

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	16 May 2018
<b>Application Number</b>	18/02295/FUL
<b>Site Address</b>	The Methodist Church, Cuttle Lane, Biddestone, Chippenham, SN14 7DB
<b>Proposal</b>	Change of use to Use Class C3 residential including demolition of part derelict rear extension and new single storey rear and side extension.
<b>Applicant</b>	Mr P Goodchild
<b>Town/Parish Council</b>	BIDDESTONE
<b>Electoral Division</b>	BY BROOK – Cllr Baroness Jane Scott OBE
<b>Grid Ref</b>	386160 173945
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

**Reason for the application being considered by Committee**

The application has been called in to Committee by the local Councillor in order to consider the highways/parking and potential amenity impacts of the proposed development.

**1. Purpose of Report**

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

**2. Report Summary**

The key issues in the consideration of the application are as follows:

- Principle of development;
- Impact on the character and appearance of the host building and its setting;
- Impacts on local highways/parking; and
- Impact on neighbour amenity

Biddestone and Slaughterford Parish Council object to the proposals, in respect of which two letters of objection and one of support have also been received, as summarised later in this report.

**3. Site Description**

The application relates to a building and its modest curtilage situated close to the junction of Slaughterford Road and Cuttle Lane, on the northern side of the village of

Biddestone. The site is located within the Biddestone Conservation Area and the Cotswolds AONB, and is bounded on both sides by historic residential properties forming part of the linear built fabric of this part of the village. The application building, a former Methodist chapel, retains much of its original character, being of solid ashlar stone construction and substantial single-storey scale due to its vaulted interior. There is a low-quality lean-to extension to the rear and a modest, recently repaired, stone porch and low wall fronting Cuttle Lane. There is limited outside space surrounding the building despite its detachment from neighbours, with on-street parking utilised on the splayed junction adjacent.

#### **4. Planning History**

N/10/03742/TCA Fell 1 Sycamore Tree

18/00478/TCA Fell 1 Multi-stemmed Ash Tree

16/00025/ENF Alleged unauthorised change of use/development at The Methodist Chapel, Cuttle Lane, Biddestone

#### **5. The Proposal**

Planning permission is sought in respect of the proposed change of use of the building to residential (Class C3), creating a single dwellinghouse through internal alterations and demolition/replacement of later extensions. Notwithstanding the applications indication that the present use of the building is as a store workshop, the information available suggests that its lawful use remains as a church (Class D2). In order to create living accommodation, a first floor is to be inserted to create two bedrooms, bathroom and a modest gallery/circulation area, with the open-plan ground floor area configured as a kitchen/dining/living area accessed from the original porch. To the rear, the lean-to addition is to be removed altogether and replaced with a modern, flat-roofed rear/side porch, set a considerable distance back from the main gable elevation. This would provide access to a very modest enclosed area of outside amenity space on the northern side of the building.

#### **6. Local Planning Policy**

##### Adopted Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 49 (Protection of rural services and community facilities)

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 58 (Ensuring the conservation of the historic environment)

Core Policy 60 (Sustainable transport)

Core Policy 61 (Transport and new development)

Core Policy 64 (Demand management)

##### National Planning Policy Framework

Paragraphs 14 & 17

Section 4 (Promoting sustainable transport)

Section 6 (Delivering a wide choice of high quality homes)

Section 7 (Requiring good design)

Section 11 (Conserving and enhancing the natural environment)

Section 12 (Conserving and enhancing the historic environment)

## **7. Summary of consultation responses**

Biddestone and Slaughterford Parish Council - Objections; *“Biddestone & Slaughterford are opposed to this application. Concerns regarding the windows in South elevation overlook neighbouring property, No provision for off road parking a major concern as the road is already congested and the property is adjacent to a blind corner. Unitary Councillor concurs with these findings..”*

Highways – Objections: *“The proposed conversion of the property into a three bed dwelling, where there are no parking facilities on site, would be likely to give rise to the on-street parking of additional cars attracted to the premises and thereby interrupt the free flow of traffic to the danger of road users in an area which is already congested with on-street parking. Adequate provision cannot be made on the site for the parking of vehicles in a satisfactory manner.”*

## **8. Publicity**

The application was advertised by site notice and neighbour notification.

Two letters of objection were received from neighbours, making the following points:

- Proposals have no allocated parking and will increase demand for limited on-street availability;
- Loss of amenity due to overlooking of bedrooms from South elevation;

One letter of support was also received, noting the high standard of repairs already undertaking at the building.

## **9. Planning Considerations**

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

### Principle of development

As lawfully a former church (Use Class D2; ‘Assembly and Leisure’) within a small village, the principle of the building’s change of use falls to be considered against Core Policy 49 ‘Protection of rural services and community facilities’. Although active use of the building for such purposes has long ceased, such not being uncommon in small rural parishes, the impacts of this and potential for it to serve other purposes relating more directly to the local community warrant some consideration. The policy requires a reasonable exploration of alternatives, to a set of criteria, with the intention of maximising flexibility to accommodate a range of potential uses. It seems in this

instance that upon cessation of use around 2009, little marketing was undertaken prior to the building's being (unlawfully) re-used as a store and workshop by a local building firm, in which use it has remained subsequently. It is notable, though, that this being a relatively low-value use would not necessarily have precluded sensible offers for other purposes were such forthcoming.

Consideration turns to the current offer of community facilities at Biddestone, which currently offers two pubs, a C of E church, village hall, sports pitch and clubs, together with reasonable access to higher-order facilities at Corsham. Although a modest offer, this is not disproportionate to the relatively small size of the village. Regard must also be given to the practicalities of the site, given the building's diminutive size and lack of any allocated parking or significant outside space. These do impose certain limitations on its potential use that it would be remiss to ignore, and one must conclude that use as holiday accommodation or a self-contained dwelling is likely to represent the least intrusive prospect for near neighbours of the site. Notwithstanding the lack of a robustly-evidenced marketing exercise complying exhaustively with CP49, therefore, taking a pragmatic view the above material considerations are considered collectively to justify residential use in principle in this instance.

#### Impact on character and appearance

The external changes to the building are relatively minor, largely consisting of the replacement extensions and minor elevational changes including the reinstatement of a modest window and replacement doors. Despite its modern form and materials, the small extension will be recessed well into the site where public and private views will be extremely limited, and this will also provide a welcome distinction between original and later fabric. The proposed scale and materials are suitably subordinate and considered appropriate in this context. Following officer advice, a new flue on the main roof has been amended from stainless steel to a matt black finish. It is considered that these changes maintain the simple aesthetic of the building, whose quality lies in its honest, traditional materials, craftsmanship and evident former use. The use of external areas to the North of the building as private amenity space will possibly have the greatest impact on the street scene however these are well enclosed and not inconsistent with visible elements of incidental residential amenity space along Cuttle Lane. Overall, the proposals will conserve the character and appearance of the building, its setting and the wider Conservation Area. There will be no identifiable loss of openness or quality to the wider Cotswolds AONB.

#### Impact on highways/parking

It is noted that the proposals have met with concern over the lack of allocated parking and existing/increased pressure for on-street spaces from both neighbours and the Council's own Highways Officer. The Officer notes in his response that adopted minimum parking standards within the current Wiltshire Car Parking Strategy require two on-site parking spaces to be provided for a two or three bedroom dwelling. This proposal demonstrates two allocated parking spaces, although these are provided on the public highway and thus beyond the control of the applicant. This is not supported as

an appropriate means of satisfying the standards and would result in increased pressure on an already informal highway arrangement to the detriment of all other road users.

Notwithstanding, the proposals of course do not result in the loss of parking – such things being of limited concern when the church was first constructed – and it is perfectly conceivable that continued use as a church or other community facility would actually generate a limited amount of movements by private car. This fall-back position is relevant. Given the extremely modest amount of accommodation to be created now or possible in the future, it is not considered that the number of domestic vehicles associated with the property would reach a point at which its localised impact would result in ‘severe’ harm as directed by Paragraph 32 of the Framework. There may already be issues with parking in the vicinity however it is not the applicant’s responsibility to resolve these and the outcome is likely to be added inconvenience, rather than outright loss of highway safety.

Furthermore, it is unlikely that in this sensitive setting, within a Conservation Area and AONB, that the incursion into neighbouring open land to create a new parking area would be supported in planning terms. As there is unlikely to be a significant adverse effect on highway safety caused by irresponsible parking around junctions or in narrow sections, for instance, reliance upon the un-allocated spaces in the near vicinity of the building is considered acceptable in this instance and preferable in relation to any other realistic use of the building or nearby land.

#### Impact on amenity

Revisions to the scheme have resulted in the reconfiguration of the first floor accommodation, such that there is no habitable space at the critical southwest corner of the building. This area is also to be treated with an obscuring film to the existing window and has been restricted to a size that does not readily allow for intensive use. As this will eliminate direct overlooking/inter-visibility with the adjacent no.15, it is considered that this arrangement overcomes the justified concerns of the neighbouring occupier, while no such issues of overlooking arise from the dwelling’s relationship to the opposite neighbour. It is considered that the proposed use is compliant with the quiet residential character of the area and will not otherwise result – through the use of outside areas, for instance – in any significant harm to the amenity of others, certainly so in relation to other potential uses of the building.

#### Conclusions

The proposals are, on balance, justified in principle and, having incorporated suitable changes, considered to represent a good standard of development in terms of design, character and amenity. Parking and highways arrangements are considered acceptable and the development thereby compliant with Core Policies 1, 2, 49, 51, 57, 58, 60, 61 and 64 of the adopted Wiltshire Core Strategy and those of the Framework. In the absence of material considerations indicating otherwise, it is considered that the proposals are acceptable in planning terms.

## RECOMMENDATION

**That planning permission is GRANTED, subject to the following conditions:**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

3010/38/P4A – Proposed Floor Plans  
3010/38/P5A – Proposed Elevations  
Received 8 May 2018

3010/38/P0 – Location Plan  
3010/38/P3 – Proposed Site, Block & Roof Plan  
Received 7 March 2018

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no modification of the first floor configuration as shown on the approved plans at any time.

REASON: In the interests of residential amenity and privacy.

- 5 **INFORMATIVE TO APPLICANT:**  
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 6 **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.

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**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.