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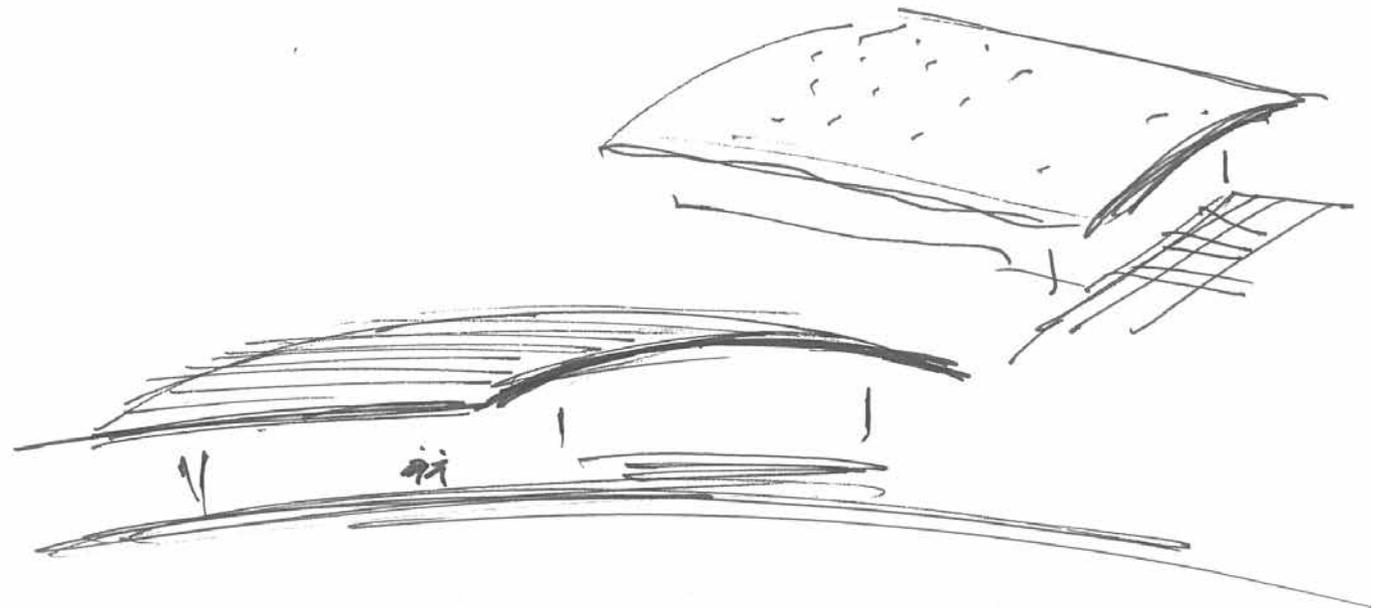
Cherhill New Village Hall

Community Right to Build Order

Basic Conditions Statement

Date
24 April 2018

Revision Number
1



Basic Conditions Statement



1.1 Overview

To ensure suitability of the scheme, some basic conditions have been outlined to show how the proposal meets paragraphs 8(2) Schedule 4B of the Town and Country Planning Act 1990 (T&CPA 1990).

1.1.1 Schedule 4B T&CPA 1990

(2) A draft order meets the basic conditions if:-

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses. It is appropriate to make the order,

(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d) the making of the order contributes to the achievement of sustainable development,

(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

(f) the making of the order does not breach, and is otherwise compatible with EU obligations,

(g) prescribed conditions are met in relation to the order and prescribed matters have been complied in connection with the proposal for the order.

Regulations 32 and 33 of the Neighbourhood Planning Regulations (2012) as amended sets out two further Basic Conditions:

- The making of the neighbourhood plan order is not likely to have significant effect on a European site or a European off-shore marine site either alone or in combination with other plans or projects;*
- Having regard to all material consideration it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment Development.*

The Examiner will effectively be required to consider whether the Order proposal is accompanied by a draft of the Order and

a statement which contains a summary of the proposal and sets out the reasons why an Order should be made in the proposed terms and the Order is made by a community organisation and grants planning permission for specified development in relation to a specified site in the specified neighbourhood area and the specified development does not exceed prescribed limits, as herein enclosed.

The Order proposal may not provide for the granting of planning permission for development which is excluded development where planning permission is already granted for that development, and may not relate to more than one neighbourhood area.

The Order proposal complies with section 61L of Schedule 9 of the Town and Country Planning Act 1990 (as amended) which refers to permission granted by neighbourhood development orders and any conditions specified in the order and any time periods specified.

Whether the draft Order is compatible with the relevant legislation.

Where a CRtBO is submitted to the local planning authority section 22 of the Neighbourhood Planning (General) Regulations 2012 specifies it must include:

- a. *A map identifying the land to which the Order relates.*
- b. *A consultation statement which includes a) details of those bodies and persons who were consulted, b) explains how they were consulted, c) summarises the main issues and concerns raised by those consulted and d) describes how those issues and concerns have been considered and addressed in the proposed Order.*
- c. *The proposed Order.*
- d. *An archaeology statement if the qualifying body considers it to be appropriate after consultation with English Heritage. When one is submitted this should confirm that information contained in the historic environment record has a) been reviewed, b) sets out the findings from that review and c) explains how the findings have been taken into account in preparing the order proposal. Where no findings of relevance are identified the statement need only a) confirm the review has taken place and b) explain there are no relevant findings.*
- e. *A statement that explains how the Order meets the Basic Conditions.*
- f. *Details of any enfranchisement rights and the properties or types of properties to which the qualifying body proposes are not exercisable.*

Basic Conditions Statement

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

1.2 National Planning Policy Framework (2012)

Department for Communities and Local Government

The National Planning Policy Framework has a presumption in favour of sustainable development, where development should be encouraged if it is to encapsulate simultaneously the three economic, social and environmental dimensions of sustainable development.

In order of delivery, the following policies are outlined below followed by an assessment of the proposal alongside the policy:

1.2.1 Supporting a Prosperous Rural Economy

As per paragraph 28;

Planning policies should support economic growth in rural areas in order to create jobs and prosperity

by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Promote the retention and development of local services and community facilities in villages such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship*

The existing village hall and site have many short comings; including a lack of parking and capacity for a number of modern day uses, meaning many potential new user groups cannot be accommodated.

The development proposal promotes the erection of a new purpose-built and modern community facility which will not only improve the experience for existing users but also provide a focus for greater community activities. The village hall trustees have the vision of a strong and vibrant community for Cherhill with a quality, multi-use community facility. This vision therefore conforms to national planning policy, as the development

intends to meet the needs of its future population, and also support a prosperous rural economy through provision of a good quality community facility.

1.2.2 Requiring Good Design

As per paragraph 56 and 66;

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the view of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

The development proposal has been evolved favourably with the view of enhancing the site and responding sensitively to its surrounding context. The design team have actively created opportunities to incorporate sustainable

design principles, such as orientation, massing, natural light and ventilation, and spatial organisation incorporating the idea of flexible space. The proposal is not only intended to integrate seamlessly within the site, but contribute positively to the existing built environment. The document design parameter has been driven by the site's landscape setting and sensitivity.

The heart of the proposal has been centred around the community and users of the building, who have strongly directed the building requirements with opportunities for them to get involved in the design. The design has evolved consistently as a response to community feedback and consultant review, with strong consideration for those directly affected by the proposal bordering the site. All public consultation has been fully outlined in this Order.

1.2.3 Meeting the Challenge of Climate Change, Flooding and Coastal Change

As per paragraph 93-103;

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

In determining planning applications, local planning authorities should expect new development to:

- *Take account of land form, layout, building orientation, massing and landscaping to minimise energy consumption.*

Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

Inappropriate development in areas at risk of flooding should be avoided by directing away from area at highest risk, but where development is necessary,

making it safe without increasing flood risk elsewhere.

Development of the design proposal has included rigorous analysis of the site to maximise potential opportunities for sustainable design and to minimise energy consumption. Central to the proposal is the principle of flexible space and multi-use areas, where a smaller footprint with well-used spaces requires less energy to heat and maintain, and are used more frequently. Building form and massing have also been key in the resolution between space required and minimal building volume. The orientation of the building also plays upon fundamental design principles, maximising natural light and ventilation and opportunities for low carbon/renewable systems.

The site lies in Flood Zone 1 where there is no anticipated flood risk.

Basic Conditions Statement

1.2.4 Conserving and Enhancing the Natural Environment

As per paragraphs 118-125;

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*
- Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific interest (either individually or in combination with other developments) should not normally be permitted*
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*
- Opportunities to incorporate biodiversity in and around developments should be encouraged*
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and*

benefits of, the development in that location clearly outweigh the loss.

Local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.

Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions*
- Identify and protect area of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*

By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The site does not lie within close proximity to any sensitive habitat or SSSI for instance.

Nevertheless the committee have commissioned a Habitats and Protected Species Survey to assess the potential imposed risk to biodiversity in the area through construction of the proposed building. It is determined that there will be little concern, the design proposal has considered the siting of the building with regard to enhancement of existing biodiversity and vegetation around the site's perimeter. Proposed landscaping aims to incorporate and enhance biodiversity within the site, and assist with its visual assimilation.

Design features have been implicit to ensure light pollution would be minimal to surrounding properties. As such, the proposal aims to conform to national planning policy where possible and following the ecologist's assessment confirms that the natural environment is preserved and enhanced where possible.

1.2.5 Conserving and Enhancing the Historic Environment

As per paragraph 128:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

In support of the Order document, a Heritage Statement and separate Archaeological Statement have been included.

The Heritage Statement outlines any heritage assets affected by the proposed development,

relating to the relevant Historic Environment Record for the site. In this case, no heritage assets are materially affected by the proposals. However, due to the close proximity of the site to Cherhill Conservation Area it has meant that the significance of the wider perceivable impact of the new development has been assessed. The impact has been found to be acceptable.

The Archaeological assessment has been made for the site for any heritage assets with archaeological interest, in liaison with the County Archaeologist. It was concluded that there will be no adverse impact from an archaeological perspective as a result of the proposed development on the site outlined.

Basic Conditions Statement

1.3

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order.

The development proposals aim to integrate sensitively within its surrounding context. As described above, the Order document includes both Heritage and Archaeological Assessment Statements to outline if there are any heritage assets of special architecture or historic interest to consider. The site does not include any of the latter and will not materially detract from the site's setting in the heritage environment.

1.4

(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

The Heritage Statement referred to above fully assesses the impact of the proposed new building on the village Conservation Area. The less than significant harm identified will, on balance, be outweighed by the proposal's full raft of sustainable benefits

1.5

(d) the making of the order contributes to the achievement of sustainable development,

The development proposal aims to achieve and provide for a vibrant and inclusive Cherhill community, striving for positive growth. Consequently, the development proposal falls in line with the National Planning Policy Framework (2012), due to the presumption in favour of sustainable development through plan-making and decision-taking.

The development proposal looks to attain the three dimensions of sustainable development, as outlined in paragraph 7 of the NPPF.

- ***An economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure
- ***A social role*** – supporting strong, vibrant and healthy communities, by providing the supply of

housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

- **An environmental role** – *contributing to protecting and enhancing our natural built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.*

The provision of a new Village Hall for Cherhill looks to support a prosperous rural economy, by providing high-standard community facilities of good quality design.

Due to its more accessible location and facilities proposed, the new building has potential to enhance the community facilities of the village. The proposal looks to combat the impacts of rural isolation, prevalent in the more elderly populations of the countryside, by creating an accessible friendly environment for people to meet.

The proposal provides the opportunity for low carbon development, where the design process has enhanced and maximised chances for sustainable systems to be implemented. Following a full review and extensive site analysis, we believe the design proposal responds sensitively to its surroundings, both with respect for biodiversity, neighbours and the character of the area.

Consequently, it can be determined that the development proposal is driven by the achievement of sustainable development, both economically, socially and environmentally. Low carbon, high quality design is strived for, to provide for community needs. All in all, the proposal looks to cement a strong and vibrant community with adequate community facilities for the village, and encourage a steady and positive rural economy.

1.6

(e) the making of the Order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

The NPPF instructs each local planning authority to produce a local plan for their area (para 153). With the local planning authority for Cherhill being Wiltshire Council we have assessed their planning policy against our proposal. It is our view that the proposals meet the requirements of this policy.

The Development Plan for Wiltshire in this area is the Wiltshire Core Strategy and those saved policies of the North Wiltshire Local Plan 2011. Similar to the analysis of the NPPF above the following commentary reviews the relevant policies within the Development Plan and assesses them against the proposal.

Basic Conditions Statement

1.7

(f) the making of the order does not breach, and is otherwise compatible with EU obligations.

The development proposals do not breach, and are compatible with EU obligations.

1.8

(g) prescribed conditions are met in relation to the order and prescribed matters have been complied in connection with the proposal for the order.

The Order documents when presented in the round satisfy these requirements.

1.9 Wiltshire Core Strategy

The Core Strategy provides a spatial expression of Wiltshire's Community Plan 2011-2016: People, Places and Promises and is focused on delivering the three overarching priorities identified, to help build and protect resilient communities, through;

- *Creating an economy that is fit for the future*
- *Reducing disadvantage and inequalities*
- *Tackling the causes and effects of climate change*

The Core Strategy sets out policies and proposals to make an important contribution in delivering these priorities. A series of strategic objectives have been developed to deliver the vision for Wiltshire

- *Delivering a thriving economy*
- *Addressing climate change*
- *Providing everyone with access to a decent, affordable home*
- *Helping to build resilient communities*
- *Protecting and enhancing the natural, historic and built environment*
- *Ensuring that adequate infrastructure is in place to support communities*

1.9.1 Core Policy 1 - Spatial strategy

The plan's settlement strategy identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire. Cherhill is defined as a small village. Small villages have a low level of services and facilities, and few employment opportunities. Development at both large and small villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. The new village hall therefore clearly sits full square with the spatial strategy identified.

1.9.2 Core Policy 2 - Delivery strategy

In line with Core Policy 1 the delivery strategy seeks to deliver future development in Wiltshire between 2006 and 2026 in the most sustainable manner. At the small villages development will be limited to infill within the existing built area. Proposals for development

at the small villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i. *Respects the existing character and form of the settlement*
- ii. *Does not elongate the village or impose development in sensitive landscape areas, and*
- iii. *Does not consolidate any existing sporadic loose knit areas of development related to the settlement.*

In principle the site provided at the village for the new Village Hall involves a salient of the adjoining field increasing the built foot print of the village but will be seen as a logical rounding off of the built area. It will not elongate the village and indeed reflects the contained built pattern without imposing into the village's wider landscape setting.

The landscape assessment and design analysis carried out reinforce the new development's sensitive addition to the established built-up limits of the village, and

the visual containment to be achieved.

1.9.3 Core Policy 8 - Calne Community Area

Cherhill is part of the Calne Community Area. The Calne Area Strategy focuses on the issues of Calne as the area's principal settlement. The area as a whole though is noted to be located to the north of Wiltshire and is characterised by a high quality rural landscape which includes areas of the North Wessex Downs Area of Outstanding Natural Beauty. The area contains the Market Town of Calne which is surrounded by a number of smaller rural settlements, including Cherhill. Amongst those issues and considerations identified the most applicable to the new Village Hall at Cherhill is bullet-pointed below.

- *All development within the Community Area will need to conserve the designated landscape of the North Wessex Downs AONB and its setting, and where possible enhance its locally distinctive features.*

The design process and site analysis made have all sought to ensure that the new building will be sensitively assimilated as part of the village's wider setting, and by design and sensitive landscape treatment the above consideration will be satisfactorily achieved.

1.9.4 Core Policy 41 - Sustainable construction and low-carbon energy

The new Village Hall is intended to demonstrate a commitment to the use of sustainable design and construction, incorporating measures to reduce energy demand. It will be well insulated and seeks to take advantage of natural light and heat from the sun and use natural air movement for ventilation.

1.9.5 Core Policy 48 - Supporting rural life

Proposals which focus on improving accessibility between town and villages, helping to reduce social exclusion, isolation and rural deprivation, such as transport

Basic Conditions Statement

and infrastructure improvements, will be supported where the development will not be to the detriment of the local environment or local residents.

The new Village Hall is just such a suitable infrastructure improvement serving the needs of the village.

1.9.6 Core Policy 50 - Biodiversity and Geodiversity

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. This has been addressed by the specialist archaeological and ecological assessments prepared.

The development will not disturb any sensitive wildlife species and habitats or archaeology of interest.

1.9.7 Core Policy 51 - Landscape

Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by suitable character area assessments. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures.

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies*
- ii. The locally distinctive character of settlements and their landscape setting*
- iii. The separate identity of settlement and the transition between man-made and natural landscapes at the urban fringe*

- iv. Visually sensitive skylines, soils geological and topographical features*
- v. Landscape features of cultural, historic and heritage value*
- vi. Important views and visual amenity*
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion*
- viii. Landscape functions including places to live, work, relax and recreate, and*
- ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.*

Proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the relevant Management Plan), must also demonstrate that it would not adversely affect its setting.

The design process explained and overall site analysis and contextual impact assessment have ensured that the new building will be satisfactorily accommodated without detriment to the landscape character of the edge of village site made available. New landscape planting will assist to ensure the new and acceptable rural style building will be sensitively assimilated on site.

1.9.8 Core Policy 57 - Ensuring high quality design and place shaping

Wiltshire is a diverse county with distinctive characteristics related in a large part to its historic environment which includes heritage assets of international, national and local significance. Wiltshire has many market towns and villages set in large expanses of countryside. The design of new development plays an important role in maintaining Wiltshire's high-quality environment.

A high standard of design is required in all new

developments. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

The following considerations are intended to ensure that the character of Wiltshire will be positively considered.

- i. Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced*
- ii. The retention and enhancement of existing important landscaping and natural features, (for example trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development*
- iii. Responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevation design, materials streetscape and rooflines to effectively integrate the building into*

- its setting*
- iv. Being sympathetic to and conserving historic buildings and historic landscapes*
- v. The maximisation of opportunities for sustainable construction techniques, use of renewable energy sources and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy, in accordance with Core Policy 41*
- vi. Making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area*
- vii. Having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration, and pollution (such as light intrusion, noise, smoke, fumes, effluent, waster or litter)*
- viii. Incorporating measures to reduce any actual or perceived opportunities for crime or antisocial behaviour on the site and in the surrounding area through the creation of visually attractive frontages that have windows and doors located to assist in the informal surveillance of public and shared areas by occupants of the site*
- ix. Ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and*

Basic Conditions Statement

accessible; in accordance with Core Policy 66 – Strategic Transport Network

- x. *The sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials*
- xi. *Taking account of the needs of potential occupants, through planning for diversity and adaptability, and considering how buildings and space will be used in the immediate and long term future*
- xii. *In the case of major development, ensuring they are accompanied by a detailed design statement and master plan, which is based on an analysis of the local context and assessment of constraints and opportunities of the site and is informed by a development concept, including clearly stated design principles, which will underpin the character of the new place*
- xiii. *Meet the requirements of Core Policy 61 – Transport and New Development*

The design process explained and contextual assessment made overall as part of the Order documentation shows that where relevant those matters listed above have determined the design choices made to ensure a new rural building, in scale and harmony with its context, and thus delivering an appropriate new quality development.

1.9.9 Core Policy 58 - Ensuring the conservation of the historic environment

Development proposals should protect, conserve and where possible enhance the historic environment, specifically designated heritage assets and their setting. The Heritage Statement included with the Order's documentation fully assesses the new development's acceptable impact as part of the wider heritage environment and concludes there will be no adverse impacts.

1.9.10 Core Policy 60 - Sustainable Transport

The Council using its planning and transport powers wishes to help to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire.

This will be achieved, inter alia, by planning development in accessible locations. In

that regard the new Village Hall is within a reasonable walking and cycling distance for all village residents and can be accessed safely.

1.9.11 Core Policy 61 - Transport and new development

Consideration needs to be given to the needs of all transport users, where relevant. The development site must be capable of being served by safe access to the highway network, including suitable parking facilities.

The proposed access arrangement to the site has been the subject of consultation discussion with the Council's specialist Highways Officer, as explained within the consultation documentation. The access arrangements and on-site parking provision will be designed to reflect the positive advice received in accordance with this policy, and will be conditionally controlled.

1.9.12 North Wiltshire Local Plan 2001

There are no saved policies relevant to the assessment of the proposed development

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