

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 7 January 2015
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.

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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 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 10 December 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 Chairman.

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 30 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 **14/04658/FUL- 9 A Malmesbury Road, Chippenham, SN15 1PS**
(Pages 9 - 22)

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 10 DECEMBER 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, Cllr Terry Chivers (Substitute) and Cllr Jacqui Lay (Substitute)

145 **Apologies**

Apologies for absence were received from Cllr Philip Whalley who was substituted by Cllr Jacqui Lay.

Cllr Simon Killane was substituted by Cllr Terry Chivers.

146 **Minutes of the Previous Meeting**

The minutes of the meeting held on 19 November 2014 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

147 **Declarations of Interest**

Cllr Watts declared he was the local member for the application under consideration for item 6b. He would participate in the debate and vote on each item with an open mind.

148 **Chairman's Announcements**

There were no Chairman's announcements.

149 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

150 **Planning Applications**

151 **14/09769/OUT - Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, Wiltshire, SN11 9NQ**

Keith Robbins spoke on behalf of Danielle Saint in objection to the application, Dave Clements and Janet Robbins also spoke in objection to the application.

Peter Lawson spoke in support of the application.

The officer introduced the report which recommended 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. It was explained that the application was for outline planning permission and was a resubmission of an application previously refused by the Committee. A site location plan was shown, landscaping and access routes were identified and attention was brought to the late observations.

The Committee then had the opportunity to ask technical questions during which it was confirmed that the neighbouring saw mill owner was a signatory to the section 106 agreement and that a future owner would be bound by this agreement. The officer advised that two additional standard conditions were needed and these were explained. The Committee was advised that, as a result of the development, the road junction would be widened and that tree surveys and landscaping would be dealt with at a reserved matters stage.

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

The local member, Cllr Crisp, described how the approach to the application had changed over time. The Councillor suggested the site was one of the only locations in Calne rural area that could accommodate housing and it was also a brownfield site, additionally the applicant had offered to provide a signal controlled crossing which would have the benefit of slowing traffic.

The planning officer responded to issues raised by members of the public by confirming Public Protection and Spatial Planning raised no objections to the scheme. It was confirmed the area did have a five year land supply and the applicant was offering a crossing as part of the development. Members were advised that landscaping onsite would be adequate.

In the debate that followed it was noted there had been some member support for the original application and that the application made use of one of the only

available brownfield sites in the area and would secure community benefits such as the crossing. The Committee considered the differences between the original and this revised application and stressed the importance that a controlled crossing would be constructed as part of the scheme.

Resolved:

To DELEGATE authority to grant planning permission to the Area Development Manager subject to the signing of a Section 106 agreement with the following heads of terms:

- **30% affordable housing**
- **Provision of noise mitigation measures in accordance with the submitted noise report prior to the first occupation of any residential unit.**
- **On-site provision of 1920m², of public open space of which 216m² allocated as specific play provision, to be subject to a commuted fee to cover maintenance;**
- **Off-site financial contribution of £18,123 to satisfy the Sport and Recreation requirement of Planning Policy C2.**
- **A sum of £134,144 towards primary education infrastructure**
- **A sum of £112 per unit towards residential refuse bins**
- **TRO for the reduction of speed limit from 60mph to 40mph to be completed prior to the occupation of any units on site.**
- **Provision for a signal controlled pedestrian crossing of the A4 in the vicinity of the site.**

and subject to the following planning conditions:

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 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.

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.

Prior to the occupation of the first dwelling on the site, a controlled pedestrian crossing and a 2 metre 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.

REASON: In the interest of highway safety

The development hereby approved shall be carried out broadly in accordance with the indicative layout plan ref: DH/P/002 dated 14/10/2014.

REASON: In the interests of the proper planning of the site.

The development hereby approved shall be for no more than 28 dwellings.

REASON: In the interests of the proper planning of the site.

152 **14/04658/FUL- 9A Malmesbury Road, Chippenham, SN15 1PS**

The officer introduced the report which recommended 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. Attention was drawn to the late observations and photographs showing the character of the street were presented. The location of the site next to a Grade II* listed church was explained alongside the modern architectural design of the proposed dwellings.

The Committee then had the opportunity to ask technical questions and the level of the roof terraces was confirmed. The Committee was advised that the dwellings would be of an acceptable density with sufficient car parking.

A question was raised over whether 30% affordable housing was required for the scheme and the meeting was adjourned to seek legal advice.

Resolved:

To DEFER determination of the application to the next Committee meeting for the following reason:

To allow officers to re-consult with the New Housing Team in respect of potential affordable housing requirements following the receipt of the emerging Wiltshire Core Strategy Inspector's Report dated 1/12/14; and to receive Legal advice as to the implementation of Government changes to policy and practice relating to Section 106 requirements and in particular contributions in respect of affordable housing for housing schemes of less than 10 dwellings as set out in the ministerial statement dated 28/11/14 and related changes to the Planning Practice Guidance.

153 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.38 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	07 January 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 grant planning permission 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- The application proposes the demolition of St Paul's Church Hall and its replacement with five terraced dwellings. The hall sits within a conservation area and adjacent to the grade II* listed St. Paul's Church. English Heritage considers that the loss of the church hall is harmful to the significance of the conservation area. The level of harm does not, however, lead us to object, and we advise that the harm should be balanced against any public benefits brought about by the scheme.

The hall dates from the early C20 and is of a simple design with some Arts and Crafts style detailing to the main facade, facing Malmesbury Road. We consider that the Design and Access statement submitted with the application does not adequately assess the significance of the existing building. In our view, the hall makes a positive contribution to the character and appearance of the conservation area by virtue of its design and history, and its demolition is therefore harmful in the terms of the National Planning Policy Framework (NPPF) paragraph 132.

The revised documentation provides a justification for the proposal in terms of declining use of the hall and the future aspirations for the church. The proposed replacement development consists of five terraced dwellings, stepped back towards the II* church in order that the view down Malmesbury Road be opened up. The Design and Access Statement sets out the character of the local area, which consists largely of terraced houses of a mostly consistent scale, but with varying details, with St Paul's Church being the dominant building in the area. The proposed design is of a modern style but appears to respond to this character and scale, although we would query whether the roof terraces are appropriate in this area.

Recommendation: English Heritage considers that the loss of the church hall will cause some harm to the significance of the conservation area, and that this should be weighed against the public benefits of the proposal, in accordance with NPPF paragraph 134.

Should consent be granted, we recommend that a suitably worded condition be put in place requiring the recording of the hall before demolition.

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, *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 C2, CF1, CP2 and CP49. 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 fact that the use of the hall is dwindling, the upkeep is significant and it could close shortly, 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.

Though not controlled through any legal agreement the applicant has confirmed that any profit generated will be reinvested in the existing church. The money will be used to make the existing church more accessible and appropriate for use as a multi functional public space.

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 & semi detached 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 and roof form of the properties 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 applicant 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 street. The utilisation of the roof space rather than the construction of an additional storey have 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 overcome concerns raised by the case officer and Conservation team.

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. The materials are considered to be important to the finalised design and there is an expectation that these will be of the highest quality to ensure that it has a positive relationship with the grade II* listed church. It is therefore necessary to require these details by way of condition. Ensuring that proper plants are selected and located 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 approved by the Council prior to the commencement of development.

Garden Size

Although the proposed 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 for hanging out of washing, the proposal would also provide outdoor amenity space within the loft of the property thereby increasing the usable amenity area.

To ensure that adequate amenity space is retained it is deemed necessary to remove permitted development rights for rear extensions and outbuildings. 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/roads, the separation between properties and the acceptability, in principle, of this space being used for habitable accommodation the relationship is considered to be acceptable in planning terms and in accordance with CP57 of the Core Strategy and C3 of the local plan.

The concerns raised by the dental practice are noted but many of these concerns are civil matters and cannot be controlled through the planning process. For example the noise and dust during the construction phase is an expected by-product of any development, as such this would be controlled through environmental health legislation. The concerns relating to 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 the application. The current information repeats and updates the original information submitted with the application and 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 Council's policy and national 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 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 a 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 have formally responded and raised no objection to the proposal. It is important to note that the Council's conservation officer also supports 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, sit comfortably within the street scene.

The units would positively front onto the adjoining road and at one end 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.

Financial Contributions

Policy C2 & H5 of the North Wilts Local Plan and CP3 & CP43 of the Emerging Wiltshire Core Strategy (submission Draft as proposed to be amended April 2014) set out the Council's approach to financial contributions. Under these policies the development should provide 30% affordable housing and a public open space contribution of £29,100.

On 28 November 2014, changes were made to the collection of s106 contributions and are now incorporated into the NPPG with effect from that date.

The changes mean that affordable housing and tariff-style contributions are no longer payable if the development site has 10 houses or fewer *and* a maximum combined gross floorspace of no more than 1000 sqm.

Following this change, the Council can no longer seek financial contributions towards affordable housing and tariff contributions on schemes of 1-9 units with a gross area of no more than 1,000sqm

The new government guidance means that planning obligations on affordable housing and other matters can only be applied to schemes of 11 new homes or more. This development does not need to provide contributions in accordance with the Local Plan or Core Strategy.

RECOMMENDATION

To grant planning permission 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.

- 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:

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

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



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