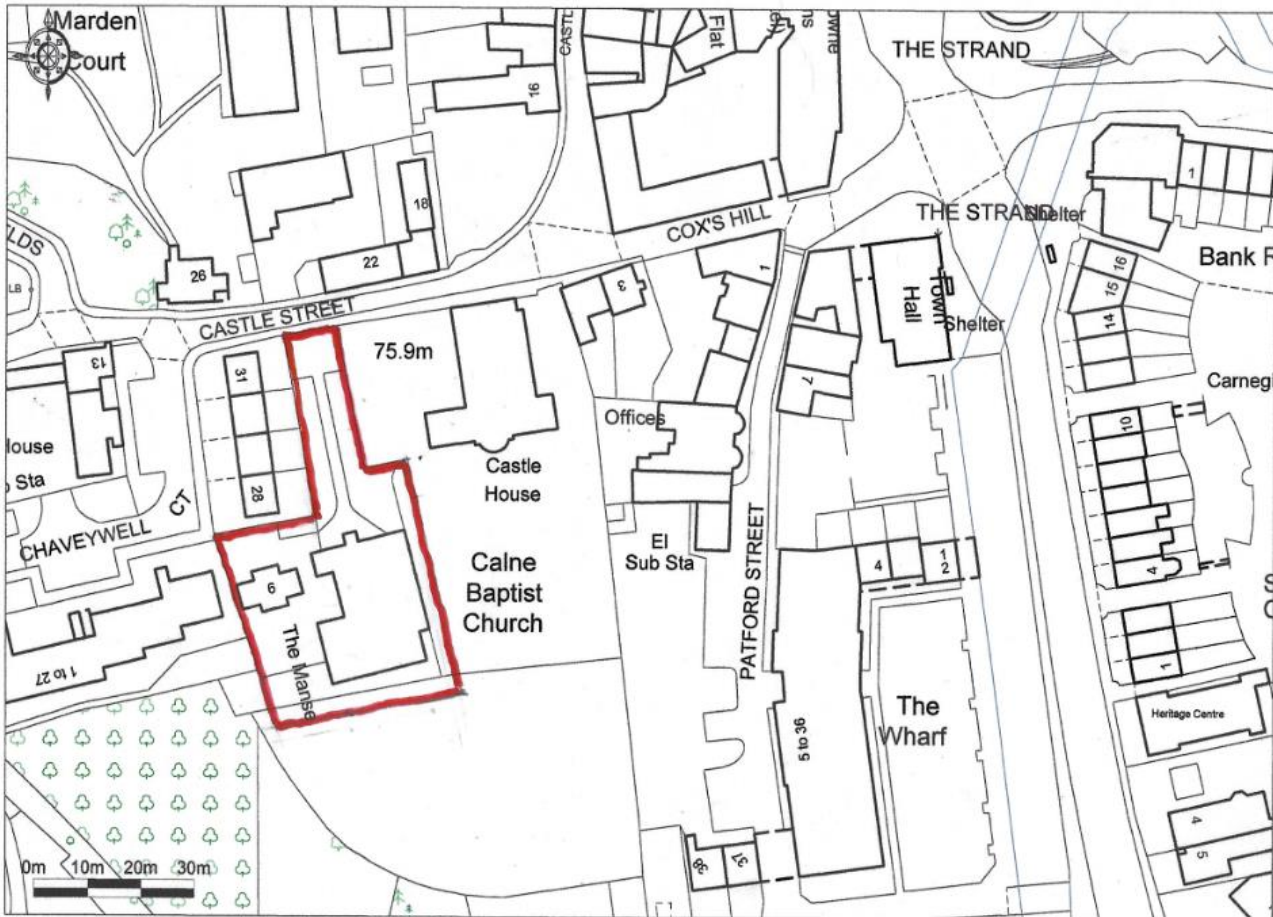


Figure 1 Site location

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.



## 5. The Proposal

The application is for 'full' planning permission for the demolition of the existing Church, The Manse and associated storage buildings and the construction of a church and community centre with 2no. residential dwellings. A full description of the proposals is set out in the applicant's Design and Access Statement. The proposed site layout is shown in the extract below:

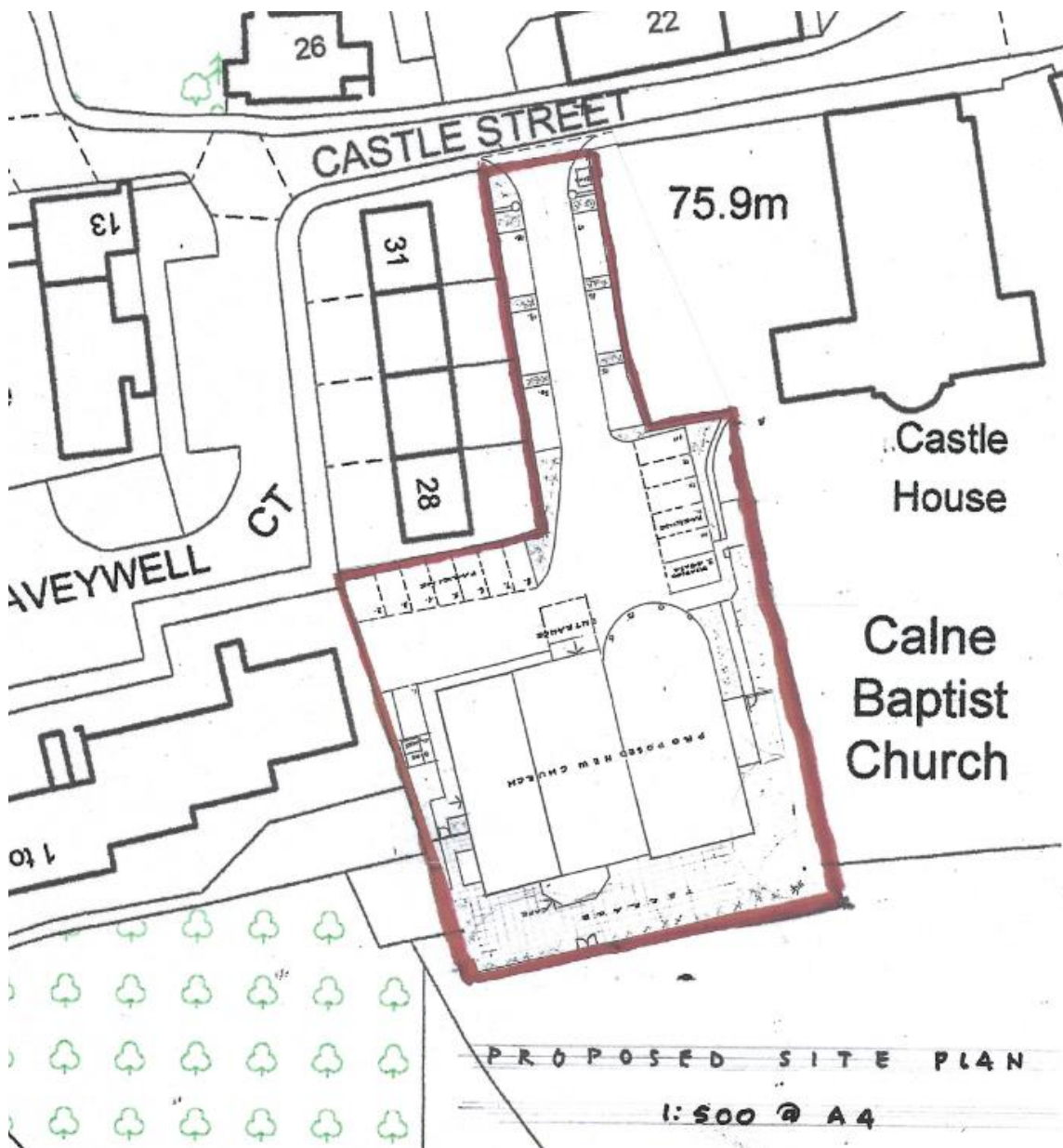


Figure 2 Site layout

The proposed church can broadly be split into two sections, the worship space on the LHS and the community spaces and accommodation on the RHS. A central lobby/meeting hall divides the two spaces. Figure 3 shows the floor plans of the proposal. The community space includes activity rooms, toilets, kitchen, café and minsters office with 2no. 2-bed flats located at first floor accessed by stairs from a side door. The worship space consists of the Baptist church with a hall adjoined to the rear.

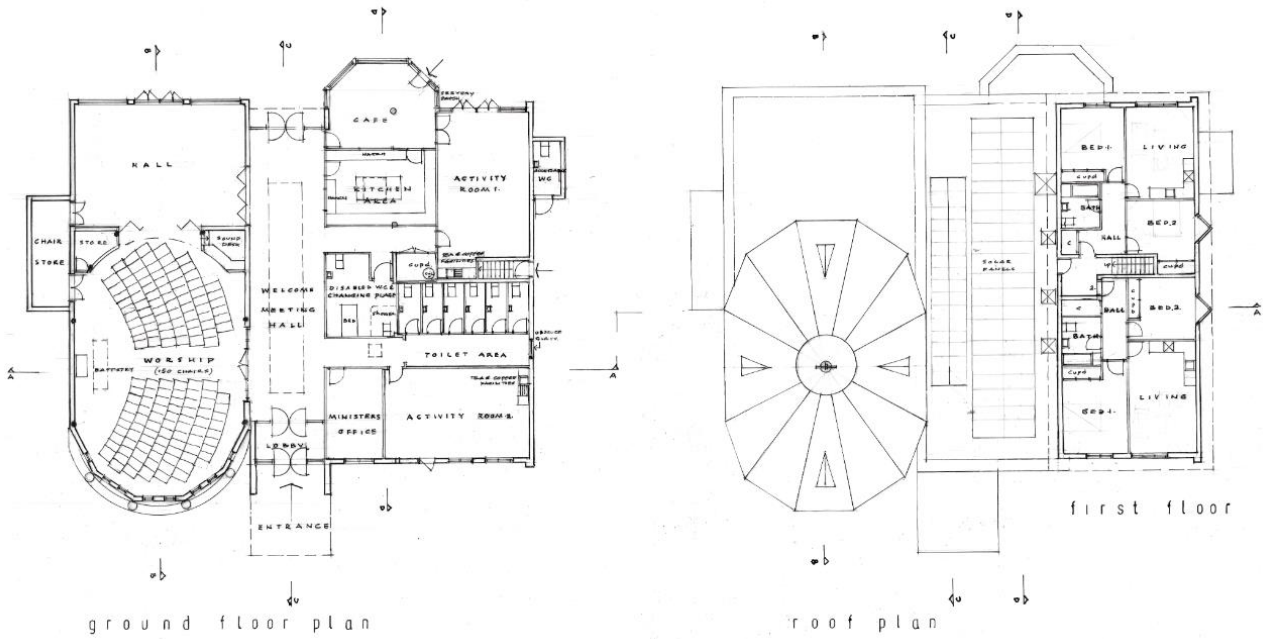


Figure 3 Floor Plans

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.

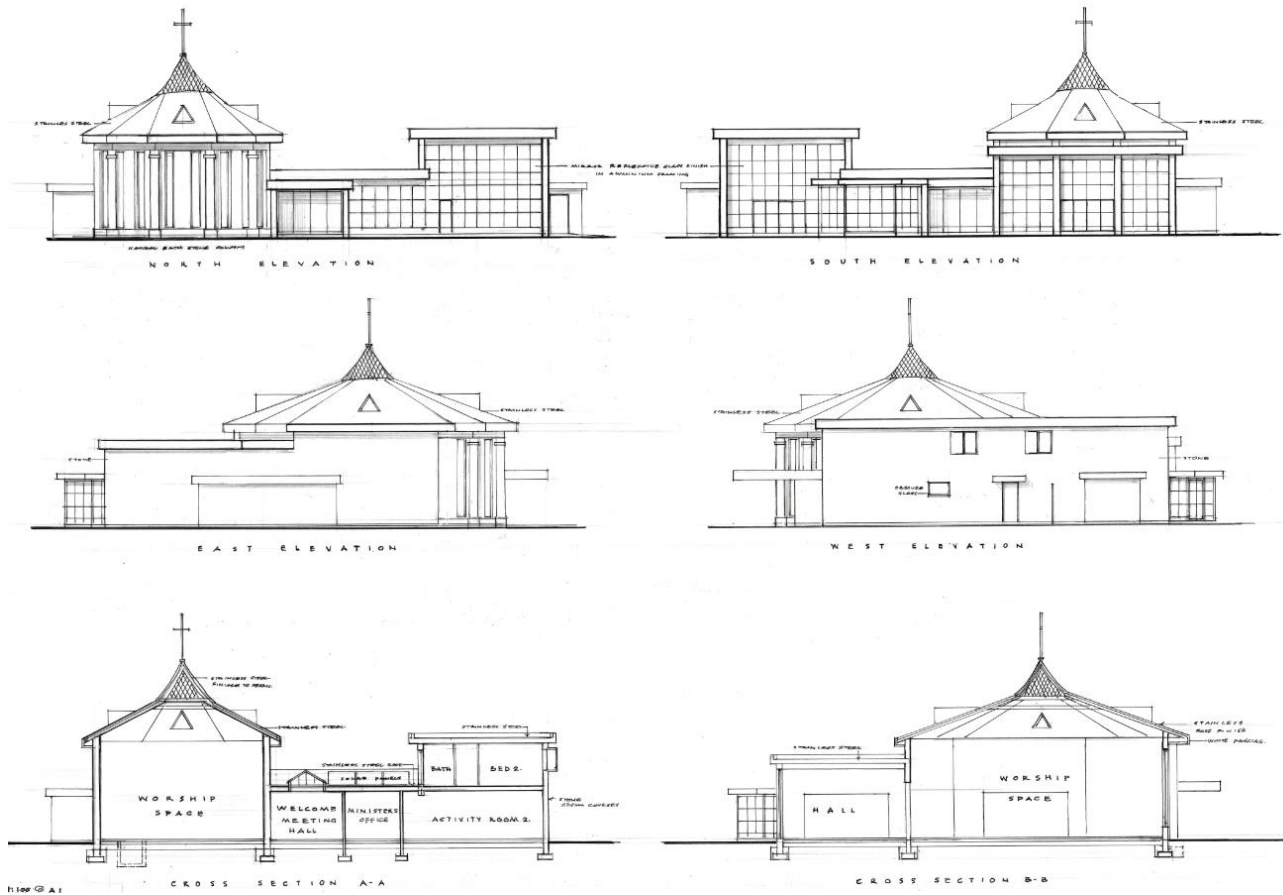


Figure 4 Elevations and Cross Sections

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.

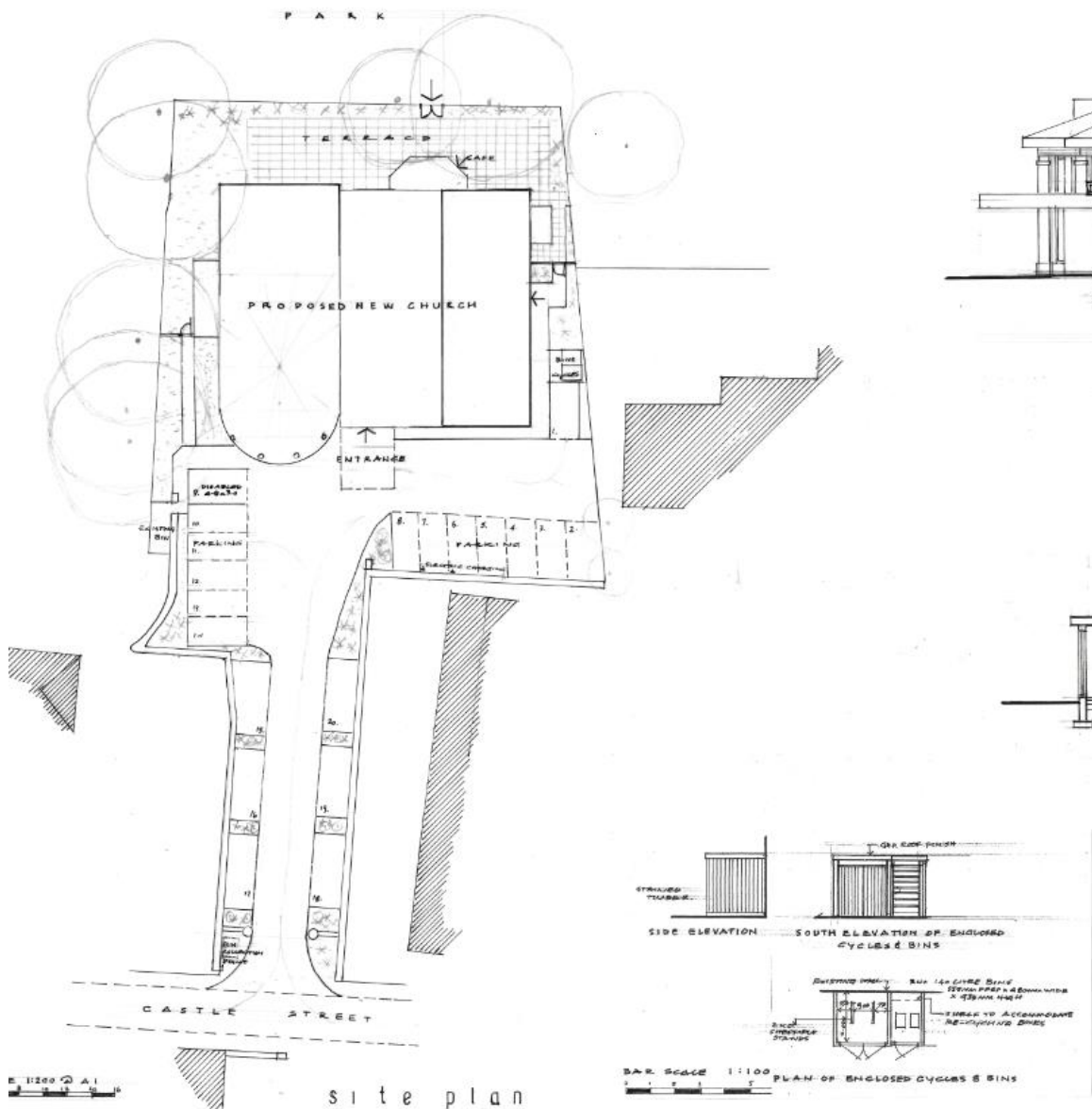


Figure 5 Proposed site access arrangements, parking and refuse

## 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.

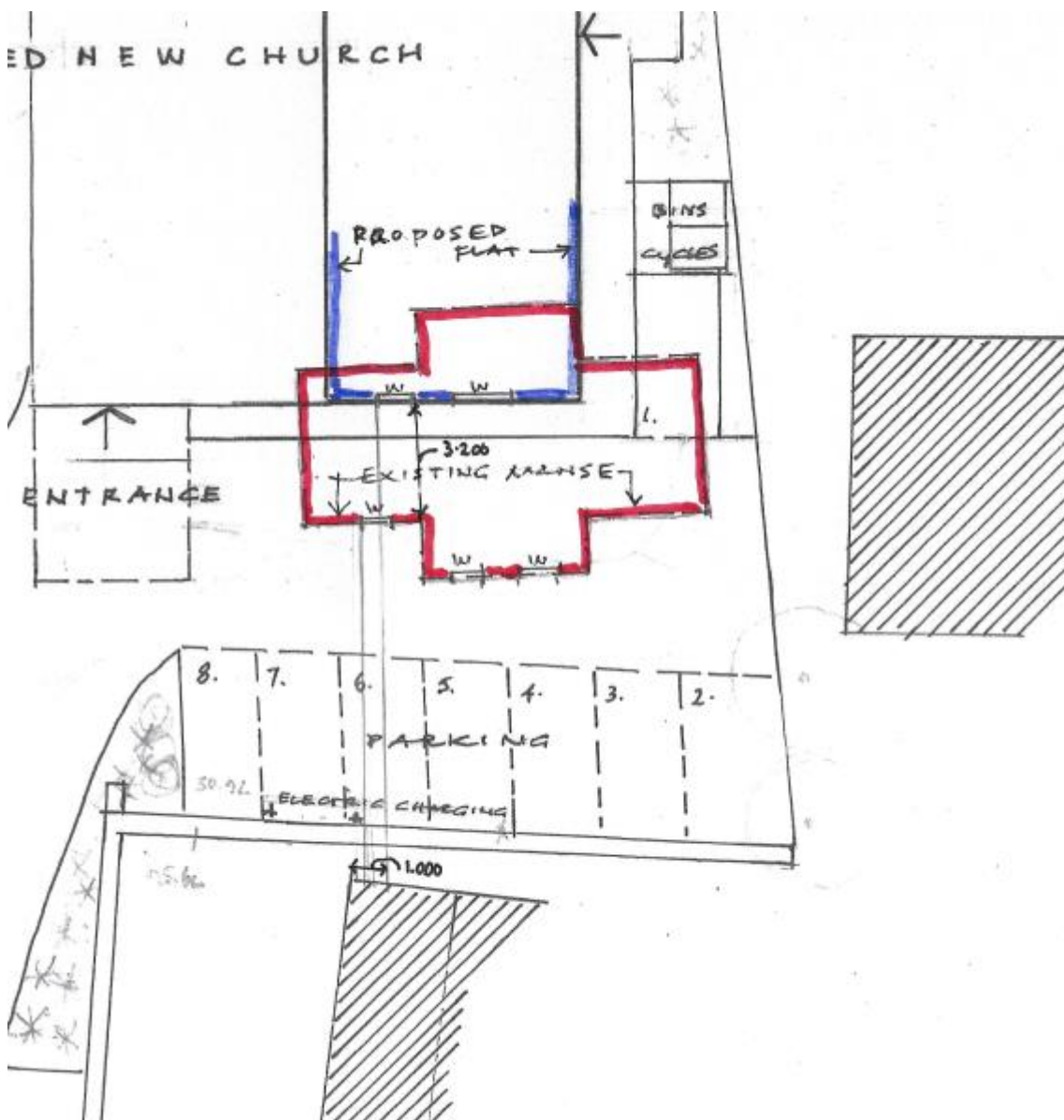


Figure 6 – relationship between first floor windows in the existing Manse and proposed flat with No. 28 Chaveywell Court to the south.

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 altering, 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.

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