

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE

Report No.

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| Date of Meeting | 17th December 2008 |
| Application Number | 08/02301/FUL |
| Site Address | Land to the rear of 9 London Rd, Chippenham, Wiltshire |
| Proposal | Twenty dwellings and associated works |
| Applicant | Classico Rural |
| Town/Parish Council | Chippenham |
| Grid Ref | 392436 172811 |
| 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 there have been more than 5 letters of objection.

Summary of Report

This application proposes the erection of 20 dwellings in the form of flats and associated car parking for 14 cars and associated landscaping. The issues to consider are:

- Effect on surrounding amenities especially those of 43 London Road.
- S106 contributions.
- Design and scale of development
- Effect on 9 London Road (listed building) and Chippenham's Conservation Area
- Parking and highways

Officer Recommendation

Delegate to the Development Control Manager to:

1) Negotiate to achieve 30% affordable housing on site and an appropriate level of contribution to education secured via a legal agreement.

Following completion of which the Development Control Manager be authorised to GRANT Planning Permission.

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Proposal and Site Description

The scheme involves clearing several metres of spoil from the site and then building 20 flats in the form of up to 4 storey modern blocks arranged in a roughly horseshoe shape around a central courtyard, where the parking spaces are to be located. 9 London Road is a listed building and has received permission to be converted to 4 flats with 2 car parking spaces (ref: 08/01320/COU). The proposed development will help enable this conversion as 9 London Road has been very poorly maintained and has been the subject of Repairs Notices.

The site lies along the boundary of the Chippenham Conservation Area.

Access to the proposal is to be gained through the Jobcentre car park.

The design uses hipped roofs to the 2 storey units to the south east, which are sited on the boundary with 43 London Road. The units facing Avenue Le Fleche are more modern in design with mono pitch roofs sloping up in stages from north east to southwest. The culmination of these roofs is in a penthouse style flat (the only 4 storey part) in the south western corner.

The building on the south side is close to the boundary with the job centre, but has been designed to minimise overlooking and “overhearing” problems by the positioning of the windows.

All the blocks are segregated by glazed stairwells to reduce the massing of the development, which is of a density of approx 154 dwellings per hectare. This is considered to be very high but in this sustainable location and with this design, to be acceptable.

| Planning History | | |
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| Application number | Proposal | Decision |
| 05.01672.FUL | 22 flats, parking and associated works | Permission |
| 08.00988.FUL | 20 dwellings and associated works | Withdrawn |
| 08.01320.FUL | Conversion of 9 London Road to 4 flats | Permission |

Consultations

ChippenhamTown Council has no objections.

Wiltshire County Council Highways has no objections subject to conditions and a revised travel plan.

Principal Environmental Health Officer has no objections

Wiltshire County Archaeology has no objections.

Wessex water does not object.

Principal Refuse Officer's comments are awaited.

NWDC Regeneration Officer has accepted that as the scheme is only marginally viable, there will be no POS contribution.

Wiltshire County Education has stated that they require 6 primary school places at a cost of £11,356.

Principal Housing Officer comments that the proposal suggests that no affordable housing should be provided because of negative land values. Savill's who were appointed by the Council to test the applicant's viability submission have concluded that “...*the scheme is likely to be deliverable below submitted costs, which will make it viable although only marginally so...*” This indicates that the

requirements of policies C2 and H5 cannot be met. In order to satisfy these policy requirements Housing services will first determine what percentage of affordable housing that can be achieved without public grant funding. The level of grant funding to achieve the full 30% affordable housing is not yet known and will be subject to a detailed financial viability assessment which will reflect the cash flow implications and associated plot values of affordable housing requirement of the application land. The financial appraisal will ensure that the grant delivers additional benefits and does not artificially inflate the land price.

The report then gives a Housing Need and break down of units assessment which is available on file. However, it is important to note that In October 2008 446 households were registered as being in need of housing in Chippenham alone.

Housing Services are minded to support the application subject to a S106 agreement with clauses set out in the consultation response and available on file.

Independent financial assessment undertaken by Savill's on behalf of the Council concluded that:

- The proposed scheme is likely to be attractive due to its central location and provision of off-road parking. However, in the current depressed market the perception is that apartment schemes are less attractive and flats are likely to suffer to a greater extent from price falls than traditional family house types.
- The applicant's GDV is realistic.
- The applicant's build costs appear conservative and delivery of the scheme for a total cost of 25% below the shown level may be achievable.
- On the basis of the applicant's submission the scheme is not viable – it generates a negative land value. However, they conclude that it could be delivered at below the submitted cost which makes it marginally viable.
- An alternative scheme of houses rather than flats might realise a higher value.

Representations

10 letters of objection have been received.

Summary of key points raised:

- Lack of parking in area where already significant problems.
- Access through benefits office will be difficult especially for refuse vehicle etc
- Overlooking of 43 London Road.
- Lack of distance between flats and 43 London Road.
- Development is overwhelming.
- Travel plan is unenforceable
- Structural stability of 43 London Road.
- Loss of water pressure.

Planning Considerations

Principle of development

The principle of flatted development on the site was accepted by permission 05/01672/FUL. The current proposal is for a similar design, but without the basement car park and now for only 20 flats. Much of the design is modern, with mono-pitched roofs, although those flats along the southern boundary have hipped roofs and a more traditional design to reflect the surrounding architecture, including that of the listed building.

Impact on Amenity, Design and Scale of Development

Whilst the buildings are very close to the boundaries, issues to do with overlooking and, in the case of

the Jobcentre overhearing, are addressed by way of window positions. The scale of development is considered to be appropriate for this part of Chippenham. The Jobcentre building is of a similar height to the highest parts of the scheme now proposed. 43 London Rd is only beaten in height by the penthouse which is furthest away from it. Therefore, in terms of scale, the proposal is considered to be acceptable.

Impact on 9 London Road and Chippenham's Conservation Area

9 London Road is a listed building to be converted to 4 residential units under permission (08/01319/COU). The impact of the proposal on its setting has been assessed and the higher elements kept away from it. The car parking spaces have been pushed back so that they are 2-2.5m away from the building.

Whilst the proposal will make a striking contribution to the setting of the Chippenham Conservation Area, it will develop the site which is currently unattractive in its appearance and it is considered that it will make a positive contribution to the built fabric of Chippenham.

Highways, parking and Access

Highways raise no objections to the proposal. Access is through the jobcentre car park and parking is provided for 14 cars (together with 2 spaces identified for the flats conversion of 9 London Road).

S106 contributions

With the application the applicants submitted a financial assessment which indicated only marginal viability for the scheme and they therefore argue that they could not make financial contributions to education or provide onsite Affordable Housing.

The Council employed Savill's to independently assess the applicants assessment and they broadly agreed that the scheme was only marginally viable.

However, the Council's Housing Officer requires further clarification on this matter and wished to explore other means of funding affordable housing to achieve a 30% on site provision. There may also be ways of financing the educational requirement.

Officers are therefore requesting an in principle acceptance of the scheme (in terms of design, highways impact on amenity etc) and time to negotiate with the applicants on securing the required 30% affordable housing and education contributions.

Recommendation and Proposed Conditions

Delegate to the Development Control Manager to:

1) Negotiate to seek to achieve 30% affordable housing on site subject to an economic viability assessment and grant funding requirement and an appropriate level of contribution to education secured via a legal agreement with Heads of Terms as set out in Housing Services Consultation Response (available on the file).

Following completion of which the Development Control Manager be authorised to GRANT Planning Permission subject to the following conditions including:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the documents (including plans) incorporated into this decision, and subsequently approved pursuant to this decision (if

applicable), unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity.

3. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the local planning authority.

The development shall be built in the materials approved.

Reason: In the interests of visual amenity.

4. Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

- 1) walls, fences, gates and other means of enclosure;
- 2) ground surfacing materials;
- 3) finished floor levels of all buildings;
- 4) finished levels across the site;
- 5) the means of surface water disposal;
- 6) the means of foul sewage disposal.
- 7) Eaves and verge details including rainwater goods
- 8) Joinery details including to stairs, doors and to include cill details.
- 9) Any ballustrading
- 10) Balcony details
- 11) Ventilation, flues, meter boxes and alarm boxes
- 12) Details of signage
- 13) Details of plinths
- 14) External colour scheme
- 15) Aerials
- 16) Details of gate piers.

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

Items 1 to 16 shall be completed prior to the use or occupation of the development hereby permitted.

Reason: In the interests of amenity and satisfactory layout.

5. Prior to the use or occupation of the development hereby permitted, details of the layout and construction of areas for the parking of vehicles and means of access thereto shall be submitted to, and approved in writing by, the local planning authority. Such areas shall thereafter be kept available for the parking of vehicles and access thereto at all times.

Reason: In the interests of highway safety and convenient access.

Reason for Decision

The proposal is considered to preserve the setting of the listed building and Chippenham Conservation Area in compliance with policies HE4 and HE1 of the North Wiltshire Local Plan 2011. The scheme is also considered to respect the character and amenity of the surrounding uses and occupiers and therefore to comply with policies C3 and H2 of the North Wiltshire Local Plan 2011.

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| Appendices: | NONE |
| Background Documents Used in the Preparation of this Report: | 2.02, 3.05, 3.03, 4.02, 4.04, 4.07, 5.01 |