

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Wednesday 10 December 2014
Time: 3.00 pm

Please direct any enquiries on this Agenda to Libby Beale, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718214 or email elizabeth.beale@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Tony Trotman (Chairman)	Cllr Mark Packard
Cllr Peter Hutton (Vice Chairman)	Cllr Sheila Parker
Cllr Christine Crisp	Cllr Toby Sturgis
Cllr Mollie Groom	Cllr Nick Watts
Cllr Chris Hurst	Cllr Philip Whalley
Cllr Simon Killane	

Substitutes:

Cllr Desna Allen	Cllr Bill Douglas
Cllr Glenis Ansell	Cllr Dennis Drewett
Cllr Chuck Berry	Cllr Howard Greenman
Cllr Mary Champion	Cllr Jacqui Lay
Cllr Terry Chivers	Cllr Linda Packard
Cllr Ernie Clark	

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 4*)

To approve and sign as a correct record the minutes of the meeting held on 19 November 2014.

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 and Councillors' Questions**

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 in person **no later than 2:50pm on the day of the meeting.**

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

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 3 December 2014.** 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 Applications

To consider and determine planning applications as detailed below.

6a **14/09769/OUT - Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, Wiltshire, SN11 9NQ** (*Pages 5 - 22*)

6b **14/04658/FUL- 9A Malmesbury Road, Chippenham, SN15 1PS** (*Pages 23 - 38*)

7 Urgent Items

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

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 19 NOVEMBER 2014 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Peter Hutton (Vice Chairman), Cllr Christine Crisp, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Nick Watts and Cllr Philip Whalley

135 Apologies

There were no apologies for absence.

136 Minutes of the Previous Meeting

The minutes of the meeting held on 29 October 2014 were presented.

Resolved:

To approve as a true and correct record and sign the minutes with the following amendment to item 6f: 'Anne Henshaw spoke as a nearby resident in objection to the application, it was noted that she was not speaking in her capacity as a member of the Campaign for the Protection of Rural England.'

137 Declarations of Interest

Cllr Nick Watts declared he would not participate in the debate or vote on item 6c but would speak as the local member.

138 Chairman's Announcements

The Chairman explained that the applications under items 6a and 6b of the agenda had been withdrawn.

139 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

140 **Planning Applications**

141 **14/08721/FUL- 13 Bowden Hill, Lacock, Chippenham, Wiltshire, SN15 2PW- APPLICATION WITHDRAWN**

The planning officer explained the reason for the withdrawal of the application.

142 **14/08312/VAR and 14/08313/VAR - Wiltshire Golf and Country Club, Vastern, Royal Wootton Bassett, Swindon, SN4 7PB- APPLICATION WITHDRAWN**

The planning officer explained the reason for the withdrawal of the application.

143 **14/06399/OUT - 47 Hill Corner Road, Chippenham, Wiltshire, SN15 1DP**

Thomas Jakes and Adrian Killmartin spoke in support of the application

The officer introduced the report which recommended that planning permission be refused. The proposed demolition of buildings and development on the site was explained. Plans showing the site location and indicative layout were presented and the planning officer explained his concerns with the indicative layout, however he highlighted that the principle of development on the site was acceptable.

The Committee then had the opportunity to ask technical questions of the officer and it was confirmed that any reserved matters would broadly be in accordance with the indicative layout, however the final square meterage of dwellings would not be tied to the indicative plan. The officer explained that planning conditions could overcome drainage concerns.

Members of the public then addressed the Committee as detailed above.

The Chairman drew attention to the late observations and highlighted concerns from a local resident about loss of privacy.

The local member, Cllr Nick Watts, noted the potential community benefit of the development and that the site was appropriate for housing. The Councillor expressed disappointment that a suitable indicative layout had not been agreed.

In the debate that followed members expressed their satisfaction with the planning officer's work. It was agreed that the principle of development on the site was acceptable however the indicative layout of dwellings was not.

Resolved:

To REFUSE planning permission for the following reasons:

- 1. The proposed scale of the dwellings proposed is considered to result in an inappropriate form of development that would not respect the local character and distinctiveness of the area, and would give rise to a cramped development form, a perception of overdevelopment of the site and an unacceptable impact upon the amenities of neighbouring residential properties and future residents of the development site. As such the proposal is considered to be contrary to the requirements of Policy C3 (i), (iii) & (iv) of the adopted North Wiltshire Local Plan 2011, CP10 & CP57 of the emerging Wiltshire Core Strategy (submission Draft as proposed to be amended April 2014); and paragraphs 9, 10, 14, 17, 56, 57, 58, 61 & 64 of the National Planning Policy Framework.**
- 2. In light of the above, the Council has been unable to secure a Section 106 Agreement in respect of financial contributions associated with the proposed development, contrary to Policies H3 and CF3 of the adopted North Wiltshire Local Plan 2011.**

144 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.39 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services, direct line 01225 718214, e-mail elizabeth.beale@wiltshire.gov.uk

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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	10 December 2014
Application Number	14/09769/OUT
Site Address	Land at Former Blounts Court Nursery, Studley Lane Studley Calne, Wiltshire, SN11 9NQ
Proposal	Erection of 28 Dwellings, Including Access, Car Parking and Landscaping (Re-submission of 14/04177/OUT)
Applicant	Mr Julian Sayers
Town/Parish Council	CALNE WITHOUT
Division	CALNE RURAL- Cllr Crisp
Grid Ref	396450 170996
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application is to be considered by committee as the previous planning application was refused by members of the Northern Area Planning Committee. As the recommendation is contrary to the Committee's previous decision it was considered necessary for a decision to be made by Members.

1. Purpose of Report

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the adjacent employment site
- Highway safety
- Access
- Design and Layout
- Prejudice to plan making
- S106 Contributions

3. Site Description

The application site is located to the south of Studley and the north of Derry Hill in Wiltshire. The site lies adjacent to the A4, with Chippenham approximately 5 km to the west and Calne approximately 4km to the east. To the north of the site lies Vastern Saw Mill and the residential settlement of Derry Hill to the South.

The site was previously a garden centre and benefits from an extant permission for approximately 1.4 hectares of land as a commercial garden centre, which was granted permission in 2004 and has been lawfully implemented.

The extant planning permission comprises of:

- 18,000 sq ft commercial buildings
- 4,000 sq ft covered external display areas
- Outdoor display and sales area
- 125 space customer car park

4. Planning History

13/04847/PREAPP	Residential Redevelopment of Brownfield Site with Benefit of Part Implemented Extant Planning Permission for Redevelopment as a Garden Centre
N/99/01373/S73A	RENEWAL OF PERMISSION FOR MOBILE HOME
N/00/02147/CLE	CERTIFICATE OF LAWFULNESS (EXISTING USE) FOR USE OF PART OF NURSERY GARDEN AS A GARDEN CENTRE (SUI-GENERIS)
N/00/02903/CLE	USE OF PART OF NURSERY AS A GARDEN CENTRE (SUI-GENERIS)
N/93/01942/ADC	ADVERTISING DIRECTIONAL SIGN ADVERTISING DIRECTIONAL SIGN
N/90/03055/ADC	ERECTION OF NON ILLUMINATED SIGNBOARDS
N/90/00636/ADC	ADVERTISEMENT SIGN
N/90/02404/ADC	RESUBMISSION - DISPLAY OF THREE NON ILLUMINATED SIGNBOARDS
N/02/00849/FUL	ERECTION OF REPLACEMENT BUILDINGS, CAR PARKING, LANDSCAPING AND HIGHWAY ALTERATIONS
N/03/00403/FUL	REFURBISHMENT OF EXISTING GARDEN CENTRE INCLUDING ERECTION OF REPLACEMENT BUILDINGS, REVISED CAR PARKING ARRANGEMENTS, LANDSCAPING AND HIGHWAY IMPROVEMENTS
N/03/03374/FUL	REFURBISHMENT OF EXISTING GARDEN CENTRE INCLUDING ERECTION OF REPLACEMENT BUILDINGS, REVISED CAR PARKING ARRANGEMENTS, LANDSCAPING AND HIGHWAY IMPROVEMENTS
N/05/00132/FUL	Erect 15 Affordable Dwellings 35 Open Market Dwellings, Highway Improvements & Associated Works
N/08/00822/FUL	Erection of replacement buildings (Alteration / Revision to permission 03/03374/FUL)
14/04177/OUT	Erection Of 28 Dwellings, Including Access, Car Parking & Landscaping.

5. The Proposal

The application seeks permission for the erection of up to 28 dwellings including access, car parking and landscaping in lieu of the approved garden centre. The planning application has been submitted in outline form with all matters reserved except access.

The submitted indicative layout plan demonstrates the separation of the proposed residential units and saw mill by way of a landscape and open space buffer, such that the commercial

element and its car park is accessed from an alternative access and to allow the existing employment site to operate without disturbance to the proposed dwellings.

The indicative layout shows a medium-density layout of housing consisting mainly of detached and semi detached properties, each with associated parking areas and outside amenity space, lending a generally suburban character. Toward the centre of the site is a central square and to the North is a large area of public open space.

Since the previous refusal the applicant has clarified and confirmed that the owners of the adjacent saw mill will be signatories to the s106 agreement, thereby ensuring that the noise mitigation measures will be implemented and retained, in accordance with the recommendation and proposals set out in the noise survey.

6. Planning Policy

The adopted policies relevant to the application remain those saved under the North Wiltshire District Plan (NWLP) 2011. As the site lies outside of the development framework boundary, the relevant policies are as follows:

- C1 (Sustainability Core Policy)
- C2 (Community Infrastructure Core Policy)
- C3 (Development Control Core Policy)
- H4 (Residential Development in the Open Countryside)
- NE15 (The Landscape Character of the Countryside)

Policy CF3 of the NWLP is also relevant in relation to the provision of on and off-site public open space.

Turning to the emerging Core Strategy, which due to the publication of the Inspector's report is now well advanced and is a very significant material consideration in the determination of the application, the following policies are particularly relevant:

- CP1 (Settlement Strategy)
- CP2 (Delivery strategy)
- CP8 (Spatial strategy: Calne Community Area)
- CP43 (Providing affordable homes)
- CP45 (Meeting Wiltshire's housing needs)
- CP57 (Ensuring high quality design and place shaping)

Regard should also be paid to the content of the National Planning Policy Framework, and the overarching objectives of Paragraph 14, which sets out the presumption in favour of sustainable development.

7. Consultations

Archaeology

Nothing at all of archaeological interest, which is unusual. No further work required in relation to this development proposal.

Housing

As the sites will generally be small in size, the affordable housing should be provided on site in clusters of no more than 5 dwellings, in order to contribute towards mixed and inclusive communities.

Should this proposed site be brought forward within the affordable housing policies of the emerging Wiltshire Core Strategy or as part of a neighbourhood planning process, currently the emerging Wiltshire Core Strategy would seek 30% on-site affordable housing in this location. In this instance, as the proposal is for 28 residential dwellings, we would require 8 homes (i.e. 30% of 28 dwellings) to be for affordable housing. I note that 8 on-site affordable homes have been offered, which we find to be acceptable in terms of our affordable housing requirement; 6 of these homes will need to be for affordable rent (i.e. 80% of 8 units) and 2 homes (i.e. 20% of 8 units) for shared ownership. The Council's Housing Register shows a need from 410 households seeking an affordable home in Calne, requiring 1, 2, 3 and 4 bed houses for rent and shared ownership.

Any affordable housing units agreed will need to be provided on a nil subsidy basis, in perpetuity and be transferred to a Registered Provider. The affordable rented units will need to be let and the shared ownership units will need to be sold, by following the Council's Allocation Policy, which is operated by Homes4Wiltshire.

Drainage

If the developer proposes infiltration techniques then this would need to be confirmed by carrying out on site permeability testing to BRE Digest 365. These results would provide confirmation of the infiltration rate and should be issued to us for review. If the developer proposes to discharge into a nearby ditch/watercourse, then an application for land drainage consent would also be required.

Ecology

No objection.

Spatial Planning

(The comments below are a summary/conclusion. Spatial Planning comments have been incorporated into the policy/principle section of the report).

The location of the application site, being outside the settlement boundary of Derry Hill/Studley, is contrary to adopted and emerging planning policy. It is considered that relevant housing supply policies are consistent with the NPPF. The policy approach to settlement boundaries remains relevant and is carried forward in Core Policy 2 of the Wiltshire Core Strategy, which can now be given very significant weight in accordance with NPPF paragraph 216.

The proposed development does not comply with core policies that allow for exception sites outside of the settlement framework boundary (CP34, CP37, CP39, CP40, CP44, CP46, CP47 and CP48) and the site is not being brought forward through a neighbourhood plan or the Wiltshire Housing Sites Allocations DPD as required by core policy 2.

Currently, the Council considers that there is a 5 year land supply for the housing market area within which the site sits.

In accordance with the NPPF 'housing applications should be considered in the context of the presumption in favour of sustainable development' (paragraph 49). Sustainable development in the context of Wiltshire is defined by policies in the emerging Wiltshire Core Strategy. Within the sustainable development strategy Derry Hill/Studley is defined as a large village where development is to be limited to that needed to help meet the housing

needs of settlements and to improve employment opportunities, services and facilities. (CP1). The sustainable development strategy also prioritises the re-use of previously developed land with a target of 35% of all development on previously developed land (CP2)

Notwithstanding the fact that the site is contrary to policies concerning development in the countryside, it is important to also consider any other material considerations that may warrant a departure from the plan in this specific case.

Highways

I have insufficient grounds to recommend the application be refused on highway or transport grounds, and therefore recommend that permission subject to conditions.

Calne Without Parish Council

It has been decided by majority to approve, but the following views should be considered:

- A pelican crossing for the A4 has been suggested. This should form part of the decision.
- If Council are minded to approve the application, a more suitable controlled crossing solution that would allow vehicle crossing from either side, to be easier and safer should be considered.
- Consideration should be given to a staggered crossing, similar to that implemented at the Whitehall Garden Centre junction.

Public Protection

The noise report states that they can suppress the noise of the saw mill so as to achieve a Rating Level of 35dB(BS4142:1997) at 1m from the nearest noise sensitive properties. This is 5dB below the lowest measured background noise level of 40dB.

Whilst this will require major mitigation measures at source, if this can be achieved, I could raise no objection on noise grounds. The mitigation measures outlined in the report should be clearly prescribed in any agreement and the target level should be validated by measurement after the remedial works have been completed.

The explanation (from the applicant) of the need and format of the legal agreement to resolve the noise issue is still required.

Public Open Space

The applicant has provided an indicative dwelling mix. The POS requirement for this dwelling mix is 1920m², of which 216m² should be play provision. The provision will be provided on site and should be provided through the s106 agreement.

The Site Layout Plan (DH/P/002) shows no play area on site. The Council would prefer the Play requirement for this development to be satisfied with an extended Local Area for Play (LAP) on the proposed Open Space

The developer must ensure the Open Space land is secured as Open Space in perpetuity. The Councils preferred approach would be for the Open Space to be transferred to a management company, or to the Parish Council (if they are willing). A commuted sum for maintenance would also be required. This can be controlled through the s106 agreement.

Leisure Services

For this development, working on 2.3 people per dwelling the Calculator recommends the following contribution based on 28 dwellings with 30% affordable:

Pools £7,477

Halls	£8,558
Indoor Bowls	£999
Artificial Turf Pitch	£1,089
Total	£18,123

It is proposed that the contribution is used on the following projects:

- Upgrading of the Pool and Sports Hall Seating
- Upgrading of the multi-purpose hall and artificial turf facilities to take the pressure off the main sports hall.

Government Pipeline and Storage System

No objection.

Landscape

No comments received. Objection to the previous planning application set out below:

Landscape holding objection until such time as the visual effects of any necessary noise attenuation structures or features are clearly established and found to be acceptable. I recommend requesting additional information in the form of illustrative sections through the sites southern and northern boundaries as a minimum. If these measures are subsequently judged to be unduly prominent, uncharacteristic, or harmful to local character and/or visual receptors, these effects will require an effective and appropriate form of landscape mitigation (which should also be included on the requested sections) in order to safeguard local character and visual amenity interests. Successful resolution of this issue may require additional land take which could impact on final deliverable housing numbers.

Waste Services

A contribution of £121 per dwelling is required to cover waste and recycling provision costs.

Economic Regeneration

Retention of employment sites will support projected employment growth, and will address out-commuting from the area.

Land is a key component in determining the economic capacity of an area and remains a factor in business location decisions. I would thus recommend that employment use of this land is given serious consideration.

8. Publicity

The application was advertised by neighbour letter, site notice and press advert.

64 objections and a petition containing 38 signatures from local residents were received when the previous application was considered.

The current application resulted in the submission of 30 letters of objection.

Summary of key points raised:

- Principle of development and land supply
- Same as the last application. No reason to grant permission
- Impact on site character and appearance
- Impact on highway safety
- Housing not needed
- Traffic signals required

- Housing density too large
- Speed limit on A4
- Adequacy of local services and infrastructure
- Loss of agricultural land
- Drainage problems within the site
- Sewage problems
- Impact on ecology and wildlife
- Noise disturbance from saw mill
- Long term future of saw mill
- Safety concerns relating to oil pipeline running through site
- Loss of employment Land
- Impact on existing employment land
- Outside framework boundary and not closely related to existing settlements.
- Development Urban in appearance
- Acoustic Fence will look poor
- There has been no consultation with the community since the refusal

A letter was also received from 'Studley Action Group'. The submission by this group raised similar concerns as the local residents.

9. Planning Considerations

Policy and Principle

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.

The starting point for consideration of this application is the policies of the Development Plan. The current development plan is the North Wiltshire Local Plan and the site lies outside both the Framework Boundary of Calne and Studley/Derry Hill. The whole of the site therefore lies in the open countryside where new housing development is not permitted unless justified in connection with the needs of agriculture and forestry. No such justification exists in this case.

The development plan for the area includes Policy H4 of the North Wiltshire Local Plan 2011, adopted in June 2006 and subsequently saved by direction of the Secretary of State. This policy prevents development outside defined Framework Boundaries, save for countryside purposes. For the purposes of Policy H4, the settlement boundary of Derry Hill/Studley is the Framework Boundary. The principle behind policy H4 is both to contain development within the main built up area of a settlement and protect the countryside. The application site lies outside this boundary and the development is therefore contrary to Policy H4.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the subsequent Planning Practice Guidance (PPG) are material considerations, which can be accorded weight. The Wiltshire Core Strategy (WCS) and the Wiltshire Housing Site Allocations (WHSA) DPD are also material considerations which can be given weight according to their stage of preparation. The WCS being well advanced can be afforded very significant weight.

Policy CP2 allows for development outside settlement boundaries where they are permitted by other policies of the plan or where they are brought forward through a neighbourhood plan or Site Allocations DPD. The principle behind policy CP2 is both to contain development within the main built up area of a settlement and protect the countryside. This proposal is contrary to these policies; it is not being brought forward via these alternative plans and does not comply with core policies that allow for an exception to this approach.

Policy CP2 does allow plan led change to the limits of development through a Site Allocation plan or Neighbourhood plan. The purpose of this is to ensure a proper plan-led approach to identify the most sustainable sites that can best support the development required. The Wiltshire Housing Site Allocations Development Plan Document is currently under preparation, and will identify site(s) within the area to meet the identified housing need. In his recent decision on an appeal at Park Road, Malmesbury, the Secretary of State made it clear that the potential output forthcoming from this was *'an important material consideration to be taken into account'* and that the preparation of this *'needs time to go through the proper consultative and statutory processes'*

At present, neither Calne or the surrounding areas have an adopted or draft neighbourhood plan, although it is understood that there is local intent for this to happen.

Core Policy 2, the key housing delivery strategy of the emerging Wiltshire Core Strategy, states as follows:

"Within the limits of development, as defined within the proposals maps, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This development must be adjacent or well related to the limits of development."

Studley & Derry Hill are identified together as the sole Large Village under the emerging Core Strategy for the Calne Community Area. The site, albeit separated from Derry Hill to the south by the A4, is located on the edge of this settlement. It relates to a piece of land where the principle of development has been established through the introduction of the garden centre next to the saw mill. In these circumstances, it could be considered that the development does not represent encroachment into the open countryside; an objective of both adopted policy H4 and emerging policy CP2.

Prejudice to plan making

The question of prematurity has been raised in comments from local residents. Central Government advice in the NPPG on prematurity states:

Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

For the reasons set out above it would be very difficult to sustain a reason for refusal based on prematurity. So far as the Neighbourhood Plan is concerned, this is at a very early stage in its preparation.

In relation to plan making, the scheme is for up to 28 dwellings on the site. The Council's Core Strategy requires additional dwellings in the Calne community area during the plan period. Indeed, Core Policy 8 of the Core Strategy Identifies Studley/Derry Hill as the sole Large Village within the Calne Community Area where the majority of housing, outside of Calne, is likely to come forward (development at small villages is limited to infill only by core policy 2). The latest housing land supply statement (July 2014) indicates that approximately 75 additional homes should come forward over the period to 2026 in the rural parts of the community area.

The effect of allowing this development would not in itself be so significant as to undermine the Plan making process taking into account the previously developed nature and use of the land and its relationship to the settlement boundary.

Five Year Land Supply

The NPPF, at paragraph 47, requires that, to boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Planning permission should then be granted unless any 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'.

Currently, the Council considers that it does have a five year land supply for the housing market area within which the site sits, a decision endorsed by the Core Strategy Inspector and so this paragraph in the NPPF is not engaged and therefore the development plan policies are considered to be up-to-date.

Notwithstanding the fact that the Council can demonstrate a five year land supply, this should not necessarily be the determining factor of the application and other material considerations should be considered.

Previously Developed Land

One of the key reasons for considering an exception to policy in this location is that it is previously developed land. As set out above, the site benefits from planning permission to redevelop the site for a nursery (since implemented). Preference is given to the use of previously developed land in core policy 2 of the Core Strategy and in national guidance contained within the NPPF and PPG. Preference should be give to land such as this for the provision of dwellings providing it conforms to other planning policies.

The scheme is unlikely to have a prominent environmental impact.

Noise

The proximity of the proposed development to an established employment generating use is a concern. To overcome this, the applicant has submitted a noise assessment and proposed mitigation measures. These have been considered by the Council's public protection officer and he is of the opinion that the two uses can operate without conflicting with each other.

To ensure that the mitigation is secured in perpetuity, a condition and legal agreement are proposed. The site owner, Council and applicant will be signatories to this document. No objection is raised in terms of noise disturbance from the saw mill.

Similarly, the noise from the adjacent 'A' road can be mitigated through the installation of acoustic fencing. This is also considered to be acceptable and will be controlled by way of condition.

Highway Improvements

The scheme will provide highway improvements (some of which were requested through the original consultation exercise). This includes but is not limited to: improved pedestrian crossing facilities; junction improvements; road widening, and speed limit reduction. This is considered to be a public benefit and one that weighs in favour of the proposal.

Economic Benefits

The proposed development, as with any housing development of this nature would have economic benefits. As a project, it would generate investment and economic activity. During the construction phase it would create jobs and a demand for local services. After completion, the new residents would bring additional spending power to the local area. Paragraphs 18 and 19 of the NPPF gives weight to the need to support economic growth. These matters count in favour of the proposed development.

Market Housing and Affordable Housing

The provision of 28 new dwellings, 30% of which are affordable, would be a benefit to the local area. This specific need for affordable housing is identified within the North Wilts Local Plan and Core Strategy, which seeks the inclusion of affordable housing in all residential developments. The proposal seeks to enter into a legal obligation which ensures that 30% of the units would be provided as affordable rented or intermediate housing, as defined in the relevant national policies. This percentage is the same as that sought in the emerging Core Strategy. The provision of affordable housing would be a benefit.

Urban Design & Layout

This site does benefit from an extant permission which could be implemented at any time. The development of this would, as a matter of fact, have an impact on the landscape character of the area.

The applicant has agreed to retain some existing landscape features whilst improving landscaping within and to the edge of the site, such as perimeter hedgerows and some wooded areas. These are proposed for retention within the current proposals, which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character, but also to ensure their long term health and viability is sustained for future generations.

The indicative layout has been amended from the submission of the original pre application and has positively addressed many of the issues highlighted. The revised illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity, place making and space to accommodate adequate maintenance for retained and proposed trees and hedgerows.

It is considered that the proposal results in a good indicative layout, furthermore, the proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

It is considered that further structured landscaping in the form of new buffers and tree planting would be necessary in order to better integrate the proposed development into the wider landscape context, and to protect the wider panoramas viewed from public vantage points. This can be controlled at the reserved matters stage.

The noise assessment requires the installation of acoustic fencing towards the outer limits of the site. It is acknowledged that these are large and can have a detrimental impact on the amenity of the area. However, such mitigation has been used at other sites within Wiltshire and the immediate area and these have assimilated into the area relatively quickly and without harm to the area.

It is considered that the impact on the appearance of the countryside will be acceptable in this location.

Ecology

Concerns have been raised by local residents in terms of ecological impact. The Council's ecologist has raised no objection to the proposed development and a reason for refusal based on this would be difficult to justify at appeal.

Highways

Local residents and the local parish council have raised numerous concerns in relation to the provision of a controlled crossing. Previously the highway officer recommended the following condition:

Prior to the occupation of the first dwelling on the site, a controlled pedestrian crossing and a 2metre wide footway shall have been provided on the A4 in accordance with details which shall first have been submitted to and agreed by the local planning authority.

It has been suggested that this is replaced with the following condition:

Prior to the occupation of the first dwelling on the site, improvements to the uncontrolled refuge crossings on the A4 shall have been provided in accordance with a scheme of local junction area improvements which shall first have been submitted to and agreed by the local planning authority. The scheme of local area junction improvements could include additional lighting, refuge improvement, road markings and general informatory signs and visual prompts to highlight the potential pedestrian movement.

Whilst the suggested condition would not give pedestrians a priority over vehicles in the way a controlled crossing would (and in that regard the situation for some users would be less attractive), it is considered that, on balance, an acceptable outcome can be achieved, avoiding the provision of signal controlled equipment that would likely be underused (and therefore a potential safety risk to safety of road users, because of the infrequency of pedestrian calls) and an expensive additional item to maintain (despite a potential developer commuted maintenance sum).

It is noted that the developer offers to fund a controlled crossing and a TRO to control approach speeds; the latter has an uncertain outcome, and is not, on the basis of current conditions at the junction, justified in relation to the speed limit criteria approved by Members. Whilst the objective remains to counter the severance caused for pedestrians and cyclists by the A4, it is important that measures are not introduced unless justified.

The Calne Without Parish Council has suggested that the cross-roads be controlled by way of traffic signals. The Transport Statement has tested the capacity of the junction, and whilst it is demonstrated that the junction is near or at capacity in respect of certain arms (the Derry

Hill arm), it would be difficult to justify this development being required to pay for such an expensive scheme, given the difference in numbers of peak period trips of the development compared with the fall-back position.

Out of peak periods, traffic flow on the A4 considerably less, and on the side arms is low. Previous concerns in the village have centred on traffic drawn through the village; the recent development to the south western quadrant of the junction was required to install, amongst other things, traffic calming to discourage through traffic. Provisions of signal controls at the junction could have the effect of attracting traffic to the route, especially eastbound through the village.

Should the application be approved, any required works on the A4 would be dealt with by way of a s278 agreement. Should Members be minded to pursue the traffic signal controlled crossing option, then that, along with any TRO that might be deemed appropriate, would also be dealt with via a s278 agreement.

S106 Contributions

At the present time, given the outline nature of the scheme, a section 106 agreement will be required. The Heads of Terms have not yet been fully agreed in respect of the proposal and will be presented as a late item.

10. Conclusion

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. The location of the site is contrary to policy H4 of the adopted North Wiltshire Local Plan. Furthermore, the Council can demonstrate a 5 year housing land supply, which suggests there is no immediate need to release additional housing now. The development beyond the settlement framework boundary is also contrary to emerging policy in the Wiltshire Core Strategy (CP2).

It is also important to consider whether there are any material considerations that weigh in favour of the development, which would warrant an exception from the plan. This involves a balancing exercise requiring careful assessment of issues relevant to policy considerations and the weight to be given to other material considerations.

A significant benefit that weighs in favour of the proposal is the previously developed nature of the site, reducing the localised impact on the countryside. Priority is given to the use of previously developed land in core policy 2 and in national guidance contained within the NPPF.

The benefits of the proposal also include the delivery of housing, including affordable housing, at a scale of development that is not inappropriate in the context of the local area; and some economic benefits through construction and occupation of the houses. The development would see improved pedestrian linkages between Studley and Derry Hill as well as other highway improvements.

It is also recognised that the core strategy anticipates that some growth is likely at Studley/Derry Hill given the fact that it is the only large village in the Calne Community Area and there is a need for approximately 75 more homes in the rural area. In this context the effect of allowing this development on previously developed land on a site adjacent to a settlement boundary would not be so significant as to undermine the Plan making process.

It is also a material consideration, given the Government's support for localism, that the proposal is supported by the parish council.

On balance, whilst there are in principle objections to the proposal, based on the site being outside of the settlement limits and not being delivered through the plan led approach advocated by CP2, it is considered on this occasion that the benefits as identified above outweigh these concerns on this particular site.

RECOMMENDATION

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to the planning conditions set out below:

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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.

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority 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.

No more than 28 dwellings shall be developed on the application site edged red on the submitted Site Plan.

REASON: For the avoidance of doubt and in the interest of proper planning

An Urban Design and Landscape Framework Plan for the development of the site hereby permitted shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall be approved in writing by the local planning authority. The Urban Design and Landscape Framework Plan shall be broadly in accordance with the submitted Master Plan (Plan Number H.0360_01F) and shall include details of:

- a. The location, orientation and heights of buildings;
- b. The format of the public realm, including all routes and spaces and the location of children's play areas;
- c. The location of open spaces available to the public, including their function and means of maintenance access.
- d. Tree and hedgerow protection plan
- e. Landscaping details including planting plans, species and density of planting
- f. Hard and soft landscaping details
- g. Materials to be used in the construction of the dwellings

Development shall be carried out in accordance with the approved Urban Design and Landscape Framework Plan.

REASON: For the avoidance of doubt and to ensure the development is of an acceptable visual appearance.

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

Prior to the commencement of the development Studley Lane shall be widened and improved in accordance with details which shall first have been submitted to and approved by the local planning authority. The details of the widening shall include the

provision of a footway of minimum width 2 metres on the development side of the widened lane, and the provision of a bellmouth junction to the site, which shall include visibility splays for the access, and improvements, by way of forming a footway crossing, to the access retained for car parking for the adjacent sawmills site.

REASON: In the interests of highway safety

Prior to the occupation of the first dwelling on the site, improvements to the uncontrolled refuge crossings on the A4 shall have been provided in accordance with a scheme of local junction area improvements which shall first have been submitted to and agreed by the local planning authority. The scheme of local area junction improvements could include additional lighting, refuge improvement, road markings and general informatory signs and visual prompts to highlight the potential pedestrian movement.

REASON: In the interests of highway safety and to address the severance of the site for pedestrians.

No dwelling built on the site shall be occupied until it has have been provided with car parking spaces in accordance with the minimum standards as required by the Wiltshire LTP 2011-2026 Car Parking Strategy. Any garage counted as a parking space shall have an internal dimension of at least 3m by 6m per space

REASON: To ensure adequate parking space is provided on site clear of the highway.

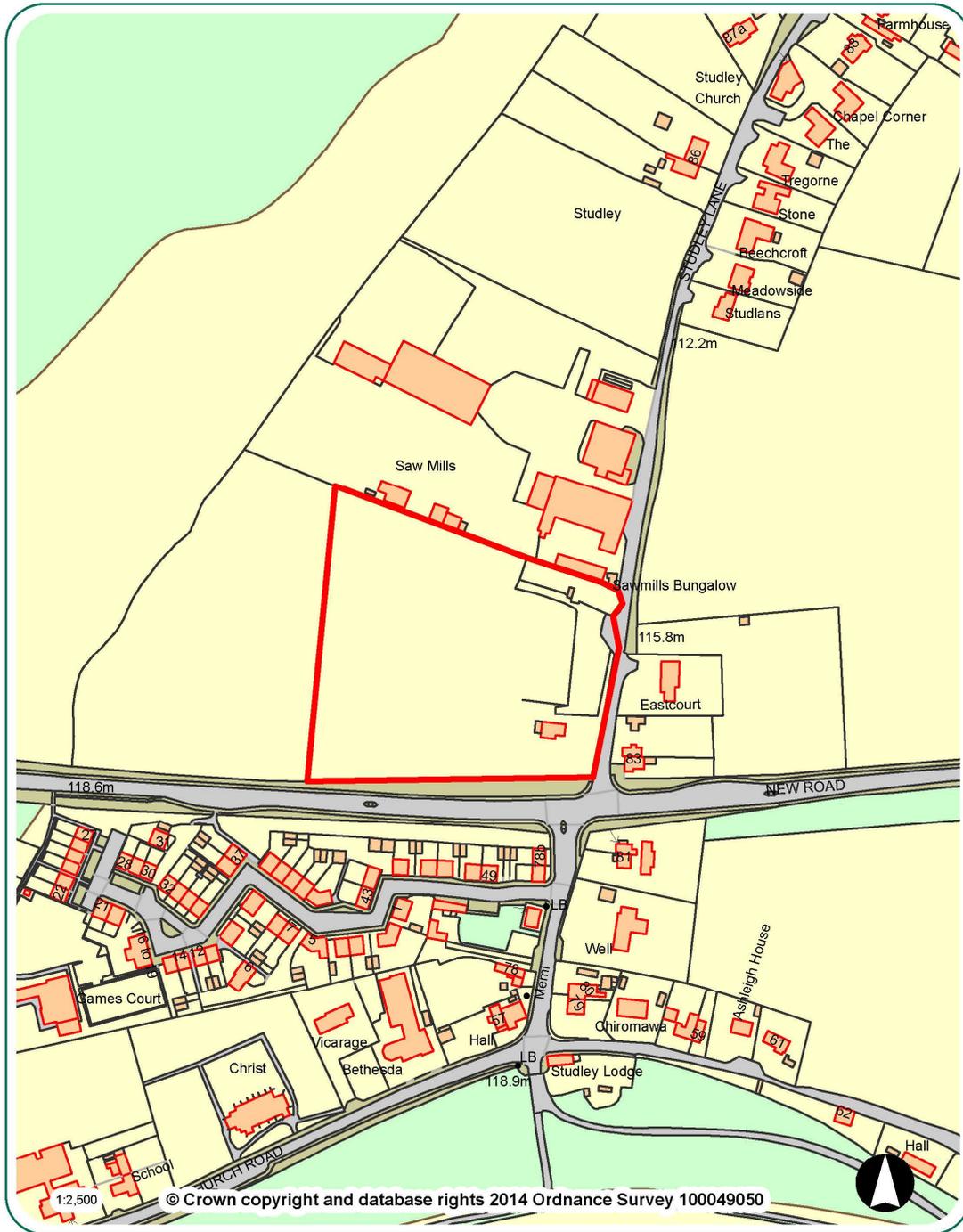
Before any application for approval of reserved matters is submitted to the Council, the noise mitigation measures set out in 'Emtec Noise Level Survey and Noise Control Measures'- Issue 18 July 2014 shall have been implemented in full. Once the works are complete and before any application for approval of reserved matters is submitted to the Council a Noise Level Survey in accordance with BS4142:1997 shall have been submitted to and approved in writing by the Local planning authority demonstrating that the noise levels from the sawmill have been suppressed so as to achieve a Rating Level of 35dB(BS4142:1997) at 1m from the nearest noise sensitive properties. This noise mitigation shall thereafter be permanently retained.

REASON: To ensure adequate residential amenities of future residents.

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.



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REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	10 December 2014
Application Number	14/04658/FUL
Site Address	9 A Malmesbury Road Chippenham SN15 1PS
Proposal	Demolition of Church Hall & Erection of 5 Dwellings
Applicant	Mr Graham Pattison
Town/Parish Council	CHIPPENHAM
Division	CHIPPENHAM HARDENHUISH- Cllr Watts
Grid Ref	391879 174021
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application has been called in by Cllr Nick Watts, in order to consider the scale of the development and the many issues raised by local residents.

1. Purpose of Report

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the setting of the Grade II* listed building
- Loss of social and community facilities
- Impact on existing properties
- Design and Layout
- S106 Contributions

3. Site Description

St Paul's church hall, constructed and added to at various times in the 20th century, is an L shaped building comprising two halls, toilets, a small kitchen and an office. The two halls are pitched roof volumes perpendicular to each other. Externally the

walls are pebble dash render with white painted timber frame doors and windows and a dark red pantile roof.

The site of the proposed development is adjacent to the historic church building of St Paul's (Grade II* Listed Building) on the north east corner of Malmesbury road and Greenway lane. The site also includes the car parking facilities for the church, which will be retained as part of the proposal.

4. Planning History

N/05/01830/TCA Tree Surgery Work to Sycamore Tree

5. The Proposal

The proposed development comprises 5 terraced dwellings which reflect the surrounding residential architecture in rhythm and the height being marginally greater than that of the adjacent property, a dentist surgery with residential accommodation above.

The individual frontages of the proposed dwellings are 5.5m wide, which is similar in width to the surrounding residential properties. Parking for the properties is located to the rear as are the properties private amenity space. Additional private amenity space is provided within the roof in the form of a roof terrace.

6. Planning Policy

North Wiltshire Local Plan 2011:

- C2- Community Infrastructure
- C3- Development Control Policy
- NE17- Contaminated Land
- HE1- Development in Conservation Areas
- HE2- Demolition in Conservation Areas
- CF1- Local Community and Education Facilities
- CF3- Provision of Open Space
- H3- Residential Development within Framework Boundaries
- H5- Affordable Housing in Urban Areas

Emerging Wiltshire Core Strategy (submission Draft as proposed to be amended April 2014):

- CP 10- The Spatial Strategy: Chippenham Community Area
- CP43- Providing affordable homes
- CP49- Protection of rural services and community facilities
- CP57- Ensuring High Quality Design and Place Shaping
- CP58- Ensuring the Conservation of the Historic Environment

National Planning Policy Framework 2014:

- Achieving sustainable development – Core Planning Principles
- Chapter 7 – Requiring Good Design
- Chapter 8- Promoting healthy communities
- Chapter 12- Conserving and enhancing the historic environment

7. Consultations

English Heritage- In our view, there is not enough information submitted with the application to enable an adequate assessment of the potential impact of the proposal on the historic environment. Paragraph 128 of the National Planning Policy Framework is clear that applications should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In this case, the proposal involves the complete demolition of a building within the conservation area, and the redevelopment of the site adjacent to the grade II* listed church.

Additional information has been provided to English Heritage and their comments will be presented as a late item.

Wessex Water- New water supply and waste water connections will be required from Wessex water to serve this proposed development. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

Housing- No affordable housing required

Public Open Space- This development generates a need for £29,100 in offsite Open Space Contribution to be used to upgrade facilities at John Coles Park. The Contribution would be secured by Section 106 agreement, therefore the developer would be advised to seek legal advice before signing up to this agreement.

Highways- I refer to the amended drawing received dated 3 September (attached). The drawing 'Ground floor and Site Plan, 2016 L3A. 25.04.14' addresses my previous highway comments. I recommend that no highway objection be raised subject to the following conditions.

Conservation- Looking at the history maps, the hall was built sometime around the late 1920s-early 1930s. Prior to that the area was open land giving velar views of the grade II* church.

I welcome the proposal to open up the views towards St Paul's church when approaching southbound along Malmesbury Road. I feel that the proposed footprints of the new dwellings are roughly akin to the adjacent Victorian houses and, subject to detail, would support modern designs using sustainable materials and a Green approach. Overall, I am very encouraged by the development on site.

Chippenham Town Council- Recommend refusal due to density, loss of amenity of the Church Hall and the effect on the character of the area and listed building. The Town Council request that it is informed of any section 106 monies arising from this development

8. Publicity

The application was advertised by site notice and neighbour consultation. This

resulted in the submission of 18 objections and 2 letters of support. A summary is set out below.

Objections:

- Overlooking and privacy
- Fails to enhance and preserve the conservation area
- Traffic and parking problems
- Poor design
- Roof Line too high
- Danger to highway safety
- Impact on dental surgery
- Noise during construction
- Loss of light/ventilation to dental surgery
- Loss of community building
- New housing not needed
- Over development of the site
- Roof terrace is a problem (overlooking/privacy)

Support:

- Good design
- Will allow the removal of unsightly building
- Better facilities to be provided in the building

9. Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act states that *“determination must be made in accordance with the plan unless material considerations indicate otherwise”*. This is the starting point from a policy point of view. The North Wiltshire Local Plan forms the local component of the current development plan.

The site is situated within the urban area of Chippenham wherein the redevelopment of previously developed land for residential accommodation is acceptable in principle.

The proposal is for the construction of up to five dwellings. As such, any new residential development must be considered against Policies C3 (Development Control Policy), and H3 (Residential Development Within Framework Boundaries) of the adopted North Wiltshire Local Plan 2011, CP10 & CP57 of the Emerging Wiltshire Core Strategy and Sections 1, 6 & 7 of the NPPF. These policies and guidance allow for residential development in principle.

Furthermore, the property is considered to be a community facility. Central government *advice in the NPPF gives advice on the retention of community facilities which include local shops, places of worship, sports venues, meeting places and public houses. In Para 70 it states that Councils should guard against the unnecessary loss of these valued facilities and services, particularly where this would reduce the communities ability to meet its day-to-day needs. Policy CF1 of the North Wilts Local Plan (NWLP) deals with the retention of community uses which includes facilities such as this, this policy is to be retained once the Core Strategy is formally adopted. It states that planning permission will not be granted for*

development which would result in the loss of viable social and community facilities, unless satisfactory alternative provision is made.

This is re-iterated in the Emerging Core Strategy Policy CP49 which indicates that existing social infrastructure will be protected unless appropriate alternative provision is made, or satisfactory evidence is provided to prove the facility is no longer viable. The re-use of a building for an alternative social or community service or facility is preferred. However, CP 49 does specifically relate to rural services and the need to meet the prescriptive requirements in the policy is not strictly required.

When making a decision on any application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Decision-making policies in the NPPF and in the local development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions.

In the consideration of this application special attention to the desirability of preserving or enhancing the character or appearance of that area must take place. The House of Lords in the South Lakeland case decided that the “statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved.”

A development that merely maintains the status quo, perhaps by replacing a building that detracts from the character and appearance of the conservation area with a similarly detrimental building, would satisfy the statutory consideration.

Loss of Community Facility

One of the main issues affecting the scheme is whether the proposed loss runs contrary to policy in terms of the need to safeguard social and community facilities under Policies 68 and CS23. In considering the potential loss of the facility both policies refer to the need to assess the viability of the facility and that appropriate alternative provision is made available. We need to be satisfied that the applicant have provided sufficient evidence in both cases for us to come to an informed decision.

While it is regrettable to lose a valuable community facility, it is important to look at each case on its merits. Notwithstanding the hall has closed, the applicant has highlighted concerns over the long term viability of the hall and has pointed to the availability of alternatives, as well as providing some assistance in the relocation process.

Effects on appearance of building

It is considered that the design of the new houses is appropriate. The proposed dwellings are of simple proportions with a rectangular form and a traditional roof form. The proposal is a modern approach to an area characterised by terraced properties. It is considered that sufficient detailing has been added to ensure that it is high quality and interest added to the design. In particular the staggered frontage, roof terraces, roof form of the properties and create an attractive front elevation that relate well with the street scene. As such the proposed design is considered to meet the requirements of Policy C3 of the NWLP and Core Policy CP57.

Impact on Street Scene

The immediate area consists a mix of units from various periods. The predominant housing type within the immediate street appears to be two-storey terraced and semi detached housing. All units directly front the road with or without off-street parking provision to the frontage. The NPPF indicates that good design is fundamental to using land efficiently. It notes that Councils should facilitate good design by identifying the distinctive features that define the character of a particular area and careful attention to design is particularly important where a site is being intensified.

The proposal has adopted a two storey design with units utilising the roof space as an amenity area and a terraced form that is not out of keeping with the area. The utilisation of the roof space rather than the construction of an additional storey has been adopted so that when viewed from street level the building would appear to be a similar height to the properties within the immediate street. It is also important to note that alterations have been made to the proposed development to overcome previous concerns raised by the case officer and Conservation Officer.

The units would positively front onto the adjoining road originally maintaining the formal building line. This design however seeks to reinvigorate the church's role in the community - both physically and socially. Through a simple architectural gesture of stepping back the frontages of each individual unit, the street scene opens up to reveal the principal entrance at the North West corner of the church. This is considered to be a positive design feature and one that is a significant improvement on the existing situation.

Overall, the proposal is considered to complement the existing 'traditional' character of the area. It should be noted that the structure being replaced is of a poor architectural design. Therefore, the proposed units are of an acceptable design to the surrounding context and it would be difficult to justify and substantiate a refusal on architectural grounds .

However, the proposal contains limited information relating to the proposed hard and soft landscaping scheme and the materials to be used in the development including. The materials are considered to be extremely important to ensure that the development is high quality. It is therefore necessary to require these details by way of condition. Ensuring that proper plants are selected and planted in their optimal growing location, outdoor living spaces are functional and aesthetically pleasing, and appropriate materials are used for buildings, driveways etc is essential to any high quality development. It is therefore deemed reasonable and necessary to condition these details to be submitted and prior to the commencement of development.

Garden Size

Although the potential garden areas are smaller than the average gardens within the area the local plan has no specific policy relating to garden sizes. Bearing in mind the size of the dwellings it is considered that the outdoor space provided satisfies the guidance for outdoor amenity space. The proposal would allow for some outdoor space, sitting out, bin storage and the hanging out of washing, the proposal would also provide outdoor amenity space within the loft of the property thereby increasing the usable area.

To ensure that adequate amenity space is retained it is deemed necessary to remove permitted development rights for rear extensions and outbuildings to the proposed properties. This will allow the Council to control any future extensions and ensure that adequate amenity space is retained.

Density of development

Due to the garden size of the proposed development being smaller than the surrounding properties the density of the development will be greater than the existing street scene. However, the width of the dwellings is not dissimilar to the existing street. Therefore, when viewing the properties from Malmesbury Road it will not be at odds with the character of the area,

Taking into consideration the existing densities within the street scene it is considered that the proposed density is acceptable and not detrimental to the character of the area.

Impact on Neighbours

Concern has been raised by local residents living opposite the site in Malmesbury Road, these concerns relate to loss of privacy/overlooking from the roof terrace. These concerns are noted and a request has been made to the applicant for the roof terrace to be moved to the rear elevation. The applicant has chosen not to amend the proposal as the alteration would have implications in relation to the sustainable credentials of the development due to loss of solar gain.

The concerns of local residents are noted, however, the separation between dwellings varies between 15.5m & 21.5m. This separation is not dissimilar to other developments within the locality. It is acknowledged that outdoor amenity space is to be provided within the roof and there could be overlooking and perceived overlooking from it. However, taking into consideration the existing overlooking from public footpaths and roads, the separation between properties and the acceptability in principle of this roof space being used for habitable accommodation with the provision of rooflights, dormer windows the relationship is considered to be acceptable in planning terms and in accordance with CP57 and C3.

The concerns raised by the dental practice are noted but many of these are civil matters and cannot be controlled through the planning process. For example the noise and dust during the construction phase has to be expected with any development and would be controlled through environmental health legislation. The window at ground floor level looking into the site is noted. However, to refuse permission based on this window would be difficult to substantiate. Under permitted development the site owner could install a fence along this boundary and block light

and prohibit the opening of it. It is acknowledged that the proposal will cause loss of light to this window but to refuse an application based on this would be difficult to substantiate at appeal.

It is considered that the proposed development, on balance, would not cause harm to the residential amenities of surrounding properties. The development will not result in any significant loss of sunlight, daylight or privacy for adjoining properties.

Social and Community Facility

One of the main issues affecting the scheme is whether the proposed loss runs contrary to policy in terms of the need to safeguard social and community facilities under Policy CF1 of the NWLP and Section 8 of the NPPF. In considering the potential loss of the facility both policies refer to the need to assess the viability of the facility and that appropriate alternative provision is made available.

Pre application discussions took place and in the Council's response we considered that on balance and solely based on the information provided by the applicant regarding the loss of the hall, that a case could be made to support this. The current information with the application repeats and updates this. Information submitted with the application includes:

- current use of the facility;
- suitability and availability of alternative venues;
- future suitability of the facility
- quality and cost of upgrading the existing building.
- Alternative use of the church

Furthermore, Officers did point out that it would have been useful in support of their case for the applicant to provide an income/cost analysis to back up their assertions over viability. This has still not been provided in any level of detail.

However, it is important to concentrate on the most recent uses and condition of the building and the implications this would have had for its future. The policy should not be used to keep open facilities that are genuinely unviable to the owners & operators. Through the redevelopment the applicant is seeking to secure a money to provide new and upgraded facilities within the church and the church, through its own policies and requirements has a commitment to do this. This has some local community support. However, while a worthy cause by itself this is not seen as compensating for the loss of the function hall and this does not form part of the proposed legal agreement.

The Council accept that a replacement building would be costly and prohibitive to the Diocese. Furthermore, while the building would have been still useable in the near term it is clear from the condition and age of the existing building that the hall would have an uncertain future without continued major investment in the fabric of the building. However, it would have been of more assistance if additional evidence could be provided for the cost of such works relative to potential income (of all forms) to back up the assertions over the viability of the hall building.

The applicant has stated that the facility was being poorly used and didn't generate sufficient income for ongoing costs. Their evidence would point to a small number of

regular users and limited activity outside of this. They refer to other alternative halls being available locally (of which a list has been provided) with many of them having capacity to accommodate the former existing users. The Diocese has provided assistance with finding alternatives, some of which have been successfully relocated. The evidence appears reasonable on face value in terms of alternatives and the help provided by the Diocese, although it would be unfair to expect all alternative facilities to be exactly equivalent (e.g. in terms of cost, location, availability).

However, local residents have stated that the hall was being well used and no account was taken of ad hoc bookings for a variety of social functions. While it is regrettable to lose a community facility, it is important to look at each case on its merits. The applicant has highlighted concerns over the long term viability of the hall and the increasing costs of maintaining the Grade II* listed church and has pointed to the availability of alternatives, as well as providing some assistance in the relocation process. As with many churches, they are becoming multi functional facilities and the need to rationalise the buildings within their ownership to ensure the long term preservation of the church is now not uncommon.

On balance the loss of this facility is considered to be acceptable.

Asset of Community Value

Under the Localism Act provisions Councils are required to maintain a list of public and private assets of Community Value and to consider whether any asset should be added to the list upon receiving a nomination of an asset.

Schedule 3 of the 2012 Regulations sets out the relevant disposals to which s 95(1) of the Localism Act 2011 does not apply and at paragraph 4 (b) the exclusions include a disposal made in pursuance of a legally enforceable agreement. It is understood that the Council has not had any application and has therefore not considered a nomination that the property should be included on the register of Assets of Community Value.

Highway Safety and Parking

The applicant is proposing to retain the existing access into the car park and to construct a new access to serve the sites off street parking requirements. This new access will lead to a parking court to the rear of the dwellings as shown on the submitted plan. There is sufficient space within the court for all cars to enter and leave in a forward gear.

Concerns were originally expressed by the highway authority regarding the position of the proposed access and visibility. Having one point of access onto this minor road will ensure that vehicles enter the site and leave in a forwards gear and are considered to be acceptable.

Concern was also raised in relation to the level of parking for the proposed dwellings. The level of parking proposed not accords with the Council's parking requirements and the objection has been removed. Furthermore the properties are located within walking distance of the train station, bus stops and local facilities. The level of parking is considered to be acceptable.

Impact on the Conservation Area and listed building

The site is located within the conservation area and in close proximity to a grade II* listed building.

The NPPF seeks positive improvement in conservation areas. Most explicitly paragraphs 126 and 131 require that local planning authorities should take into account "the desirability of new development making a positive contribution to local character and distinctiveness".

Paragraph 9 says that pursuing "sustainable development involves seeking positive improvements in the quality of the...historic environment...". The design policies further reinforce the objective of enhancement of an area's character and local distinctiveness, concluding that "Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area..."

Compliance with both the statutory consideration and the NPPF policies therefore, generally speaking, requires account to be taken of the desirability of taking opportunities to enhance the character and appearance of a conservation area.

English Heritage has not yet formally responded but have indicated that they are supportive of the scheme. It is important to note that the Council's conservation team also support the application.

The existing building is of poor quality design and in a condition of poor visual appearance. Furthermore the current site layout fails to complement or benefit the setting and character and setting of the Grade II* listed building & conservation area. As set out above the proposed dwellings, though modern are of a high quality design and sit comfortably within the street scene.

The units proposed units would positively front onto the adjoining road originally maintaining the formal building line. This design however seeks to reinvigorate the church's role in the community - both physically and socially. Through a simple architectural gesture of stepping back the frontages of each individual unit, the street scene opens up to reveal the principal entrance at the North West corner of the church. This is considered to be a positive design feature and one that is a significant improvement to the existing street and setting of the listed building.

The proposed layout 'opens up' long distance views of the church and thereby improving the church's setting in the street and its relationship within this conservation area.

RECOMMENDATION

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning 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 No development shall commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls, windows 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 visual amenity and the character and appearance of the area.

- 4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b) means of enclosure;
- c) all hard and soft surfacing materials;
- d) minor artefacts and structures
- e) Location of utility meter boxes.

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

- 5 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 dwellings 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 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7 No dwelling shall be occupied until the parking space together with the access thereto, have been provided in accordance with the approved plans.

REASON: In the interests of highway safety and the amenity of future occupants.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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: 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.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with

or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 11 No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/ occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

- 12 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site Survey - BMstpaulsTOPO

Water Enquiry - 368296-CON29DW Residential-244222

Electric Enquiry-Plan 1378898286

Electric Enquiry-Cover Letter-cover_letter

Electric Enquiry-Key - South GIS_Symbols

2016-L1- Existing elevation, Location and Block Plans

2016-L2A revA- Overview; Site/Roof Plan, Axonos + Perspective

2016-L3A revA- Ground Floor Plan

2016-L4- First Floor Plan, Elevations, Section

2016-L5- Second Floor Plan, Elevations, Materials

Preplanning mtg notes - 2016 - file notes from planning mtg 29.01.14

D+A Statement revA - 2016-St Paul Church-Design Access

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

- 13 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres to the north-east and 25 metres to the south-west direction from the centre of the access in accordance with the approved plans ('Ground floor and Site Plan, 2016 L3A. 25.04.14) Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 14 No development shall commence on site until details of the area in front of the car park and behind the footway has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied or first brought into use until are of land has been provided in accordance with the approved details.

REASON: In the interests of highway safety.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such

works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

St Pauls Church Hall
9A Malmesbury Road Chippenham

