

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	30th July 2008
Application Number	08/00631/FUL
Site Address	Former Picnic Area Site, Kington Langley, Chippenham, Wiltshire
Proposal	Gospel Hall and Associated Parking
Applicant	The Down Gospel Trust
Town/Parish Council	Kington Langley / Kington St Michael
Grid Ref	391123 176343
Type of application	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because the proposal represents a departure from the development plan.

Summary of Report

This application proposes the erection of a 'Gospel Hall' for use by the Brethren Church of Chippenham. The hall accommodates a main preaching area, a large foyer & corridor and toilets. The internal arrangement is standard for the Brethren faith. The site is the former picnic area at Kington Langley. An application for a Gospel Hall was refused permission and an appeal dismissed in 2001. The key points to consider are as follows:

- Implications on DC Core Policy C3
- Affect of the residential amenity of nearby properties
- Affect upon the appearance of the rural area
- Design and scale of the development
- Impact on traffic in the local area

Officer Recommendation

Delegated to the Development Control Manager to:

- Continue negotiations with the Environment Agency to address their objection
- Seek revised plans and additional information to secure retention and protection of the trees on the site.

following the satisfactory resolution of these issues the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission subject to conditions.

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Proposal and Site Description

The application is for a Gospel hall for The Brethren, a worldwide fellowship of Christians. The proposal though of a standard design internally (a main hall, large foyer with no external windows) this proposal has attempted to achieve a striking contemporary design (encouraged by Officers to address the concerns raised at appeal in 2001/2). There are three meeting halls in Chippenham the proposed hall will replace two of the smaller meeting rooms.

The proposed building is 46.0m x 28.0m. Immediately upon entering the site (the existing access is to be used) is a large turning area, vehicles move to the southern end of the site where 105 parking spaces are located. The building is a contemporary building with a nod to the hangars of Hullavington with its series of curved roofs. Materials are a green profiled roof with a mix of stone and timber cladding for the walls.

The site is the former picnic area. It lies between the A429 and a minor road to the west. It is surrounded by mature trees and vegetation and even in winter views into the site are restricted. The access is currently gated and blocked. Within the site there is an area of hardstanding but the majority of the site was presumably grassed over, but has been subject to ground investigations which has resulted in a rutted, muddy appearance. The trees and vegetation are confined to the boundaries of the site.

A milestone on the western boundary of the site is listed structure.

Planning History		
Application number	Proposal	Decision
01/02217/FUL	Christian Meeting Hall with ancillary car parking	Refused (appeal dismissed)

Consultations

Kington Langley Parish Council support the application.

Kington St Michael Parish Council objects on the following grounds: Proposal fails to respect the local character and distinctiveness of the area as it is too large. Proposal not accessible by means other than car because of location. Concerns regarding flooding.

Wiltshire County Council Highways have no objections subject to conditions

“It is considered that the development will raise no highway objection subject to conditions. There appears to be adequate allocation of parking, the bays and aisle widths are within specification. The proposal is to utilise the existing access which is also of adequate standard.”

Further comments are included in the main body of this report.

Environment Agency: Object

“We **object** to the application in its current form as the Flood Risk Assessment (FRA) does not provide sufficient information on the management of surface water on the site. It therefore has not thoroughly considered flood risk and does not meet the requirements of Planning Policy Statement 25 (PPS25).”

Flood Risk Assessment

The site lies in Flood Zone 1 (Low Probability) as defined by PPS25. Applications for developments over 1 hectare in this zone must be accompanied by a FRA addressing any sources of flooding and in particular the management of surface water at the site.

At present the FRA confirms that the site will not flood in a 1 in 30 year storm. However, there is no such confirmation for the 1 in 100 year (plus climate change) event. The FRA must include calculations of existing and proposed runoff from the site for all events up to and including the 1 in 100 year (climate change). We would wish to see a confirmation of the adequacy of the capacity of the surface water drainage system. This is in line with our comments to the applicant following a pre-application enquiry in December 2007 which highlighted the need for the above information in the FRA.

Overall, we see no longstanding objection to this application, however in line with PPS 25 the FRA must show that the risk of flooding from surface water is low for the lifetime of the development. At this time further detail is required prior to the Environment Agency removing their objection and recommending appropriate conditions.

We welcome the proposals within the FRA to incorporate sustainable drainage systems and water efficiency measures such as the green roof, rainwater recycling and permeable paving.

As the application proposes a significant number of parking spaces appropriate pollution control mechanisms will need to be incorporated into the design of any sustainable drainage scheme. The site overlies a Minor Aquifer (Cornbrash limestone) and we need to be confident that there will be sufficient attenuation capacity for runoff from the parking areas to prevent contaminants (for example oil leaks) entering the groundwater within the aquifer. The limestone aquifer is stated as being located at 2.5m to 4m below ground level. Discharge must not be allowed direct to the aquifer via for example a coarse gravel soakaway. Rather, the soakaway would need to be graded with finer sediments as described in the flood risk and drainage report, exact design to be confirmed. This should provide the degree of breakdown of contaminants as required.”

NWDC Engineer: I do not object to the proposed development as long as it can be **proven** at the detailed design stage that;

1. There will be no increase in discharge to the existing drainage system;
2. All surface water runoff from hardstanding (apart from the small area near the entrance, which will continue to discharge to the drainage system) and roofs etc can be effectively discharged to ground via infiltration systems in accordance with BRE365;
3. The on-site soakaways will undergo regular maintenance to ensure that they continue to operate effectively.

As stated previously, I believe further investigation of the ground conditions across the site will be required to ensure that soakaways will be viable at all the proposed locations. The depth of the clay layer will need to be confirmed. For the purposes of drainage/storage design, it should be assumed that the no rainwater is being harvested.

District Ecologist: Comments awaited

English Nature: Comments awaited

Representations

Two letters of support have been received. Summary of Key Points raised:

- Would be a vast improvement to the site
- Traffic will not be a problem
- Drainage/flooding needs to be addressed

Two letters of objection have been received. Summary of key points raised:

- Does not comply with local plan
- Massive structure out of keeping in terms of scale and design in a rural area.
- Increase the need to travel by car

Planning Considerations

Planning history

In 2001 an application for a Christian Meeting Hall was refused permission and was subsequently dismissed at appeal. The Inspector identified two main issues the character of the locality and area; and the sustainable development objectives of the development plan. The inspector concluded that 'a place of worship' was an inappropriate use for the countryside and was more appropriate to urban surroundings. He also concluded that the likely increase in commuting to the hall would lead to a significant increase in the use of the private car. He also concluded that the design of the hall (which at that time was a very utilitarian building) was out of keeping and would harm the character of the area. A copy of the Inspector's decision is included as an appendix.

There has been a significant amount of pre-application discussion not only with officers but with the local community (detailed in a statement of community involvement submitted with the application). Officers have used the issues raised by the Inspector (the appropriateness of the use in a rural location; sustainability in terms of car bourn journeys; and the design of the building) to guide the assessment of this application. The Council must decide whether policies or other material considerations have changed so significantly that would Allow the Council to reach a different conclusion to that reached by the Inspector in 2002.

Principle of development

As the Inspector noted in relation to the policy framework that prevailed in 2001/2, there is no specific policy referring to places of worship or gospel hall. In this respect the policy framework has not changed. Policy RLF1 in the 2001 Local Plan has in part been replaced by Policy CF1 of the current plan in that it allows for community facilities within or adjoining framework boundaries. Whilst the site has buildings in the immediate vicinity it is not near a framework boundary (it lies around 800 m north of the framework boundary of Chippenham.). Whilst policies have changed the principles applied are similar and in this respect the conclusions reached by the Inspector are relevant. So, in relation to the principle of a building of this use and scale in this countryside location (i.e. outside any framework boundary) it is difficult not to conclude that the proposal is contrary to the Local Plan.

Highways and Access

The inspector concluded that the proposal would result in an increase in traffic movements that would be contrary to the principles in the development plan and PPG13. In response to this application the local highways authority has raised no objection in terms of impact on highway safety or the impact on the local highway network. The Officers from Wiltshire County Council have assessed the current proposals and taken into consideration the Inspectors conclusions but have stated:

“Whilst I am aware of the inspector's comments on the previous appeal, my consideration of this proposal was based on the fact that joint meetings are held with Brethren at Gloucester and Swindon. At present few joint meetings are held in Chippenham because of the size of the existing facilities. As a result the Chippenham members travel regularly to the other two venues. With this new facility regular meetings will be held in Chippenham. Any reduction in trips from Chippenham will be counterbalanced by increased trips from the other locations and the overall effect on the highway network will be one of insignificant change. The principle changes in (local) traffic flows will be in the vicinity of the site but compared with a sit within the framework there will be less traffic in the urban area. I have no concerns about capacity in the immediate area including the A350 lights.”

Impact on amenity

There are residential properties close to the development, but due to the size of the site and the amount of trees and vegetation on the boundary there are not considered to be any adverse impact in terms of privacy or appearing overbearing.

Whilst any building will be screened to some extent by the existing vegetation glimpses of the building will be possible (and the Inspector placed great emphasis on the appearance of the building). The internal arrangements are effectively fixed by the requirements of the Brethren so it is a case of how this shell is clad. The applicants have gone to great lengths to try and create an interesting building, albeit constrained by cost.

Much of the impact of this large building is mitigated by the existing trees that surround the site. However, following detailed assessment of the trees concerns have been raised regarding the position of the building and associated works (parking areas, soakaways and rainwater harvesting tanks) in relation to the trees. As currently drafted the proposals could result in damage to or the loss of trees on the boundary. This potentially could result in the building becoming more prominent or the amenities of nearby residential properties being adversely affected. Negotiations are ongoing on this matter.

Impact on Listed Milestone

The Inspector concluded that the earlier proposals would not impact upon the listed milestone. As these proposals are of a similar scale and character it is considered that this conclusion is still appropriate.

Design and Scale of Development

This is undoubtedly a significant building in terms of its size and scale. However, its size is dictated by the proposed use and the requirements of the Brethren. Whilst the appeal proposal was considered ‘austere and bland’ the application design is more contemporary. The exterior has few openings (again a requirement of the Brethren) so interest has been created by the use of curving roofs and the use of a mix of materials.

The Urban Design Officer at NWDC has been consulted. He commented that the design resembles a ‘standard and very blank industrial/distribution building or retail warehouse’. He comments that the roof form could be simplified further would give a clearer and more pure design and that other changes could be made to improve the appearance of the building. He also comments that reasons for rejecting a ‘green/grass/sedum roof’ and ground cooling (rather than air conditioning) are based on cost only with no real justification. However, on balance these views have been considered against the needs of the applicants (which necessitates the construction of a largely windowless building) the cost of a building of this size to any ‘community’ organisation and the relative visibility of the site (see above comments regarding impact on trees).

It is accepted that the design is not one that might be considered a landmark building, It is a compromise between the ‘bland and austere’ building previously rejected by the Inspector and the sort of high quality contemporary building that our local plan policies strive to achieve. Whilst screened to a

certain extent by the trees on the site, it will be visible to a greater or lesser extent at all times of year.

It is a largely subjective decision as to whether this design is appropriate in this location. There is a difference in opinion between officers the Urban Design Officer clearly wishing to seek further changes to the design, Planning Officers of the view that the building (subject to retention of existing trees and additional planting) is acceptable.

If the principle of a place of worship is accepted in this location then it is considered that the design is appropriate.

Parking

105 parking spaces have been provided and the highways authority have indicated that this is appropriate.

Drainage

The Environment Agency were consulted on this project by the applicants prior to an application being made. However, despite considerable information being submitted and not a little discussion the EA have maintained an objection on the basis that the Flood risk assessment is inadequate (in relation to 1 in 100 year event). They comment that the EA see “no longstanding objection” (i.e. submission of further information is likely to address their requirements), however, the concerns they have must be addressed prior to a decision being issued and cannot be dealt with by conditions.

Material Considerations

The above paragraphs have concluded that in relation to the Inspectors Report:

- The site is still outside any framework boundary and the proposed use is not considered appropriate in a countryside location (it is contrary to the local plan);
- The local highways authority have raised no objections.
- The design has improved significantly and is considered acceptable

On that basis the application would still be capable of being refused on policy grounds unless there were material considerations that would lead the authority to take a different view. The applicants have raised a number of material issues that may be taken into account.

Firstly, in the time between the Inspector’s decision and the submission of this application the Brethren have been actively seeking alternative sites which may be sequentially preferable (within or adjacent to a framework boundary). They have detailed a number of sites that were investigated but ultimately proved unacceptable or unavailable. The list includes 12 sites within Chippenham that have actively been pursued between 2004 and 2006. These have proved unacceptable or unavailable for a number of reasons including size of sites, policy objections, and being used for residential development.

Secondly, a number of similar proposals in ‘countryside’ locations have been accepted by other local authorities. Whilst each site is different and has to be considered on its merits the policy framework in relation to development in the open countryside is similar nationally and these conclusions are helpful in informing decisions on this site. Some of the examples submitted are very comparable, others are not. There are no appeal decisions which would give a direct comparison with the very clear decisions made on the 2001 application.

Finally, here are a number of statements contained with Planning Policy Statements and other national policy/guidance documents which are relevant to the proposal. PPS 1 (Delivering Sustainable Development) under the heading ‘Social cohesion and Inclusion’ emphasises that the needs of all the community, including particular requirements relating to religion (amongst others), should be taken into account in planning decisions and policies.

In “Diversity and Equality in Planning” (a document specifically referred to in PPS1) it states that

“Planning should aim to improve the lives of the widest cross-section of society. Society today is made up of diverse individuals of varying ages, sexes and sexual orientations, races and ethnic backgrounds, physical abilities, and **faiths**.” It also advises that “Diversity issues are now material considerations in planning policies and decisions. Policies, procedures and the development control service all need to be infused by recognition of diversity”

The regional Spatial Strategy (RSS) also identifies diversity and the needs of various groups within the community as material planning considerations that should be addressed in policy making and in decision taking.

Conclusion

The Proposal is contrary to policy (it lies in open countryside and is not considered to be an appropriate use for this location). However, two of the principle concerns of the Inspector at the 2001 appeal have been addressed by comments of the highways authority and a change in design. There are in your officers view material considerations (an unsuccessful site search, decisions made on similar proposals in other local authorities and national policy statements) which weigh heavily in consideration of this case.

The argument is finely balanced. There is very clear and relatively recent decision by an Inspector and in many ways this proposal has changed little from the one that was considered at that stage. That decision was based on an in principle objection which is still relevant. The Council needs to firstly decide whether the design issues and comments of the highways authority overcome two of the concerns raised by the Inspector. Secondly, whether the material considerations are such that they overcome the ‘in principle’ policy objection to the extent that would allow permission to be granted.

Officers are of the view that the material considerations are sufficient to recommend that the application be permitted (once the issues relating to the Environment Agency objection and concerns about the trees on the site have been satisfactorily addressed).

The application has been advertised as a departure to the development plan but it is not considered to be so significant that it needs to be referred to the Secretary of State.

Recommendation

Delegated to the Implementation Team Leader to:

- Continue negotiations with the Environment Agency to address their objection
- Seek revised plans and additional information to secure retention and protection of the trees on the site.

following the satisfactory resolution of these issues the Implementation Team Leader (Development Control and Listed Buildings) be authorised to GRANT Planning Permission subject to conditions.

Reason for Decision

The Proposal is in a location where the proposed development would not normally be acceptable as it is contrary to Policy CF1. However, significant material considerations including the needs of the applicants and the lack of alternative suitable sites have outweighed this policy objection. The proposed building is considered to be well designed and due to the existing trees on the site will be appropriate in this rural location. Due to the nature of the use and the travel patterns of those who are likely to use it, it is considered that whilst located in a rural location this will not be contrary to principles of sustainability and the need to reduce the reliance on the private car.

Appendices:	<ul style="list-style-type: none">• Inspectors Decision Letter dated 15th August 2002 relating to 01/02217/FUL
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20• 2.02• 2.25• 4.02• 4.04• 4.07• 5.01• 5.04• 6.03